

# Public Document Pack



## Agenda for a meeting of the Area Planning Panel (Keighley and Shipley) to be held on Wednesday, 2 August 2023 at 10.00 am in Council Chamber - City Hall, Bradford

### Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Engel Azam Dearden Humphreys Humphreys	Herd Loy	Warnes

### Alternates:

LABOUR	CONSERVATIVE	GREEN
Ibrar Hussain Jamil Lintern Shafiq	Pollard Sullivan	Hickson

A LEGAL BRIEFING FOR ALL MEMBERS WILL TAKE PLACE AT 0930 IN THE COUNCIL CHAMBER ON THE DAY OF THE MEETING

### 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.
- 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](mailto:asad.shah@bradford.gov.uk) by midday on Monday 31 July 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 31 July 2023 to the following Governance Officer [asad.shah@bradford.gov.uk](mailto: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: 01274 432280/07970 414022  
E-Mail: [asad.shah@bradford.gov.uk](mailto:asad.shah@bradford.gov.uk)

### To:

## 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:*

<b>Type of Interest</b>	<b>You must:</b>
<i>Disclosable Pecuniary Interests</i>	<i>Disclose the interest; not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation</i>
<i>Other Registrable Interests (Directly Related)</i> <b>OR</b> <i>Non-Registrable Interests (Directly Related)</i>	<i>Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation</i>
<i>Other Registrable Interests (Affects)</i> <b>OR</b> <i>Non-Registrable Interests (Affects)</i>	<i>Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being</i>  <i>(a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and</i>  <i>(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 <u>only if</u> the public are also allowed to speak but otherwise not do</i>

*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 22 February 2023 be signed as a correct record.**

(Asad Shah – 07970 414022)

### **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 - 07970 414022)

### **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 31 July 2023.**

(Asad Shah – 07970 414022)

## **B. BUSINESS ITEMS**

### **6. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL 1 - 84**

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

The sites concerned are:

<u>Item</u>	<u>Site</u>
A.	1/3 West Lane And 14 The Fold Haworth Keighley West Yorkshire BD22 8DU - 23/00545/FUL [Approve]
B.	11 Staveley Road Shipley West Yorkshire BD18 4HD - 23/01486/HOU [Approve]
C.	Land West Of Cross Lane Oxenhope Keighley West Yorkshire BD22 9LE - 23/00027/OUT [Approve]
D.	Longridge Dockroyd Lane Oakworth Keighley West Yorkshire BD22 7RH - 23/00531/FUL [Approve]
E.	Robin Hill Clifford Road Ilkley West Yorkshire LS29 0AX - 22/04364/FUL [Approve]
F.	Thornhill Clifford Road Ilkley West Yorkshire LS29 0AL - 22/04922/HOU [Approve]

(Amin Ibrar – 01274 434605)

### **7. MISCELLANEOUS ITEMS 85 - 94**

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

(A-B) Items to note.

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

(G - R) Decisions made by the Secretary of State – Dismissed.

(S) Decision made by the Secretary of State – Varied and Upheld.

(Amin Ibrar – 01274 436505)

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

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## Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 02 August 2023

# A

### Summary Statement - Part One

#### APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	1/3 West Lane And 14 The Fold Haworth Keighley West Yorkshire BD22 8DU - 23/00545/FUL [Approve]	<b>Worth Valley</b>
B.	11 Staveley Road Shipley West Yorkshire BD18 4HD - 23/01486/HOU [Approve]	<b>Shipley</b>
C.	Land West Of Cross Lane Oxenhope Keighley West Yorkshire BD22 9LE - 23/00027/OUT [Approve]	<b>Worth Valley</b>
D.	Longridge Dockroyd Lane Oakworth Keighley West Yorkshire BD22 7RH - 23/00531/FUL [Approve]	<b>Worth Valley</b>
E.	Robin Hill Clifford Road Ilkley West Yorkshire LS29 0AX - 22/04364/FUL [Approve]	<b>Ilkley</b>
F.	Thornhill Clifford Road Ilkley West Yorkshire LS29 0AL - 22/04922/HOU [Approve]	<b>Ilkley</b>

Richard Hollinson  
Assistant Director (Planning, Transportation and Highways)

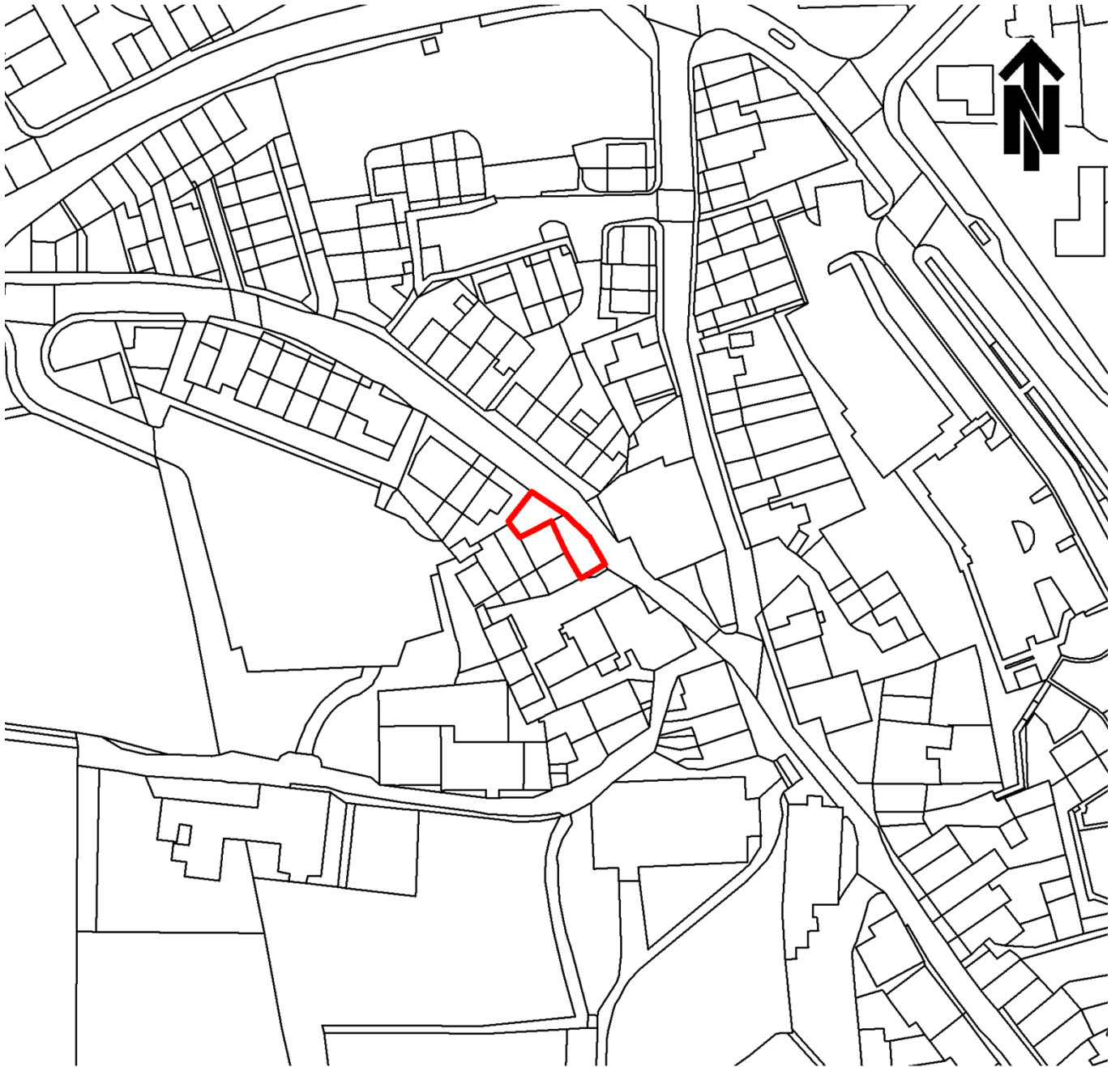
Report Contact: Amin Ibrar  
Phone: 01274 434605

Email: [amin.ibrar@bradford.gov.uk](mailto:amin.ibrar@bradford.gov.uk)

**Portfolio:**  
Regeneration, Planning & Transport

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

**23/00545/FUL**



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**1/3 West Lane And 14 The Fold  
Haworth  
Keighley  
BD22 8DU**



**2 August 2023**

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

**Application Number:**  
23/00545/FUL

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

Change of Use from 3 x C3 dwelling houses, 1-3 West Lane and 14 The Fold, Haworth, BD22 8DU, to a Sui Generis use comprising 11 holiday lets; construction of two additional storeys with dormer windows above 3 West Lane, alterations to the frontage of 3 West Lane and associated alterations.

**Applicant:**

Mr Adrian Longthorn

**Agent:**

JB Langley Planning & Design Studio Ltd – Christian Richards

**Site Description:**

The application refers to a linked group of unlisted buildings located on West Lane opposite The Old White Lion pub at the top of Haworth Main Street. The site is in the Haworth Conservation Area and the properties are of traditional character.

14 The Fold appears to date from the early 19th century but has 17th century origins. It forms the entrance to The Fold, with traditional irregular cottages clustered around a central courtyard that is traditionally paved. 1 and 3 West Lane may date from the second half of the 19th century and front straight onto the cobbled street.

The properties used to be cottages and make a positive contribution as key unlisted buildings to the conservation area and setting of nearby listed buildings. However, the building themselves are currently in poor condition and in need of renovation.

**Relevant Site History:**

21/05648/HOU - Refurbishments and restoration to 1 and 3 West Lane and 14 The Fold comprising new doors and windows, external building fabric repairs, reinstating 1 additional storey to 3 West Lane, shop front alterations to 14 The Fold and ground floor external alterations to 3 West Lane, and new bin store at The Fold. Granted 13.06.2022

**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**

SC9 Making Great Places

DS1 Achieving Good Design

DS2 Working with the Landscape

DS4 Streets and Movement

DS5 Safe and Inclusive Places

EN3 Historic Environment

EC1 Creating a Successful and Competitive Bradford District Economy within the Leeds City Region

EC4 Sustainable Economic Growth

**Haworth, Cross Roads and Stanbury Neighbourhood Development Plan Policies (made June 2022)**

BHDD1 Haworth and Stanbury Conservation Areas – Development and Design

BHDD2 Local Heritage Areas

BHDD3 Local Heritage Areas - Development and Design

E1 Hotel Development

E2 Visitor Accommodation

**Parish Council:**

Haworth, Cross Roads and Stanbury Parish Council (historic)

The development will affect the Haworth Conservation Area. Opportunities should be taken to bring vacant and unused buildings and site back into use. The building needs significant attention but any alterations and repairs should be of the highest standard and design.

The Parish Council has two concerns: the installation of four dormer windows and the lack of a transport statement.

The use would increase traffic. Would future guests park on West Lane Road traffic issues are identified in the Neighbourhood Development Plan as a key area of community concern.

**Publicity and Number of Representations:**

The application was publicised with a site notice that expired on the 13 April 2023, neighbour notification letters and press notice that both expired on the 20 April 2023. Representations received: 25 objections.

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

#### Objections

- Development will cause extra traffic, there is no parking provided.
- The bin storage is not adequate.
- Haworth does not need more "Airbnbs"
- There is a lack of affordable housing
- 11 letting rooms is excessive.
- Negative impact on existing holiday accommodation in Haworth.
- 3 homes would be better.
- West Lane is narrow here and pedestrians walk in the road.
- There is no place to stop and unload bags and cases etc.
- Overlooking and loss of amenity for nearby residents from increased height.

### **Consultations:**

Conservation: Notwithstanding the principle of use, which will be the primary consideration here, the proposed alterations to the external appearance of the buildings, and renovation are predominantly similar to those which were considered under 21/05648/HOU. No objections subject to conditions.

### **Summary of Main Issues:**

Heritage Considerations

Economic and Tourism Benefits

Residential Amenity

Highway Safety

Ecology/Biodiversity

### **Appraisal:**

These traditional properties used to be cottages and they make a positive contribution as key unlisted buildings to the character and appearance of Haworth conservation area and the setting of nearby listed buildings. However, the building themselves are currently in poor condition and they are in need of renovation and investment.

It should be noted that planning permission has already been granted on 13 June 2022 to renovate and refurbish these 3 properties as dwellings. The approved plans show new doors and windows, external building fabric repairs, reinstating 1 additional storey to 3 West Lane, shop front alterations to 14 The Fold, ground floor external alterations to 3 West Lane, and a new bin store at The Fold.

The same alterations form part of this new application. The main difference being that rather than renovation as 3 dwellings, the new proposal is to repurpose the buildings for holiday letting accommodation.

It is a key principle of conservation that historic buildings in a state of neglect need to be brought back into a productive use if they are to survive into the future. Therefore, the principle of re-purposing them for holiday accommodation seems potentially beneficial.

### **Heritage Considerations**

14 The Fold is significantly dilapidated and a number of structural repairs are required to preserve the building. Some of the issues have developed over time and other areas have been affected by past repairs and removal of internal walls. The repairs and alterations proposed by this and the previous application would maintain the character and appearance of the building and are welcomed subject to pointing samples, rainwater goods and gutter materials being submitted.

The replacement painted timber window frames would amount to a significant improvement in comparison to the existing, unsympathetic windows which were installed without planning approval. The window and door details, subject to approval, would be a significant enhancement to the existing building.

The proposed roof lights would somewhat alter the existing, continuous roof form however the views of the roof line are minimal as only a glimpsed view would be apparent from street level. The details of the roof lights shall be submitted prior to installation to ensure conservation design is implemented. Therefore, the proposed roof lights are acceptable in terms of the impact on the host building and surrounding area.

The shopfront on the elevation facing West Lane is a surviving feature from the mid-19th century. Large scale details for its repair are required to ensure its special interest is fully maintained, although the reinstatement is welcomed and acceptable in principle as it would enhance the appearance of the building. The agent has provided details of the finished area through negotiations, and the Council's Conservation Officer has offered support for one of the options.

Part of the proposal is to install a new faux shopfront. This seeks to reinstate original external features. It is not proposed to introduce a shop use to the building but this detail will help to restore historic features to the building and the conservation area.

The roof reinstatement and repair work to 1-3 West Lane would be acceptable subject to sample materials and pointing samples being approved, as well as samples of the roofing materials. The proposed dormer windows would have pitched roofs, be 1.4 metres wide and set well back into the roofline. Revised drawings show that the barge board depth is now increased which appears to be more in keeping with the area.

The proposed dormer windows would not be widely visible due to the constrained vantage points and the height of the roof, although they would be visible from the adjacent car park. Again, their materials and finish would be subject to approval to ensure that they are consistent with the appearance and conservation area setting.

The West Lane elevation would involve reinstating a doorway and infilling the existing doorway. In principle, the new doorway is acceptable. The details of this doorway can be controlled via planning condition and a method statement/fuller details would be necessary prior to works commencing to ensure that the previous doorway details are followed.

The additional bin store would be prominent against the elevation leading into The Fold but will provide a secure area as well as preventing bins being left out in an open position. The impact of the new bin store structure is acceptable on balance.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development 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.

The Council's Conservation Officer is satisfied that these proposals would not result in detriment to the host buildings, the conservation area or adjacent heritage assets. The proposal is therefore considered acceptable and compliant with Policy EN3 of the Core Strategy and the Householder SPD.

The Neighbourhood Plan policies in respect of heritage and the conservation area are consistent with the locally adopted plans.

### **Economic and Tourism Benefits**

The proposal is to change the use of the building to a sui generis use to provide 11 'aparthotel' rooms.

The concept of such a use is relatively new. It is not a hotel in that the accommodation comprises a bedroom and shower room/toilet, and crucially, there are no hotel amenities such as a reception. Nor are meals or drinks and such like provided. The letting of the rooms is undertaken solely through the internet and all bookings would be managed remotely.

In practical terms each room would be accessed from a secure lobby/staircase using key safes/key pad code entry.

As this type of self-service holiday accommodation does not fit within any existing Use Classes, Officers have described the proposal as a sui generis use.

The 3 cottages would be subdivided to create a total of 11 letting rooms of varying sizes from the largest at 40.7 sqm to the smallest at 14.9 sqm. The largest three units (numbers 1, 2 and 3) have a 'living space' with kitchenette or second bedroom. The remainder are one-bedroom units.

The village of Haworth is well-known as a tourist location with its association with the Bronte family and the Keighley Worth Valley Railway. There is a range of holiday accommodation in the locality. The type of accommodation proposed here would fill a niche between a self-catering holiday cottage and a traditional hotel/B&B.

The proposal would provide short stay holiday accommodation at the top of Main Street and as such would serve the tourism sector. Haworth is identified in the Core Strategy as a Local Centre (Policy EC5).

Core Strategy policy EC1 is a strategic policy that seeks to promote a more successful and competitive District economy. It states that planning decision should help to deliver, amongst other things:

The potential of non-business class sectors, including tourism, as key economic and employment generators within the Bradford District.

Policy EC4 'Sustainable Economic Growth' states that "The Council through planning and development decisions and supporting economic development tools will seek to manage economic employment growth in a sustainable manner". This includes "Encouraging economic enterprises which develop or enhance the viability of tourism, culture and leisure based activities, and the built and natural environment, whilst having regard to accessibility and sustainable transport, local character and design."

The proposed development would see the renovation of important buildings in the conservation area that are, at present, in a poor state of repair and causing visual harm to this part of the conservation area. There would be an economic benefit to the scheme by seeing redundant buildings being bought back into use. In the short term that will require construction/building workers to carry out the works, in the longer term the holiday accommodation will see tourists visiting the area and spending money in the local economy. The proposed use would not employ any staff directly. The cleaning and upkeep of the rooms will be outsourced and managed locally.

Sub Area Policy PN1 states under the heading Economic Development 'Promote sustainable tourism that respects the Bronte heritage of Haworth and Thornton, the Bronte Parsonage Museum and the importance of Keighley and Worth Valley Steam Railway. '

Policy E2 of the Neighbourhood Plan states "The development of visitor accommodation will be supported, where it respects the character of the South Pennines and conserves and enhances the heritage of Haworth and the conservation areas."

The type of accommodation on offer, particularly the limited facilities within some of the units, will mean that guests will be very likely to have to eat out locally. This is likely to bring benefits to a number of eateries/hostelries in close proximity to the site, as well as further afield in the surrounding countryside. The holiday use is likely to bring benefits to the local economy rather than detract from it.

Objectors to the proposed have raised a concern that other existing holiday accommodation providers would be put at risk by additional competition at a time when the hospitality sector is struggling. However, there is no evidence that the provision of other types of holiday accommodation in the area would be negatively affected by this proposed development. The planning process should not be a vehicle to stifle completion or hinder sustainable economic development and there is no evidence that the viability of other hospitality businesses would be affected by what seems to be a unique type of simple holiday provision.

In this case the proposed development would see the renovation of an underused and deteriorating building located in an important part of the conservation area and offer short term holiday accommodation to support the tourist and hospitality economy.

### **Residential Amenity**

The proposed building work is the same as that granted permission in 2022. The change in the use from three residential dwellings is unlikely to cause any specific on residential amenity.

The nature of short term holiday lets is different from residential use in that the units are likely to be empty during the day as visitors will be out and about. The high turnover of visitors means that cleaners will likely be attending most days to clean, tidy and prepare rooms for new arrivals. However, this is not considered to be particularly problematic to local residents.

The use of the outbuilding to site the bins is sensible and will concentrate waste in one enclosed area that can be accessed by the refuse lorry.

The size and position of the proposed first floor extension is not considered to pose a threat of overlooking, overbearing or overshadowing of any neighbouring properties, thereby acceptable and compliant with policy DS5 of the Core Strategy.

### **Highway Safety**

The main concern from objectors is the implications of the 11 units of holiday accommodation on the already congested nature of this part of the conservation area and the effects on other residents and businesses from additional traffic it may generate.

That is because the application site does not include any off-street car parking spaces. Indeed, there is no land on which to make such provision.

National Policy expressed in the NPPF is that if setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels.

The site is an accessible location with availability of bus services nearby.

Significantly, West Lane and Main Street have TRO parking restrictions in place. West Lane has a no waiting restriction at any time and a resident permit parking which is closely monitored. Those restrictions would deter indiscriminate car parking.

There are also two public car parks in close proximity to the site; the Bronte Parsonage Museum car park managed by the Council which is behind The Fold and accessible on foot along Shirley Street (around 30 metre away) or the privately managed Central car park to the north at the end of Changegate around 100 metres away.

It is likely, given the small size of many of the lettings that a proportion of users would arrive by public transport or on foot or cycle.

Those visitors arriving by car will most likely park in one of the two car parks in close proximity.

It is appreciated that local residents and businesses have expressed concern that visitors to the development may park in an inconsiderate manner. The width of the highways leading to the application site are all narrow and/or restricted. It is understandable that local residents and businesses have concerns. However, the majority of dwellings and business in the historic core of Haworth have no car parking. The area is adequately served by car parks that help to keep the centre free of vehicular traffic.

Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework).

Para 111 of the NPPF makes it clear that 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.

Officers are satisfied that the type and mix of development, the accessibility of the development to public car parks and public transport are such that an unacceptable impact on highway safety, or severe detriment to use of the highway by other users would not be likely.

#### **Ecology/Biodiversity**

The nature of the development means that there will be no impact on the ecological value or biodiversity of the site. The proposed physical works do not differ from those previously approved and as such do not raise any additional concerns.

#### **Community Safety Implications:**

There are no implications for community safety.

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

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

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

The refurbishment of the dwellings has been previously approved. The development does not propose any alterations to the external appearance from that previously granted permission. The proposed change of use from three C3 residential dwellings to a sui generis use providing 11 'aparthotels' for short term holiday lets.

