



Agenda for a meeting of the Area Planning Panel (Keighley and Shipley) to be held on Wednesday, 22 February 2023 at 10.00 am in Council Chamber - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Lee Amran Humphreys Arshad Hussain	G Barker M Nazam	K Warnes

Alternates:

LABOUR	CONSERVATIVE	GREEN
S Akhtar R Jamil J Lintern M Shafiq	M Pollard 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 asad.shah@bradford.gov.uk by midday on Monday 20 February 2023. 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 20 February 2023 to the following Governance Officer asad.shah@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.

From:

Asif Ibrahim
Director of Legal and Governance
Agenda Contact: Asad Shah
Phone: 07541 624384
E-Mail: asad.shah@bradford.gov.uk

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The Director of Legal and Governance 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 must consider their interests, and act according to the following:*

Type of Interest

You must:

Disclosable Pecuniary Interests

Disclose the interest; not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

Other Registrable Interests (Directly Related)

Disclose the interest; speak on the item only if the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

OR

Non-Registrable Interests (Directly Related)

Other Registrable Interests (Affects)

Disclose the interest; remain in the meeting participate and vote unless the matter affects the financial interest or well-being

OR

Non-Registrable Interests (Affects)

(a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and

(b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest; in which case speak on the item only if the public are also allowed to speak but otherwise not do not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *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.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

That the minutes of the meeting held on 26 October 2022 be signed as a correct record.

(Asad Shah – 07541 624384)

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.

(Asad Shah – 07541 624384)

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 Director of Legal and Governance in Room 112, City Hall, Bradford, by mid-day on Monday 20 February 2023.

(Asad Shah – 07541 624384)

B. BUSINESS ITEMS

6. APPLICATION RECOMMENDED FOR APPROVAL OR REFUSAL

1 - 42

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

The sites to be considered are:

- (a) 2 Oakwood Cottages, Lady Lane, Bingley, West Yorkshire BD16 4AS - 22/05113/HOU (Approve) **Bingley**
- (b) Arron House, Dockroyd Lane, Oakworth, Keighley, West Yorkshire BD22 7RN - 22/05087/FUL (Approve) **Worth Valley**
- (c) Chestnut Acres, Slaymaker Lane, Oakworth, Keighley, West Yorkshire BD22 7EU - 22/04233/FUL (Approve) **Worth Valley**
- (d) Site Of 1 Poplar Close, Burley In Wharfedale, Ilkley, West Yorkshire LS29 7RH - 22/03390/FUL (Approve) **Wharfedale**

(Amin Ibrar - 01274 434605)

7. MISCELLANEOUS ITEMS

43 - 56

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

(A-E) Items to note.

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

(H-O) Decisions made by the Secretary of State – Dismissed.

(P) Decisions made by the Secretary of State – Part Allowed.

(Amin Ibrar - 01274 434605)

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on Wednesday 22 February 2023

F

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	2 Oakwood Cottages Lady Lane Bingley West Yorkshire BD16 4AS - 22/05113/HOU [Approve]	Bingley
B.	Arron House Dockroyd Lane Oakworth Keighley West Yorkshire BD22 7RN - 22/05087/FUL [Approve]	Worth Valley
C.	Chestnut Acres Slaymaker Lane Oakworth Keighley West Yorkshire BD22 7EU - 22/04233/FUL [Approve]	Worth Valley
D.	Site Of 1 Poplar Close Burley In Wharfedale Ilkley West Yorkshire LS29 7RH - 22/03390/FUL [Approve]	Wharfedale

Chris Eaton
Interim Assistant Director (Planning, Transportation and Highways)

Report Contact: Amin Ibrar
Phone: 01274 434605

Email: amin.ibrar@bradford.gov.uk

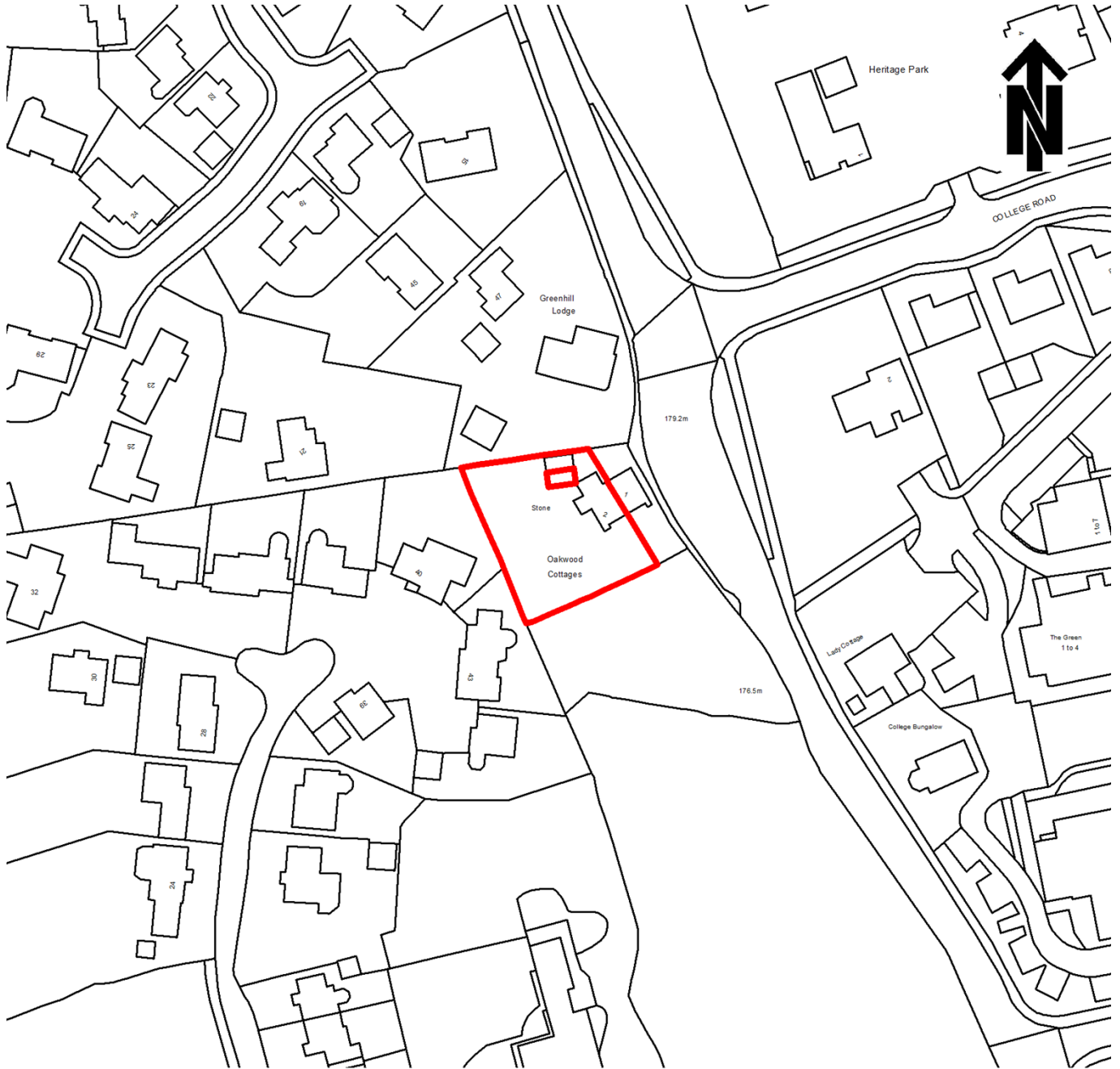
Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

22/05113/HOU



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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2 Oakwood Cottages
Lady Lane
Bingley
BD16 4AS

22 February 2023

Item: A
Ward: BINGLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
22/05113/HOU

Type of Application/Proposal and Address:

Householder planning application seeking permission for the construction of a three storey extension to the side and two-storey extension to rear at 2 Oakwood Cottages, Lady Lane, Bingley, BD16 4AS.

Applicant:

Mr Damian Walsh

Agent:

Mr Marcus Walsh - Martin Walsh Architectural

Site Description:

Nos 1 and 2 Oakwood Cottages are a pair of old vernacular cottages standing at right angles to Lady Lane on the outskirts of Bingley. They are built of coursed natural stone with slate roof and possibly date from the early 19th century. Although they are not listed buildings, the traditional mullioned windows and other design features such as roof tabling, finials, etc. give the pair of houses strong character. The application is for substantial extensions to the side and rear of No 2 which is the house furthest away from the road. The land drops away to extensive gardens lying below and to the west of No 2.

Relevant Site History:

22/02622/HOU - Proposed extensions – Refused 29 July 2022

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
SC9 Making great places

Planning Guidance

SPD08 – Householder Supplementary Planning Document

Parish Council:

Bingley Town Council- Recommends refusal on the grounds of the size, scale, massing and overbearing.

Publicity and Number of Representations:

The application was advertised by way of neighbour letters with expiry date of 07.01.2023. One representation has been received in connection with the application and which objects to the proposals.

Summary of Representations Received:

1. The proposed over-development will ruin the appearance and character of these two properties.
2. The proposed north aspect will reduce light into the adjoining property, regardless of the 45-degree rule, there will be significant over-shadowing due to the height.
3. There is an aqueduct that runs close to the west facing aspect (Barden

Consultations:

Drainage Officer – Has provided information regarding the Barden Aqueduct.

Summary of Main Issues:

1. Previous Refusal
2. Design, Scale and Appearance
3. Impact on Neighbouring Occupants
4. Parking/Access
5. Drainage/Aqueduct
6. Bats

Appraisal:

1. Previous Refusal

The application is a resubmission of recently refused application 22/02622/HOU which proposed side and rear extensions and was refused for the following reason;

The proposed extensions would, by reason of their disproportionate size and unsympathetic design, result in an incongruous and over-dominant addition to the existing small-scale traditional dwelling. Furthermore, the extension would not include any set-backs from the original dwelling and would unbalance the symmetry of this pair of semi-detached houses. For these reasons the proposal would be detrimental to the appearance of the host dwelling, its adjoining semi-detached pair and the wider street scene in conflict with policies DS1 and DS3 of the Core Strategy Development Plan Document and the Householder Supplementary Planning Document.

The proposals have been amended and resubmitted in a new application to try to address that previous reason for refusal. Further amendments and clarifications were negotiated during the course of the application.

2. Design, Scale and Appearance

The proposals still involve a three-storey extension to the side. This includes a basement/lower ground level which opens onto the large garden to the west and which takes advantage of the change in land levels on that side. Also a flat, parapet roofed two-storey extension is to be added to the rear.

A key amendment from the refused proposal is that the front wall of the side extension will now be set back by 1.0 metre from the front elevation of the original house and there will be a drop in its ridge height so it is set below the line of the ridge of the existing houses.

Those features are recommended by the Householder SPD as a way of achieving subservience of an extension to the original house. In this case, this is considered very important because of the strong symmetry of these historic cottages. The application refused in July 2022 continued the line of the cottages but the set back and lower ridge line will now enable the extension to be distinguished from the original houses and thus maintain the balance of the original pair.

As first submitted, the side extension would also not have been fully compliant with the Householder SPD due to its width. Guidance in the SPD requires that that two-storey side extensions should be no greater than two-thirds of the width of the original house to maintain a subordinate relationship and avoid making the side extension look imbalanced and unduly dominant of the original pair of houses.

In this case, the existing cottage is only 5.7 metres and as first proposed, the width of the extension was to be 4.5 metres. That would, it is felt, have been imbalanced with the proportions of the original modest cottage. However, the extension has been further amended so its width is 3.8 metres. As a result, the side extension will be far better balanced with the proportions of the existing cottages and the side extension now fully accords with the principles of the Householder guidance.

The proposed two-storey extension to the rear now has a flat roof design to lessen its bulk and maintain views of the roof of the original houses from that side. A flat, parapet roof would not ordinarily be encouraged, but the objective of the designer to maintain glimpses of the original roof and avoid the disruption with a projecting gable that was a feature of the refused application is acknowledged.

Due to its reduced mass, the rear extension, although large, is no longer of unduly substantial bulk.

The agent has also further submitted amended drawings to clarify the details of fenestration (windows) and has reduced the number of bi-fold patio doors to the west side elevation in favour of proposing more windows of traditional proportions.

Finally, the agent has confirmed that matching natural stone is proposed for all three walls of the extension. Matching roof materials are also proposed. It is suggested that in view of the strong character of these houses, a sample panel of stone work, showing the coursing and pointing, and samples of the roof materials should be reserved for detailed approval.

Although Bingley Town Council once again recommends refusal on the grounds of the size, scale, massing and being overbearing, Officers consider that the applicant has made appropriate design concessions. The design amendments now received show extensions that would no longer overwhelm the original property and the extensions are now considered to accord with guidance in the Householder SPD and to meet requirements of Design Policies DS1 and DS3 of the Core Strategy DPD.

3. Impact on Neighbouring Occupants

The house is well separated from any houses to the north, south and west so will not have any significant negative impact on the occupants of neighbouring dwellings in those directions. Neighbouring houses to the west are separated from the extension by the large garden and are also set at a much lower level down the valley slope.