Officers are satisfied that the type and mix of development being proposed, and the accessibility of the development to two public car parks and public transport services are such that an unacceptable impact on highway safety, or severe detriment to the use of the local streets and thoroughfares by other users would not be likely.



Encouraging and facilitating the renovation and productive reuse of these buildings is important to preserving and enhancing the significance of the Haworth conservation area. Their use as holiday lettings will be beneficial to the local economy and the tourism industry of Haworth and the wider Worth Valley.

**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.

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

3. Prior to their first use, a sample panel showing the proposed walling materials, coursing and pointing details 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 the details so approved.

Reason: To assist the selection of appropriate materials in the interests of visual amenity, the character of heritage assets and to accord with policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

4. Prior to undertaking any works to replace the shopfront, details of the reinstated shopfront and proposed shopfront shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include as a minimum: materials for the frames, a sectional joinery profile including the timber mullions and how this carries around the head and jambs of the windows, feet profiles, profiles towards the top of pilasters, details of the dentils, accurate mouldings of the main cornice and confirmation of the paint finish of the frames. The shopfronts shall then be installed in accordance with the approved details and so retained in this form thereafter.

Reason: In order to protect and enhance the historic value of the building and to accord with Policy EN3 of the Core Strategy Development Plan Document.

5. The central area including the window and stallriser of the new and replacement shopfronts hereby permitted shall be setback from the pilasters and fascia, and shall be retained in this form thereafter.

Reason: In the interests of visual amenity and the character of the heritage asset and to accord with policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

6. The windows of the new and replacement shopfronts hereby permitted shall be non-opening, and shall be retained in this form thereafter.

Reason: In the interests of visual amenity and the character of the heritage asset and to accord with policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

7. The development hereby approved shall be completed in accordance with the details approved under 21/05648/SUB01 in respect to new doors, windows and rooflights.

Reason: In the interests of visual amenity and the character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

8. Prior to their installation, details of the materials, sectional profile and colour of all new or replacement gutters, rainwater downpipes and any other external plumbing to be installed on the building shall be submitted to, and approved in writing by the Local Planning Authority. These items shall then only be installed in accordance with the approved details and these shall be retained in this form thereafter.

Reason: In the interests of visual amenity and the character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

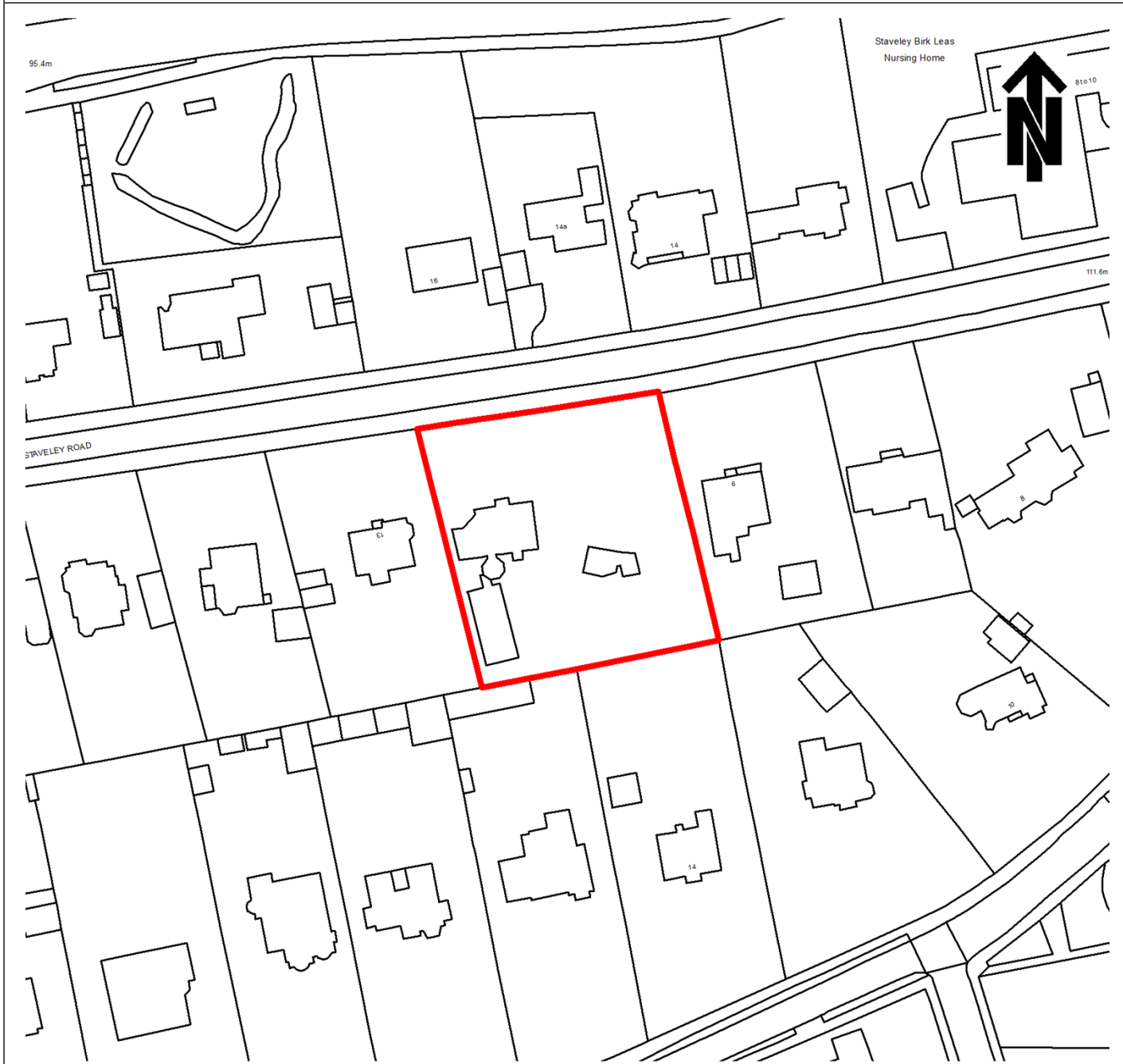
9. Prior to any work starting on the bin store, details of the treatment, enclosure and paving area at the entrance to The Fold shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall then be installed in accordance with the approved details and so retained in this form thereafter.

Reason: In order to protect and enhance the historic value of the building and to accord with Policy EN3 of the Core Strategy Development Plan Document.

23/01486/HOU



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**11 Staveley Road**  
**Shipley**  
**BD18 4HD**

**2 August 2023**

**Item: B**  
**Ward: SHIPLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
23/01486/HOU

**Type of Application/Proposal and Address:**  
Householder Planning application for construction of a single-storey rear extension and rear dormer window at 11 Staveley Road Shipley BD18 4HD.

**Applicant:**  
Mr Khalil Hussain

**Agent:**  
Mr Michael chow

**Site Description:**  
The application property is a detached house constructed from natural stone with a slate roof. It stands back from Staveley Road and has spacious gardens to the east side and to the rear. It is set in a leafy suburb of Nab Wood in an area characterised by trees and substantial detached houses which line the rest of the street. The house has a basement level and an attic served by traditional eaves dormers at the front. A notable feature behind the house is a large glazed outbuilding that accommodates a swimming pool. This outbuilding is 16metres in length and 6.8metres in width (3.5metres ridge height). It was connected to the house by an intervening sun room that is now demolished. The swimming pool building extends along most of the garden's west boundary which is lined by a stone wall. A group tree preservation order protects trees along the front (north) and side (east) of the garden.

The proposed single storey rear extension and rear dormer window which are the subject of this application have already been constructed.

**Relevant Site History:**  
91/04101/FUL – Swimming pool covered with portal framed conservatory. Granted 21 September 1991.

**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 unallocated but within the defined Middleton Conservation Area.

**Core Strategy Policies**

DS1 Achieving Good Design  
DS3 Urban Character  
DS5 Safe and Inclusive Places

**Other Policies:**

Householder Supplementary Planning Document

**Publicity and Number of Representations:**

The application was advertised by neighbour notification letters. The deadline for comments was 30 May 2023.

The application received 5 letters of objection.

The objections include a request from a Ward Councillor that the decision be referred to Area Planning Panel should officers recommend approval.

**Summary of Representations Received:**

The extension is overbearing and disproportionate.

Rear dormer window is an eyesore and overpowering of views of the rear of the house.

Rear dormer overlooks gardens/houses on Nab Lane to the rear.

The extension is overbearing and too close to neighbouring property boundary

The roof terrace is unacceptable due to impact on privacy of adjoining neighbours.

The development has been constructed without planning permission.

Illegal removal of trees has been reported and is under investigation.

**Town Council:**

Objections

- Overlooking to neighbouring properties
- Flat roof
- Closeness to neighbouring boundary

**Consultations:**

Conservation Officer

Site is located within the Saltaire World Heritage Site (WHS) buffer zone but the proposal has no impact on the setting of Saltaire WHS and this house is not a heritage asset nor within a conservation area.

**Summary of Main Issues:**

The Proposed Development

Impacts on Residential Amenity

Impacts on Visual Amenity

Other Matters Raised in Objections – Trees

## **Appraisal:**

### **The Proposed Development**

The application is for a single storey rear extension and a large box dormer window installed in the roof plane at the back of the house.

As reported by objectors, the application is retrospective as the extension and dormer are already built. The work was subject to complaints to Planning Enforcement first received in November 2022.

The single storey side extension has a flat roof, is faced in stone and is 3 metres high. It projects off the original back wall by between 5.35 and 5.9 metres and has small link into the 1991 swimming pool building. It covers the whole of the back wall of the house. According to the proposed plans, it will provide a kitchen and family room, with bi-fold doors emerging onto a new paved patio.

The single storey side extension replaces the sun room that used to be fixed to the rear elevation of the house which also provided a link into the swimming pool. That sun room measured 5.35metres x 4.7metres in width.

The rear extension also wraps around the side of the house to join with a pre-existing single-storey side extension which is shown on the submitted drawings to provide a Guest Bedroom (or study) with an en-suite.

### **Impacts on Residential Amenity**

The extension has replaced the previous sun room with a flat roofed extension. It has a larger footprint than the sun room and encroaches closer to the boundary with neighbouring house at 13 Staveley Road than the demolished sun room. The rearward extension projects out by between 5.8 metres and 5.35 metres.

Although the rear extension has brought additional built form closer towards the boundary with 13 Staveley Road, the impact is not significant. The side wall of the new extension is the positioned same distance as the swimming pool building from the stone boundary wall that separates the garden of No 11 from that of 13 Staveley Road. Also the extension is not unduly high due to its flat-roof form. The extension is neither overbearing nor disproportionate.

Objectors have also said that the proposal causes a detrimental impact due to overshadowing, but the extension is not dominant in relation to No 13. A substantial stone wall separates the two properties and the scale and degree of separation are such that the extension meets Design Principle 3 of the Householder SPD in that it will not unduly dominate, seriously damage outlook or unacceptably reduce natural daylight reaching any neighbours' property.

The rear extension is proposed with one window in its side elevation facing towards the boundary with 13 Staveley Road but the submitted plans show that this window is to be "frosted" - fitted with obscure glazing - recognising the need to prevent overlooking. Subject to a condition that the side window be fitted with obscure glazing for the life time of the development and a condition remove permitted development rights for installing any more windows into that side elevation in the future, the proposal would not give rise to any overlooking/privacy issues.

The rear extension has a flat roof and objectors, including the Ward Councillor, have raised concerns about the prospect of a raised balcony being formed on top of the extension. Such concerns were perhaps provoked because some of the 3D images submitted with the application showed a raised sitting area on top of the single storey extension, but such an area was not shown on the architectural floor plans,

The agent has now said that the applicant has no intention to include this outdoor roof space and any referenced 3D images are to be superseded. The application is only for a single-storey rear extension and rear dormer window.

However, a full level access window is now installed into the rear elevation, and shown on the submitted drawings. The agent says that door is needed for access for maintenance of the roof. There is concern that the door could facilitate the use of the roof as a raised seating area/amenity space which could give rise to overlooking.

But if the applicant intended in the future to use this roof as a raised balcony/sitting area that would require Building Regulations approval, specifically a need to provide a guard rail. To prevent the formation of an outside terrace it is suggested that the Council could withdraw permitted development rights for any alterations to the roof of the extension that might facilitate its use as a raised terrace or sitting area.

Objectors have raised concerns that the proposed rear dormer will cause overlooking to neighbouring properties, including those on Nab Lane to the south. However, there is a wall and outbuildings along the rear boundary and a very considerable separation to the houses along Nab Lane. This is substantially more than would be required under the Householder SPD guidance (17 metres). It is appreciated that the appearance of such a large array of new windows at roof level would have come as a surprise to neighbours, but the rear dormer is not considered to create an any undue impact in terms of overlooking.

Neither the proposed box dormer nor the rear extension would cause significant detrimental impact on the amenities of occupiers of adjacent land, and is in accordance with policy DS5 of the Core Strategy, and guidance in the Householder SPD.

### **Impacts on Visual Amenity**

The application property is an elegant detached house, possibly dating from around 1900, but it is not a listed building nor within a conservation area.

The dormer window is a particularly bulky feature that dominates the back roof of this house. However, the dormer utilises dark cladding to minimise its impact.

The roof enlargement does not exceed the height of the highest part of the existing roof or extend beyond the plane of a roof slope which fronts a highway. It does not exceed 50 cubic metres in volume (it is 26.52 cubic metres).

Therefore, although there is some sympathy with adverse comments about the rear dormer being overpowering of the back elevation of the house, in fact, the dormer window would be permitted development under Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order. It would therefore be unreasonable to reject this planning application on grounds of an enlargement to a dwelling house permitted under national legislation.

The rear extension extends the full width of the rear elevation of the existing house and joins onto the existing flat roofed single storey extension at the side. Objectors have raised concerns about the extension being “overdevelopment” and Shipley Town Council comments about the use of a flat roof.

However, the extension uses natural stone which can be seen to be well matched to the stonework of the main house; its scale and size are subservient, the contemporary design and flat roof are considered reasonably complementary. Being on the back wall, the rear extension would not be seen from any public vantage points and from Staveley Road, the appearance and character of the old house are largely unchanged.

In terms of Design Principle 1 of the Householder SPD, the position of the extension behind the main house and its single-storey height are acceptable. The walling materials are a good match. The extension therefore maintains the character and quality of the original house and wider area. Policies DS1 and DS3 of the Core Strategy Development Plan Document are considered to be met,

#### **Other Matters Raised in Objections – Trees**

The application site is subject to tree preservation orders which affect trees in a group located to the front (north) and side (east) of the existing dwelling.

Various applications over the years have been approved and refused in relation to works to trees.

Objectors have raised concerns in relation to unauthorised works to TPO (tree preservation order) trees. This matter is being investigated under Enforcement Case 21/00755/TPOCN.

However, that is a separate matter. The dormer window is clearly not affecting trees and the rear extension, being set immediately behind the house has not required any trees to be removed. The TPO is on the north side, the extension is to the south.

None of these tree preservation order applications are relevant to this planning application. The Council could not reject an application on grounds that allegations of unauthorised tree works are under investigation on the same site. That action must take its course under TPO legislation, after investigations.

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

The proposed dormer window is permitted development and the rear extension is a well matched, subservient addition that does not have a detrimental effect on the character of the area or the amenity of adjoining occupiers. There are no other planning-related matters. The application therefore accords with the above policies of the Core Strategy Development Plan Document, the Householder Supplementary Planning Document and the National Planning Policy Framework.



**Conditions of Approval:**

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

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

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

Existing and Proposed Elevations 102 REVB 28.04.2023

Existing Floor Plans 115 REVA 28.04.2023

Existing Floor Plans 117 28.04.2023

Proposed Floor Plans 119 REVB 28.04.2023

Site Plan 101 REVB 28.04.2023

Existing and proposed elevations 103 REVB 28.04.2023

Proposed elevations 104 REVB 28.04.2023

Location Plan 100 28.04.2023

Proposed floor plans 118 REVB 28.04.2023

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

3. 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, including dormer windows, or other openings shall subsequently be formed in the single storey side extension; elevations or roof planes of the side; hereby permitted without the express written permission of the Local Planning Authority.

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

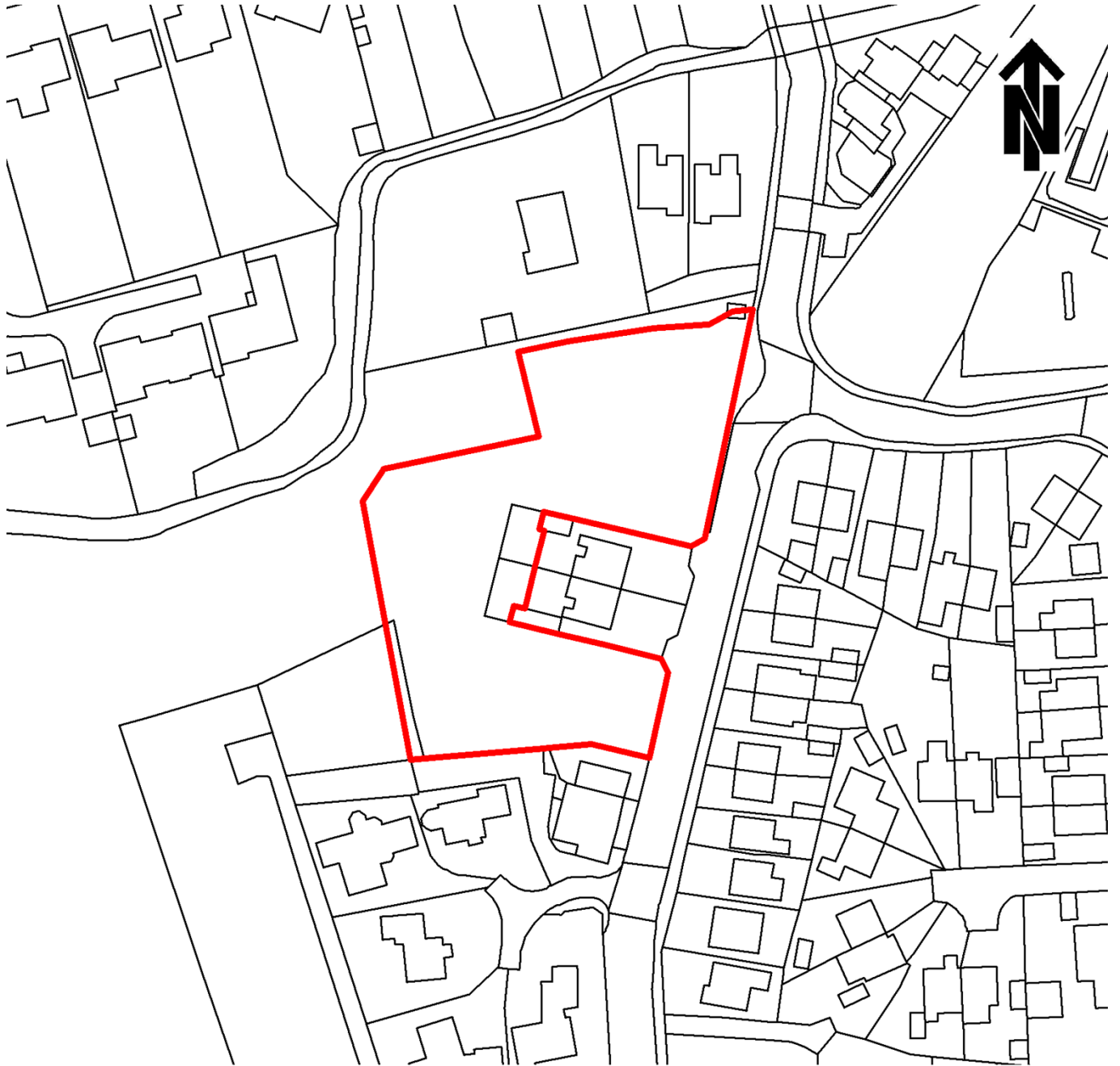
4. The window in the side elevation of the single storey side extension hereby approved shall be glazed in obscure glass. Thereafter, these windows shall be retained with obscure glazing.

Reason: To prevent overlooking and loss of privacy to occupiers of adjacent properties 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 to the roof of the single storey extension shall be carried out that could facilitate its use as a balcony, roof garden or similar amenity area, and no alterations other than those shown on the approved plans shall be carried out to the dwelling house that would permit access onto the roof area, without the express written permission of the Local Planning Authority.

Reason: To prevent overlooking of adjoining land and buildings, in the interests of residential amenity and to accord with policy DS5 of the Core Strategy Development Plan Document.

**23/00027/OUT**



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**Land West Of Cross Lane  
Oxenhope  
Keighley  
BD22 9LE**

**2 August 2023**

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

**Application Number:**  
23/00027/OUT

**Type of Application/Proposal and Address:**  
Outline application for residential development of 9 houses on the land, requesting consideration of access at land West of Cross Lane Oxenhope, Keighley BD22 9LE

**Applicant:**  
Richard Roberts Ltd.

**Agent:**  
Preston Baker Planning

**Site Description:**  
The land is a field that is part of a larger area of open pasture which extends to the west. There is a line of trees along the western field boundary. The application site amounts to 0.38 hectares. To the east side, the frontage of the site with Cross Lane is defined by a stone wall and the field wraps around a pair of stone built, semi-detached houses fronting the same road. To the south of these, at a higher level is a development of houses at Cross Farm Court. The opposite side of Cross Lane is lined by semi-detached houses. To the north-east, is a corner of the curtilage of Oxenhope railway station on the Keighley and Worth Valley heritage railway. That land is part of the Oxenhope Station Road Conservation Area. Moorhouse Beck runs along the north boundary of the land. A ditch (understood to be follow remnants of a former mill race) is visible across the lower part of the site. Water in this is not always present.