The only property impacted would be the adjoining cottage at No 1 Oakwood Cottages. The two storey extension to the rear (northern elevation) is noted to be set off the shared boundary with No 1.

Officers have suggested omitting the 1st floor en-suite to draw the first floor further away from the neighbouring cottage. However, the applicant does not want to reduce the accommodation any further and has now provided drawings that indicate the position of habitable room windows in the neighbour's house. This demonstrates that the extension does not encroach within a line drawn at 45 degrees from the neighbour's windows at 1st and ground floor levels. That is one of the tests set out in the Householder SPD to indicate when development is likely to impinge on daylight.

The agent also argues that the proposed rear extension, although two-storeys high, is actually set approximately 770mm further away from the property boundary and the windows in the neighbour's house than an existing single storey utility room that will be demolished. Also the proposed rear extension only projects 2470mm from the existing house façade to achieve the desired family accommodation.

Although objections have been received expressing concern that the extension to the rear will reduce light and cause significant over-shadowing due to the height, the relationship of the extensions with the windows in the adjoining house are now more clearly understood from the drawings. The relationship is shown to accord with Householder SPD guidance (45-degree line) and so the extension will not have any undue impact on the daylight or amenity of the adjoining occupier. The proposal complies with Policy DS5 of the Core Strategy DPD.

4. Parking/Access

There are no changes to parking or access arrangements. Two car parking spaces would continue to be provided at the frontage to the cottages.

5. Drainage/Aqueduct

The site is crossed by a sewer and neighbours have referenced the Barden Aqueduct, which is near the site.

In respect of the former, a letter from Yorkshire Water confirms acceptance of a build over agreement for the sewer running through the site. Yorkshire Water is therefore satisfied that this matter can be controlled under Requirement H4 of the Building Regulations subject to Yorkshire Water's specific technical requirements. The developer needs to follow formal procedures in accordance with Section 185 of the Water Industry Act.

The Council's Drainage Officer has provided records of the route of the water supply aqueduct (Barden Aqueduct). It is near the site but its route is located in land to the north of 2 Oakwood Cottages, outside the red line site boundary. In the opinion of the Drainage Officer that route is beyond the zone of influence of these proposed development works.

6. Bats

The locality has features – trees and water - that suggest potential for bats. A bat survey has been provided by the applicant undertaken in August 2022 which finds that the building is well maintained and so is assessed to have low potential for roosting bats. The general pattern of bat activity in the locality was of bats coming from the east, foraging around the trees and over the garden and then leaving to the west. In line with the Bat Conservation Trust Good Practice Guidelines, one dusk emergence survey was undertaken but no bats emerged from the building. There is therefore no threat to bats from these extensions or conflict with Core Strategy DPD Policy EN2.

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 has now recognised guidance and principles within the Householder SPD and is considered to have addressed the previous reasons for refusal. Further amendments have resolved and clarified other aspects of design. Although large, the proposed extensions would now be appropriately subservient and accord with guidance in the adopted Householder SPD. They no longer unduly unbalance the symmetry of this attractive pair of vernacular cottages. The design materials, bulk and appearance are acceptable and in accordance with policies DS1 and DS3 of the Core Strategy DPD.

Amended drawings have also resolved questions regarding the significance of impact on the amenity of the occupiers of adjoining properties and the proposals are considered to accord with Policy DS5 (F) of the DPD.

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 be carried out in accordance with the following plans:

0001 REV P1:	Location Plan Received 2 December 2022
0002 REV P1:	Existing Site Survey Received 2 December 2022
0003 REV P1:	Existing Plan and Elevations Received 2 December 2022
0004 REV P3:	Proposed Site Layout Received February 2022
0005 REV P3:	Proposed Plans and Elevations Received February 2022.

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

3. The extensions hereby approved shall be constructed using natural stone and natural slate roofing and walling materials as specified on the approved drawings.

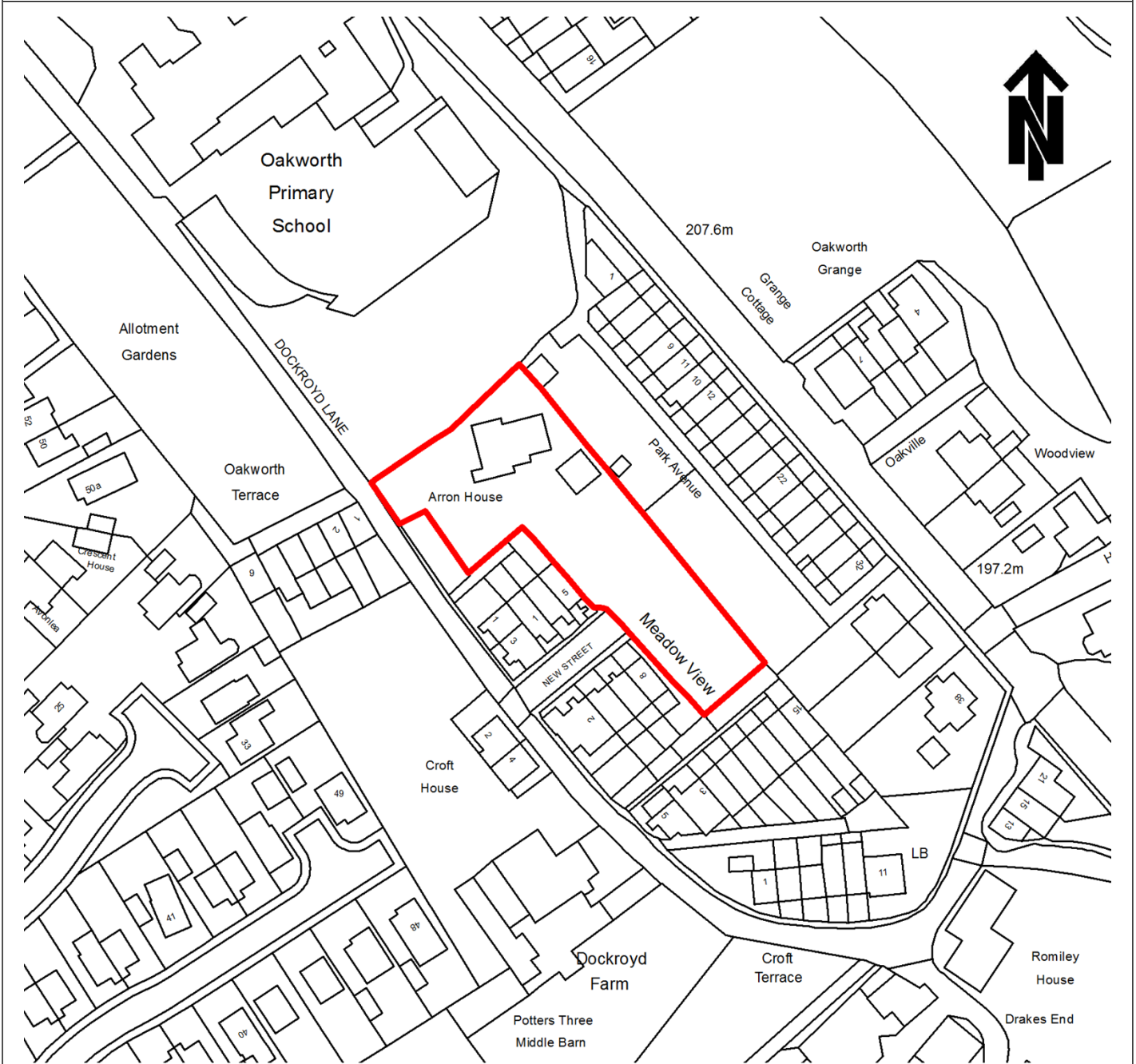
Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning 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. Before any work above damp proof course level takes place, a sample panel showing the method and depth of coursing of the proposed walling materials and the type and method of pointing to be used shall be constructed on site for inspection by the Local Planning Authority. The details shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with those approved details.

Reason: To assist the selection of appropriate materials in the interests of visual amenity and the character of the heritage asset and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

22/05087/FUL



1:1,250

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**Arron House
Dockroyd Lane
Oakworth
Keighley
BD22 7RN**

22 February 2023

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

Application Number:
22/05087/FUL

Type of Application/Proposal and Address:

Full application for a two storey new-build dwelling in existing garden plot and detached garage for existing house. Arron House, Dockroyd Lane, Oakworth, Keighley, BD22 7RN

Applicant:

Mr Martin Kounnas

Agent:

LARK Architects - Mr Darragh Davy-Burke

Site Description:

The application site is a lawned garden enclosed by cypress hedging that forms part of the substantial garden of Arron House. The existing house is a modern detached house built possibly in the 1970s or 1980s, faced in stone with a buff coloured concrete tiled roof. It is set back from the eastern side of Dockroyd Lane with access via an existing gated drive recessed from the narrow lane. The garden extends to the south of Arron House and is adjoined to the west side by the end gables of two houses on the unadopted New Street. To the south west another row of traditional terrace houses (addressed as 3-15 Roseberry Street) faces towards the land from a lower level. Along the north-east edge of the garden site is an area of overgrown, undeveloped land which separates the applicant's site from the unmade back street behind a terrace of traditional houses 1-32 Park Avenue. This terrace is set on lower ground than the application site. To the north west of Arron House is the grounds of the Oakworth Primary School.

The site is within Oakworth Conservation Area.

Relevant Site History:

02/04110/FUL - Construction of detached dwelling. Refused 18.02.2003. Dismissed at appeal.

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

SC9 Making Great Places
DS1 Achieving Good Design
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
HO9 Housing Quality
EN3 Historic Environment

Parish Council:

Keighley Town Council has concerns about the impact the proposed development would have on neighbouring properties within the conservation area and that the proposed development “could be seen to be overbearing on the smaller terrace properties in the immediate vicinity of the development.”

Publicity and Number of Representations:

Application was publicised with a site/press notices and neighbour letters which expired on the 3rd February 2023.

Summary of Representations Received:

Objection to this application:

- Loss of light to neighbouring houses
- Impact on outlook from neighbouring houses
- Loss of privacy for nearby neighbours
- Loss of wildlife
- The house is not in keeping
- Dockroyd Lane cannot support more cars using it
- Concern over disruption during construction

Support for the application:

- New housing in Oakworth is needed
- The application proposes an attractive family home
- It is in a sustainable location in the village

Consultations:

Conservation Officer: Infilling the open space would change the spatial relationship between open space and built form, and loss of openness would be detrimental to the conservation area. Harm would be less than substantial, but not balanced by comparable public benefit.

Drainage Section: No objections subject to conditions

Summary of Main Issues:

1. Principle of Housing Development
2. Impact on Conservation Area
3. Impact on Residential Amenity of Neighbouring Occupiers
4. Biodiversity Issues
5. Impact on Highway Safety

Appraisal:

1. Principle of Housing Development

Members will be aware that the Council is not able to demonstrate a five year supply of housing land. 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. This means that for decision making:

“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.

The development would see one new dwelling added to the housing supply. This would make a modest contribution to the housing land supply of the District.

However, being in Oakworth Conservation Area, a designated heritage asset, the site is within an asset of particular importance as defined by Footnote 7 of the Framework.

The Local Planning Authority therefore need to consider whether the importance of the heritage asset provides a clear reason for refusing the development proposed; or whether 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.

2. Impact on Conservation Area

In respect of conservation areas, the duty of decision makers is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 s. 72(1) “In the exercise, with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Core Strategy Policy EN3 requires that all proposals for development conserve and where appropriate, enhance the heritage significance and setting of Bradford’s heritage assets, especially those elements which contribute to the distinctive character of the District.

The terraced properties of New Street, Meadow View and Rosebery Street are relatively tightly packed and the proposed house would infill an open space within that built form. The Council’s Conservation Officer has expressed an opinion that the proposed new dwelling would fail to satisfy the duty of S.72 of the LBCA Act and would fail to accord with policies EN3, SC1(11) and SC9.

However, Planning Officers disagree. Although within the conservation area, the land is not readily seen from vantage points around the site because of land levels and intervening development. This space is cultivated garden, of a modern house. Unlike other spaces within the patchwork of open space and vernacular development that characterises Dockroyd, it does not have any distinctive heritage characteristics. Open spaces such as the paddocks to the west of Dockroyd Lane and the old graveyard to the north do add to the character and appearance of the conservation area, but this garden contributes little.

It is not identified as a key open space in the Oakworth Conservation Area Appraisal (adopted in 2008). Arron House is identified in the Conservation Area Appraisal as making a neutral contribution on the Conservation Area and it is not identified as a key open space. The land simply does not make a strong contribution to the spatial quality of the conservation area on this basis.

The garden does separate the built form of the existing terraced properties. To the west and south are short Late-Victorian terraces at Meadow View, New Street and Rosebery Street. But these intervening terraces and the rising ground levels would reduce the prominence of any development on the garden land and, to the east, former allotments which are now overgrown, occupy the land between the site and the rear of the long row of Edwardian houses fronting onto Park Avenue. That terrace limits views from the north-east. Arron House itself prevents any views from the north.

The house is well designed, being proposed in coursed stone with a blue slate roof and contemporary glazing. As well as being of suitable design and materials it would be positioned within the plot. The design is distinct from the architectural style of the terrace houses to the south west and south east but the main body of the two-storey house runs in line with the terrace to the south west and set close to the gable of 5 Meadow View. The return wing comprising the garage would set back into the site - out of view from points along New Street.

Whilst it is accepted that the heritage quality of Dockroyd owes much to the mix of vernacular buildings and intervening open spaces which lend it a semi-rural character, this garden is not of high importance. Its loss to a single dwelling would not erode the character of the conservation area or lead to perceptions of an oppressively dense built form.

The proposed house would be unobtrusive and would fit in with the scale of the adjoining terrace houses. There would be little loss of the prevailing sense of openness in the wider locality.

The harm to heritage would be less than substantial. In such a case it is necessary to balance the harm against the public benefit of the scheme. However, Officers consider that the concerns of the Conservation Officer are unfounded. This garden does not make a very beneficial contribution to the conservation area. The contribution that the house makes to the supply of housing at a time when the housing figure is well below the five year supply of land that is required.

Officers therefore consider that the proposed development is acceptable and would, therefore, preserve the character and appearance of the conservation area.

3. Impact on Residential Amenity of Neighbouring Occupiers

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

A number of objections are received from occupiers of houses on Park Avenue which have rear windows and yards facing towards the application site. However, the application site is elevated well above those existing houses and there is considerable separation. In between the terrace and the new house is the unmade rear access and the overgrown allotment site. The separation and intervening topography is such that the new house, which is of conventional height, would not adversely affect the daylight, outlook or privacy of occupiers of the Park Avenue homes.

Comments received suggest there are structural problems with retaining features along the back lane behind Park Avenue. However, the location of the new house, with the allotment land in between, is such that it would not impose any significant loading close to the retaining walls.

The sectional drawings show that the height of the proposed house would be the same as the end terrace on Meadow View. The proposed dwelling would not, therefore, rise above the height of the nearest terrace house at No 5 Meadow View which has its gable end facing onto the development site. This elevation has two windows facing to the site at first then second floor level. The outlook from these windows is over the garden of Arron House. The proposed house would partly obscure these windows. However, these are not primary windows. In this case, it is considered that the amenity of the residents of the terraced properties on Meadow View.

The outlook from the front elevation of the proposed house is primarily northwards over the garden of Arron House. This land would become the garden of the subject dwelling. The southern elevation of the terrace on New Street are at an angle to the proposed dwelling. There is no concern that the proposed dwelling would cause overlooking or a loss of privacy due to the separation distance and the angle between the house and the terrace.

To the rear, the terraced houses on Roseberry Street, are located around 21m from the rear elevation of the proposed house. It is separated by a cypress hedge. Roseberry Street is on lower land and the terrace steps down the slope from east to west. The separation distance and the intervening boundary treatment is sufficient to protect the privacy and living conditions of the residents at Roseberry Street. The adopted “Homes and Neighbourhoods: A Guide to Designing in Bradford” SPD sets out that a typical separation distance of 21m between houses should be achieved.

To the north, the distance to Arron House is sufficient to protect amenity.

When taken in the round, the proposed dwelling is suitably sited in the plot and protects the existing living conditions and privacy of the surrounding residents in accordance with Core Strategy DPD Policy DS5.

4. Biodiversity Issues

The application site is a well-maintained, lawned garden. It is not of a high biodiversity value. The site is in a bat alert zone meaning that bats are known to be present locally. In such a circumstance it is advised that the installation of bat boxes is required as part of the planning permission should the application be granted.

5. Impact on Highway Safety

The proposed means of access to the proposed detached house is to share the existing access point onto Dockroyd Lane serving Arron House. This access point, as presently laid out, is recessed from the frontage and is acceptable in terms of visibility and width.

Inside the site is the means of access would be shared between Arron House and the proposed dwelling with a new drive access continuing to the proposed house along the south western edge of the site adjoining the terrace houses. The access is wide enough to allow two vehicles to pass each other side by side. This means that there would be no conflict between users wish to enter and exit the site at the same time.

The space within the application site is sufficient to allow vehicles to turn around in the site and leave in a forward gear. The house includes a double garage and adequate parking spaces within the site is provided for the existing and proposed houses.

A new garage for Arron House will be constructed to the north of the site and that is suitably located to allow cars to manoeuvre inside the site.

It is considered that the layout achieves the NPPF objective of ensuring safe and suitable access to the site for all users. Paragraph 111 of the Framework says 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. That is not the case here given that appropriate access and car parking arrangements are being proposed and that the density of development is just one additional house.

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 plot comprises a large garden. The proposed dwelling has been suitably designed and respects the overall character of the area using suitable construction materials. The size, position and fenestration of the dwelling has been informed by the proximity of nearby dwellings and protects the amenity and privacy of surrounding residents.

The development would not cause harm to the heritage significance of the conservation area. The site is not expressly identified in the Conservation Area Appraisal or Assessment and the site has a neutral impact on the conservation area. The proposed development protects the heritage significance of the conservation area.

The access point onto Dockroyd Lane utilises the existing driveway that serves Arron House and can be utilised without requiring significant upgrade or works to the driveway. The visibility in both directions along Dockroyd Lane are acceptable in both directions. The application is recommended for 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).

2. The development shall be carried out in accordance with the following drawings:

1265-01	Location Plan	Received 30 November 2022
1265-02A	Existing Site Plan	Received 17 January 2023
1265-03A	Proposed Site Plan	Received 17 January 2023
1265-04	Proposed Floor Plans	Received 30 November 2022
1265-05	Proposed Elevations	Received 30 November 2022
1265-06	Proposed 3D Views	Received 30 November 2022
1265-07	Proposed 3D Views	Received 30 November 2022
1265-08	Garage Plans and Elevations	Received 12 December 2022
1265 09	Proposed Sections	Received 17 January 2023

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

3. The proposed development shall be drained using separate foul and surface water 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.

4. No piped discharge of foul or surface water shall take place from the proposed 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.

5. 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.

These details shall be based on drainage principles that promote water efficiency and water quality improvements through the use of SUDS and green infrastructure to reduce the development's effect on the water environment.

The maximum pass forward flow of surface water from the development to the public sewer shall be restricted to 3.5 (Three point Five) litres per second or an alternative rate to be agreed in writing with the sewerage undertaker Yorkshire Water.

The development shall thereafter only proceed in strict accordance with the approved drainage details.

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.

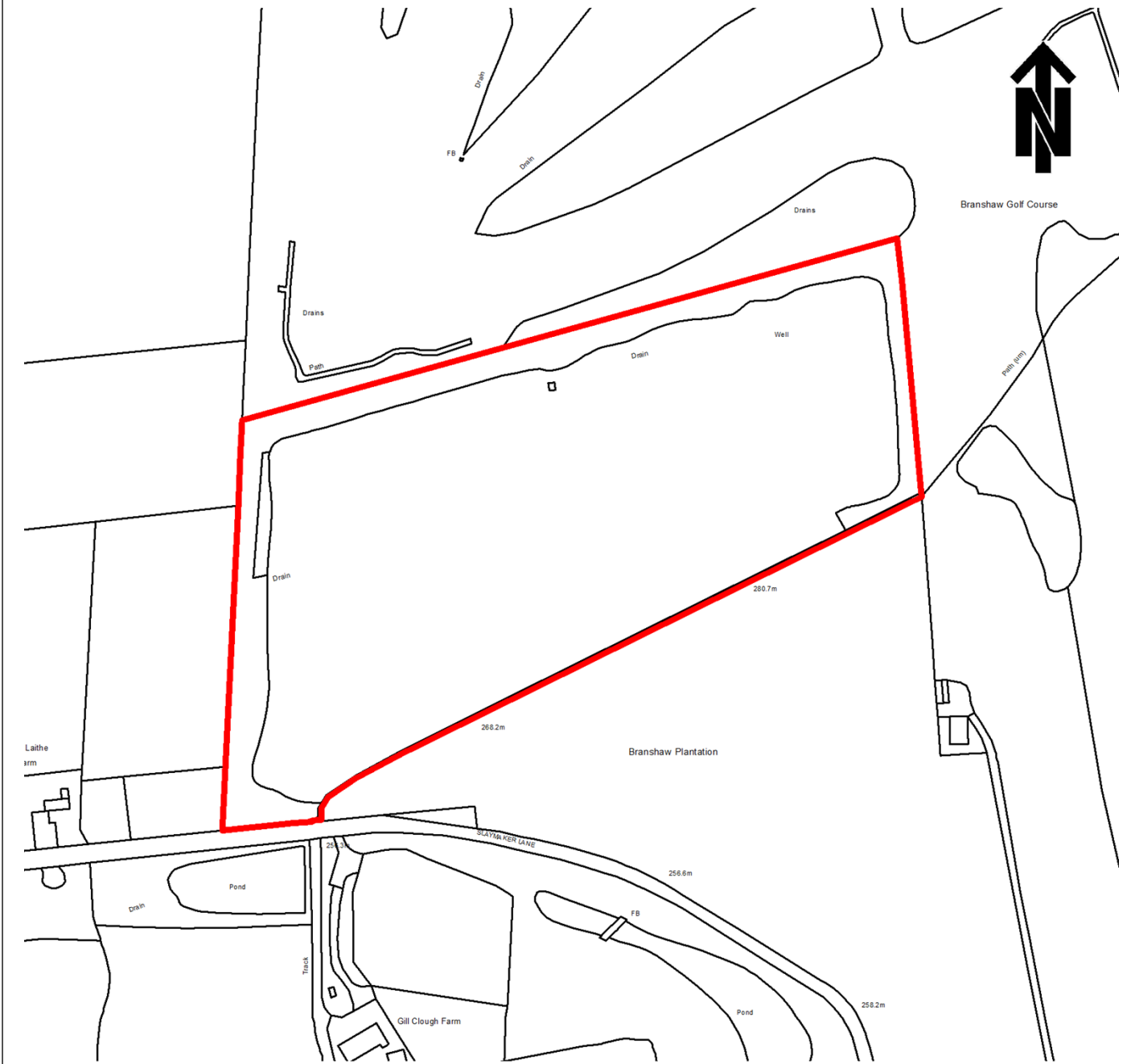
6. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning 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 EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

7. 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 safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

22/04233/FUL



1:2,500

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**Chestnut Acres
Slaymaker Lane
Oakworth
Keighley
BD22 7EU**

22 February 2023

Item: C
Ward: WORTH VALLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
22/04233/FUL

Type of Application/Proposal and Address:

Full application for the retention of one (22 m x 4m) range of single storey sheep stalls and one 14m x 8 m timber stable, along with one (25m x 4.1m) range of animal stalls, and one (25m by 2m) Chicken/Duck, Turkey and Goose hut, access track and part of a hardstanding.

Chestnut Acres Slaymaker Lane Oakworth Keighley BD22 7EU

Applicant:
Mrs Janet Arkwright

Agent:
Acorn Planning Ltd (Neil Boughey)

Site Description:

“Chestnut Acres” is a 3.87-hectare field (approx. 10 acres) in the countryside to the north of Oakworth. It has a short length of frontage onto the adopted Slaymaker Lane and the land slopes up from the road towards the north and east. The range of buildings which is the subject of this application are set about 200 metres into the site. The land rises more steeply to the north and east of these buildings. A line of mature Scots Pine, Sycamore and other trees marks the west side of the land. Beyond the site to the south east side is the woodland of Branshaw Plantation. A public footpath runs along this edge. Gill Clough Farm is across Slaymaker Lane on land to the south side of Slaymaker Lane, and the golf course at Branshaw Moor is to the north. An open land drain runs along the north and west sides of the field. The site is part of the Green Belt.

In June 2020, during lockdown, the applicant brought a number of mobile homes onto the land, excavated and constructed a hardstanding for vehicles, formalised the access from Slaymaker Lane and erected the various timber buildings. All this was done without planning permission.

This application seeks permission for the timber buildings, the access track and the hardstanding, which are already present on the land.

Relevant Site History:

20/04506/FUL: New low energy dwelling. Refused 22 December 2020.

21/05914/FUL: Retain static caravan and two touring caravans as agricultural workers dwellings, retain two stable blocks, range of eight animal stalls, access track and hardstanding- Status: Council declined to Determine the application. Date Issued: 06-DEC-21.

22/02198/FUL: Retention of one static caravan as an agricultural workers dwelling, two stable blocks, one chicken hut and one animal stall, access track and part hardstanding- Status: Council declined to determine the application. Date Issued: 17-JUN-22.

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

EN4 Safeguarding landscape character
DS2 Design
EN2 Nature conservation/biodiversity
EN5 Safeguarding trees
EN7 Drainage/Flood Risk
SC7 Strategic role of the Green Belt

Parish Council:

Keighley Town Council: Recommends this application is refused as the proposed development is in the Green Belt.

Publicity and Number of Representations:

Neighbour letters to 7.12.22
90 objections and 96 representations in support have been received.