**Relevant Site History:**  
There have been no previous planning applications relating to this land.

Planning permission 86/03102/FUL authorised the construction of the five detached dwellings at Cross Farm Court to the south which, it is believed, was at that time occupied by redundant farm buildings.

**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 as Village Greenspace by the RUDP and is under consideration as a proposed housing site as part of the Allocations stage of the Local Plan. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

**Oxenhope Neighbourhood Plan:**

A Neighbourhood Plan (2018-2030) was adopted in June 2022 and carries weight in the process for determining planning applications.

The Neighbourhood Plan contains no specific proposals for the application site and it includes no proposals identifying the land as protected open space.

**Core Strategy Policies**

SC1 - Overall Approach and Key Spatial Priorities  
SC4 - Hierarchy of Settlements  
SC9 - Making Great Places  
SCP1 - P1 Presumption in Favour of Sustainable  
TR1 - Travel Reduction and Modal Shift  
TR2 - Parking Policy  
TR3 - Public Transport, Cycling and Walking  
SC8 - Protecting the South Pennine Moors and their Zone of Influence  
EN2 - Biodiversity and Geo-diversity  
EN3 - Historic Environment  
EN4 - Landscape  
EN5 - Trees and woodlands  
EN7 - Flood Risk  
EN8 - Environmental Protection Policy  
HO5 - Density of Housing Schemes  
HO8 - Housing Mix

**Saved RUDP Policies**

OS7 – Village Open Space

**Parish Council:**

Oxenhope Village Council requests referral of the application to Panel if Officers are minded to approve it can address Members (of Panel) directly. It objects to the application on the following reasons:

1. Application is at odds with the Oxenhope Neighbourhood Plan Vision which aims for Oxenhope to continue to develop and thrive as a community of settlements each retaining their own rich heritage and identity. The settlements will continue to be separated by open green spaces and wildlife corridors which protects its distinctive rural character and the relationship between settlement edges and the countryside.
2. Oxenhope Neighbourhood Plan Policy H4 says housing development will be encouraged to include green infrastructure provision and demonstrate how measurable gains for biodiversity of at least 10% will be secured.

3. The site is part of a Green Infrastructure Corridor along the Moorhouse Beck and through the site of the proposed development.
4. Development at the northern end of the site will affect the Station Road Conservation Area and loss of the green corridor would impact views.
5. Two additional access points would worsen safety problems on Cross Lane which already sees problems at school drop off and pick-up times.
6. There is a former Mill Race through the site. It is collapsed in parts but water still flows through the conduit and subsequently emerges in open stream crosses the Millennium Green. Removing the Mill race would have a detrimental impact on the Millennium Green, an important protected local green space.
7. Development of 4-bedroom detached dwellings does not serve the needs of younger people wanting to remain in the village.
8. The Village Council believes the site to have been designated as local green space so it is of importance to the community and is afforded special protection from development.

**Publicity and Number of Representations:**

The application was publicised by neighbour notification letters and site notice. The overall expiry date was 3 March 2023. 59 objections and 7 support comments have been received.

**Summary of Representations Received:**

**Objections**

1. The land in this application is a key area of green space in Oxenhope Village. It is vital to the outlook towards the countryside. Green spaces are vital to any village and especially to this historic village.
2. The Neighbourhood Plan says different communities should continue to be separated by open space.
3. The site is near Moorhouse Beck which is a wildlife corridor providing habitat. The proposal will harm the value of the site as a wildlife corridor and there is nothing in it to enhance green infrastructure. This is an important area of habitat for many species including badgers, otters and deer.
4. Development would have a negative impact on the (Station Road) conservation area and the experience of the Keighley and Worth Valley Railway at Oxenhope Railway Station would be adversely affected if the suggested fields were built upon.
5. Development will have a significant landscape impact and destroy a visual amenity if it would be dominated and obscured by the new build houses.
6. Parts of the site are at risk of flooding.
7. Cross Lane is the access to Oxenhope Primary School. Increased residential development will increase traffic and the danger to children coming and going to school. It will make Cross Lane a busier and less safe road.
8. Northern entrance to the site will be too close to the junction of Moorhouse Lane/ Mill Lane.
9. Proposal will affect the privacy of residents of houses across Cross Lane.
10. Oxenhope does not have facilities to cope with more houses: School provision is limited and doctors oversubscribed. The site won't be helping local people as no affordable housing is being provided.

Support

1. The site will provide housing for families who want to stay in, or move back to the village.

**Consultations:**

Highways Development Control: After several amendments to the means of access and following incorporation of a footway to the edge of Cross Lane, the Highways DC Officer has no objections.

Lead Local Flood Authority: Following three revisions to the applicant's Flood Risk Assessment and Drainage Strategy, the Lead Local Flood Authority can now confirm it has no objections to proposals provided that the drainage conditions listed (see below) are included with any grant of planning permission.

Rights of Way Officer: Confirms that no rights of way cross the site.

Trees Team: No objections.

Biodiversity Officer: There are numerous discrepancies and corrections to the ecological assessments and reports and other documents, such as still awaiting BNG condition assessment sheets for the habitats on site. However, because this is an outline application that the applicant has shown to be working towards the required habitat creation and enhancement works and the achievement of 10% Net Gain, the Biodiversity Team accepts that this can be secured at Reserved Matters stage. (Officers suggest a condition at the end of this report).

A number of issues will need to be resolved at Reserved Matters. However, the submitted evidence from the applicant and Officer's knowledge of the site is sufficient to establish that the site has low biodiversity interest and that, as the proposals are in outline, the delivery of appropriate Biodiversity Net Gain and the protection of the wildlife corridor comprising Moorhouse Beck can be secured by planning conditions requiring further detail at the reserved matters stage.

West Yorkshire Police ALO: Makes comments relating to detailed layout and house design which it is not appropriate to deal with here as it relates to reserved matters. The applicant is aware of the advice.

**Summary of Main Issues:**

The Proposal

The Planning Policy Plan Context

Saved Policies of the RUDP

The draft Bradford District Local Plan

Oxenhope Neighbourhood Plan

The Bradford Local Plan Core Strategy Development Plan Document

NPPF – Paragraph 11

Weight to be given to Protection of the Land as Open Space

Other Issues

Housing Density

Means of Access/Highway Safety

Flood Risk and Drainage Strategy

Biodiversity

Biodiversity Net Gain (BNG)

South Pennine Moors Special Protection Area/Special Area of Conservation (SPA/SAC)

**Appraisal:**

**The Proposal**

This application seeks outline permission for nine residential dwellings. All matters are reserved with the exception of access.

The issues to consider in the determination of this application are restricted to the principle of building 9 houses on the 0.38 hectares of undeveloped land, and whether the means of access is safe and satisfactory.

Initially, a site layout drawing 3332-DEN-ZZ-XX-DR-A-1000 accompanied the original application and showed an indicative layout of detached and semi-detached houses with an indication of detailed matters such as car spaces. The supporting statement said that the applicant envisages 6 x 3-bedroom and 3 x 4-bedroom dwellings.

However, the Council is not being asked to consider the detailed design of the houses, their scale or the layout of plots and parking. Those matters will be subject to a future application for the approval of reserved matters - assuming outline permission is granted. The illustrative layout does show that the density of 9 houses should be feasible but objections that have been received about detailed matters and the impacts of the design and scale of the houses, the unsuitability of 4-bedroom detached houses etc are not relevant because such matters will be reserved for later consideration.

With regards to the means of access, the applicant proposes that the development would be served by two access points from Cross Lane. One being a private driveway to the northern end of Cross Lane, and the other a driveway to the south in the form of a new adopted road, with an option to continue that towards the open land to the west.

**The Planning Policy Plan Context**

The development plan context for this site is complicated due to the age of the RUDP and delays with the progression of the Allocations stage of the Bradford District Local Plan.

The present planning policy context for the application is formed by the NPPF (July 2021 update) plus the statutory development plan for the Bradford District, which at the moment consists of:

- The Core Strategy Development Plan Document (adopted 2017)
- Various Area Action Plans - none of which apply to Oxenhope.
- Saved Policies of the RUDP as set out in the June 2020 schedule.

In addition, a Neighbourhood Plan for Oxenhope was adopted in 2022.

As a procedural matter, although the land is an open field, the application land, and the field extending westwards, are not part of the Green Belt.



### **Saved Policies of the RUDP**

#### Village Greenspace Policy OS7

The application land, along with the field extending westwards is designated as Village Greenspace on the Proposals Map of the RUDP (2005) (Site Reference: K/OS7.9). Saved RUDP Policy OS7 says that "On land defined on the Proposals Map as Village Greenspace, development will not be permitted where it would result in the loss of open space which is important to the character, visual amenity and local identity of the settlement."

The land was designated as Village Greenspace on the basis of its amenity value rather than its role in recreation. It is appreciated why objectors and the Village Council continue to consider this tract of land to contribute to the sense of Oxenhope being a grouping of distinct settlements surrounded by countryside. Objectors and the Village Council say loss of the Village Greenspace to development would cause harm to the character, visual amenity and local identity of the settlement of Oxenhope.

The Council's Local Plan Team advise that until it is fully replaced by the new Local Plan, Saved Policy OS7 does carry some weight.

### **The draft Bradford District Local Plan**

The draft Bradford District Local Plan is an emerging Plan and has only reached its early stage of preparation having been the subject of a Regulation 18 Preferred Options consultation in February/March 2021.

As part of the "Preferred Options" the application site with the open land to the west forms a 0.79-hectare site that has been suggested as an option for housing allocation.

The site is listed as preferred options allocation OX2/H. The Preferred Options document suggests that the site is eligible for consideration for residential development and is preferred to other sites within the settlement.

The applicant refers to that proposal and argues that the site is well located at the edge the settlement, close to the village school and other services and a bus route (to Haworth) runs nearby. Those are some reasons why the suggestion of an allocation for housing was made in the Preferred Options consultation document.

However, the option to allocate it for housing generated a significant number of objections (54 objections) which highlighted a range of planning issues including, access, ecology, flood risk, and loss of open space. These objections are yet to be resolved as the Council is still progressing towards its Regulation 19 publication consultation of the plan.

Before the next iteration of the plan is published, there may be changes to the draft plan both in terms of housing numbers and in decisions regarding the distribution of allocations across the District. before the next iteration of the plan is published. As such, the advice of the Council's Local Plan Team is that, at present, only very limited weight can be given to the "Preferred Options" proposal to allocate the land as a housing site.

That advice to not give any significant weight to the Preferred Options housing suggestion is consistent with the NPPF (para 48) which indicates that "local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan, to the policies in the Framework, the greater the weight that may be given)."

### **Oxenhope Neighbourhood Plan**

The Neighbourhood Plan was adopted in 2022. In its Vision Statement it includes an aspiration that:

"Oxenhope will continue to develop and thrive as a community of settlements, each retaining their own rich heritage and identity. These settlements will continue to be separated by open green spaces and wildlife corridors which protect its distinctive rural character and the relationship between settlement edges and the countryside".

Neighbourhood Plan Policy GS1 Local Green Spaces identifies 4 Local Green Spaces which should be protected from development unless the proposals are consistent with Green Belt policy due to their importance locally as they contribute to the landscape significance, recreational value and richness of wildlife. These sites are: A - Horseshoe Dam; B - Rose Garden; C - Millennium Green; D – Allotments, but the list does not include the application site.

The Neighbourhood Plan includes Policy H4 regarding "Green Infrastructure" which seeks to ensure new development provides suitable green infrastructure provision to encourage the movement of wildlife, maintain the Bradford Wildlife Habitat Network, and provide a net gain for Biodiversity. But it says "it is expected that CMBDC policies such as EN1 will determine the circumstances where loss of green space may be acceptable rather than this policy."

Consequently, the applicant points out that the Neighbourhood Plan does not make any protective designations for the application site.

### **The Bradford Local Plan Core Strategy Development Plan Document**

The Core Strategy DPD was adopted in 2017 and includes the above listed general development policies.

Its Strategic Hierarchy of Settlements recognises Oxenhope as a Local Service Centre and Core Strategy Policy SC4 states that: "Within the Local Service Centres, the emphasis will be on a smaller scale of development comprising both market and affordable housing, together with the protection and enhancement of those centres as attractive and vibrant places and communities, providing quality of place and excellent environment, economic and social conditions."

Core Strategy Policy HO1 sets out the District's housing requirement over the plan period (up to 2030) and Policy HO2 sets out the strategic sources of supply. Policies HO3 and PN1 state that between 2013 and 2030, 100 dwellings will be accommodated in Oxenhope.

The applicant argues that Saved RUDP Policy OS7 is being phased out by Core Strategy DPD Policy EN1. Policy EN1 is a complicated policy that covers a number of strategic open space issues.

Strand A of the policy says

“A. Land identified as recreation open space, or which is currently or was formerly used for recreation open space will be protected from development. Recreation open space includes the following range of typologies; parks and gardens, natural and semi-natural greenspaces, green corridors, amenity and local greenspace, outdoor sports facilities, provision for children, allotments, civic spaces and also areas of water which offer opportunities for sport and recreation”.

However, the application site is not, and has never been used for recreation, so the applicability of Strand A of Policy EN1 to continued protection of the application site as open space is open to question.

In any case, the most recent Open Space Audit (draft 2021) indicates that whilst there are some small deficiencies in some types of recreation open space within Oxenhope, overall there is sufficient recreation open space to meet recognised standards.

The potential loss of the application site would not result in a loss of space that is used for recreation, nor worsen any quantitative deficiency of recreation open space in the area. Being privately owned and with no public access it is not a site that would be suitable to meet any identified deficiency in any case.

Strand D of Policy EN1 deals more directly with open space that is of amenity value but it simply says that the Council will “Work with local communities to identify areas of Local Green Space in the local plan and neighbourhood plans. Local greenspace which is valued for amenity, recreation and wildlife or contributes towards character, distinctiveness and visual quality will be protected from development, other than in very special circumstances which are supported by the local community”.

A Local Green Space designation was not applied through the recently adopted Neighbourhood Plan and cannot be applied retrospectively to a site without being properly scrutinised through the local or neighbourhood plan processes. An up-to-date designation of the site as Local Green Space would have to await the Allocations DPD. The application site has not been designated as ‘Local Green Space’ in the terms defined by paragraph 101 of the NPPF. For the site to be considered as Local Green Space that would need to be tested through a review of the plan to confirm that the criteria for designating the site was met as set out in NPPF paragraph 102. Such designation needs then to be scrutinised through consultation and examination in public to ensure they have been through the due process. This has not yet happened either through the emerging Local Plan or the Oxenhope Neighbourhood Plan.

Which leaves the site only with protection by the outdated RUDP.

### **NPPF – Paragraph 11**

NPPF paragraph 11 requires that plans and (planning) decisions should apply a presumption in favour of sustainable development. For decision taking, this means:

- c) approving proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in the 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 the Framework taken as a whole.

The NPPF explains that development plan policies relating to the provision of housing are considered to be out-of-date where a local planning authority cannot demonstrate a five year supply of deliverable housing sites. In the Bradford District the five-year housing land supply statement (published by the Council in September 2022) indicates a housing land supply position of 2.08 years for the period April 2022 to March 2027. In addition, the housing delivery test outcome for the 3 years between 2018-2021 was assessed as 74% and this figure lies below the Government target.

The opinion of the Council's Local Plans Team is that despite the Village Greenspace designation in the RUDP, the land cannot be considered an asset of particular importance under strand d (i) of Paragraph 11.

The housing land supply in the District is significantly below required targets.

Therefore, the Council's policies relating to the supply of housing land can be considered to be out-of-date and, in determining this application, it must grant planning permission under provisions of paragraph 11 d (ii): "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole."

It is for the decision maker to consider whether the proposed provision of 9 dwellings will and whether it outweighs the loss of the designated open space. This would involve balancing whether the loss of the open space causes a significant adverse impact compared to the provision of housing to meet an identified need.

### **Weight to be given to Protection of the Land as Open Space**

The RUDP Village Greenspace designation (Saved Policy OS7) can be given some weight by the Local Planning Authority. But the RUDP is not an up-to-date plan. Despite the historic designation as Village Open Space, the site does not have status as Local Green Space for purposes of the NPPF and it is therefore not an asset or area of importance for purposes of Footnote 7 and Paragraph 11 of the NPPF.

This fact in combination with the silence of the Neighbourhood Plan and the absence of the site from Neighbourhood Plan Policy GS1's list of 4 Local Green Spaces significantly strengthens the case for approval of this application.

It is well known that the housing land supply in the District is significantly below required targets. Therefore, the Council's policies relating to the supply of housing land, which would include Policy OS7, can be considered to be out-of-date and, in determining this application, the Local Planning Authority must grant planning permission under provisions of paragraph 11 d (ii):

"unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole."

It is for the decision maker to consider whether the proposed provision of 9 dwellings will and whether it outweighs the loss of the designated open space. This would involve balancing whether the loss of the open space causes a significant adverse impact compared to the provision of housing to meet an identified need.

### **Other Issues**

#### Impact on visual amenity, including effects on Station Road conservation area

The site is not inside the Oxenhope Station Road Conservation Area but it is visible from points within it, mostly from Oxenhope Station's car park. Development may therefore be regarded as having an impact, to a modest extent, on the setting of the conservation area. However, only a limited corner of the Conservation Area is close and it is separated from the site by Cross Lane. No designated or non-designated heritage assets fall within the site or within its close proximity.

A Heritage Statement has been submitted by the applicant. This argues that a conventional scale of residential development would have very limited effects on the setting as the site is not part of any key views of, or from the Conservation Area. Also, the submitted Landscape Visual Assessment concludes that development of the site would cause less than substantial harm - subject to incorporation of high quality landscaping into the housing proposals.

That conclusion is also confirmed in an assessment carried out on behalf the Council's Local Plans team in connection with the Preferred Options Housing allocation. This concluded that the site is only close to the conservation area at one localised position. Allocation of the proposed site as a Preferred Option was therefore concluded to present only a slight impact for the setting of the conservation area. With careful attention to design and appearance, it was concluded that development would not cause harm, and should result in an impact to the conservation area of "Less than Substantial Harm (of an Acceptable Level)."

Commenting about the impact of this outline planning application on the wider landscape setting, the Council's Landscape Officer agrees. He has reviewed the applicant's Landscape Visual Impact Appraisal and, whilst not agreeing that the proposed development would improve the overall impacts on long open views, the Landscape Officer does acknowledge that the actual scope of views of this site are limited to a relatively small area. Development would therefore impact only a small part of the character of the village. If trees on the western boundary of the site are retained to mitigate views back into the site from the west, development would be acceptable, illustrative landscape proposals are also deemed adequate for this sort of small-scale housing development.

The scale and design of the houses is not a matter or consideration here – including their height, materials and architectural style; these will be the subject of Reserved Matters application. But as a matter of principle, it cannot be argued that development of housing, if appropriately designed and detailed, and incorporating an element of landscaping would harm the character of the landscape or local amenity.

There is no evidence that the principle of development would harm the character or appearance of the Oxenhope Station Road Conservation Area.

### **Housing Density**

The density of the development would be 23 dwellings per hectare (dph). Core Strategy Policy HO5 indicates that a minimum density of 30 dph should be achieved on sites for housing and in the Preferred Option allocation (a larger site than this application site) looked to accommodate around 24 dwellings at a density of 30dph.

However, the draft Local Plan and Policy H05 also indicate that yield of a site should take account of the need to arrive at well-designed layouts which reflect the nature of the site, its surroundings and the type and size of housing needed in the area. The shape of the site is also awkward due to the presence of the intervening pair of semi-detached houses and their gardens. This and the beck to the north constrain layout and the achievement of a higher density.

The applicant also argues that the surrounding area is characterised by larger detached houses on reasonably sized plots. The lower density is proposed to reflect the characteristics of the locality and avoid overdevelopment crowding towards the conservation area.

Given the character of the surroundings and other constraints on the site, a lower number of dwellings than 30 per hectare seems justified. The agent argues that this is the most effective use of the land. On balance this argument is accepted. The density of 23 dph is considered acceptable.

### **Means of Access/Highway Safety**

As stated above, the applicant requests consideration of means of access.

The configuration of the site is such that the proposed development would be served by two access points from Cross Lane. One means of access being a private driveway to the northern end of Cross Lane for possibly 5 of the dwellings, and the other a means of access coming in to the south, serving the remaining dwellings. Due to the shape of the site and its layout, this is accepted to allow for the most effective use of the space available. It is not accepted that the northern entrance to the site will be too close to the junction of Moorhouse Lane/ Mill Lane.

Paragraph 112 of the NPPF requires that applications for development should, amongst other things:

- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles.

To achieve this, the means of access has been the subject of negotiation with the Council's Highway Officer to secure a suitable design standard. An important highway gain is that the outline scheme (as amended) now includes provision of a full width footway to be created along the west side of Cross Lane. This maintains the present width of the vehicular carriageway – the footway is provided using the application land. At present there is only a margin of varying width. A full width footway would improve, safety for pedestrians and so achieves objectives of the NPPF and accords with Policy DS4 of the Core Strategy DPD.

Objectors understandably have concerns about the development causing intensification of traffic movements and on-street car parking on Cross Lane which is the access to Oxenhope Primary School. In common with all schools across the District, the road outside the school including as far as the application site, experiences on-street car parking at the start and finish of the school day, as parents drop off and collect children.