Summary of Representations Received:

OBJECTIONS

1. This green belt field has been under unlawful development by the applicant since June 2020 and should be restored to its former condition.
2. It is a 'ramshackle' development with poor quality buildings made of old pallets. It has ruined the character of the green belt and has substantially damaged the ambience of the area.

3. There is an enforcement notice in place so the applicant knows the development is unlawful. but has deliberately ignored it. The applicant has shown no concern for any planning regulations.
4. The applicant states that the animal sheds and stables are required for agricultural purposes and the supporting document claims that the land is used for breeding pigs, sheep and cattle rearing but such livestock are no longer in evidence. The main activity is horses, with some geese and hens.
5. 2 large horse transporters and a horse trailer have been parked on site. A family member runs a dog boarding business on the site. It is not agriculture.
6. The applicant has blocked off most of Public Footpath 71 and this has led to many complaints from local people.
7. If this application is approved it will give the green light to further unrestricted development on this site and on other green belt fields in the vicinity.
8. There are 3 main land drains and the landowner has blocked the drain running from the golf course to Slaymaker Lane as stables and sheds cover the drain and parts have been filled in with the excavated material.
9. The hardstanding has reduced the area of soil available to allow rainwater to soak away naturally and contributes to flooding in Slaymaker Lane due to the gradient of the land.
10. The development has affected wildlife - prior to this development there was a variety of birds, bats, plus toads, frogs and newts in the land drain now blocked.
11. All the trees next to the development and on the site are subject to TPO's. Ecological surveys and assessments and arboricultural surveys and reports should be required.
12. How will the effluent run off from the swilling out of animal stalls, stables, kennels and poultry sheds be disposed of?

SUPPORT COMMENTS

Many of these express support but give no specific comments.

1. Support the use of this land for agricultural purposes.
2. The buildings are necessary for the animals to be looked after properly. The animals' welfare needs to be met – the buildings provide shelter and are needed for any emergencies that arise.
3. The buildings are not an eyesore and have been constructed using recycled materials, therefore not adding to the destruction of trees.
4. The owner works with organisations with the rescue and rehabilitation of animals.
5. She also has many people of all ages and disabilities visit the land to learn how to look after the animals. This is an excellent resource to these people as it boosts their mental health, gives them focus and improves their overall health.
6. Autistic children in particular have benefited greatly from visiting and working with the animals on site.
7. It is better to have the land used for agriculture as it is now instead of being used to build houses on in the future.
8. The applicant is trying to make a difference in our community. "I would be very disappointed to lose this small animal welfare centre".

Consultations:

Council Rights of Way Officer: Keighley Public Footpath 71 runs along the site boundary along two alignments. The Rights of Way Officer seeks confirmation that the buildings will not affect those alignments – see detailed evaluation below.

Council's Drainage Section: If reliant on soakaway drainage, percolation tests and design details of the soakaways serving the development need to be approved in writing by the Local Planning Authority.

Summary of Main Issues:

1. Background Circumstances/Procedural Matters
2. Green Belt Policy – The Agricultural Exception
3. Impact on Landscape Character Including Trees
4. Impact on Right of Way
5. Drainage Issues
6. Other issues - Farm Waste
7. Other Issues - Wildlife
8. Other issues - Use of the Site by People with Disabilities

Appraisal:

1. Background Circumstances/ Procedural Matters

The application site is a group of pasture fields in the Green Belt. 3.87 hectares in size.

In 2020, the applicant brought a number of mobile homes onto the land, constructed a hardstanding and erected several timber buildings. All this was done without planning permission. Many complaints were made to Planning Enforcement. In addition, the Council's Rights of Way team were alerted to a possible obstruction to public rights of way around the site, and there were complaints that the unauthorised work had caused flooding in Slaymaker Lane, and caused pollution of the watercourse, and damage to trees.

An application to build an eco-home on the land was submitted and was refused in December 2020, there having been no very special circumstances to build such inappropriate development in the Green Belt.

On 12th October 2021 the applicant, having failed to respond to less formal requests to address the breaches of planning control, was served with an Enforcement Notice.

The Notice took effect on 23rd November 2021 and required the applicant to:

- Demolish and remove the timber outbuildings from the land.
- Remove all imported materials from the land.
- Cease the unauthorised residential use of the land and caravans.
- Remove the caravans and all motor vehicles, items and equipment relating to the unauthorised residential use of the land.
- Grub up and remove from the land those materials forming the vehicular track and hardstanding.

Such works should have been completed within 6 months (removal of the outbuildings within 2 months) - that is before 23 May 2022.

The applicant did not appeal against the enforcement notice which therefore came into legal effect.

Under powers conveyed by Section 70C of the Town and Country Planning Act 1990, the Council declined to determine two subsequent planning applications seeking retrospective permission for the works that were subject to the enforcement notice. This power enables the Council to decline to determine an application that is substantially similar to breaches of planning control referred to in the enforcement notice.

At a site inspection on 25 January 2023, Officers confirmed that the applicant has now complied with the requirements of the Enforcement Notice in so far as:

1. The applicant has ceased the unauthorised residential use of the land.
2. The applicant has removed the caravans and all motor vehicles, items and equipment relating to the unauthorised residential use of the land.
3. Part of the former hardstanding has been grubbed up.

The timber buildings remain and this application is submitted seeking to obtain retrospective planning permission for those elements of the unauthorised development. The development, as shown on the submitted drawings are:

- One (22 m x 4m) range of single storey sheep stalls
- One (14m x 8 m) timber stable.
- One (25m x 4.1m) range of animal stalls.
- One (25m by 2m) Chicken/Duck, Turkey and Goose hut,
- The access track from Slaymaker Lane and part of the existing hardstanding, that part being necessary to serve the agricultural development.

Whilst these elements were included within the terms of the Enforcement Notice, Officers considered that there is justification for the applicant seeking to retain these elements of the unauthorised development because they appear to serve genuine agricultural purposes.

It is noted that several objectors urge the Council to once again decline to determine this new application using Section 70C Town and Country Planning Act 1990 powers. However, whilst the application seeks to retain development that is included on the enforcement notice, the animal sheds and stables are required for agricultural purposes and so could be acceptable, in principle, subject to evaluation of other planning impacts.

There is therefore less conflict with Planning Policies than was the case with the various residential caravans/mobile homes which were formerly on the land.

The purpose of this application is to determine the merits of the development listed above on the planning merits and in the light of the numerous comments received. Those merits will be considered in this report.

The supporting statement says that "The applicant has therefore now complied with the following elements required in the enforcement notice.

- The static caravan has been removed.
- The two touring caravans and sundry vehicles, items and equipment have been removed.
- The hardstanding has been partially grubbed up".

A site inspection by the Council's Enforcement Officer on January 25 2023 verified that the caravans/mobile homes had all been removed in accordance with the Enforcement Notice. The applicant and family now live elsewhere and residential uses on the land have ceased.

It is accepted that at the time the application was submitted (October 2022), the mobile homes were still in place, so objectors correctly pointed out that, at that time, these statements were not true. However, the caravans were removed some time in November/December 2022.

Officers have found no evidence on site that the applicant is operating a commercial livery stable, riding school or dog boarding kennels as has been alleged in some representations.

This application seeks permission solely for the various timber outbuildings which the applicant says are used for agricultural or for purposes of stabling horses.

2. Green Belt Policy – The Agricultural Exception

There is no dispute that this land is in the Green Belt.

In terms of Green Belt policy, Policy SC7 of the Bradford Core Strategy (2017) (CS) and policies GB1 and GB2 of the Replacement Unitary Development Plan (2005) (RUDP) deal with the Green Belt but the former policy relates only to the strategic approach to the future review of Green Belt land and its overall purposes. RUDP policies do not clearly identify exceptions to inappropriate development as identified within the National Planning Policy Framework so they lack alignment with the Framework and limited weight can be attached.

Consequently, assessment of these proposals needs to be made by reference principally to the approach of the Framework to Green Belt – which is that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

The Framework says the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

However, exceptions to this are set out in paragraphs 149 and 150 and include 149 (a) the construction of buildings for agriculture and forestry.

The applicant's supporting statement argues that the site is an agricultural/equestrian holding and the buildings are designed and used for purposes of agriculture or keeping horses which graze on the Green Belt land. The land is registered as agricultural holding number CPH 49/528/2050 with registrations with DEFRA for flock/herd numbers 421157, and for pigs ZR2918. The applicant operates an additional 1.6 ha of land across the valley at Upper Pierce Close Farm.

The supporting statement describes how the applicant raises rare breed sheep (German Red Foxes), also Saddleback pigs, large white cross Berkshire pigs, and keeps cows, chickens, horses, ducks, and geese on the land.

It is noted that objectors dispute the presence of some of the above livestock, but evidence submitted on behalf of the applicant includes a January 2021 Animal Health - Report of Inspection. This confirms the presence of 17 sheep, 19 pigs and 4 cattle on the holding at that date.

Local objectors report that the German Red Fox sheep are no longer in evidence and that the cattle and pigs left the site around March 2022.

However, varying levels of livestock reflects the nature of the business – which is the rearing of sheep and pigs for resale. The applicant buys in livestock, including rare breeds, raises them and sells them on. It is inevitable that the numbers and types of animals on the land holding will vary depending on the season and other business considerations.

At the site visit on January 25th 2023, there were no cows on the land but another batch of rare breed German Red Fox sheep was observed in the pens, also other sheep breeds. There were no pigs, although a vacant pig pen was observed. There were plentiful free-range geese, ducks, hens and other poultry which are housed in some of the pens and purpose-built buildings. The applicant says that part of the agricultural enterprise involves the sale of eggs from the poultry on the land.

The various buildings and pens are designed and used for genuine agricultural purposes and although relatively small, the 3.87 hectares holding seems of sufficient size to support a degree of agricultural activity.

Whilst it is acknowledged that the objectors say that other activities are being undertaken on the land, Planning Enforcement have found no evidence on the site for a riding school or dog boarding business which have been mentioned by objectors.

The various timber buildings are agricultural buildings and these are an exception to Green Belt restrictions. There is no reason, in principle, to refuse those elements of the application. Buildings for agriculture are not considered to be inappropriate development in the Green Belt.

One range of buildings forms a block of stables measuring 14m x 8m and accommodating about 5 horses and a tack room. The applicant says that many of the horses kept on the land are rescue horses as she is a point of contact for the RSPCA. Horses are kept on Chestnut Acres whilst arrangements are made to re-house them elsewhere. At least one horse is for the personal use of the applicant.

Whilst keeping horses is not an agricultural use, it is nevertheless an acceptable use of Green Belt land. The Green Belt exceptions set out in the Framework permit the provision of small scale stables under exception 149 (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The stable building is grouped with the agricultural buildings and is also a low rise structure being no higher than 2.5 metres. It is screened from the west by the tree belt and from the east by the other buildings. The effect on openness arising specifically from the stable block is therefore very limited.

There are many stable developments across the District's Green Belt and the stables here are on a relatively unobtrusive part of the site which, together with their low height preserve the openness of the Green Belt and, in the opinion of officers, do not conflict with the purposes of including land within it. The stables are therefore also regarded as an exception to Green Belt policy restrictions. They are not inappropriate development.

In conclusion, supporting statements and evidence provided by the applicant's agent - along with the site inspections by Officers have confirmed that the buildings are used for agricultural livestock being kept as part of a small scale agricultural business, and for rescue animals, particularly horses, and the applicant's own horse kept for outdoor recreation use.

Whilst the Local Planning Authority was justified in securing removal of the residential caravans and associated paraphernalia, the various buildings listed above are accepted to be low-rise functional buildings that are designed and serve a genuine agricultural or equestrian purpose. As such they form an exception to Green Belt restrictions under paragraphs 149 and 150 of the National Planning Policy Framework.

3. Impact on Landscape Character Including Trees

The stable block, hut and ranges of animal stalls are of functional design and appearance and of a modest height. The maximum height of all the structures is typically around 2.55 metres. The appearance of each of the buildings is fairly typical of functional animal shelters and stables – they are low rise, mono-pitched buildings clad in timber grouped around a courtyard and backing onto the trees along the west boundary.

The application site is part of the patchwork of pastures on the upper slopes of the Worth and North Beck Valleys landscape character area. The NPPF says planning decisions should ensure that developments add to the overall quality of the area and are visually attractive and sympathetic to local character, including landscape setting. Policy EN4 of the Core Strategy DPD seeks to safeguard the quality of the District's landscapes.

It is acknowledged that the site is within a sensitive landscape. The buildings are seen from points in Slaymaker Lane and from the public footpath route adjoining the field and that objectors have described the array of shelters as "ramshackle".

However, this is not a landscape that lacks other agricultural and equestrian buildings. Indeed, there are several much larger farm sheds on other holdings within sight of the holding, some of which were constructed as agricultural permitted development.

The applicant has clad the shelters using recycled wooden pallets. She has explained that some have not been finished because work has been suspended in view of the Council's Enforcement Notice. If permission is granted the timbers will be adjusted to achieve a better finish. Where timber cladding has been completed, the buildings seem to be of good appearance with timbers being a natural material that befits the rural surroundings more successfully than, say metal cladding. With time the timbers will weather to a more consistent hue.

It is understood that previously there was only one small hut on the edge of the land so it is acknowledged that the development of these buildings has undoubtedly changed the appearance of the open field. However, they are not of unusual scale or appearance nor are they especially intrusive in the landscape. In distant views, they are screened by the dense woodland of Branshaw Plantation and the belt of mature woodland trees along the west boundary. From other directions the visual impact is diminished by the ground that rises to the north and east.

The Landscape Character SPD identifies the Worth Valley as having strong landscape character and a prominent, open aspect of pastures and isolated, traditional farmsteads. It is sensitive to change but small scale shelters such as those proposed would not be entirely alien to that landscape. In the supporting statement, the agent also argues that none of the shelters should be considered unusual or intrusive. It is a rural landscape, and these are low-rise functional buildings built in similar materials (timber) to many other comparable stables and shelters seen elsewhere across the Worth Valley countryside.

Some objectors have referred to harm to the belt of trees next to the development which are subject to Group Tree Preservation Order. The Council's Enforcement Service and Tree Officer are aware of complaints about damage to trees and this was investigated in 2020. However, it has not been deemed necessary to instigate action in respect of damage to protected trees.

It appears from site inspection that none of the small timber buildings which are the subject of this application have caused direct harm to the trees and the trees are now fenced off from vehicular areas and areas grazed by larger livestock.

Officers are aware that trees surviving close to Slaymaker Lane are in poor condition and evidence from aerial photographs suggests that some trees from the area towards the lane have been removed. However, there is no evidence that damage to those trees was caused by the development which is the subject of this application. The trees towards Slaymaker Lane are well clear of the timber shelters and stables and damage and loss of trees in that area cannot be directly attributed to that construction. Under previous ownership, the land was used by cattle and decline of trees near the gate access from Slaymaker Lane may be for reasons of past usage and the waterlogging of the ground due to the land drainage problems which have now been addressed

The applicant's supporting statement has offered proposed new tree planting to further mitigate views onto the structures, and suggests "a detailed tree planting scheme to be agreed by condition".

Opportunities for tree planting would be limited by the grazing of animals and space within the existing tree belt down the west side of the holding is also restricted, but officers have identified a location in the south-west edge of the site where some native tree planting could take place. This would strengthen the belt of trees down the west side of the land and would assist in screening views of the site from Slaymaker Lane and properties to the west. It is suggested that if members are minded to approve the application, a condition requiring suitable native tree planting to reinforce the existing trees along the west side of the site perimeter should be imposed.

Subject to this the buildings, whilst of functional appearance, are clad in appropriate timber materials and are not considered to unduly compromise the character of the local landscape and are not in conflict with Policy EN4 of the Core Strategy DPD.

4. Impact on Right of Way

Many of the objectors claim that the applicant has blocked a right of way across the field (Public Footpath 71) and this has led to many complaints from local people.

However, the Council's Rights of Way Section has investigated and advise that much of the antagonism may have arisen because before the applicant bought the land people had become accustomed to cutting directly across the field rather than walking around the edge along the correct alignment of the Public Footpath. That footpath is now fenced off from the rest of the field to ensure that livestock is not disturbed, and to protect the public from horses.

The matter is also complicated because Keighley Public Footpath 71 runs along two alignments.

The Definitive Map shows two recorded alignments or branches of footpath 71:

1. Running along the west, north and east sides of the site; and
2. Running at a diagonal along the south-east perimeter.

The latter section of path has been separated from the rest of the field by stock fencing and when last inspected by the Rights of Way Officer was retained free of obstruction and at an acceptable width. This section of path remains open and available for public use.

The other section running along the western, northern and eastern boundary is currently obstructed in part by stock fences. However, the Rights of Way Officer advises that the historic and legal line of this route was already obstructed by overgrown vegetation and a drystone wall across the road frontage before the applicant occupied the land.

The blockage has not arisen due to the development which is the subject of this permission and site inspection has confirmed that none of the various buildings and stables forms an obstruction to the line of those western and northern branches of Public Footpath 71.

Prior to the applicant's occupation of the land, the Rights of Way Section were not aware of any complaints about that section of path being blocked. Instead most walkers seem to happily use the more direct route along the southern boundary.

Indeed, the Rights of Way Team is currently working with the applicant to remove vegetation obstructions to the recorded right of way. Its alignment can be easily seen on site and it is obvious that the development which is the subject of this application will not hamper the restoration of the western branch of the public right of way.

5. Drainage Issues

There are land drains along the edges of the land. In some of the objections it is alleged that the applicant has blocked the drain running from the golf course to Slaymaker Lane and that stables and sheds cover the drain and parts have been filled in with the excavated material. However, this is not true. A site inspection in January 2023 demonstrated that no buildings have been placed over the drain along the west boundary and it is flowing freely – unobstructed by excavated spoil. The Council's Land Drainage Team confirm that there are currently no outstanding Land Drainage issues.

Shortly after the applicant moved onto the land, there were flooding issues in Slaymaker Lane but those are believed to have been due to blockages to drainage which are now resolved. The Council's Land Drainage Officer has monitored the efforts of the applicant over several months to unblock the channel and reveal the point at which it enters a culvert under Slaymaker Lane. He reports that he has had no reports of flooding on Slaymaker Lane since.

It is noted that the recommendation from the Council's Drainage Officer is that formal percolation tests should be undertaken for any soakaways. However, the various buildings are already in place and they cast surface water to ground or to water butts for re-use on site. In that respect they are typical of many similar informal agricultural structures which have informal surface water arrangements. The applicant has not installed any formal soakaways. However, this has not caused any obvious problems. The hardstanding and access have a porous surface and inspections by Officers have not revealed any adverse pooling of water or run-off occurring from the site.

There is therefore no evidence that the development which is subject to this application adversely affects the land drainage network or contributes to flood risk. There is no conflict with Core Strategy DPD policy EN8.

6. Other Issues – Farm Waste

Objectors have challenged how effluent from manure and run off from the swilling out of the animal stalls and stables will be disposed of.

At the moment muck from the stables and livestock pens is stored in a muck heap created on part of the excavated land where the hardstanding has been grubbed up. It is stored for re-use on the land.

In this respect, the amount of muck created does not seem excessive. The agricultural use does not seem unduly intensive. There are no nearby dwellings below the level of the land and no evidence that impact of pollution on neighbouring occupiers or habitats/biodiversity would be significant or out of the ordinary compared with many other typical agricultural small holdings of this type.

In any case, pollution, if it occurred, would be dealt with under more direct legislation including the Farming Rules for Water enforced by other agencies.

7. Other Issues – Wildlife

Objectors say the development has affected wildlife. However, evidence for that is anecdotal. The Local Planning Authority cannot control agricultural grazing or use of the land holding and as none of the buildings has affected the watercourse on the site there is no evidence to support claims that aquatic wildlife has been affected – the land drain is now no longer blocked and flowing freely. There is no reason why birds or bats have been adversely affected by the various agricultural buildings.

8. Other issues - Use of the Site by People with Disabilities

Many of the support comments and the applicant's supporting statement describe how the applicant involves people with autism and other disabilities in her work at the small holding. In conjunction with other organisations, including Craven College, the site is used as a resource to develop confidence and skills amongst people with disabilities. Young people are invited to help with farming and animal care on one-to-one work experience placements. Testimonials from Craven College confirm this and many support comments refer to how groups and individuals have benefited greatly from visiting and working with the animals on site.

Equality Act 2010, Section 149:

The Equality Act requires that public authorities, in the exercise of their functions, must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and those who do not.

The use of the land to help promote the well-being of people with disability is background information which the applicant and her supporters wish to emphasise. It is for the decision maker to decide what weight to give to such matters. However, Officers regard the proposals to retain the agricultural and equestrian buildings at the site as being acceptable on their own planning merits, so it is not necessary to depart from any relevant planning policies to meet the requirements of the Equality Act.

Reason for Granting Planning Permission

This application seeks permission solely to retain the various low-rise timber outbuildings and stables which the applicant has shown are used for agricultural purposes or as stables for personal use or rescue horses.

The site is in the Green Belt and local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. However, the various buildings which are the subject of this application have been observed to serve a genuine agricultural or equestrian purpose. The agricultural buildings form an exception to Green Belt restrictions under paragraph 149 of the National Planning Policy Framework and are not considered to be inappropriate development in the Green Belt.

The equestrian buildings are used for rescue horses, and are also low-rise structures that are grouped within the agricultural development and screened by trees to the west and the agricultural development to the east. Those outdoor recreation facilities are considered to generally preserve the openness of the Green Belt and do not conflict with the purposes of including land within it so are regarded as an exception under paragraph 150 (b) of the Framework.

With regard to effects on the character of the countryside, whilst the various buildings are of functional appearance, they are similar to many other small, timber clad, functional buildings in the Worth Valley/North Beck countryside and are low-rise buildings screened in distant views by topography and woodland. They are of limited height and clad in appropriate timber materials. They are not considered to unduly compromise the character of the local landscape and are not in conflict with Policy EN4 of the Core Strategy DPD.

Officers are satisfied that the blockage to part of the route of Public Footpath 71 (Keighley) has not arisen due to the development which is the subject of this planning application and none of the various buildings and stables forms a direct obstruction to the line of the western and northern branches of Public Footpath 71 which the Council's Rights of Way Officers are working, with cooperation of the applicant, to re-open.

No buildings have been placed over the drain along the west boundary and at the moment it is flowing freely – unobstructed by excavated spoil. The Council's Land Drainage Team report that there are currently no outstanding Land Drainage issues. The proposals do not pose any risk in terms of flood risk or conflict with Policy EN7 of the Core Strategy DPD.

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 be carried out in accordance with the following plans:

Existing Site Plan - BD22-2856 Sheet 1 Received 30.9.2022
Proposed Site Plan and Elevations BD22-2856 Sheet 2 REVISION E Received 30.9.2022

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

3. In the next available planting season (1st December to 15th March) following the granting of planning permission, a scheme of native trees shall be planted in the south-west corner of the site. Trees shall be planted in positions and comprising species of tree that have first been approved in writing by the Local Planning Authority.

All new trees must be native tree species selected from oak, hawthorn, holly, hazel, birch, alder and rowan. They shall be to British Standard BS 3936 Nursery Stock, root-balled or containerised, and staked and tied in accordance with good arboricultural practice.

If within a period of 5 years from the date of planting a new tree is removed, uprooted, is destroyed or dies, another tree of the same size and species shall be planted at the same place as soon as reasonably practicable or in accordance with any variation for which the Local Planning Authority gives its written approval.

Reason: To preserve and enhance the contribution of trees in the area by securing replacement planting in accordance with Policies EN4 and EN5 of the Core Strategy Development Plan Document.

22/03390/FUL



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**Site Of 1 Poplar Close
Burley In Wharfedale
Ilkley
LS29 7RH**

22 February 2023

Item: D
Ward: WHARFEDALE
Recommendation: TO GRANT PLANNING PERMISSION

Application Number:
22/03390/FUL

Type of Application/Proposal and Address:

Full planning application to demolish the existing house and construct a new detached dwelling with extensions as approved in application 22/01010/HOU, at 1 Poplar Close, Burley-In-Wharfedale, Ilkley, LS297RH.

Applicant:

Mr Stott

Agent:

Dawson Williamson Ltd

Site Description:

1 Poplar Close was a detached two-storey built as part of a large residential estate in the 1970s. In common with the other houses on the estate it was faced in stone with brick walls to side and rear. It had a concrete tiled roof. Planning permission has been granted for significant extensions. However, during 2022, the original house was demolished and is being replaced with a new detached dwelling. This house is now substantially complete and it is the subject of this planning application.

Being addressed No 1, the plot is a corner plot at the junction of Poplar Close and Sandholme Drive. Sandholme Drive is one of the main estate roads through this residential development. Poplar Close is a cul de sac off it. To one side, the site adjoins the flank wall of No 25 Sandholme Drive. To the other along Poplar Close is a garage to that is attached to the corresponding garage of No 3 Poplar Close.

The surrounding area is residential. The houses along Poplar Close and Sandholme Drive are of similar age but with some variety in design styles and a number of houses have been altered and extended since initially built.

Relevant Site History:

22/01010/HOU Two-storey extensions to rear (south-east) and front (south-west) and raise roof to form second floor GRANT 29.04.2022

19/04350/HOU Two storey front and side extension GRANT 17.12.2019

17/00855/HOU Construction of two storey side extension and ground floor front extension GRANT 21.06.2017

17/04332/HOU Two storey side extension and front extensions GRANT 06.11.2017

75/03110/FUL Residential Development Rose Back Burley in Wharfedale Ilkley PPGR 17.09.1975

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

EN2 Biodiversity and Geodiversity

EN7 Flood Risk

DS4 Streets and Movement

TR2 Parking Policy

SC8 Protecting the South Pennine Moors and their Zone of Influence

The Burley in Wharfedale Neighbourhood Plan:

The Burley in Wharfedale Neighbourhood Plan was adopted on the 3rd May 2018.

Neighbourhood Plan Policies

BW1 New Development within the Settlement

Parish Council:

Burley Parish Council recommends refusal of this application and request it is referred to the Area Planning Panel for decision.