However, the illustrative layout has shown that the site can easily be provided with sufficient off-street parking to cater for the needs of future residents and visitors without overspill into the lane. A detailed layout would easily meet the current adopted standards prescribed by Core Strategy DPD policy TR2. The detailed specification of those parking (and garaging) facilities would be reserved for subsequent approval under the matter of "layout", but it is improbable that sufficient space for parking could not be provided inside the site and therefore highly unlikely that there would be any significant overspill arising from this development of this scale - 9 dwelling houses.

In terms of trip generation, the Highway Officer estimates that a factor of 0.6 (vehicles going out) and 0.2 (vehicles coming in) is usually applied to residential developments to estimate traffic movements from a site in the AM peak. That peak would probably occur before school start time. Based on those trip generation factors, a residential development of 9 houses would be expected to generate approximately 5 cars (shared between both access points) leaving the development site and 2 entering the development within the AM peak hour (usually 07.30am – 08.30am).

The trip generation translates to only about 1 additional vehicular movement from the development onto Cross Lane every 10 minutes. This amount of traffic does not raise any concerns in terms of either the capacity of the local road system or the consequences in terms of effects on local road safety. It cannot be demonstrated that increased residential development of this relatively small scale will increase traffic and the danger to children coming and going to school.

In the PM peak (around 4.30pm – 5.30pm) the movements are reversed and since most schools usually finish before 4.30pm/5.30pm then vehicle movements associated with the 9 houses in the PM peak would not impact on what happens at the school.

The NPPF (paragraph 111) requires that 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.

Given the configuration of the local highway network, the capacity within the site to accommodate all the serving and car parking needs of the 9 houses, and the expected trip generation characteristics of the development, it is not anticipated that this relatively modest development would give rise to any unacceptable highway safety impacts.

## **Flood Risk and Drainage Strategy**

### Flood Risk

The site is located within Flood Zone 1, and is less than 1 hectare in size. Whilst close to Moorhouse Beck, which is approximately 10m to the north-west of the site at its closest point, the development would not be liable to flooding from that watercourse according to the Environment Agency's Flood Risk maps.

Therefore, it is not strictly necessary to provide a site-specific Flood Risk Assessment (FRA). Flood Zone 1 refers to an area assessed as having less than 1 in 1,000 annual probability (<0.1%) of river or sea flooding in any one year.

Nevertheless, the application has attracted a number of objections concerned about flood risk and the applicant has submitted a Flood Risk and Drainage Strategy Document to explain how this would be dealt with. The Drainage Strategy aims for surface water runoff to be effectively managed to ensure that there is no exacerbation of potential surface water flooding issues on the site, or at any external receptors, due to any potential increases in surface water runoff rates and volumes.

Flood risk to the proposed development due to groundwater emergence is considered to be low provided that all reasonable and practicable mitigation measures for any subsurface construction associated with the development are adhered to.

Flooding from artificial sources - namely Leeshaw Reservoir some distance from the site - is also considered but the FRA concludes that as the reservoir is regularly maintained by relevant local authorities, failure is extremely unlikely and can be accommodated in the detailed design of the houses.

#### Foul Water Drainage

There is a formal point of connection into a Yorkshire Water (YW) public foul water sewer in close proximity to the site so foul water domestic waste can discharge to the 100 mm diameter public combined sewer recorded in Cross Lane to the east of the site.

It is noted that objections have referred to possible damage to sewers serving Cross Farm Court but records show that the line of those sewers is set a significant distance from where any house building would take place.

#### Surface Water Drainage

The strategy for surface water disposal is to discharge from the development into Moorhouse Beck, at a point northwest of the site. The area in between the site boundary and the watercourse is owned by the site landowners.

Infiltration testing completed on site confirmed that using soakaways is not a viable method of discharging surface water from the site. There is not a suitable public sewer in the vicinity of the site which could be utilised to dispose of the surface water as YW has stated that the sewers do not have capacity.

The Drainage Strategy recognises that attenuation should be required as the means of surface water disposal is into the watercourse. There will be a discharge limit of 3.0 l/s into the watercourse.

In response to the applicant's submissions, the Council's Drainage Officer (Lead Local Flood Authority) initially advised that, in spite of comprehensive drainage submissions, there was uncertainty about some of the technical detail including whether the site can discharge by gravity to Moorhouse Beck and the surface water discharge rate being shared between two flow controls.



In response, the applicant's Flood Risk and Drainage Strategy documents and plans have now been amended, and the Drainage Officer confirmed on 5 June 2023 that the Lead Local Flood Authority now has no objections to the planning application subject to standard conditions to ensure compliance with the Drainage Strategy and agreement of the technical details of the surface water attenuation scheme.

#### The Mill Goit/Race

The Village Council and a local resident have expressed strong concerns about the impact of development on a ditch crossing the site. The ditch follows the line of an old Mill Race, collapsed in places, and includes sections of standing water. During wet periods, including during the snows of winter, a flow of water was evident. There was particular concern that the ditch feeds water to the Millennium Green which is an important recreation and ecological resource for the village and removing the Mill Race would detrimentally impact on that space.

In response, the Lead Local Flood Authority requested that the applicant should establish the substance of this objection and whether this land drain was still live. A supplementary assessment has been received.

The applicant's consultant says that the Mill Race is not fed by the Moorhouse Beck as it runs over 1 metre higher in elevation than the beck. Therefore, any water in the ditch is "ephemeral" and there is no risk of fluvial flooding by removing the Mill Race.

With regard to the role of the Mill Race in dealing with surface water from the land, the applicant's consultant argues that there is little capacity in the Mill Race and analysis of the flow at Millennium Green shows a constant flow of water at times when the flow rate in the Mill Race was not flowing and had not been flowing for some time. That suggests that the Mill Race is not the main feeder of water into the Millennium Green watercourse and that another land drain supplies that watercourse and therefore the nature area in the Green.

Proposals for absorbing the remnants of the Mill Race into the development site would have little to no effect on water supply to the Millennium Green.

This accords with the applicant's categorisation of the Mill Race as an "ephemeral ditch" during the initial site survey due to the lack of water feeding directly into the ditch, as well as an assessment of the very limited aquatic vegetation within the ditch and along the banks which suggest that water is not present on a constant basis.

The Council's Drainage Officer has no reason to dispute these arguments that the Mill Race or "ditch" is a minor water feature of standing water for much of the year and of no consequence to the drainage strategy for the site. Also that flows are not likely to be beneficial to Millennium Green.

#### **Biodiversity**

The Council's Tree Officer has no objections commenting only that diagrammatic proposals for planting show on the submitted drawings seems inappropriately "urban". However, the matter of landscaping is not tabled for consideration.

To address Biodiversity issues, the applicant has submitted a Preliminary Ecological Appraisal and an Ecological Impact Assessment of the site. However, those found no ecological constraints. The assessments record limited potential to support bats, breeding birds, European hedgehog and it provides no habitat for badger or evidence of use by Eurasian otter, European water vole or other notable species within the site. The site has suboptimal conditions for amphibians, reptiles and invertebrates. Floral diversity was recorded as very low; largely attributed to the constant grazing of the site by livestock. This accords with the Council's own findings undertaken via the Local Plan process which concluded that there are no features of biodiversity value on the land and that previous work in connection with the Preferred Options found the site to be too enclosed and close to the built up area to be of value for foraging birds. It found the land to be characterised by "species poor modified grassland".

Suitable aquatic habitat is present immediately outside the northeast boundary, where the site abuts Moorhouse Beck, but the beck then swings north to avoid the rest of the development site.

Further supplementary surveys for otter and water vole were undertaken but those have identified no harm likely to arise from development of the site providing precautions are taken to protect the beck through the layout of housing and during the construction phase of development.

Due to weaknesses in the applicant's submissions the Biodiversity Officer supports application of a condition to secure agreement of further methodology to ensure that the watercourse is effectively protected from disruption during construction work.

In addition, the Biodiversity Officer has asked that the designs of the houses incorporate integral bat and bird box habitat. This should be imposed as a condition requirement (see below) requiring each new dwelling to include an integral swift brick on a non-south facing side of the buildings in excess of 5m. In addition, the development should include a minimum of 3no. bat bricks.

Oxenhope Village Council and others have objected to the application on grounds of loss of habitat and biodiversity saying that the land is part of a Green Infrastructure Corridor along the Moorhouse Beck that runs through the site of the proposed development.

However, the land is not part of an existing green infrastructure corridor identified in the plan, nor is it part of the Bradford Wildlife Habitat Network sites identified in the figure on Page 57 of the Neighbourhood Plan. The Village Council may have assumed that Moorhouse Beck, which would form a valuable wildlife corridor forms the north boundary of the site, whereas, the beck actually runs some distance to the north with intervening housing development between the beck and the site.

The Village Council refers to Policy H4 of the Neighbourhood Plan which requires that: "New housing developments will be encouraged to include green infrastructure provisions such as wildlife corridors or green buffers. Proposals shall demonstrate how measurable net gains for biodiversity of at least 10% will be secured. New developments should improve connections to existing green networks and extend them within new developments to ensure access to all residents. Proposals should not sever existing green infrastructure corridors and should preserve the Bradford Wildlife Habitat Network".

Guidance on green infrastructure provision is included in the Oxenhope Design Guide which is an appendix to the Plan.

Because the layout of development is not tabled for consideration in this outline application it cannot be demonstrated that the development would automatically conflict with Neighbourhood Plan Policy H4 through loss of any defined green infrastructure corridor or green buffer. It would however, be appropriate in accordance with Policy H4 of the Neighbourhood Plan to require agreement of details of Biodiversity Net Gain. That will be dealt with below.

### **Biodiversity Net Gain (BNG)**

From April 2023, BNG would be required for this development. Oxenhope Neighbourhood Plan Policy H4 also says housing development will be encouraged to include green infrastructure provision and demonstrate how measurable gains for biodiversity of at least 10% will be secured.

Although BNG is not yet mandatory, such provision would be appropriate by reference to the Neighbourhood Plan, underpinned by Policy EN2 of the Core Strategy DPD.

The applicant has, in fact, submitted a Biodiversity Net Gain Report (Estrada Ecology, 2022) which shows the development will result in a 14.11% gain in area habitat units (1.73 units) and a 67.37% gain in hedgerow units (0.4 units).

However, in the absence of anything other than illustrative details of layout and with the matter of landscaping not being tabled for consideration under this outline application,

Nevertheless, the LPA can require, by a planning condition, that submission of the reserved matter of landscaping must incorporate such measures as hedge and tree planting to achieve the BNG set out in the applicant's Biodiversity submissions. That should include proposals for both habitat creation or enhancement and subsequent management.

It is noted that despite the presence of the ditch through the site, the applicants BNG assessment does not include river habitat units as it is not a permanent water feature under DEFRA guidelines/definitions. The Council's Biodiversity Officer has accepted that this methodology is correct.

### **South Pennine Moors Special Protection Area/Special Area of Conservation (SPA/SAC)**

The application site is within Zones B and C – the “buffer zones” to the South Pennine Moors SPA/SAC described in Policy SC8 of the Core Strategy which aim to protect the South Pennine Moors (European Site) from the impacts of additional development.

The applicant's Habitats Regulations Assessment concludes that proposals for the development of nine residential dwellings would not have significant adverse effects on the South Pennine Moors SAC/SPA, as a result of either alone or in combination with other plans and projects within the local districts. Therefore, an appropriate assessment is not deemed to be required at this juncture.

The Council's Biodiversity Officer agrees that although within buffer Zone B the land is too close to the built up area to provide meaningful foraging habitat.

As the application site is also within Zone C, (proposals within 7km of the SPA/SAC) and will result in the creation of 9 additional dwellings, the development will be required to make the level of financial contribution as defined in the SPD supporting Policy SC8 towards the strategic mitigation of recreational impacts on the South Pennine Moors. If permission is granted, the applicant will need to complete a standard Unilateral Undertaking for this purpose and it would require payment to be made, when the development is begun. Subject to this, the proposal accords with Policy SC8 of the Core Strategy.

**Reason for Granting Planning Permission:**

The scale of development proposed is within the type of small-scale housing developments envisaged for Oxenhope as a Local Service Centre by the adopted Core Strategy DPD. The provision of additional housing would make a contribution towards meeting the housing needs of the village under Policy SC4.

The technical drainage and means of access issues are considered to be resolved. The character of the local highway network, the capacity within the site to accommodate all the serving and car parking needs of the 9 houses, and the expected trip generation characteristics of the development, are such that it is not anticipated that this relatively modest development would give rise to any unacceptable highway safety impacts.

The proposals would not lead to unacceptable impacts on flood risk and would secure suitable arrangements for surface water disposal so, subject to the listed conditions, it accords with the policy EN7 of the Core Strategy DPD.

The development, subject to control of design, scale and layout details at Reserved Matters stage would not harm the character or appearance or setting of the nearby Oxenhope Station Road Conservation Area.

The submitted evidence from the applicant is sufficient to establish that the site has low biodiversity interest and that, as the proposals are in outline, the delivery of appropriate BNG and the protection of the wildlife corridor comprising Moorhouse Beck can be secured by planning conditions also requiring agreement of further detail at the reserved matters stage.

Whilst the objectors and Oxenhope Village Council refer to protection of the land as open space, that protection is by Saved Policy OS7 of the RUDP.

Development plan policies relating to the provision of housing are considered to be out-of-date where a local planning authority cannot demonstrate a five year supply of deliverable housing sites. In the Bradford District the five-year housing land supply statement (published by the Council in September 2022) indicates a housing land supply position of 2.08 years for the period April 2022 to March 2027. In addition, the housing delivery test outcome for the 3 years between 2018-2021 was assessed as 74% and this figure lies below the Government target.

The RUDP Village Greenspace designation and Saved Policy OS7 can be given some weight by the LPA, but the RUDP is not an up-to-date plan and the land cannot be considered an asset of particular importance under strand d (i) of Paragraph 11. The site does not have status as Local Green Space for purposes of the NPPF and it is therefore not an asset or area of importance for purposes of Footnote 7 and paragraph 11 of the NPPF.

The provision of housing on this site provides benefits which outweigh the loss of the site as open space. In considering this, the lack of a 5-year housing land supply, and the need to meet the housing requirement (both locally and at a district level) should be given notable weight. It is for the decision maker to consider whether the proposed provision of 9 dwellings outweighs the loss of the open space.

The Council's policies relating to the supply of housing land can be considered to be out-of-date and, in determining this application, it must grant planning permission under provisions of paragraph 11 d (ii): "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole."

Officers do not consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Granting of outline permission subject to the following conditions is recommended.

**Conditions of Approval:**

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended).

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

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

Location Plan: Received 4.1.2023

Site Plan: 3332-DEN-ZZ-XX-DR-A-1000 Version Rev E Received 10.5.2023

Drainage Strategy Plan: AMA-21719-D-003 P3 Received 6.6.2023

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

4. Before any development is begun plans showing the:
- i) appearance,
  - ii) landscaping,
  - iii) layout, and
  - iv) scale
- must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 5 (1) of the Town and Country Planning (General Development Procedure) Order 2015.

5. Details submitted for the approval of the Council under the reserved matter of landscaping shall incorporate proposals for achieving on-site Biodiversity Net Gain, as a minimum securing a 10% gain, or the post-development targets set out at paragraphs 1.6 - 1.7 of the applicant's Biodiversity Net Gain proposals report reference SQ 670.1.

The development shall then be implemented in accordance with the Biodiversity Net Gain details approved under this condition.

Reason: To secure appropriate Biodiversity enhancements and thereby accord with Policy EN2 of the Core Strategy Development Plan Document and Policy H4 of the Oxenhope Neighbourhood Plan.

6. Notwithstanding any details submitted with this application, no development shall begin until an updated scheme for the protection of that section of the Moorhouse Beck which abuts the development site, for the duration of the construction of the development, has been submitted to, and approved in writing by the Local Planning Authority.

Such measures shall be implemented before development is begun and retained in accordance with details of phasing that shall be comprised within that scheme and which have also been agreed in writing by the Local Planning Authority.

Reason: To secure appropriate protection of the aquatic environment and biodiversity features and to accord with Policy EN 2 of the Core Strategy Development Plan Document.

7. The dwellings shall incorporate integral bird nest features (such as swift bricks) and integral bat roost features (such as bat bricks). These shall be installed in accordance with details of the numbers, location and type of feature that have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To provide an enhancement of bird and bat habitat at the site and to accord with Policy EN2 of the Core Strategy Development Plan Document.

8. The development shall not begin 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 surface water drainage scheme shall be designed in accordance with the principles outlined in the FLOOD RISK SUMMARY & DRAINAGE STRATEGY, Rev 2, Dated May 2023. The maximum surface water discharge rate, off-site, shall not exceed 3.0 (Three) litres per second. The scheme so approved shall thereafter be implemented in accordance with the approved details.

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

9. The development shall not begin until a Maintenance Plan for the surface water drainage scheme has been submitted to and approved in writing by the Lead Local Flood Authority. Once built, the drainage scheme shall be maintained thereafter, in accordance with the approved Plan.

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

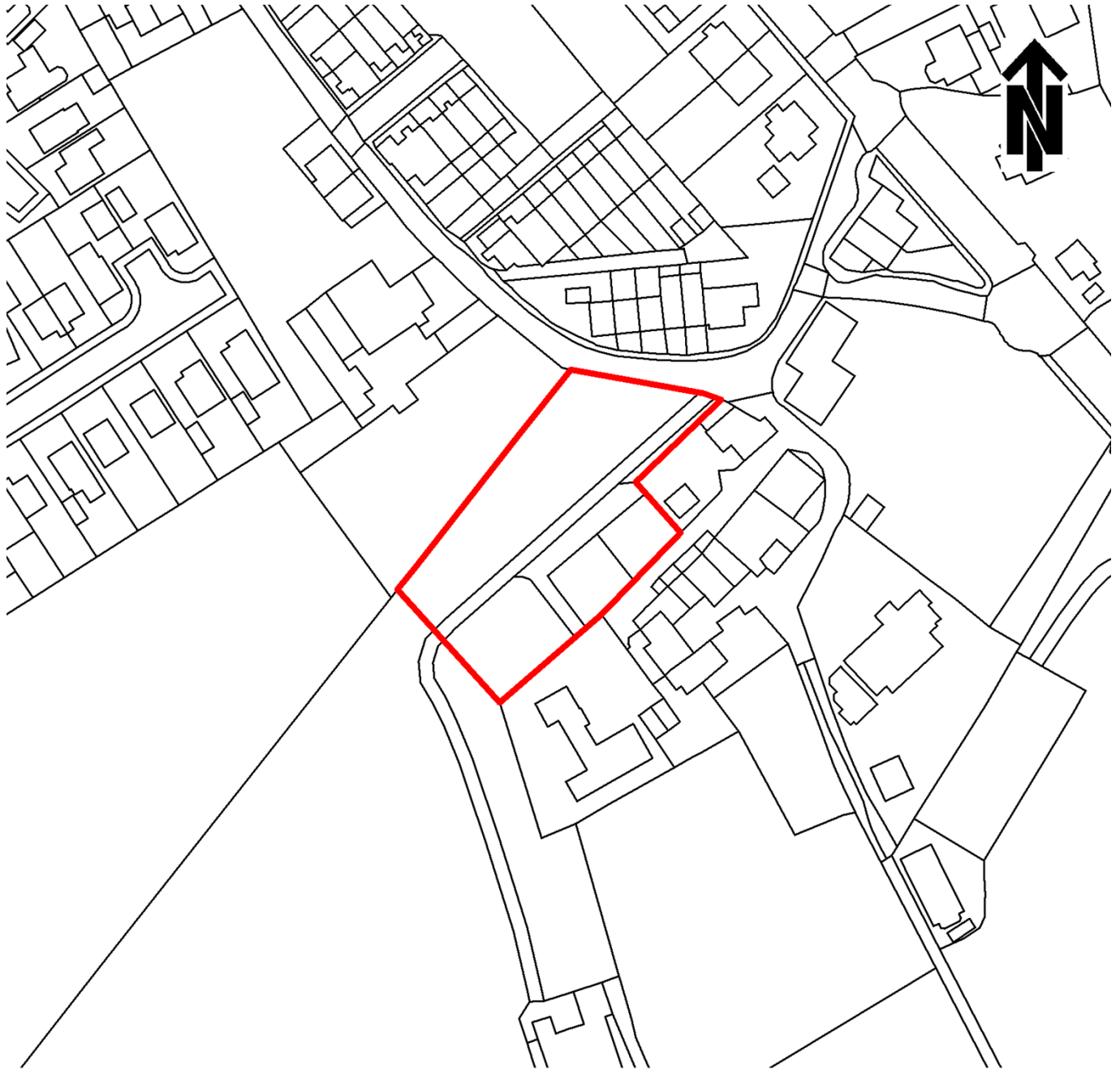
10. The development should not begin until a temporary drainage strategy outlining the drainage arrangements for the construction phase of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

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

11. Before the occupation of any dwellings on the site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site and subsequently completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies DS4 and DS5 of the Core Strategy Development Plan Document.

**23/00531/FUL**



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**Longridge  
Dockroyd Lane  
Oakworth  
Keighley  
BD22 7RH**



**2 August 2023**

**Item: D**  
**Ward: WORTH VALLEY**

**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
23/00531/FUL

**Type of Application/Proposal and Address:**  
Residential development of 5 dwellings at Longridge, Dockroyd Lane, Oakworth, Keighley  
BD22 7RH

**Applicant:**  
Mr S Wilkinson & Mr S Hume

**Agent:**  
David Hill LLP – Mrs Caroline Sunter

**Site Description:**  
This application plot is a rectangular shaped piece of agricultural land located west of Dockroyd Lane. The site is bounded by a stone wall along the boundary with Dockroyd. There is a large Sycamore tree located in the north east of the plot adjacent to the highway. The land slopes down gradually from east to west.