The Parish Council says, as with the decision for 22/03462/HOU, this house, due to its height, depth and proximity to the boundary results in a harmful loss of light and outlook. It is physically dominating and intrusive to the detriment of the occupants of neighbouring properties. The development fails to accord with policy DS5 of the Core Strategy which requires development proposals to make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The Parish Council is also concerned that drainage and flood risk assessment have not been addressed and comments regarding parking have not been resolved. Documents regarding biodiversity (bat and swift bricks) have been noted.

Previous comments (17.3.22) from the Parish Council on application 22/01010/HOU:
Burley Parish Council recommends approval of this application.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters which expired on 19.10.2022. Six objections have been received.

A Ward Councillor has referred the application to Panel for determination.

Summary of Representations Received:

The whole property has been demolished and now fully rebuilt. The owners have had complete disregard for the planning system and this will set a precedent for others to do the same.

The plot is too small for such a large house. Cramped and overbearing. The property would appear out of context with the other dwellings in the area.

Viewing of the road at the junction of Sandholme has become more problematic with the enhanced length of the property.

The measurements are not on the plans so it is not possible for building regulations to tell if this is built properly.

The builders are not wearing full PPE and work vehicles block the access of the pavements.

The site plan does not reflect what is being built and it is closer to the boundary. The property is taller than other properties on this street.

Bats fly regularly along the streets and the proposal might impact on their route/flight path.

Covenants prevent this type of development.

Consultations:

Highways DC - Has requested an increase in off street parking as part of the development. This is now indicated and annotated on plan with dimensions.

Biodiversity Officer - Satisfied that the original building and gardens were of very low ecological value and the building was not of a construction or age that would offer potential roost features for bats.

The application site is within Zone B and C of the South Pennine Moors SPA/SAC. However, the site does not support habitats suitable for foraging birds from the South Pennine Moors SPA. As this is a replacement dwelling, a financial contribution to the strategic mitigation of recreational impacts is not required in this case.

Drainage - The Environment Agency has recently remodelled the flood risk from Wood Head Beck. The application site is in Flood Zone 1 which is therefore at low risk of flooding so and a flood risk assessment (FRA) was not required for this application.

Summary of Main Issues:

1. Planning Background
2. Design/Scale Considerations
3. Impact on Residential Amenity of Neighbours
4. Highway Safety Issues
5. Drainage/Flood Risk
6. Ecology
7. Other Matters Raised in Representations

Appraisal:

1. Planning Background

As noted in the site history, in April 2022, planning permission 22/01010/HOU permitted substantial enlargements to the original detached house. These were a variety of two-storey extensions to the rear (south-east), an extension to the south-west frontage and the raising of the roof to create additional living accommodation in the roof space.

These proposals involved some demolition, but the scheme would have retained a significant proportion of the existing building fabric around which the extensions should have been modelled.

Development was begun, but instead of selective dismantling, the whole house was demolished. Complaints were received and the Council's Planning Enforcement Service challenged the applicant. The works undertaken had surpassed the scope of the planning permission for extensions previously permitted. The original house at 1 Poplar Close had been demolished so it could no longer be extended. It is being replaced with a new detached dwelling.

To resolve the matter, this planning application for demolition and rebuilding the replacement detached dwelling has been submitted.

Development has continued, and at the time of writing this report, the new dwelling was substantially built but, as the Council has not served an Enforcement or Stop Notice, such work is not against the law. Although it is undertaken at the applicant's own risk.

In terms of principle, the application site is not protected from development by heritage or other planning or environmental designations. It is in a reasonably sustainable location in the built up area of Burley, surrounded by other houses. As mentioned above the site is not within a Flood Risk Zone. The National Planning Policy Framework sets a presumption in favour of sustainable development and requires that Local Authorities must consider applications for residential development favourably unless there are clear material reasons to do otherwise.

2. Design/Scale Considerations

The plot is located in an area characterised by detached dwellings dating from the late 1970's. There is not a strong uniformity to the dispersal of the houses along the various cul de sacs and distributor roads. Although there is some consistency in terms of materials, heights and the open plan setting – with many plots remaining open plan or retaining low boundary treatment to the plot frontages - a number of different variations in the style of houses is visible. This reflects the numerous house designs of the original house builder, but also many houses in the estate have been enlarged and altered over the years.

The replacement house now seen on site is of the same height, bulk and general appearance as would have been achieved with the proposals for extensions of the original 1970s house.

It remains orientated the same as the original house - with the principal elevation facing Poplar Close. The separation to the rear boundary and to the side wall of 25 Sandholme Drive is unchanged. The increased bulk is largely achieved by enlarging the footprint towards Poplar Close and by the increase in height to enable accommodation in the roof space.

The height of the replacement dwelling is greater than the original house but that was anticipated with the approval of the extensions, and the new house would maintain the steady progression of ridge heights along Sandholme Drive. These rise with the natural slope of the land and the rising land levels continue southwards, with 3 Poplar Close being located to the side of the application site, separated by the intervening drive and garages.

Instead of using brick to side elevations, the materials used are stone for all the walls and a concrete tile for the roof. The use of stone to all external walls is deemed an improvement as it is a higher quality material. The design incorporates pronounced gables and a chimney stack, and window proportions generally reflect those seen elsewhere along the streets.

The increased height of the house enables the creation of two en-suite bedrooms served only by roof lights in an upper storey.

Officers do not agree with objections that because the house is taller than other properties on this street it would appear out of context and be cramped and overbearing. The replacement house is undoubtedly of grander appearance than the original 1970s house but it remains set-back from the front and side boundaries, so it does not appear cramped or out of proportion within this established street scene.

Design policies of the Core Strategy DPD require development proposals to create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials. In particular designs should respond to the existing positive patterns of development which contribute to the character of the area, or be based on otherwise strong ideas.

Being sited on a corner plot, the new house is certainly noticeable in the street scene but one that has created a stronger feature at the entrance to Poplar Close and a more positive sense of place. It creates a feature property at the end of the row and in the future it will sit comfortably as part of this established residential street scene. The use of stone to all external walls is especially positive. The scale and massing and the design details and materials of the resulting house are regarded as entirely appropriate and complementary to the rest of this residential area.

Officers are satisfied that the new house accords with policies DS1 and DS3 of the Core Strategy and policy BW1 of the Burley in Wharfedale Neighbourhood Plan.

3. Impact on Residential Amenity of Neighbours

The house has been designed so that its principal habitable room windows face north- west and south-west onto Poplar Close and Sandholme Drive and only secondary windows face towards the two houses that adjoin the plot. There is ample separation from the two principal elevations across the public highway towards neighbouring occupiers to north-west and south-west.

Adjoining to the north-east, is 25 Sandholme Drive. The replacement dwelling largely runs along the side wall of No 25, extending out 4 metres beyond its original rear wall but not beyond a line drawn at 45-degrees from the nearest habitable room window in the rear elevation. There is a first floor window in the flank wall but this is obscure glazed and is understood to serve a non-habitable room. Applying usual SPD tests, the development does not form an unduly overbearing structure or harm the outlook from habitable rooms in No 25, nor would it result in significant increased levels of overshadowing to that house.

The upper floor windows in the wall of the replacement house facing onto No 25 serve bathrooms and so would be obscured glazed. A condition for those to be retained in obscure glass is suggested and subject to that there are no overlooking issues for occupants of No 25.

South-east of the plot is No 3 Poplar Close but that detached house is set on a slightly higher land level and is separated from the new house by a drive/parking forecourt and intervening garaging. Ample separation distances remain between the new and No 3 to prevent dominance or loss of outlook. The elevation of the new house facing towards No 3 has some windows and patio doors at ground floor level, but views from those would be screened by the intervening garages and garden fence. A single upper floor window in the south wall serves a dressing room which is a non-habitable room and it has a high window sill - preventing direct overlooking issues towards No 3.

Although presently designed to avoid overlooking at close quarters of the two adjoining houses, Officers are suggesting Condition 4 in the report so that, notwithstanding permitted development rights, no alterations comprising the addition of further windows or dormer windows shall subsequently be formed in the north-east or south-east facing elevations of the dwelling without the express written permission of the Local Planning Authority. That is to safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy DS5 of the Core Strategy DPD.

Generally, Officers do not find any evidence that the replacement house will cause harmful loss of light and outlook. It is the same size as could have been built under permission 22/01010/HOU. It is not dominating or intrusive and does not harm the amenity of existing or prospective users and residents through overlooking. It accords with policy DS5 of the Core Strategy DPD.

4. Highway Safety Issues

The site will continue to take its vehicular access from Poplar Close with the access point being widened slightly so the existing garage will be retained and three off-street parking spaces provided. An electric vehicle charging point will be provided.

The proposal therefore provides car parking to meet the Core Strategy Appendix standards and there is off-street parking available.

The dwelling is set significantly back from the junction of Poplar Close and Sandholme Drive. That junction is designed to very generous standards in terms of visibility and kerb radii. Contrary to comments received, the new building does not impact on normal visibility splays at this junction.

Parking provision at the plot has been increased with 3 car spaces and the garage providing 4 off street car spaces. This exceeds normal requirements. As the drive is to be widened, the pavement dropped crossing would need to be adjusted accordingly under a Section 184 Agreement (Highways Act 1980) with the Council's Highway Department. An informative is added to provide contact details. This matter is separate issue to the planning application.

There are no unacceptable highway or pedestrian safety issues arising from this development proposal and no conflict with policies DS4 and TR2 of the Core Strategy.

5. Drainage/Flood Risk

Although there have been problems with the nearby beck (Wood Head Beck) the site is some distance away and is not in a high risk flood zone area. It is in Flood Zone 1 with a low probability of flooding. In Flood Zone 1 a flood risk assessment is not required to accompany planning applications. The dwelling replaces an existing property and so the main surface water and foul water drainage connections are already in situ.

The site plan suggests the hard and soft landscaping proposals. A condition will be added to request that new areas of hardstanding within the site are formed using porous surfacing materials or surfaced in a manner that directs run-off water from a hard surface to a permeable or porous area within the curtilage of the dwelling.

There is no conflict with policy EN7 of the Core Strategy.

6. Ecology

Despite being already demolished, the Council's Biodiversity Officer is satisfied that the original building would have been unlikely to provide a suitable habitat for bat roosts and the site was of low ecological value. Representations suggest that the height of the building would interfere with the flight path of bats, but that is not proven by evidence and, indeed, would seem implausible. The development would not conflict with policy EN2 of the Core Strategy.

7. Other Matters Raised in Representations

The granting of a planning permission does not override any other legal covenants. This is a separate civil law matter, not a material planning consideration.

Although the measurements are not annotated on the plans, the plans are scaled. Building Regulation and Enforcement officers can cross check the measurements on the plans submitted.

Reports of workers on site not wearing appropriate safety equipment is not for the Council to deal with and the blocking of the pavement by vehicles during construction is similarly not a material planning consideration.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission

The development replaces an existing dwelling. Although it is larger than the house that formerly stood on the plot, it is of the same general scale as would have arisen from the previously approved extensions under permission 22/01010/HOU this replacement dwelling is identical in design, scale and materials. The proposed replacement dwelling would not appear to be manifestly inappropriate or significantly harmful to the character of the area and would not harm the amenity of neighbouring occupiers or road safety. The development continues to accord with relevant 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 listed below; -

Plan Type	Reference	Version	Date received
Location plan	000	1	2.8.2022
Existing site plan	001	4	2.8.2022
Existing floor plan	010	3	2.8.2022
Existing elevation plan	020	3	2.8.2022
Proposed roof plan	109	0	2.8.2022
Proposed floor plans	110	1	2.8.2022
Proposed elevation plans	201	7	2.8.2022
Site plans	101	8	27.10.222
Proposed Site plans	100	8	2.12.2022

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

3. 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 and EN7 of the Core Strategy Development Plan Document.

4. The first floor window to the dressing area in the south-east elevation of the dwelling hereby permitted shall be installed such that there is a minimum internal sill height above finished floor level of 1.7 metres and thereafter retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policy 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 dormer windows shall subsequently be formed in the north-east or south-east facing elevations of the dwelling hereby approved 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. All new areas of hardstanding within the site shall be formed using porous surfacing materials, or shall be surfaced in a manner that directs run-off water from a hard surface to a permeable or porous area within the curtilage of the dwelling, and the surfaces shall thereafter be retained in this form as long as the development subsists.

Reason: In the interests of securing satisfactory sustainable drainage and to accord with Policy EN7 of the Core Strategy Development Plan Document.

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on Wednesday 22 February 2023

G

Summary Statement - Part Two

Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(5)
Decisions made by the Secretary of State - Allowed	(2)
Decisions made by the Secretary of State - Dismissed	(8)
Decisions made by the Secretary of State - Part Allowed	(1)

Chris Eaton
Interim Assistant Director (Planning, Transportation and Highways)

Report Contact: Amin Ibrar
Phone: 01274 434605

Email: amin.ibrar@bradford.gov.uk

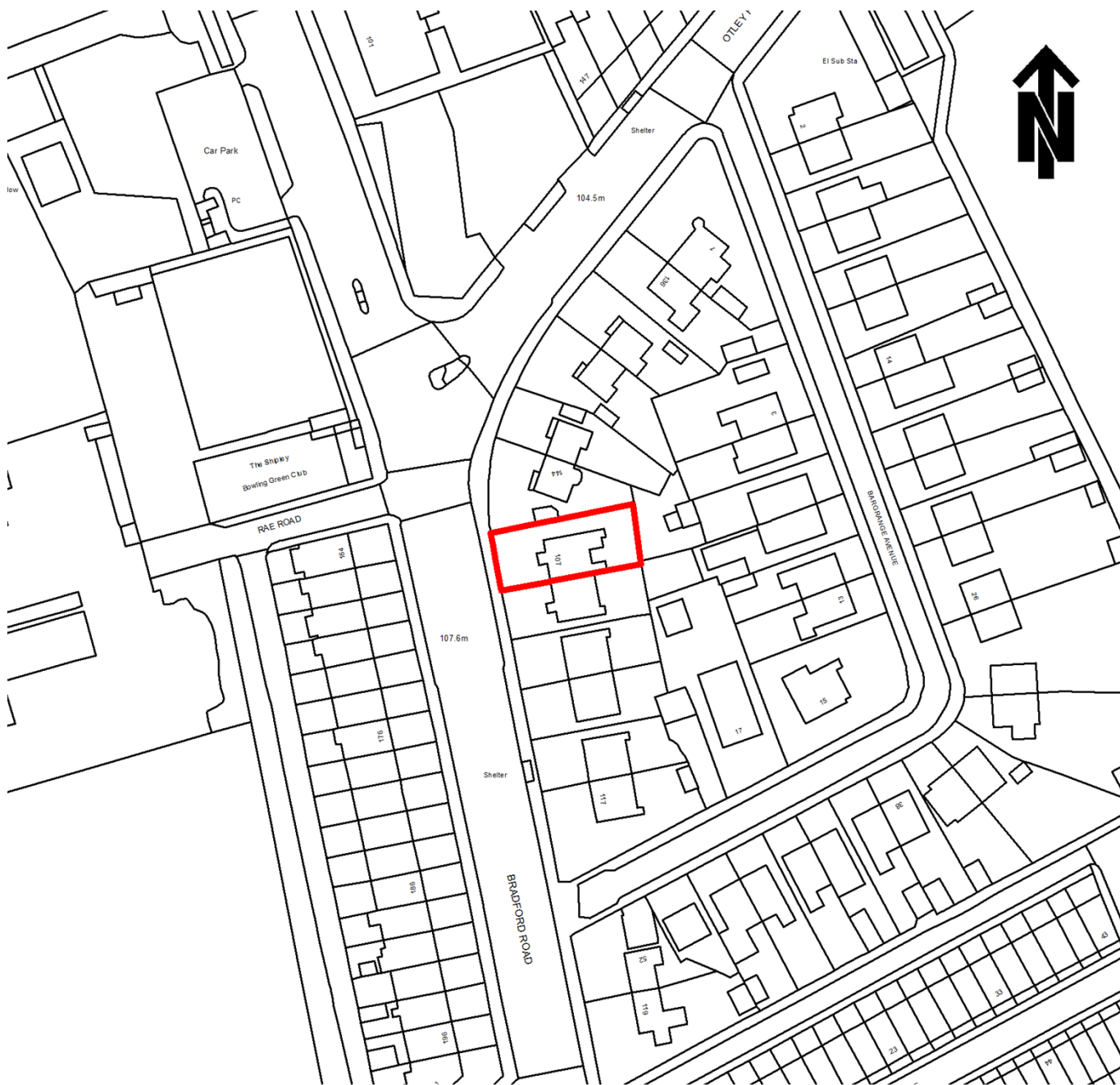
Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

18/00441/ENFUNA



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**107 Bradford Road
Shipley
BD18 3DA**

22 February 2023

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

Enforcement Reference:
18/00441/ENFUNA

Site Location:
107 Bradford Road Shipley West Yorkshire BD18 3DA

Breach of Planning Control:
Unauthorised vehicular access

Circumstances:
In May 2018 the Local Planning Authority received an enquiry regarding works in the front garden area of the property.

An inspection showed that a vehicular access had been formed from the adjacent classified road, for which the Council had no record of planning permission having been granted.

Retrospective planning applications 18/02962/HOU and 19/00110/HOU for the vehicular access were refused by the Council in September 2018 and February 2019 respectively. No appeals have been made against the Council's decision.

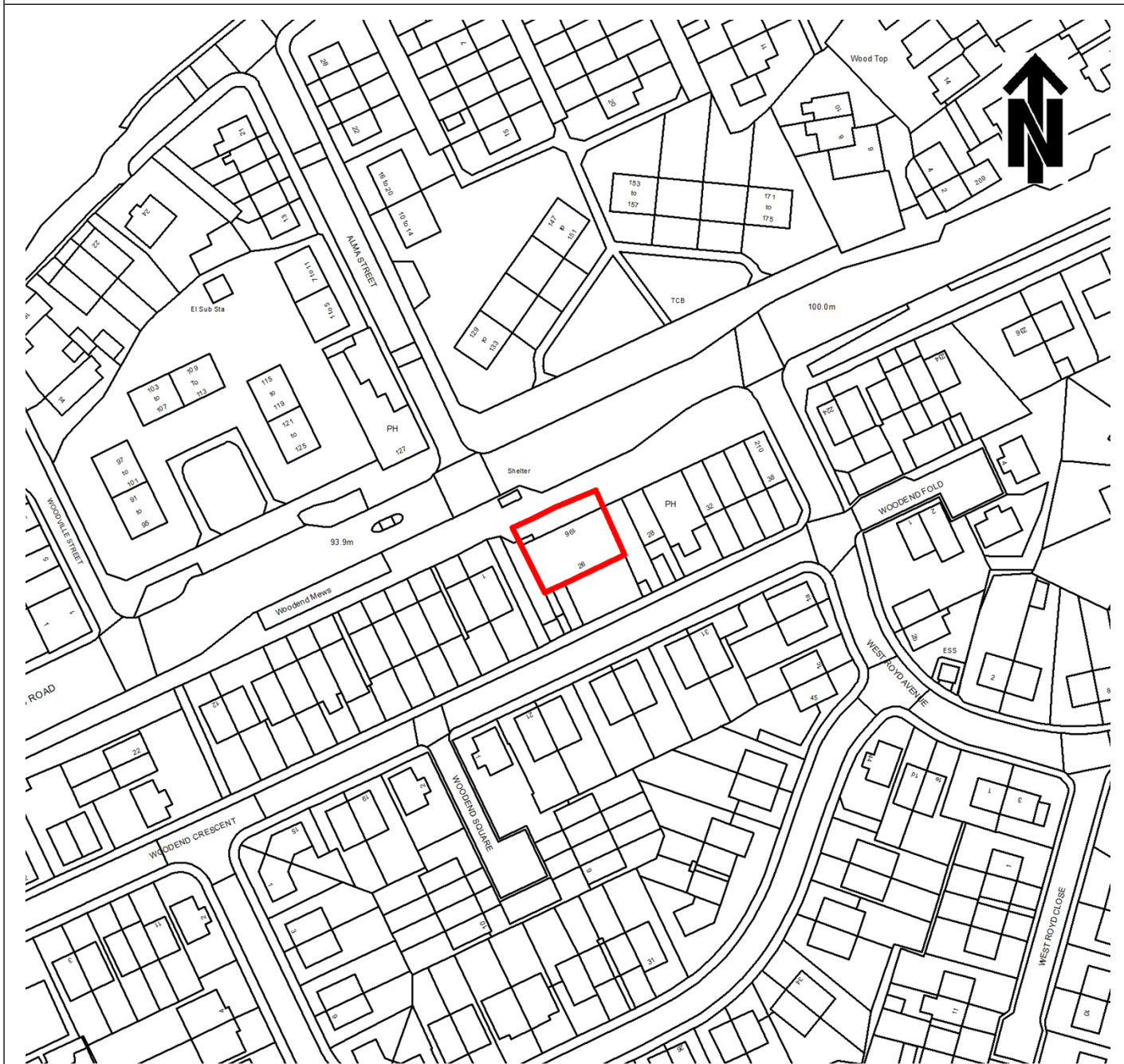
The owner/occupier of the property has been requested to rectify the breach of planning control, however no action has been taken.

On 9th May 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised vehicular access is detrimental to highway and pedestrian safety by virtue of its location in close proximity to a heavily trafficked highway junction, contrary to Policy DS4 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

21/00080/ENFUNA



City of
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METROPOLITAN DISTRICT COUNCIL



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**196 Leeds Road
Shipley
BD18 1EA**

22 February 2023

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

Enforcement Reference:
21/00080/ENFUNA

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

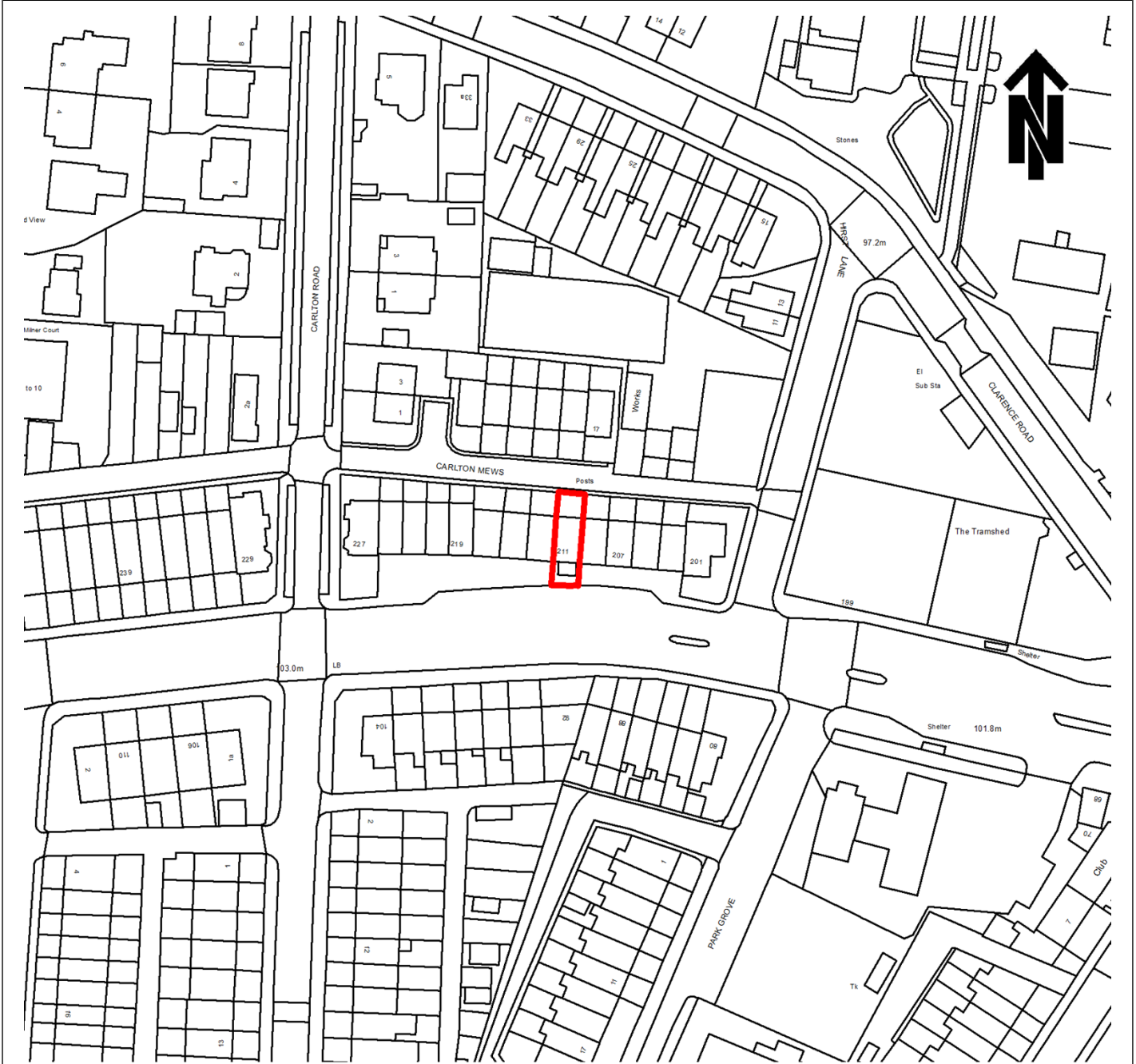
Breach of Planning Control:
Unauthorised heat exchange unit and enclosing cage

Circumstances:
In January 2021 it was noted that a heat exchange unit and enclosing cage had been installed to the front elevation of the property, for which the Council had no record of planning permission having been granted.

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

On 16th January 2023 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised heat exchange unit and enclosing cage are detrimental to visual amenity by virtue of their position, design and appearance, 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.