The site is enclosed to the north and south by dwellings and to the east, on the other side of Dockroyd Lane is a row of terraced houses. There is a gated field entrance at the eastern corner of the site onto Dockroyd Lane.

Dockroyd Lane is a narrow road that runs between Chapel Lane and Station Road. The site is towards the southern end of Dockroyd Lane and is opposite a bend and next to the junction with a small no thorough road that serves a small number of dwellings and carries a public right of way along it.

**Relevant Site History:**  
01/00334/FUL - Construction of three houses. Withdrawn 18.04.2001

**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

DS2 Working with the Landscape

DS4 Streets and Movement

DS5 Safe and Inclusive Places

EN1 Protection and improvements in provision of Open Space and Recreational Facilities

EN3 Historic Environment

EN5 Tree and Woodlands

HO9 Housing Quality

**Parish Council:**

Keighley Parish Town Council recommends the application should be refused due to poor design, poor layout and inadequate highways access as outlined in the Highways consultation response [NB revised plans have been received that remove the objection from the Highways officer]

**Publicity and Number of Representations:**

The application was publicised with a site notice that expired on the 13<sup>th</sup> April 2023, neighbour notification letters and press notice that both expired on the 20<sup>th</sup> April 2023.

Representations received:

10 objections

**Summary of Representations Received:**

Objections

- Dockroyd Lane is a narrow and twisty lane that lacks sufficient parking for existing residents.
- The access to the site is on a corner
- The site backs onto Green Belt land and is within Oakworth Conservation Area.
- Development would result in a loss of open space.
- Converted barns to the south are 'key unlisted buildings' and would be obscured by the development.
- There is a lack of sewer capacity. Blocked drains is a common problem.
- Loss of daylight for nearby residents.
- Loss of privacy.
- Concern that this would open up land for further development.
- This site is not allocated for housing.
- Road is used by parents dropping off/picking up children at Oakworth primary school.
- There is not a need for more housing in Oakworth.
- New development would detract from the appearance of this beautiful and historic area.

- What would the impact be on trees and wildlife?
- Construction traffic would disrupt residents.
- Local amenities are at full capacity.

**Consultations:**

Drainage: No objection subject to conditions.

Conservation Officer: The impact of the proposal is considered likely to result in less than substantial harm to the significance and setting of the conservation area and the non-designated heritage assets at Dockroyd however this harm is at the higher end of the scale of 'less than substantial harm'. I am not convinced that there are public benefits of the proposal which would outweigh this harm and the proposal therefore conflicts with Core Strategy Policy EN3 and paras. 199, 202 and 203 of the NPPF.

Highways: On receipt of revised site plan (3058-1 Rev C) there are no objections subject to conditions.

West Yorkshire Police: No objection.

Planning and Highways Access Forum: Should consider ramp access instead of steps due to sloping nature of the site.

**Summary of Main Issues:**

Housing Land Supply

Heritage Significance

Highway Safety

Impact on Trees

Ecology/Biodiversity

Residential Amenity

Other Matters

**Appraisal:**

**Housing Land Supply**

The application site comprises a greenfield site in the Oakworth Conservation Area. The site is not part of Green Belt. It is unallocated in the RUDP and the emerging draft Local Plan. A previous application for residential development of the site was withdrawn in 2001. Since then no applications to develop the land have been submitted.

In respect of the approach to considering housing applications; the Council is unable to demonstrate a 5-year housing supply; as of 31<sup>st</sup> March 2022 the figure stands at 2.08 years. With this in mind it is necessary to consider paragraph 11 of the National Planning Policy Framework which applies a presumption in favour of sustainable development and states:

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 Council's development plan policies are out of date due to the lack of a five year supply of housing land. This being the case paragraph 11 is engaged.

Footnote 7 (marked above) of paragraph 11 says that the policies referred to are those in the NPPF that presumption in favour of development will not apply if the application of policies in the Framework that protect, amongst other things designated heritage assets areas provides a clear reason for refusing the development proposed.

The proposed development must be considered against this policy backdrop. The proposed development would see a contribution of five dwellings to the Council's housing supply.

NPPF paragraph 124 which relates to the density of development states that planning policies and decisions should support development that makes efficient use of land and take into account, amongst other things:

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; an

In this case there is a large tree in the north eastern corner of the plot that is protected by virtue of it being in the conservation area. It is intended to retain this tree and its large root protection area reduces the land available to develop. This part of the site is marked as public open space. At present the land is not accessible to the public. This means that a significant proportion of the site remains free of development. The proposed housing is designed as a row of five in the western part of the plot.

### **Heritage Significance**

In respect of the conservation area, 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 states "The Council, through planning and development decisions, will work with partners to proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the District's designated and undesignated heritage assets and their settings."

The site is in the Oakworth Conservation Area at the urban edge of Oakworth. The Conservation Area Appraisal identifies that this plot of land as a 'key open space'. The buildings to the south are noted as 'key unlisted buildings' and that the site makes a 'positive contribution to the character' of the conservation area.

The proposed development must, therefore, ensure that the heritage significance of the conservation area is protected and not degraded by the development. The proposed development would occupy part of the land that is identified as 'key open space'. The Oakworth Conservation Area Appraisal identifies that the 'development of key opens spaces' is a 'Threat' to the character of the conservation area.

This does not mean that key open spaces cannot be developed. The important consideration is whether the development would cause 'Any harm to, or loss of, the significance of a designated heritage asset' (NPPF para 200)

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

This site is located to the north of the farmstead of Dockroyd. It is within Oakworth Conservation and is specifically identified as key open space in the Oakworth Conservation Area Appraisal (2008). The cottages and farm buildings to the south-east are shown as key unlisted buildings.

The site and the neighbouring field provide an important relationship between open spaces in the conservation area and the Green Belt beyond, reference to the setting of Oakworth in the rural upper Worth Valley, and the agricultural origins of Dockroyd. The site and adjoining field also provide an important break between the settlement of Oakworth (and the conservation area) and the agricultural setting to the south.

Specific mention is made of this land in the Oakworth Conservation Area Assessment (2005) on Pages 52 and 64 stating “Several fields and small grazing areas have been included within the conservation area boundary, such as the land to the south of Mill Lane, east of Park Avenue, south of East Royd and north of Dockroyd. These areas have been included as they are considered to make an exceptional contribution to the setting and character of the conservation area and it is important that these fields remain undeveloped and open”.

However, it is noted that the land was excluded from the green belt designation.

The site affords longer distance open views out of the conservation area towards Oxenhope and the Pennine watershed, and the key unlisted buildings to the south-east which form the historic hamlet of Dockroyd which is likely of 17<sup>th</sup> century origin. The relationship between open spaces and informal former agricultural buildings is important to the character of this part of the conservation area as it allows the former farming hamlet to be viewed in isolation and informs the understanding of its historic development.

The above, notwithstanding, the design of the proposed dwellings and their layout has been informed by the constraints of the conservation area. The row of five cottages have been designed to reflect the character of the key unlisted buildings to the south.

The dwellings have a stepped appearance that respects the topography of the land. Plots 4 and 5, at the eastern end of the row have been designed to appear as a traditional farmhouse with mullioned windows and period chimneys and water tabling on the verges. As the houses then step down to the west the hierarchy of development diminishes and is reflective of character of an agricultural type that is found in a historically rural area such as this.

The architectural detailing and construction materials, are reclaimed stone walling and Greys Artstone roofing. In a conservation area extra that care should be taken over the appearance of development and the materials used in the construction. Reclaimed stone walls and acceptable and reproduction roofing stone slates can be acceptable, however a sample will be required to agree with the local planning authority. The windows are proposed to be timber framed and this is welcomed.

Care has been taken to design a development that is appropriate to its context within the conservation area that materials are reflective of the vernacular. In this case it is concluded that the design and layout of the development is appropriate.

This must be balanced against the importance of the plot to the conservation area and its setting as considered above. In the light of a persistent shortfall in the delivery of a five year supply of housing land the development has to be seen in this context. The Council has a duty to preserve or enhance the character or appearance of the conservation area.

The impact of the proposal is considered likely to result in less than substantial harm to the significance and setting of the conservation area and the non-designated heritage assets at Dockroyd. This must be balanced against the public benefits of the proposal which would outweigh the harm as set out in Core Strategy Policy EN3 and paras. 199, 202 and 203 of the NPPF.

### **Highway Safety**

The proposed layout of the scheme has been altered from that originally submitted. The existing access onto Dockroyd Lane is at the eastern corner of the plot. The proposal would utilise this access point and upgrade it to an acceptable standard to accommodate five dwellings. This includes a 5.0m wide carriageway with 2.0m pavement to either side.

The southern end of Dockroyd Lane is relatively narrow as it heads downhill from the north is turns eastwards to join Station Road. On street parking along the eastern side of Dockroyd Lane is common meaning that the width of the carriageway is further reduced.

At the junction of the site with Dockroyd Lane the visibility 2.4m x 25m in a both directions. This is acceptable and would not cause any detriment to users of the highway. Dockroyd Lane between the site and Station Road has a narrow section that is only wide enough for single file traffic. It has double yellow on both side to prevent obstruction. This 'pinch point' is visible from the entrance to the application site and so would not lead to cars meeting head on at the narrow point.

Within the site a turning head and the drawing includes swept paths to show that a bin wagon could turn around in the site. One concern that has been expressed is that the estate road gives access to the agricultural field beyond and the concern that this could open up land for future development.

However, this application must be considered on its own merits. The land to the west is in the green belt and as such, restricts development and any future application to develop the land would be considered against the relevant policies in force at the time. Such a hypothetical scenario does not prevent this application from being granted.

### **Impact on Trees**

Core Strategy Policy EN4 states "The Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the District."

The large Sycamore tree at the north eastern corner of the plot is not impacted by the development. The plans show the extent of the root protection area and that no development would occur within it. With the correct protective fencing in place during construction there would be no conflict with the tree. The plans show the planting of a tree on the southern side of the entrance to the site.

### **Ecology/Biodiversity**

The application site is in agricultural land which continues beyond the western boundary into the surrounding fields. The large tree and other smaller ones would not be removed or impacted by the proposed development. The trees offer a good habitat for wildlife as does the agricultural field which is used primarily for the grazing of livestock.

A Preliminary Ecological Appraisal by a suitably qualified professional of the site has been submitted with the application. This concludes that ‘amphibians, bats, badgers, nesting birds, brown hares, invertebrates and reptiles are known to occur in the local area, there was however no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by the site development following the mitigation proposed\*.’

\*the mitigation comprises additional landscape planting to include native trees such as hawthorn and rowan.

### **Residential Amenity**

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

The proposed development is located to the north of the dwellings that made up Dockroyd Farm. The access road runs to the south of the houses following the course of the existing track. This means that the proposed houses are located around 18m from the southern boundary of the plot at its nearest point and 22m from Dockroyd Farm.

The proposed houses are orientated with their principal elevations facing southwards. Each house has parking to the front and a private garden to the rear. The separation distance between the proposed houses and those at Dockroyd Farm are sufficient to prevent any significant overlooking or loss of privacy. The application houses are on higher land than Dockroyd Farm. They are to the north of Dockroyd Farm and so are unlikely to result in overshadowing or a loss of light for the residents of Dockroyd Farm.

To the east of the site on the other side of Dockroyd Lane is a row of terraced properties that are on higher land than the highway. These houses face south eastwards towards the application site and Dockroyd Farm. The distance from the terraced houses to the nearest proposed house (Plot 5) is around 30m. Such a distance is sufficient to mean the amenity and living conditions of the residents of the terraced houses would not be unduly negatively impacted.

The sycamore tree in the corner of the field acts helps shield the development from Dockroyd Lane. This part of the development plot remains relatively unaltered by the proposed and has the effect of partially screening the development from view.

### **Other Matters**

The north east part of the application plot would not be developed. It is identified as 'public open space' on the proposed site plan. That is taken to mean that, as a leftover, it would be an incidental space for the enjoyment of new and existing residents.

In this respect it would contribute towards the objectives of CS Policy EN1(B) which states that 'Housing developments will be required to provide for new or improved open space, sport and recreational facilities' preferably on site.

This public open space includes the land around the sycamore tree. The use of the land as public open space is unlikely to cause harm or detriment to the longevity of the tree. Nor, given its visibility, is it likely to raise any concerns over anti-social behaviour, crime or privacy issues.

The subject land would remain in private ownership and would not be transferred to the Council. It is important to condition that the land is managed and maintained.

The drainage strategy submitted with the application is comprehensive and is acceptable with the relevantly worded condition(s).

The use of ramps rather than steps to access the dwelling and disabled access more generally are a consideration for Building Regulations and the developer to ensure that the development is compliant with the relevant legislation.

### **Community Safety Implications:**

There are no implications for community safety

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

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

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

The application site is a greenfield site on the edge of Oakworth located in the conservation area. The site is identified as making a positive contribution to the conservation area and a key open space. The Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

With that in mind, the application has to be considered against the Council's under supply of housing land supply which is presently at 2.08 years. The proposed development has been carefully designed and laid out and is reflective of the local vernacular.

The balance that must be weighed is between the loss of part of the key open space from within an area of particular importance (the conservation area) against the acceptable design and layout of the proposed development and the under supply of housing land.



In view of the design quality of the submission - proposing a vernacular style of dwellings at a scale and in materials reflective of the conservation area - Officers consider that the application of policies in this Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. With this in mind it is considered that any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

On balance, 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 hereby approved shall only be carried out in accordance with e approved plans.

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

3. The development shall not be implemented otherwise than in accordance with the retention of trees shown in the Arboricultural Impact Assessment/Arboricultural Method Statement and Tree Protection Plan that accompanied this planning application and all such trees shown on the approved drawings to be retained, including any trees whose canopies overhang the development site, shall be protected throughout the construction period with tree protection fencing or other tree protection measures that are in accordance with BS 5837: 2012 Trees In Relation to Construction.

The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, until the tree protection fencing or other tree protection measures have been installed in accordance with the specifications and in the positions described in the Arboricultural Impact Assessment/Arboricultural Method Statement and Tree Protection Plan that accompanied this planning application.

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

4. Before any part of the residential development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 3058.1 REV C and completed to a constructional specification approved in writing by the Local Planning Authority.

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

5. Before the development is brought into use, the associated off street car parking facility shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved plan numbered 3058.1 REV C

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

6. Before any part of the development is brought into use, the visibility splays shown on approved plan number 3058.1 REV C shall be laid out and retained and there shall be no obstruction to visibility exceeding 600mm in height within the splays so formed above the road level of the adjacent highway.

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

7. A scheme for the provision of Electric Vehicle Charging Points on the site to meet the minimum requirements (or equivalent) of the Bradford LES planning guidance, including type and location of charging points shall be submitted to the City of Bradford Metropolitan District Council for approval prior to commencement of development at the site. The approved scheme shall be complied with in carrying out the development and all charging points shall be marked clearly and permanently with their purpose and retained fully operational during the lifetime of the development.

Reason: To facilitate the uptake of low emission vehicles and to reduce the emission impact of traffic arising from the development in line with the Council's Low Emission Strategy and National Planning Policy Framework.

8. 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.

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

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

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

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

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

11. The development hereby approved shall be completed in accordance with the finding of the Preliminary Ecological Appraisal completed by Envirotech.

Reason: In order to maintain the biodiversity and ecological value and contribution to the site in respect of protected species and to accord with Policy EN2 of the Core Strategy Development Plan Document and National Planning Policy Framework.

12. 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.

**Informatives:**

In respect of condition 9 of this permission. The information required should include:

Foul water pump station details & 24 hr inflow calculations.

Surface water pump station details & indicate exceedance flood routes in the event of pump mechanical or electrical failure.

Confirm that pump stations are to be adopted by the sewerage undertaker Yorkshire Water or alternatively provide details of pump maintenance proposals.

Indicate cover & invert levels of proposed surface water chambers.

Indicate the maximum water levels for each storm duration in the attenuation calculations summary of results data.

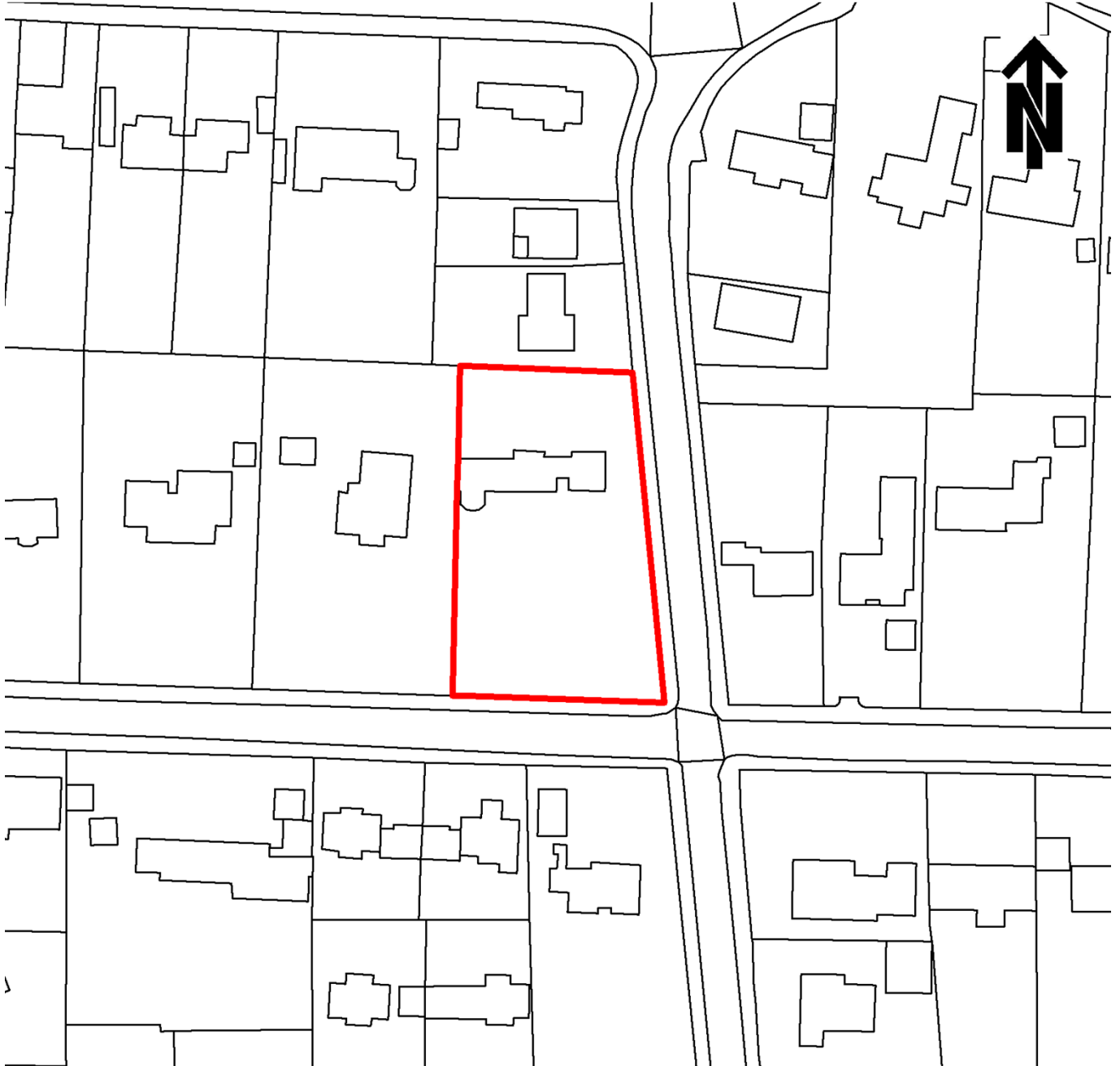
To minimise the risk of blockage occurring any flow control device with an orifice between 50 & 75mm to be protected by a suitable mesh wrapped leaf filter unit.

Details of any proposed flow control chamber, flow control device & leaf filter unit to be submitted.

**22/04364/FUL**



*City of*  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Robin Hill  
Clifford Road  
Ilkley  
LS29 0AX**

**2 August 2023**

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

**Application Number:**  
22/04364/FUL

**Type of Application/Proposal and Address:**  
Full application for demolition of existing dwelling and construction of six apartments  
Robin Hill, Clifford Road, Ilkley LS29 0AX

**Applicant/Agent:**  
Mr M Brooke – The Bankhead Group

**Site Description:**  
Robin Hill is a detached, two-storey dwelling in substantial grounds. It is faced in natural stone with a red coloured concrete tiled roof. It stands well back from a tree-lined frontage with Rupert Road in a residential area on the north side of the river Wharfe at Ilkley. Its principal elevation faces south towards Rupert Road, but the house has its drive access from Clifford Road. The drive drops down from a recessed gate opening to an existing tarmac car park area on the north side of the house.

Above the car park to the north, No. 23 Clifford Road is a modern detached house set at a higher level with a flank wall containing what appear to be secondary windows overlooking the application site. Adjoining to the west is 42 Rupert Road (Royd Lodge), an older and more distinctive stone-built detached house with three pronounced gables and Arts and Crafts style windows in the front elevation.

Robin Hill is in the Middleton Conservation Area. According to historic map evidence the house seems to have been built (or rebuilt) between 1956 and 1975. It has been extended in the past and is of unremarkable appearance. It is not prominent from either street due to the screening by mature vegetation and protected trees along the south, west and east boundaries.