21/00245/ENFUNA



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**211 Bingley Road
Shipley
BD18 4DH**

22 February 2023

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

Enforcement Reference:
21/00245/ENFUNA

Site Location:
211 Bingley Road Shipley West Yorkshire BD18 4DH

Breach of Planning Control:
Unauthorised raised platform and enclosing fence

Circumstances:
In March 2021 the Council received an enquiry regarding a raised platform at the property.

An inspection showed that a raised platform with an enclosing fence had been constructed on land at the property adjacent to Bingley Road, for which the Council had no record of planning permission having been granted.

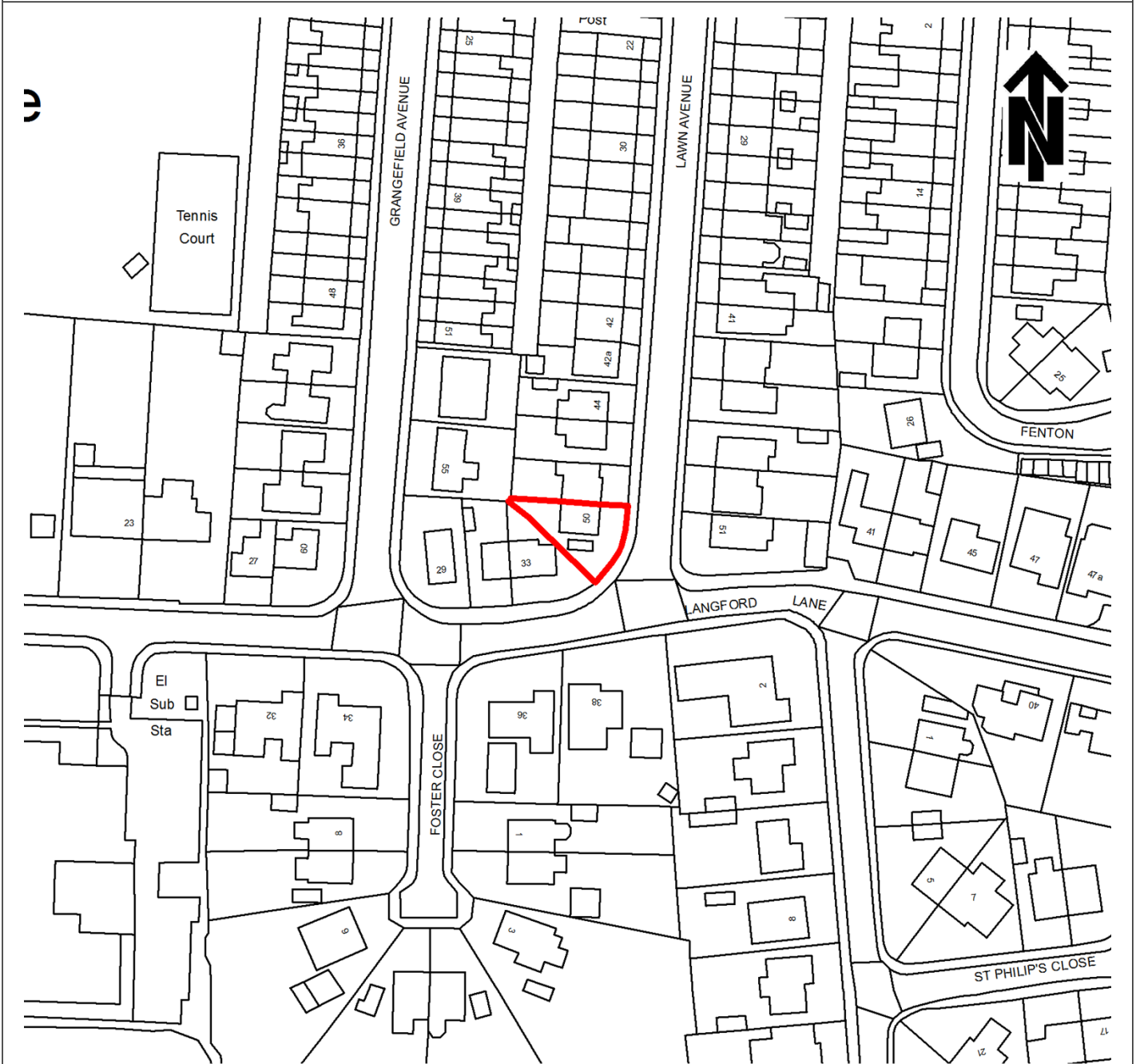
The owners and occupiers of the property have been requested to rectify the breach of planning control, however no action has been taken.

On 15th December 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 raised platform and enclosing fence are detrimental to visual amenity by virtue of their position, design and appearance, forming incongruous features 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.

22/00271/ENFUNA



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**50 Lawn Avenue
Burley In Wharfedale
Ilkley
LS29 7ET**

22 February 2023

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

Enforcement Reference:
22/00271/ENFUNA

Site Location:
50 Lawn Avenue Burley In Wharfedale Ilkley West Yorkshire LS29 7ET

Breach of Planning Control:
Without planning permission, the erection of a timber fence upon the front and side boundary of the land

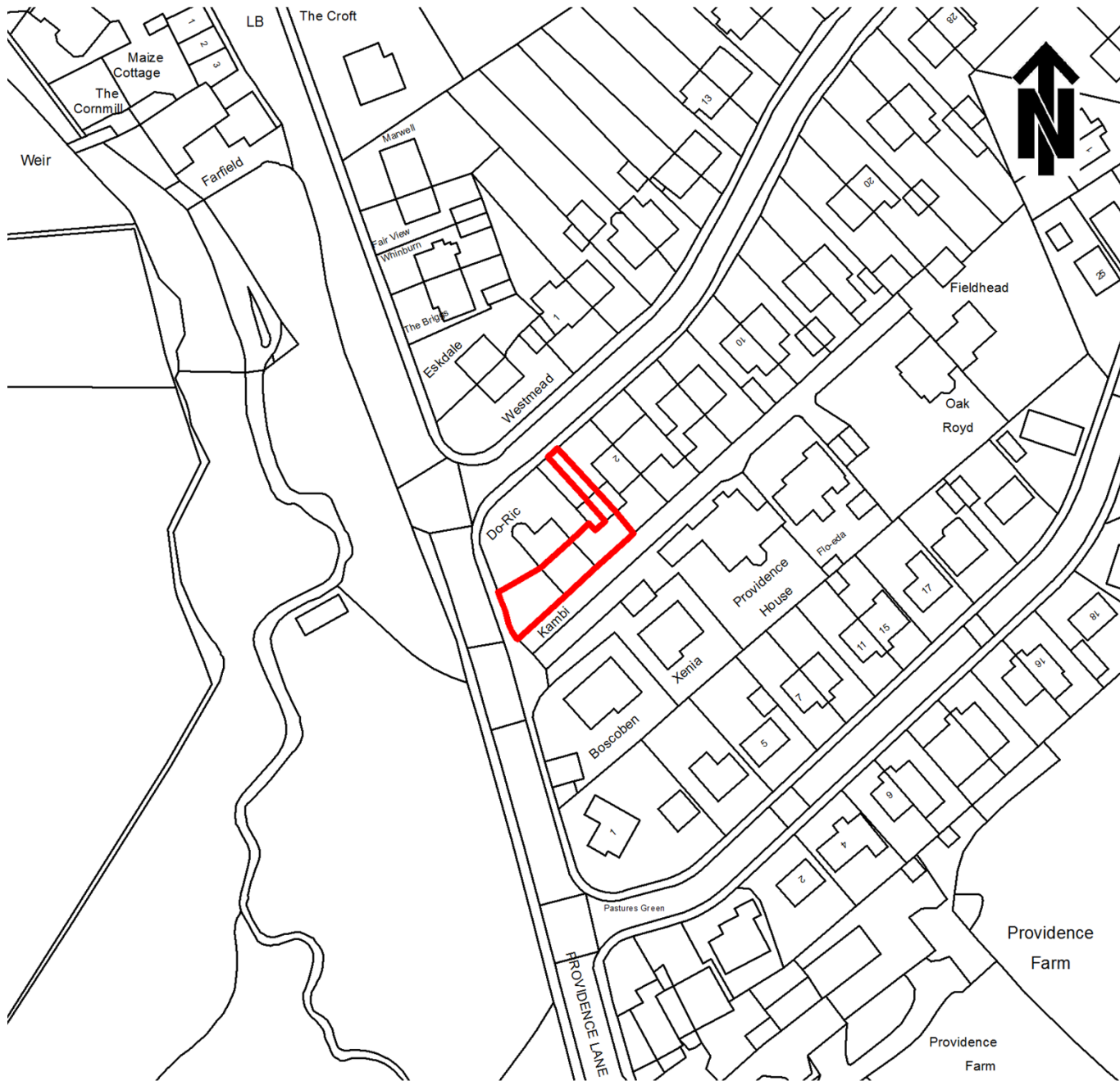
Circumstances:
The Local Planning Authority was made aware of works to erect timber fencing to the front and side of boundary of a dwelling and adjacent to a public highway. The unauthorised fencing by virtue of its prominent siting, scale, design and appearance forms an incongruous feature at the property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

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 15 December 2022. The Notice will require either the removal of the fence or its reduction in height to 1.0m.

22/00405/ENFUNA



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**Kambi Providence Lane
Oakworth
Keighley
BD22 7QY**

22 February 2023

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

Enforcement Reference:
22/00405/ENFUNA

Site Location:
Kambi Providence Lane Oakworth Keighley West Yorkshire BD22 7QY

Breach of Planning Control:
Without planning permission, the erection of a timber fence along the rear North East boundary of the property

Circumstances:
The Local Planning Authority was made aware of works to erect timber fencing to the rear NE boundary of a dwelling and adjacent to a public highway. The unauthorised timber fence, due to its height, design and close proximity to the highway, is causing the obstruction of visibility for vehicles exiting the site, representing a threat to the safety of highway users and pedestrians. Despite correspondence sent to the owner the fencing remains in situ and unauthorised.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 15 December 2022. The Notice will require either the reduction in height of a section of fencing to improve visibility.

DECISIONS MADE BY THE SECRETARY OF STATE

Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
F.	Baildon (ward 01)	14 Westgate Baildon BD17 5EJ Two LED backlight, aluminium signage, in grey, with cutouts for lettering for a minimal illumination. Each to be situated above each of the shop windows - Case No: 22/02573/ADV Appeal Ref: 22/00105/APPAD1
G.	Keighley Central (ward 15)	Jewsons Royd Ings Avenue Keighley BD21 4BZ 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 - Case No: 22/01258/VOC Appeal Ref: 22/00112/APPVO2

Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
H.	Wharfedale (ward 26)	1 Wrexham Road Burley In Wharfedale Ilkley LS29 7LS Part two storey part single storey rear extension with two storey side projection to form gable. Raised platform to perimeter of building, new front door into property. - Case No: 22/00313/HOU Appeal Ref: 22/00078/APPHOU

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
I.	Ilkley (ward 14)	<p>16 Hebers Ghyll Drive Ilkley LS29 9QH</p> <p>Demolition of Hollycroft Care Home and construction of new build care home together with associated car parking, landscaping and amenity space provision - Case No: 21/02958/MAF</p> <p>Appeal Ref: 22/00137/APPFL2</p>
J.	Bingley (ward 02)	<p>3 Nightingale Walk Gilstead Bingley BD16 3QB</p> <p>Two pitch-roofed dormer windows to front - Case No: 22/00397/HOU</p> <p>Appeal Ref: 22/00091/APPHOU</p>
K.	Keighley West (ward 17)	<p>6 Sunny Hill Grove Keighley BD21 1RU</p> <p>Fence to front (retrospective) - Case No: 22/01890/HOU</p> <p>Appeal Ref: 22/00106/APPHOU</p>
L.	Ilkley (ward 14)	<p>Barn To The North East Of Elmsley Lodge Ben Rhydding Drive Ilkley</p> <p>Change of use from agricultural barn store to single storey house - Case No: 22/01252/FUL</p> <p>Appeal Ref: 22/00123/APPFL2</p>
M.	Worth Valley (ward 29)	<p>Land North Of 14 Sykes Lane Oakworth Keighley</p> <p>Single storey dwelling - Case No: 22/01840/FUL</p> <p>Appeal Ref: 22/00136/APPFL2</p>
N.	Keighley West (ward 17)	<p>Land To South West Of Laycock Village Hall Laycock Lane Laycock Keighley BD22 0PH</p> <p>Outline application for residential development of land for one dwelling requesting consideration of access - Case No: 21/05973/OUT</p> <p>Appeal Ref: 22/00086/APPOU2</p>

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
O.	Bingley Rural (ward 03)	Pye Bank Cottage Tan House Lane Wilsden Bradford BD15 0BJ Second floor extension and alterations - Case No: 21/06278/HOU Appeal Ref: 22/00068/APPHOU

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

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
P.	Ilkley (ward 14)	10 Hollingwood Park Ilkley LS29 9NZ Single and part two-storey rear extension, dormer window to rear and conversion of part of garage to living space - Case No: 22/02179/HOU Appeal Ref: 22/00111/APPHOU

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