**Relevant Site History:**  
97/02085/FUL: Erection of two storey side extension and alterations. Granted  
20 August 1997.  
22/01961/FUL: Demolition of existing dwelling and construction of nine apartments. Refused  
25 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  
DS2 - Working with the Landscape  
DS3 – Urban character  
DS4 - Streets and Movement  
DS5 - Safe and Inclusive Places  
EN2 – Biodiversity  
EN3 - Heritage  
EN5 – Trees and Woodlands  
EN7 - Flood Risk  
TR2 - Parking Standards Policy  
HO5 - Density of Housing Schemes  
HO9 - Housing Quality  
EN8 - Environmental Protection Policy  
SC8 South Pennine Mors SPA/SAC

**Ilkley Neighbourhood Plan:**

Ilkley Neighbourhood Plan was adopted on 8 June 2022. Policy INDP9, is specifically relevant as it deals with new development in Middleton Conservation Area requiring that to be designed sensitively to ensure the area's special characteristics are preserved or enhanced.

**Relevant Neighbourhood Plan Policies:**

INDP5 High Quality and design  
INDP6 General Principles for new development in conservation areas  
INDP9 New Development in Middleton conservation area.

**Town Council:**

Ilkley Town Council objects strongly on the following grounds:

- Overdevelopment
- Out of keeping with the Conservation Area
- The loss of garden area
- The trees should be retained
- Demolition of the current property is not sustainable
- A report from the biodiversity officer should be required due to the loss of garden.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters and a site and press advertisement (conservation area) which expired on 29 December 2022.

24 representations have been received.

8 of the contributors also made objections to amended proposals.

**Summary of Representations Received:**

1. A large, modern block of flats would be out of character with the surrounding houses and Middleton Conservation area. It would be overbearing. The style is unsuitable. The proposed block of flats shows no regard for the character of the conservation area. The proposal to demolish an existing attractive house and then over develop the plot is not acceptable.
2. This is a revised proposal that does not address previous reasons for refusal which principally related to the visually incongruous nature of the proposal with reference to its scale, height, bulk, projection of footprint into the garden and its appearance. Minor adjustments to the height of the building in the new application appear to be the only gesture that has been made to address these concerns.
3. The increase in bulk and building forward would over-dominate the site and have a negative impact on the conservation area whilst the large footprint would occupy a significant proportion of the current gardens and will not fit with the neighbouring properties.
4. An apartment block would dwarf Royd Lodge and Lindens which are prominent Arts and Crafts Houses adjacent to Robin Hill.
5. Trees are affected. The character of the area depends on trees.
6. The proposals present a significant number of privacy and overlooking concerns. Windows in the north elevation will be very overbearing on the house at 23 Clifford Road, and Royd Lodge next door.
7. The increase in car traffic would add to highway issues already faced in Middleton. On street parking on the hill is to be avoided and 6 flats will introduce additional traffic and noise to this otherwise quiet and peaceful area.
8. The proposed car park at the rear of the flats would be unattractive and look almost industrial from the road, also detracting from the Conservation Area.



9. Precedent: The approval of an application of this kind would promote the idea to other neighbouring properties on similar plots in the area and the cumulative impact would seriously harm the conservation area.

**Consultations:**

Highways Development Control: Have no objections subject to standard conditions concerning provision of the car parking facility and visibility splays as shown on the submitted drawings. Modifications to dropped crossing to accord with Council's Technical specifications.

Drainage Section: No objections are raised and standard conditions are recommended.

Natural England: No objection subject to securing appropriate mitigation for additional recreational pressure impacts on the South Pennine Moors SPA/SAC.

Biodiversity Officer: Recommends provision of bird and bat box enhancements.

**Summary of Main Issues:**

Previous Refusal

Resubmission - The New Proposals

Consideration of the impact on Middleton Conservation Area

Impact on Conservation Area – Demolition

Impact on Conservation Area – Scale of Redevelopment

Impact on Conservation Area - Design and Appearance

Effects on Trees

Highway Safety and Car Parking

Impact on Adjoining Occupiers

Drainage

Impact on Biodiversity

South Pennine Moors SPA/SAC

Including Planning Balance and Housing Land Supply

**Appraisal:**

**Previous Refusal**

In 2022, redevelopment of this site was the subject of planning application 22/01961/FUL which proposed demolition of the existing dwelling and construction of nine apartments. That application was refused on 25 July 2022.

The reasons for refusal were:

1. The site is in Middleton Conservation Area and the proposed 4-storey height apartment building with its increased bulk, forward projection and dominance of the principal elevation by glazing and balconies would create an over-dominant and visually incongruous development out of keeping with neighbouring buildings and would not preserve or enhance the character or appearance of the conservation area.
2. The proposed layout provided only 12 spaces for 9 apartments which was not an adequately designed arrangements for parking and servicing and so was contrary to policies TR2 and DS4 of the Core Strategy DPD.

3. The application lacked appropriate evidence to demonstrate that the layout relates well to protected trees and would enable retention so does not comply with Policy EN5 of the Core Strategy DPD.
4. The application included no Preliminary Bat Roost Assessment or Preliminary Ecological Appraisal.

### **Resubmission – The New Proposals**

Objectors have criticised the resubmission saying that the applicant has failed to address the previous reasons for refusal, which were principally that the apartment is visually incongruous with reference to its scale, height, bulk and the projection of footprint beyond that of the existing house onto the lawns to the south.

However, Officers don't not agree that the changes now submitted are "minor adjustments". The scheme has been reduced from 9 to 6 apartments (33%) by omitting an entire storey across the whole building footprint. This has reduced height by 2-3 metres with a corresponding reduction in bulk and dominance. Section drawings now illustrate the height/bulk of the apartment building in relation to the heights and bulk of the adjoining houses.

The reduction in numbers of dwellings to 6 has also eased pressure for car parking and eased concerns about intensification of traffic movements. Further amendments have addressed some design issues and concerns about overlooking by introducing screening.

The proposal would make more efficient use of the land for housing would also accord with priorities in the NPPF and the Core Strategy to secure more land for housing - especially given the lack of a 5-year supply of land for housing across the District. In the light of that position, the LPA needs to approach its decision about this the application with due regard the presumption in favour of development as set out by paragraph 11 of the NPPF.

### **Consideration of the impact on Middleton Conservation Area**

Middleton Conservation Area is an area or asset of particular importance and the Council has a duty under S,72 of the Planning (Listed Buildings and Conservation Areas Act to pay special attention to preserving or enhancing the character or appearance of that conservation area. That duty is reflected in Core Strategy DPD Policy EN3.

The adopted Ilkley Neighbourhood Plan Policy INDP9 reflects the above and requires new development in Middleton Conservation Area to be designed sensitively, to ensure the area's special characteristics are preserved or enhanced. Special attention should be paid to the preservation of the low density of built form, the relationship of buildings to large plot sizes, and the preponderance of mature landscaping and tree cover.

### **Impact on Conservation Area – Demolition**

Robin Hill is in the Middleton Conservation Area and seems to have been built (or rebuilt) between 1956 and 1975. It has been extended in the past and its style – featuring a red tiled roof and eaves dormers - is unremarkable and not typical of the locality. It is not prominent from either street due to its low height and the screening provided by vegetation and protected trees which fringe the boundaries.

The house is not of significant architectural or historic interest. It is not identified as a key unlisted building in the Middleton Conservation Area Appraisal. Consequently, the Council's Conservation Team does not oppose its demolition and did not object to its demolition as proposed by the previous application.

### **Impact on Conservation Area – Scale of Redevelopment**

Whilst the existing dwelling is not of significant architectural interest, it is subservient to the landscaped gardens, sitting unobtrusively behind a very spacious garden and mature tree cover to the south. The importance of this site to the character of the conservation area lies not in the architectural attributes of the existing house but in its setting. Within Middleton Conservation Area, generally, the landscape qualities of large mature gardens make a contribution to its character and sense of place.

The principle of sensitive redevelopment of the site for housing is acceptable providing the balance of building and open space does not overwhelm the site. It is also recognised that good contemporary design can have its place in conservation area contexts. Middleton has a long history of house building in styles that have reflected the architectural fashions of the time.

Ilkley's Neighbourhood Plan requires that special attention should be paid to the preservation of the low density of built form, the relationship of buildings to large plot sizes, and the preponderance of mature landscaping and tree cover. Redevelopment must also be of an appropriate scale and design quality if it is to preserve or enhance the character or appearance of the Conservation Area.

To address the perceived harmful effects of an apartment building on the open character of the site that led to refusal of application 22/01961/FUL, the applicant has reduced the size of the proposal from 9 to 6 apartments by removing the top storey. The proposed building would still have a larger footprint than the existing dwelling, and extends southwards into the garden plot by virtue of its T-shaped plan.

The footprint of the building is unchanged from the previous refused submission. The existing house is set well behind the alignment of No 42 Rupert Road and the apartment building would step forward of that alignment. However, the building would be set a substantial distance of around 25 metres from the Rupert Road frontage and the reduction in height is regarded as a significant concession. The reduction of the number of apartments by 33% is a major revision, and the bulk of the building is significantly reduced by removal of an entire storey.

In support of that, the submitted cross-sections now illustrate how the height and bulk of the apartment building would relate to the houses to the west and to the north. Whilst higher than the house to the west, the degree of separation is such that the apartment building would appear reasonably well related in terms of bulk and roof form. The change in levels to the house on Clifford Road to the north also mean that it would not appear unduly over bearing. The building is set inside the site with gaps retained to the side boundaries to avoid the building appearing cramped or over bearing of the plot.

With regard to the southward projection, Officers do not agree that there is a clear “building line” on Rupert Road which must not be breached. The houses lining Rupert Road are certainly set well back into their grounds, but there is no regularity to their alignment. The Southward wing projects into the existing garden compared with the footprint of the existing house, but this would not necessarily be in contravention of Policy INDP9 because the new building would remain set 25 metres back from the Rupert Road frontage, a substantial distance, and the mature trees are being retained to screen and soften any perceived effects in views from that direction.

In addition, objective assessment suggests that the plot/development ratio is not unduly compromised by the apartment scheme. The application site area is 2622 sq. m, and the existing building footprint at 218sqm occupies 8% of that site area.

Throughout Middleton, the percentage of plots occupied by their buildings varies considerably. In the locality of the site, the building footprint occupied by 25 Clifford Road has building footprint – 128 sq. m is 25% of the site area); 42 Rupert Road has a building footprint of 262 sq. m which is 10% of its plot site area. At Spring Cottage, the building footprint of 136 sq. m also occupies 10% of the site area and 38 Rupert Road building footprint – 258 sq. m - 21% of the site area.

The proposed building footprint would be 490 sq. m which is an increase but the coverage of the building amounts to only 19% of the plot site area. When considered along with the 25-metre set-back from Rupert Road and the screening provided by the mature trees to that frontage, the perceived impact of the apartment and its southwards projection would not be unduly dominant or overbearing.

A further mitigating factor is that, as before, the architectural design seeks to break the building to three component sections using the slope of the land, so the final development would not appear as a monolithic imposition. The agent argues it will be viewed as 3 separate juxtaposed elements. In addition, the roof pitch of one of the blocks has been turned at right angles. Breaking the mass of the building and utilising the levels on site, allows it to have varying roof levels and thus can be read as a collective grouping rather than a single unit.

The building will use land levels to lessen the apparent height and the cross sections now show how that will enable it to fit with the form and profile of neighbouring residential properties. The preponderance of mature landscaping and tree cover would be largely unaffected – except localised and limited removal of low quality trees.

The proposed apartment building is certainly larger than Robin Hill but Officers do not agree that the revised proposal does not address previous reasons for refusal. The scale and form work successfully due to the significant set-back and use of levels. That enables a higher yield of housing whilst preserving the character and appearance of the conservation area. The development is now considered to accord with Policy EN3 of the Core Strategy and Policy IDNP9 of the Ilkley Neighbourhood Plan.

### **Impact on Conservation Area - Design and Appearance**

Middleton encompasses a variety of architectural styles and a varied assortment of walling and roofing materials which reflect the age of the various incremental developments that have taken place. Over the C20th and continuing into the C21st, house-building in Middleton has tended to follow prevailing fashions – particularly references to Arts and Crafts styles within the white rendered, red-tiled houses of the 1910s/1920s.

The design approach has centred around using wall panels and dual pitch roofs covered in natural slates to divide the elevations vertically and horizontally and it uses contemporary elements such as the large expanses of glass curtain walling to the south facing elevation.

The architectural design of this proposed apartment building is clearly contemporary. It has a strongly horizontal emphasis to the detailing and the design is said in supporting statements to adopt a 'chalet' type grouping of buildings. The walls would be a mix of glazing and stone, with a slate roof, rather than the red pantiles displayed in the existing house.

Compared with the previous refused scheme, the material palette has been simplified and the extent of glazing is reduced. The projecting eaves have been reduced by 500mm and balconies have been redesigned to reduce their impact. That addresses one of the key design issues with the previous scheme which had very widely splayed and shallow gables which were felt to contrast poorly with the characteristics of the steeper gables of traditional buildings in the area.

The balconies would allow the occupants to have additional south-facing outdoor space. Screens are now incorporated to the sides to restrict sideways views. The amendments are such that the contemporary detailing of the facades is now simpler and less overwhelming of the overall design. The reduction in height and breaking up the mass into the three component parts has reduced the impression of a large modern apartment block. The design changes are now considered to produce a design that would be suited to the context of the surrounding built form of Middleton Conservation Area. The scale and design would now appear in keeping with the landscape-dominated variety of development which typifies this suburban conservation area.

Whilst the Conservation Area Assessment does not signal that the "chalet theme" has any particular relevance in terms of the Middleton area, the detailed design and the appearance of the development have been amended to resolve Officer concerns. Whilst of different appearance to neighbouring buildings, this is inevitable given the eclectic variety of architecture in Middleton. It is proposed that external materials be reserved for agreement but the scale, form and detail of the building, considered together, are such that the building is now regarded as appropriate to the conservation area and in accordance with Policies DS1, DS3 and EN3 of the Core Strategy.

### **Effects on Trees**

Trees within the site make a significant contribution to the character and appearance of this part of the Conservation Area. The trees are mostly protected by a Tree Preservation Order and positioned around the site perimeters, notably along Clifford Road and Rupert Road. The previous application was refused because the submission lacked appropriate evidence to demonstrate that the layout relates well to trees. There was some information but an absence of detailed tree protection measures that would ensure the retention of those trees that have long-term amenity value.

The applicant has submitted an Arboricultural Impact Assessment which includes a survey of the condition of trees and identifies clearly those trees that will be affected by the development and those that will be retained. Also, Officers have now evaluated precise impacts of the development on trees on the site.

The applicant's tree survey identifies 44 trees on the site. Of these 1 is in the highest quality retention category (Category A) and 10 Trees are of Retention Category B. However, 28 trees and 10 smaller tree groups are identified to be of low quality with a life expectancy less than 10 years and 5 trees are defective, including a dead birch close to Clifford Road.

The Arboricultural Impact Assessment identifies that all Category A and B trees would be unaffected by the proposed development and only 10 low quality trees within the lowest C2 retention category would need to be removed. The main grouping that need to be removed (T4, 5, 6, 7, 8 and 10) are an assortment of small Lawson cypress, two plums and a hawthorn tree in a group near the Clifford Road entrance. These would need to be removed to facilitate improvements to the access. Three other trees to be removed for car parking are small apple trees and a group of rhododendron bushes.

A minor incursion into the amended RPA of T1 (Birch) has been highlighted on Plan but that tree has extensive basal decay/damage and would only be retainable in the short term.

Officers agree with the applicant's Tree Consultant that the trees that would need to be removed to make way for development are insignificant, low quality specimens that would be readily replaced. Any visual impact from their loss would be short-lived. New planting in positions that are more visible from points within the conservation area would enhance not only the visual contribution of trees but also ecological diversity within the site.

To retain the Category A and B trees and other trees worthy of retention, the Arboricultural Impact Assessment has proposed that a BS 5837 standard protective fence and ground protection be installed prior to the commencement of any site works - including before demolition and before any materials are brought on site.

On site it seems evident that it should be relatively straightforward to position tree protection fencing to establish a Construction Exclusion Zone within which no works are permitted. In this case, it is accepted that if permission is granted, a Planning Condition should require prior agreement of tree protection measures and their implementation before any works begin and for those measures and the Construction Exclusion Zone to be retained for the duration of demolition and development.

To provide compensatory planting, the applicant has tabled a Soft Landscape Scheme (Drawing MR21-155/101) which amongst other enhancements to Biodiversity has proposed 14 extra heavy standard native trees to replace/mitigate those lost through the proposed development. Those new trees have been strategically positioned to enhance the future character of the area by ensuring continuous tree cover.

The applicant's consultant makes the point that the existing stock of trees on the garden is already aged, and in decline. Therefore, the redevelopment presents an opportunity to diversify the age and variety of tree stock which contains numerous declining and defective trees. Its implementation would enhance the Conservation Area for future generations to enjoy.

Therefore, Officers now regard the proposals as having overcome previous concerns regarding trees. Subject to imposition of standard conditions requiring implementation of tree protection measures and the replacement tree planting shown on Drawing MR21-155/101, the proposal does now comply with Policy EN5 of the Core Strategy which seeks to protect and enhance tree cover.

### **Highway Safety and Car Parking**

The apartment scheme proposed by the refused application 22/01961/FUL could provide only 12 off-street parking spaces for 9 apartments with no provision for visitors to park in the site. This under provision of car parking was deemed not adequate given that public transport does not serve Middleton and there are no shops, schools, or other community or commercial facilities and that this is an area where high car ownership levels are prevalent.

Under the new proposals, the net increase in the number of dwellings is reduced from 8 to 5 and the layout provides a total of 14 car spaces off the street. For 6 apartments the parking requirement expressed in Core Strategy Policy TR2 is 2 spaces per apartment and 2 visitor spaces = 14. The level of car parking now accords with what is required under Core Strategy Policy TR2. A cycle parking facility is also shown on the plans.

Objectors say the proposed car park would be unattractive and detract from the Conservation Area. However, the car parking is created at the rear of the flats on land that is already a hard surfaced area serving the existing dwelling. The car spaces behind the building would be unseen from Rupert Road and, due to the land levels and vegetation, would not be unduly prominent from Clifford Road. In addition, 10 of the spaces are to be provide in a covered car port with a sedum roof that will be set against the rockery embankment to the north edge of the site. This would be excavated to create additional space. The car port, covered with a sedum roof, would conceal what would otherwise be a clutter of parked vehicles.

The increase in the number of dwellings would clearly result in an intensification of traffic to and from the site. However, the net increase in 5 dwellings is not a significant increase given that Clifford Road is a broad, spacious street that is lightly trafficked. Better access to the site from Clifford Road would be facilitated by the indicated improvements to the width of the site entrance. Visibility at the site entrance is good and so there are no unacceptable issues in terms of highway capacity.

Consequently, the Council's Highway Officer no longer raises any objections to the new proposals subject to a standard condition to secure implementation of the proposed car parking proposals and access improvements. The necessary modifications to the dropped footway crossing should be constructed to the Council's approved specification before the development is brought into use.

The proposal as now amended would not give rise to unacceptable highway safety issues or cause additional parking demand on surrounding streets. The arrangements for parking and servicing are also now adequately designed so that these will not dominate the site or building and are therefore in accordance with Policy DS4 (E) which requires developers to take a design-led approach to car parking so that it supports the street scene and pedestrian environment whilst also being convenient and secure.

### **Impact on Adjoining Occupiers**

The site has tree-lined frontages to Clifford Road and Rupert Road. There are no issues regarding the placement of windows and balconies within the south and east elevations that face towards those frontages.

To the north, the relationship of the apartment building to 23 Clifford Road has been considered. The apartment building would be on the south side of that house and it is 3-storeys high. However, the new building would stand well off the boundary, with the width of the car park and car port in between. Also the change in levels between the sites is significant. Cross-sections demonstrate that the proposed apartment building would be set below of level with No 23 so would not dominate appear unduly oppressive or overwhelm No 23.

No 23 also presents its side wall to the development with its principal rooms facing east and west. Some windows in the south wall of that house are evident close to the boundary but appear to serve non-habitable rooms. The neighbour has not raised specific issues about those windows in the representation and instead is concerned about overlooking of the gardens and terrace behind. It is feared perceived overlooking would compromise the sense of privacy presently enjoyed.

However, the windows in the ground and lower ground levels (Levels 0 and 1) of the apartment block would not have any direct views into No 23 due to the difference in levels. Levels 1 and 2 of the apartment building have some bedroom windows at the side but these would be set around 13 metres from the boundary. That exceeds normal separation distances suggested by the Homes and Neighbourhoods SPD which would only require only 10.5 metres separation between habitable room windows in new development to a curtilage boundary.

The neighbour to the north is concerned about loss of views towards the moors, and noise and disruption during construction but such matters are not material planning considerations. The proposed development would not unduly dominate or affect outlook, daylight of privacy of occupiers of the house on the north side.

The relationship to No 42 Rupert Road, a substantial stone house to the west of the site has been of some concern but amendments have been provided which add screening to the projecting balconies in front of the apartments to prevent overlooking sideways towards No 42. The "wing" closest to the west boundary includes only en-suite windows at Levels 0 and 1. The bedroom windows in the side wall of the southward projection would be set some distance away from No 42 – significantly more than the 10.5 metre separation advised by the Homes and Neighbourhoods SPD.

The supplementary sections also show that the apartment building would not present an unduly oppressive mass of building towards No 42. Whilst the presence of some windows in the side elevation of No 42 has been observed – possibly to habitable rooms – the degree of separation is such that it is not considered that the apartment building would pose any undue harm in terms of effects on the outlook, privacy or amenity of occupiers of 42 Rupert Road. In that respect the requirements of Core Strategy Policy DS5 are met.



### **Drainage**

The Council's Drainage Section has not raised any objections to the redevelopment and recommends that, if permitted, standard conditions be imposed requiring separate foul and surface water systems, details of which be reserved for agreement.

The Drainage Officer would like the scheme to adopt drainage principles that promote water efficiency and water quality through the use of sustainable urban drainage systems and green infrastructure where feasible. However, it is recognised that soakaways may be unsuitable for use where prevailing land gradients are between 5 and 10% if in close proximity to other properties or public roads or on sites with prevailing gradients in excess of 10%.

A hydrogeological assessment would be expected to be submitted with drainage details to show the relationship of any groundwater levels and movements within the vicinity of the application and the theoretical movements of any infiltrated water from the development. The Drainage Officer is satisfied that these can be conditional requirements should permission be granted.

### **Impact on Biodiversity**

The application proposes demolition of the existing house and the previous application was refused because it did not determine whether bat roosts are likely to be affected by demolition.

A Preliminary Ecological Appraisal has identified that the building to be demolished did have high bat roosting potential and a supplementary Bat Survey FE148/BR01 dated October 2022 now includes the results of three nocturnal surveys undertaken at the building in accordance with current guidance. These were conducted at dusk on 21st July 2022, 25th August 2022, and at dawn on 16th September 2022. They were led by ecologists registered to use a Natural England Class Licence Level 2 to survey for bats.

No bats were observed emerging from or re-entering the building in any of the three surveys. The applicant's ecologist therefore concludes, and Officers accept that roosting bats do not currently pose a constraint to the proposals. The reason for refusal of 22/01961/FUL is addressed.

However, due to the transitional nature of bat roosting, the bat nocturnal survey data will only be valid for a period of one year. Thus, should the demolition works be undertaken from September 2023 onwards an updated nocturnal survey would be required. That can be made a condition of any planning permission.

Due to the level of bat activity recorded the applicant's ecologist recommends that a bat box is installed within the site or on the side of the new building. The Council's Biodiversity Team goes further and recommends a requirement for 3 integral bird nest features such as swift bricks and 3 integral bat roost features such as bat bricks in the building structure. That can also be a condition of permission.

The applicant's Biodiversity Impact Assessment describes how the site masterplan has sought to retain all existing boundary habitats, including the most mature deciduous trees, shrubs and native hedgerows. The car port would feature a sedum roof. The applicant has also submitted a Soft Landscaping Specification, drawing MR21-155/101 which proposes a landscape planting scheme to accompany the development with a reliance on native species.

Drawing MR21-155/101 shows the existing tree covered area to be enhanced through the selective removal of non-native shrub species, such as cherry laurel, and allowed to develop a more diverse ground flora and a native species-rich hedgerow (H2) along the western boundary. A green, sedum roof is proposed on part of the new building. These new habitats will be managed for wildlife.

The Environment Act (2020), which was enacted in November 2021, will require a minimum 10% net gain in biodiversity units. For this scale of development this is likely to become mandatory in April 2024.

However, in this transitional period, a net gain would be considered reasonable to comply with the relevant NPPF and local policy requirements. Specifically - Policy EN2 of the adopted Bradford Local Plan which states that; "The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible."

The applicant's consultant says that, post development, the habitat enhancements and creation, as outlined will achieve a net gain of +0.0898 Habitat Units (total net change of +8.20%) and a net gain of +0.2225 Hedgerow Units (total net change of +51.5%).

With the inclusion of the above measures, the proposed development will provide measurable net gains for biodiversity of +8.20% Habitat Units and +51.5% Hedgerow Units, which meets the current local and national planning policy requirements.

In addition, the applicant proposes additional enhancement measures within the development which cannot be quantified using the Natural England Small Sites BM calculator. The inclusion of the following biodiversity enhancements is proposed:

- Provision of bat and bird boxes throughout the site;
- Installation of gaps for hedgehogs within boundary treatments;
- Creation of log piles for hedgehogs and other species;
- Amenity grassland lawn areas, within the public open space and within the communal gardens of the residential properties.

For these reasons, the proposal is considered to accord with Policy EN2 of the Core Strategy.

### **South Pennine Moors SPA/SAC**

The application site is within Zones B and C – the "buffer zones" to the South Pennine Moors SPA/SAC described in Policy SC8 of the Core Strategy which aim to protect the South Pennine Moors (European Site) from the impacts of additional development.

The Council's Biodiversity Officer confirms that the development will not impact on any suitable foraging SPA bird habitat as it is presently a maintained garden in the built-up so further bird surveys and assessments are not necessary.

As the application site is also within Zone C, (proposals within 7km of the SPA/SAC) and will result in the creation of 5 additional dwellings, the development will be required to make the level of financial contribution as defined in the SPD supporting Policy SC8 towards the strategic mitigation of recreational impacts on the South Pennine Moors. The applicant has completed a standard Unilateral Undertaking for this purpose and it would come into effect, and require payment to be made, when the development is begun. The proposal therefore accords with Policy SC8 of the Core Strategy.

### **Including Planning Balance and Housing Land Supply**

The 6 dwellings (a net increase of 5) would make a contribution to housing land supply and make more effective use of the land for housing. Both would be encouraged by the NPPF and Core Strategy DPD Policy H09. The Local Planning Authority is in a situation where it cannot demonstrate a five year supply of deliverable housing sites, and the latest Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In that situation, Paragraph 11 of the NPPF requires that planning decision-takers should apply a presumption in favour of sustainable development and should grant permission - unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

The application site is part of an asset or area of particular importance – Middleton Conservation Area. However, the above analysis leads to a conclusion that concerns about harm to the conservation area expressed in the reasons for refusal of 22/01961/FUL have been overcome through the 33% reduction in the intensity of development from 9 to 6 dwellings, the resulting reduction in height and bulk and some amendments to appearance.

Those amendments have resulted in a development that can be accommodated on the site without harm to the character or appearance of Middleton Conservation Area. Core Strategy DPD design policies, Policy EN3 and Neighbourhood Plan Policy INDP9 are all considered to be satisfied.

Given all of the above factors, Officers are of the opinion that the adverse impacts of granting permission would not be significant and the application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed.

Inspection on site has shown that whilst some garden trees need to be removed to accommodate improved access, those are of low quality. Conditions that required better quality trees to be planted would overcome any harm caused to the conservation area through localised reduction in vegetation coverage. The relationship of the apartment building to the retained trees is regarded as satisfactory, subject to conditions to secure BS 5937 protective fencing before development is begun.

The applicant has also submitted a Soft Landscaping Specification, drawing MR21-155/101 which proposes a landscape planting scheme to accompany the development with a reliance on native species and the planting of 14 heavy standard native trees. Subject to imposition of standard conditions requiring implementation of the replacement tree planting now complies with Policy EN5 of the Core Strategy.

Bat surveys have established that bats are not currently a constraint to development. Additional bat and bird habitat should be provided within the development, and the submission makes provision through the Soft Landscape Proposals for suitable Biodiversity Net Gain this according with Policy EN2.

The supplementary sections show that the apartment building would not present an unduly oppressive mass of building towards No 42 Rupert Road or 23 Clifford Road which are the two adjoining properties. Privacy issues are considered to have been addressed and appropriate separation is maintained. It is not considered that the apartment building would pose any undue harm in terms of effects on the outlook, privacy or amenity for occupiers of the adjoining dwellings and the proposals accord with Core Strategy Policy DS5.

The Council's Highway Officer raises no objections. Car parking provision and improvements to site access are now satisfactory and no unacceptable impacts on road safety would arise given prevailing highway conditions and the relatively modest increase in vehicular activity. The arrangements for parking and servicing are now sufficient to meet CS Policy TR2 requirements adequately designed so these will not dominate the site or building and are therefore in accordance with Policy DS4 (E).

**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. 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.

3. Notwithstanding the Arboricultural Impact Assessment submitted with this planning application, no development including works of demolition shall begin until a detailed Arboricultural Method Statement with a Tree Protection Plan, setting out full details of proposals to protect trees during the development process, has been submitted to and agreed in writing by the Local Planning Authority.

The Arboricultural Method Statement and/or Tree Protection Plan shall accord with recommendations contained in BS:5837.

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

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

4. The approved tree protection measures, shall remain in place for the duration of the construction period, and shall not be removed or altered except in accordance with such phasing proposals as are described within the approved Arboricultural Method Statement or in accordance with alternative tree protection details that have been formally approved. There shall be no excavations or alteration of ground levels within the tree protection areas/construction exclusion zones created on the site, and no engineering or landscaping works, service runs, or installations shall take place and no materials shall be stored within them.

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

5. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access and the associated car parking spaces shall be laid out, hard surfaced, marked out into bays and drained within the curtilage of the site in accordance with the approved plan. The car parking facilities so provided shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document.

6. Modifications to the dropped footway crossing necessary to form the approved/modified access as shown on the approved plan shall be constructed to the Council's approved specification before the development is brought into use.

Reason: To ensure the provision of an appropriate standard of pedestrian access to serve the development and to accord Policy DS4 of the Core Strategy Development Plan Document.

7. 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 whilst ever the additional dwelling subsists.

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

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

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

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

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

10. In the first available planting season (1st December to 15th March) following the substantial completion of the development, the landscape planting and Biodiversity Net Gain proposals shall be carried out in accordance with details shown on the Soft Landscape Proposals Drawing MR 21-155/101 REV A.

The Local Planning Authority shall be notified in writing of the date of planting and have confirmed that it has been completed in accordance with the approved details.

If within a period of 5 years from the date of planting a new tree or shrub that has been planted as part of those works is removed, uprooted, is destroyed or dies, another tree/shrub 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 secure biodiversity enhancement and replacement planting on the development site in accordance with Policies EN2 and EN5 of the Core Strategy Development Plan Document.

11. Upon completion of the building and prior to its first occupation, 3 integral bird nest features (such as swift bricks) and 3 integral bat roost features (such as bat bricks) shall be installed in accordance with details of the location and type of feature that have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To provide an enhancement of bird and bat habitat at the site and to accord with Policy EN2 of the Core Strategy Development Plan Document.

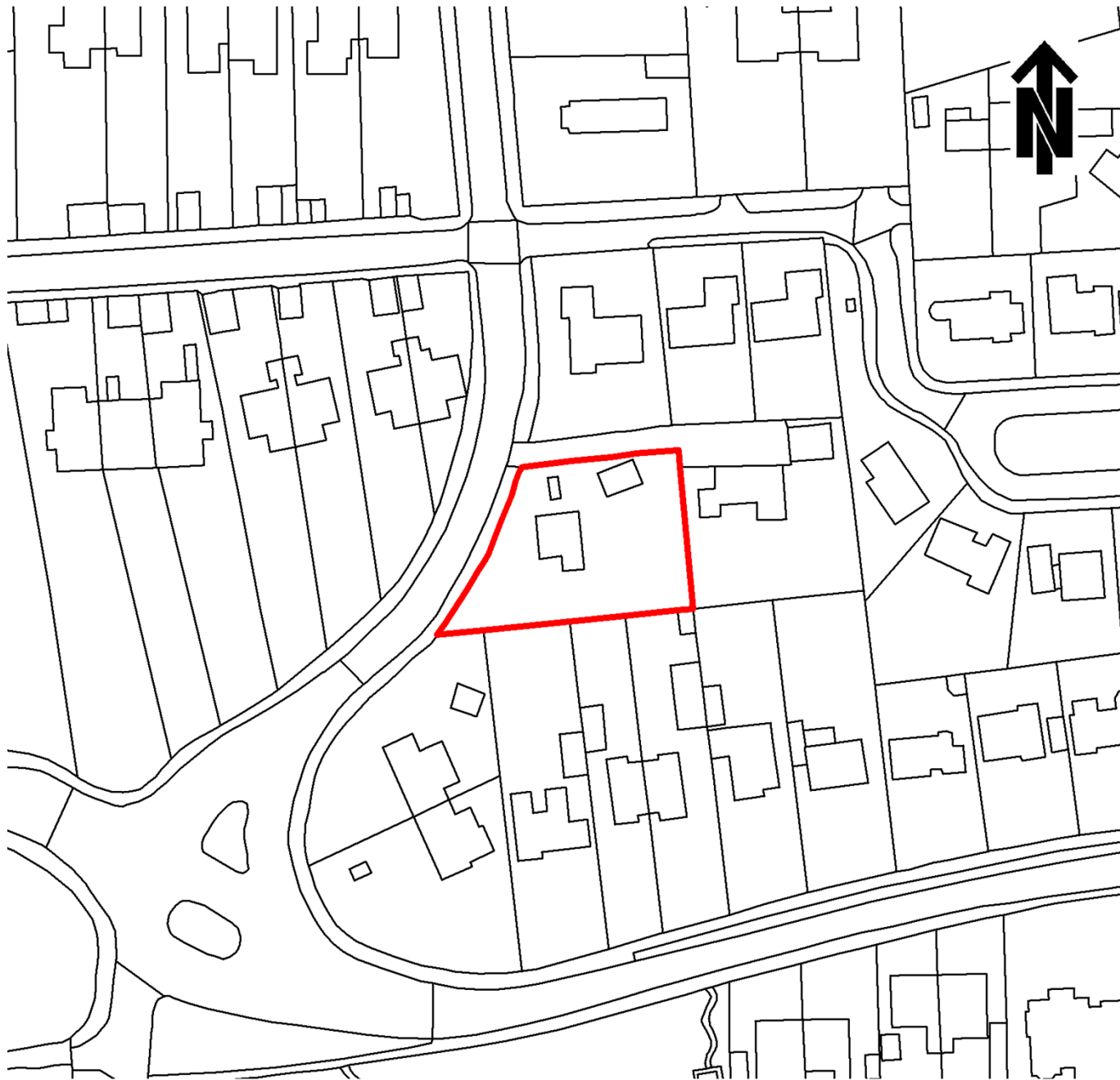
12. Should demolition of the existing house take place after September 2023, the bat nocturnal survey data shall be updated by further emergence surveys before that demolition takes place. In the event that bat roosts are encountered during the updated surveys no demolition shall proceed unless in accordance with appropriate bat habitat mitigation measures that have first been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To provide a final check in view of the transient nature of bat roosts, and to ensure protection of possible bat habitat to accord with Policy EN2 of the Core Strategy Development Plan Document.

**22/04922/HOU**



*City of*  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**Thornhill  
Clifford Road  
Ilkley  
LS29 0AL**



**2 August 2023**

**Item:** F  
**Ward:** WHARFEDALE  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
22/04922/HOU

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

Householder Planning application for the construction of a one and half storey side extension and a single storey rear extension, including demolition of the existing extension and outbuildings, at Thornhill, Clifford Road, Ilkley, LS29 0AL.

**Applicant:**

Mr Merrick

**Agent:**

Mr Joseph Steele

**Site Description:**

Thornhill is a detached house that stands in a large garden on the eastern side of Clifford Road. It is in Middleton - north of the river Wharfe. The existing house has an almost square footprint. The walls comprise a brick plinth, above which are roughcast rendered walls, and a hipped roof covered in red clay tiles; the design is an example of a restrained Arts & Crafts style. It appears to date from the 1930s and the design seems typical of that era. There are trees in the southern section of the garden which are protected by Tree Preservation Order (TPO). The site is in Middleton Conservation Area.

**Relevant Site History:**

22/03529/HOU: Demolition of existing extensions and outbuildings, construction of a side extension with garage, single storey rear extension, amendments to fenestration, render and associated external works. REFUSE 07.10.2022

**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 unallocated but within the defined Middleton Conservation Area.

### **Core Strategy Policies**

DS1 Achieving Good Design  
DS3 Urban Character  
EN3 Historic Environment  
EN5 Trees and Woodlands  
DS2 Working with the Landscape  
DS5 Safe and Inclusive Places  
EN2 Biodiversity and Geodiversity  
DS4 Streets and Movement  
TR2 Parking Policy

### **The Ilkley Neighbourhood Plan:**

The Ilkley Neighbourhood Plan was adopted on the 8th June 2022

### **Neighbourhood Plan Policies**

INDP5 Encouraging High Quality and design  
INDP6 General Principles for New development in conservation areas  
INDP9 New Development in Middleton conservation area

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

The application was advertised by site notice, press advert and neighbour notification letters. The deadline for comments was 26 January 2023.

The application received 2 letters of support and 3 letters of objection. The objections include a request from an Ilkley Ward Councillor that the decision be referred to Area Planning Panel should officers recommend approval.

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

#### Support comments

The proposal would be an improvement to the existing. It would be proportionate and in-keeping and enhance the conservation area.  
The garden has been neglected for many years and needed some attention.

#### Objections

Failure to understand the heritage and environment issues.  
Poor heritage statement with references to the wrong conservation area.  
Mix of designs. Harmful to character of building, street and conservation area.  
Impact on privacy levels. Overlooking and perception of being overlooked.  
There has been a huge loss of trees. The gap for the drive is too wide and will reduce ability to provide a wildlife corridor.  
Lack of details for the drive colour and boundary treatments.  
There are changes to the parking arrangements.  
Light pollution from the development.

**Town Council:**

Ilkley Town Council objections

No arboricultural report.

Porous surfaces required.

Significant overdevelopment in the Middleton conservation area.

Removal of boundary hedges.

Previous comments of the Town Council have not been taken into account.

**Consultations:**

Conservation Officer

The Council's Conservation Officer has raised concerns the extensions to the house would result in a much larger presence on its plot and thus would be discordant with the prevailing spatial qualities of the conservation area. This would be more evident due to a widened entrance. Also raised concerns about the removal of a potting shed.

These comments are discussed in the main body of the report.

**Summary of Main Issues:**

Background – Previous Refusal and this Amended Proposal

Design and Heritage Considerations – Middleton Conservation Area

Impacts on Residential Amenity

Other Matters Raised in Objections - Trees

**Appraisal:**

**Background – Previous Refusal and this Amended Proposal**

This application is a re-submission following refusal of 22/03529/HOU which proposed a larger extension; this was refused because the side extension would have been unduly prominent and harmful to the character and appearance of the existing house. The effects would have been exacerbated by its proximity to the northern boundary and the feared loss of the vegetation and hedge along the boundary.

This revised application seeks to address that reason for refusal through amendments to the scale and design of the extensions.

The proposed side extension is reduced in width. The former double garage element is reduced to a single bay. As before, the extension would be set back from the front elevation of the original house by two metres and it is now proposed to be set 3 metres off the side boundary where there is an attractive beech hedge.

The eaves level to the front is designed to be set low down, and the ridge would be comfortably set below the main ridge of the property. At its highest point, set-back some 6.4metres from the front wall of the house. The upper floor space is sited within the eaves so the side extension is described by the agent as 1½ storeys.

New dormer windows to serve the accommodation in the roof space would be installed in the rear elevation roof plane, which is not prominent in views from the street.

### **Heritage Considerations – Middleton Conservation Area**

The Council's Conservation Officer advises that Thornhill dates from the 1930's and displays restrained Arts & Crafts detailing - typical of the prevailing trend for house design popular at that time. Middleton has a number of similar houses – large detached and semi-detached houses faced in white render with red tiled roofs.

This house is detached and stands on a substantial garden plot. It is identified as a key unlisted building in the adopted conservation area appraisal and the trees along the Clifford Road frontage and in the south of the curtilage are noted as making an important contribution to area character. However, due to land levels and hedges, the existing house is not particularly prominent.

#### Demolition

The proposals require demolition of an existing side extension, removal of a flat roofed dormer window and demolition of a detached garage. The Conservation Officer agrees that removal of those later additions to Thornhill does not raise any planning concerns as they are features of limited heritage or design significance.

An old rendered potting shed at the side of the house is also to be demolished to make way for the side extension. The Conservation Officer thinks this may be an original ancillary garden building to Thornhill and has expressed concern about its removal. However, the potting shed has very limited visual presence beyond the site. It's overall contribution to the character of the conservation area is therefore very limited. In any case, the potting shed has a volume (25 cubic metres) which is less than 50 cubic metres so the LPA could not oppose its demolition. Such demolition (of a building less than 50 cubic metres) is excluded from control under the Town and Country Planning (Demolition – Description of Buildings) Direction 2021.

#### Scale of the extensions

Compared with the refused proposals, the proposed side extension has been reduced in width by reducing what was a double garage to a single garage.

The reduced width would mean the side extension is now set a minimum of 3.18 metres away from the attractive beech hedge along the side boundary. This space to the side boundary would comfortably enable retention of the beech hedge and its continued survival as a feature of the site and the conservation area. Adequate clearance is also retained between the extensions and the attractive beech hedge along the Clifford Road frontage.

With regard to the height of the side extension, the side extension will provide accommodation at first floor level, but the upper floor space is within the eaves to reduce the overall height and enable the extension to stand as a subservient and harmonious addition to the original house. Also, as before, the side extension would be set back significantly from the front elevation of the original house and the eaves level at the front of the extension is set low down, and the ridge set comfortably below the main ridge of the house.

The house is set back some 9 metres from Clifford Road. It's subservient height in combination with the land level changes and retention of the boundary hedges, is such that the side extension would not appear intrusive and the designer has achieved the required subservience. Officers are satisfied that the proposed side extension would appear subservient and balanced with the proportions of the original house.

In terms of plot coverage, Officers are mindful of the Middleton Conservation Area Character Assessment (adopted in 2005) which highlights the importance of landscaping, trees, spaciousness and the spatial contrast between built form and site extent as fundamental contributors to the overall significance of the conservation area.

As part of this assessment, a 'development matrix' was devised which considers the footprint of the building, the extent of the plot size, the percentage of plot developed and the set back of the property from the relevant road. Based on this matrix, the Council's conservation officer advises that the average plot occupancy on Clifford Road is around 12% but with quite varied differences between plots. With the proposed extension, the proportion of the plot at Thornhill occupied by buildings would still be around 13.8%. This a reasonable ratio and the extensions would not cause the plot to appear as over-development.

#### Appearance

The facing materials for the extensions will be render and brick to match the materials in the existing house. Red tiles to match will be used for the roof. Window proportions and other features of the side extension reflect the character of the original house and are regarded as sympathetically designed.

The new dormer windows are sited to the rear of the side extension and would not be prominent to views from the street, with the pitched roof design in line with the Council's guidance for dormer windows in a conservation area.

The proposed extension to the rear is single storey in height and faced in glazing and matching render, using a red tiled pitched roof. The rear extension is of contemporary design to provide a modern contrast to the original house but uses matching materials. The rear extension would be subservient in scale and unobtrusively sited being set behind and in from the side walls of the house. Policies of the Core Strategy support contemporary design in appropriate contexts and the style of the rear extension and use of matching facing materials is regarded as meeting that requirement.

#### Boundary details

Details of proposals for the front boundary treatment and gates had not been provided as part of the previous application but are now shown. They confirm that the existing beech hedge around the perimeter will be retained and the access point, with gate, is reasonably sized.

Core Strategy DPD Policy DS2 requires development to integrate into the wider landscape by taking advantage of existing landscape features. This amended scheme which includes confirmation of boundary treatments is as such that there is compliance with the above policies.

As highlighted above, the application drawings confirm where the boundary hedge is to be retained with the extension set more than 6 metres from the hedge to the street. Retention of most of the existing screening will help to maintain the natural screening of the extended house from the roadside and thus ensuring it remains complementary to the character of the area.

### Conclusion – design and heritage

The new built form being proposed is not insignificant, but this is a large detached dwelling sited on a substantial garden plot. The house is set back from the boundaries and the revised scheme presents a proportionate development which would not result in an over-development. The scale and design of the extensions are regarded as according with Policies DS1 and DS3 of the Core Strategy and policy INDP5 of the Ilkley Neighbourhood Plan which collectively seek to reinforce the existing character of the settlement and to integrate new developments with their surroundings.

Having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy EN3 of the Core Strategy and policies INDP6 and INDP9 of the Ilkley Neighbourhood Plan, the proposal would not appear discordant in terms of its appearance and the scale and plot coverage are balanced and in accordance with the prevailing spatial qualities of the conservation area.

The development will therefore preserve the heritage significance and setting of the conservation area as one of the District's heritage assets. Accordingly, the proposal would not harm the character or appearance of the conservation area and accords with the S.72 duty and the NPPF and Core Strategy DPD policy EN3.

### **Impacts on Residential Amenity**

The main two-storey extension would be built on the north side of the house, with the single storey extension to be built to the east side.

Immediately to the north and on a higher land level is a private drive which provides access to 8 Clifford Road (Foxglove). This bungalow is orientated so that the front elevation faces north and its side elevation faces the boundary with the application plot, where there is a garage. Boundary treatment is evident between the two plots, in the form of hedging and tall vegetation.

The two storey extension would be sited 20-metres from the rear boundary, 15metres from the rear elevation of the single storey extension. This is a considerable distance, far exceeding the recommendations in the Householder Supplementary Planning Document on separation distances.

The development would not have any significant impact on the amenity of the adjoining occupants, when assessing loss of privacy, loss of outlook, or resulting dominance. Neither can it be agreed that the proposal would result in such obtrusive light pollution as to be so harmful to the day to day living of the neighbouring occupants, noting that this a residential development in an area surrounded by other dwellings.

To the north of the plot, separated by the access drive to Foxgloves on a higher land level again is 2 St Nicholas Road. The rear elevation of this property faces the side of the application plot. There is strong boundary treatment surrounding this plot. A separation distance of around 20metres would be maintained between this neighbouring plot and the side wall of the extension. Given the orientation, changes in levels, the existing boundary treatments and the notable degree of separation, the scheme raises no concerns for the occupants of this property. No windows are suggested in the upper floor side wall facing this plot.

There are properties to the south of the plot, accessed from Denton Road, but since limited works suggested to the south elevation and given the comfortable degree of separation, as well as the new planting proposed as part of the TPO application, the proposal does not raise any significant concerns for these occupants.

The development accords with policy DS5 of the Core Strategy and policy INDP5 (g) of the Ilkley Neighbourhood Plan, which together require 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.

### **Other Matters Raised in Objections - Trees**

Ilkley Town Council and others have raised objections about trees on the site which had been felled prior to the submission of the first planning application. However, all the tree works carried out have been the subject of proper applications for consent. Indeed, tree removal has been given formal written consent by the Council under tree application ref: 22/01403/TPO. Some other lesser trees not protected by TPO were only removed following the necessary conservation area notification under 22/01409/CPN and were works to which the Council's Tree Officer did not object.

As a condition of the TPO consent, a replacement planting scheme has been agreed for new trees to be planted in the south of the garden. That re-planting will be away from the development proposals and the agent has provided a copy of the tree planting plan in the current application.

In addition, a tree protection plan has been submitted with this application which would provide tree protection fencing during the construction works which would safeguard not only the remaining trees but also the boundary hedges. Subject to a condition to request the tree protection be implemented by commencement, which the agent has agreed to, there are no outstanding issues with the trees on this plot.

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

The revised scheme has satisfactorily addressed the previous concerns and the extensions are regarded as proportionate to the plot and the scale of the original house. They are visually acceptable. The extensions would not harm the character or appearance of Middleton Conservation Area. The impact on the neighbouring residents has been very carefully considered but the overall height, scale and siting in combination with the significant degree of separation to neighbouring dwellings is as such that the extensions would not cause detrimental harm on neighbouring amenity. For these reasons there is compliance with the above policies and approval is recommended.

### **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	SKA IL 08 00 01	D00	16.11.2022
Existing site plan	SKA IL 08 00 02	D00	16.11.2022
Existing floor plan	SKA IL 08 00 04	D00	16.11.2022
Existing floor plan	SKA IL 08 10 05	D00	16.11.2022
Proposed floor plan	SKA IL 08 00 05	D01	16.11.2022
Roof plan	SKA IL 08 20 01	D01	16.11.2022
Existing elevations	SKA IL 08 70 01	D00	16.11.2022
Proposed elevations	SKA IL 08 70 02	D01	16.11.2022
Proposed site plan	SKA IL 08 00 03	D02	09.01.2023
Proposed elevations	SKA IL 08 90 02	D02	09.01.2023

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

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

No development, including ground works or works of demolition, shall begin on the site until the tree protection fencing has been installed in accordance with the details shown on plan reference SKA IL 08 00 03 D002, dated 1.6.2022.

The agreed tree protection measures shall subsequently remain in place for the duration of the construction period, and shall not be removed or altered without the written consent of the Local Planning Authority. There shall be no excavations or alteration of ground levels within the construction exclusion zones created on the site, and no engineering or landscaping works, service runs, or installations shall take place and no materials shall be stored within them.

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

4. The development hereby permitted shall be constructed using external facing and roofing materials to match the existing building as is specified on the submitted application.

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.



5. 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 whilst ever 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.

6. Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with DS4 of the Core Strategy Development Plan.

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## Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 02 August 2023

# B

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### Summary Statement - Part Two

#### Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(2)
Decisions made by the Secretary of State - Allowed	(4)
Decisions made by the Secretary of State - Dismissed	(12)
Decision made by the Secretary of State – Varied and Upheld.	(1)

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Richard Hollinson  
Assistant Director (Planning, Transportation and Highways)

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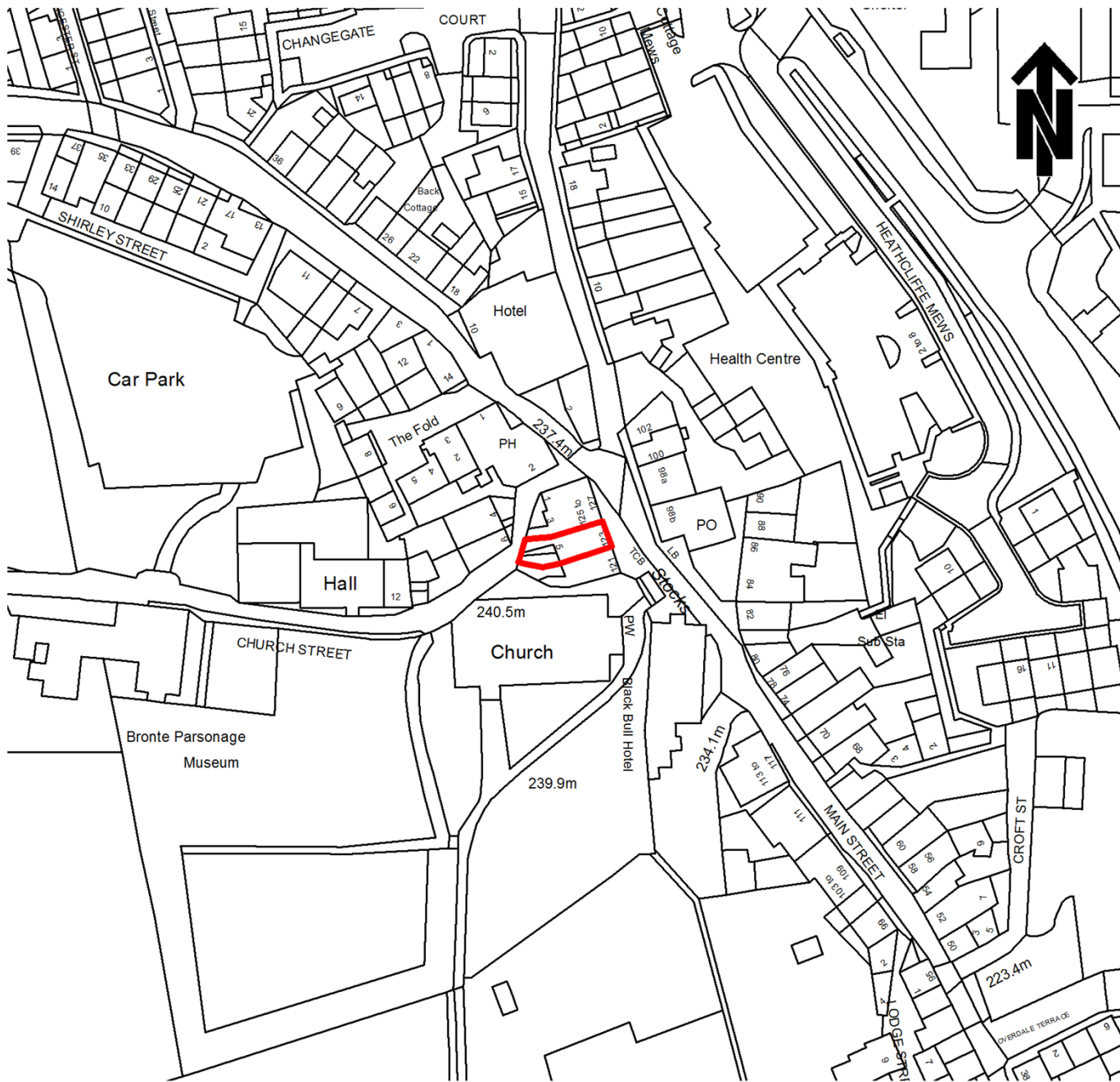
**Portfolio:**  
Regeneration, Planning & Transport

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

21/00996/215DS



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**5 Church Street**  
**Haworth**  
**BD22 8DR**

**2 August 2023**

**Item Number:** A  
**Ward:** Worth Valley  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
21/00996/215DS

**Site Location:**  
5 Church Street Haworth Keighley West Yorkshire BD22 8DR

**Breach of Planning Control:**  
Untidy land

**Circumstances:**

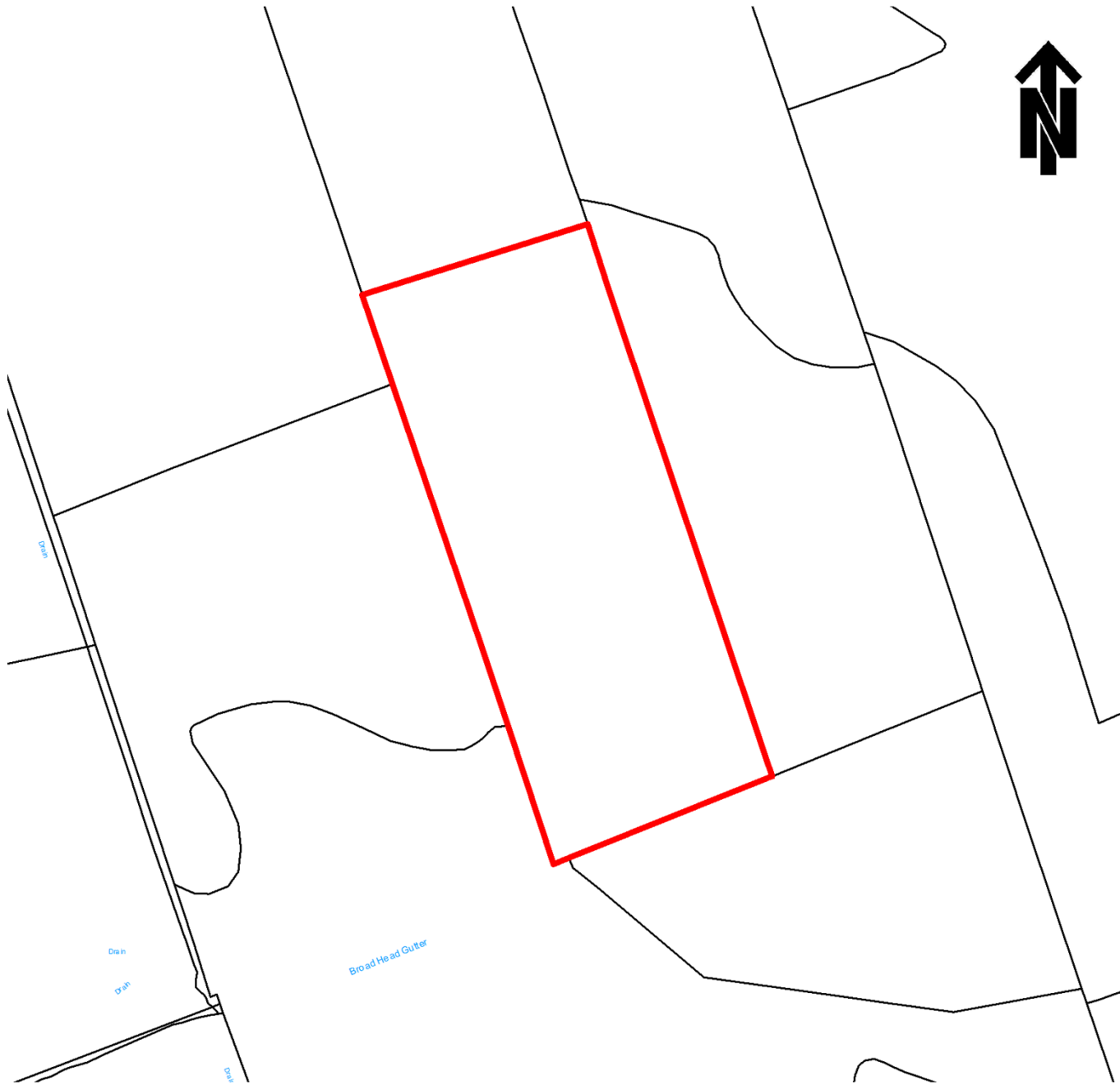
The Local Planning Authority was made aware of an accumulation of materials and items on land to the rear of the property sited within the Haworth Conservation Area. The appearance of the land was deemed to be of significant harm to visual amenity and despite written challenge being sent to the registered owner requesting action to remove materials and improve the appearance of the property no reply was received. A further site inspection revealed no works to improve the appearance of the land had been carried out.

The Planning Manager (Enforcement and Trees) authorised the issuing of a S215 Enforcement Notice under delegated powers on 07 March 2023. The Notice will require removal of the offending materials and items currently sited on the land.

22/00123/215DS



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:2,500

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**Land At Grid Ref 400857 439880**  
**Whitehill Road**  
**Oakworth**

**2 August 2023**

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

**Enforcement Reference:**  
22/00123/215DS

**Site Location:**  
Land At Grid Ref 400857 439880 Whitehill Road Oakworth Keighley West Yorkshire

**Breach of Planning Control:**  
Untidy land

**Circumstances:**  
The Local Planning Authority was made aware of an accumulation of materials, waste and other items on agricultural land adjacent to and visible from the highway off Whitehill Road. The appearance of the land was deemed to be of significant harm to visual amenity and despite written challenge being sent to the registered owner requesting action to remove materials and improve the appearance of the property. A further site inspection revealed no works to improve the appearance of the land had been carried out.

The Planning Manager (Enforcement and Trees) authorised the issuing of a S215 Enforcement Notice under delegated powers on 07 March 2023. The Notice will require removal of the offending materials, waste and items currently sited on the land.

## DECISIONS MADE BY THE SECRETARY OF STATE

### Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
C.	Ilkley (ward 14)	19 Strathmore Road Ilkley LS29 8PQ  Construction of detached 2-storey dwelling to side of existing property (revision of house permitted by permission 21/01147/FUL) - Case No: 22/05329/FUL  Appeal Ref: 23/00027/APPFL2
D.	Worth Valley (ward 29)	27 Pasture Avenue Oakworth Keighley BD22 7QF  Double storey side extension to accommodate supplemental living space. Includes new hardstanding to front for additional parking.  - Case No: 22/04475/HOU  Appeal Ref: 23/00021/APPHOU
E.	Bingley Rural (ward 03)	Land Adjacent To Brook House Bradford Road Bingley  Construction of three dwellings, comprising of one pair of semi detached houses and one detached house with associated detached garage, vehicle parking, vehicle turning area and highways improvements - Case No: 22/01197/FUL  Appeal Ref: 22/00142/APPFL2
F.	Baildon (ward 01)	Land West Of 14 Otley Road Baildon  Removal of 3 No 48-sheet poster advertisements and installation of replacement 1 No illuminated 48-sheet D-Poster advertisement and ancillary vertical meadow green wall - Case No: 22/03583/ADV  Appeal Ref: 22/00156/APPAD1



## Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
G.	Shipley (ward 22)	36 Westgate Shipley BD18 3QX Appeal against Enforcement Notice - Case No: 21/00087/ENFUNA Appeal Ref: 22/00120/APPENF
H.	Ilkley (ward 14)	6 Wheatley Rise Ilkley LS29 8SQ Construction of detached dwelling with access from High Wheatley - Case No: 22/03435/FUL Appeal Ref: 23/00030/APPFL2
I.	Worth Valley (ward 29)	Baby Barn Farm Hebden Bridge Road Oxenhope Keighley Siting of static caravan, 2 x containers and 1 polytunnel (retrospective) - Case No: 22/02473/FUL Appeal Ref: 23/00010/APPFL2
J.	Ilkley (ward 14)	Granny Flat 17 Victoria Avenue Ilkley LS29 9BW Certificate of lawfulness for existing use as residential annex - Case No: 22/02567/CLE Appeal Ref: 22/00128/APPCLC
K.	Shipley (ward 22)	Kirkgate House 20 - 30 Kirkgate Shipley Externally mounted security shutters to four units with graphic to front face to mimic shopfront - Case No: 22/03006/FUL Appeal Ref: 22/00135/APPFL2
L.	Worth Valley (ward 29)	Land 403553 434450 Back Leeming Oxenhope Keighley One dwelling with access and landscaping - Case No: 21/01571/FUL Appeal Ref: 22/00098/APPFL2

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<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
M.	Shipley (ward 22)	<p>Land Adjacent To Cottingley Cliffe Road Cottingley Bingley</p> <p>Appeal against Enforcement Notice - Case No: 20/00841/ENFUNA</p> <p>Appeal Ref: 22/00100/APPENF</p>
N.	Worth Valley (ward 29)	<p>Land At Grid Ref 401996 438349 Hob Cote Lane Oakworth Keighley</p> <p>Retrospective planning permission for 20ft x 8ft shipping container and wooden Carport - Case No: 22/00126/FUL</p> <p>Appeal Ref: 22/00076/APPFL2</p>
O.	Craven (ward 09)	<p>Land To The West Of Street House Grange The Street Addingham LS29 0JY</p> <p>Construction of detached dwelling - Case No: 22/01180/FUL</p> <p>Appeal Ref: 22/00101/APPFL2</p>
P.	Ilkley (ward 14)	<p>Red Gables 59 Parish Ghyll Drive Ilkley LS29 9PR</p> <p>Internal and external alterations including conversion of existing second floor flat and second floor extension to create additional (3) apartments (amended scheme to application number 21/4913/FUL) - Case No: 22/01608/FUL</p> <p>Appeal Ref: 23/00019/APPFL2</p>
Q.	Craven (ward 09)	<p>Street House Farm The Street Addingham LS29 0JY</p> <p>Appeal against Enforcement Notice - Case No: 21/01166/ENFLBC</p> <p>Appeal Ref: 22/00133/APPENF</p>
R.	Wharfedale (ward 26)	<p>The Pump House Hillings Lane Menston Ilkley LS29 6AU</p> <p>Single storey extension - Case No: 22/02070/HOU</p> <p>Appeal Ref: 22/00158/APPHOU</p>

## Notice Varied and Upheld

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
S.	Worth Valley (ward 29)	Ellarmeadow Back Leeming Oxenhope Keighley BD22 9NL  Appeal against Tree Replacement Notice - Case No: 19/00565/TPOCN  Appeal Ref: 22/00014/APPTRE

## Appeals Upheld

There are no Appeal Upheld Decisions to report this month

## Appeals Upheld (Enforcements Only)

There are no Appeal Upheld Decisions to report this month

## Appeals Withdrawn

There are no Appeal Withdrawn Decisions to report this month

## Appeal Allowed in Part/Part Dismissed

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

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