

# Agenda for a meeting of the Area Planning Panel (Keighley and Shipley) to be held on Wednesday, 25 October 2023 at 10.00 am in Council Chamber - City Hall, Bradford

## Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Engel Azam Dearden 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  
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</u> if 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 th.</i>

*it would affect your view of the wider public interest; in which case speak on the item only if the public are also allowed to speak but otherwise not do not participate in the discussion or vote; and leave the meeting unless you have a dispensation.*

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

### **3. MINUTES**

**Recommended –**

**That the minutes of the meeting held on Wednesday 2 August 2023 be signed as a correct record.**

(Asad Shah – 01274 432280)

### **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– 01274 432280)

## 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 23 October 2023**

(Asad Shah – 01274 432280)

## B. BUSINESS ITEMS

### 6. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL 1 - 32

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

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	Eldwick Grange Sheriff Lane Eldwick Bingley West Yorkshire BD16 3EN - 23/01142/FUL [Approve]	<b>Bingley</b>
B.	Windward 29 Breakmoor Avenue Silsden Keighley West Yorkshire BD20 9PW - 23/02369/FUL [Approve]	<b>Craven</b>
C.	21 Heather Grove Keighley West Yorkshire BD21 2RP - 23/02539/HOU [Refuse]	<b>Keighley Central</b>
D.	Land At Grid Ref 399074 437004 Ponden Wood Ponden Lane Stanbury Keighley West Yorkshire - 23/01413/FUL [Refuse]	<b>Worth Valley</b>

(Amin Ibrar – 01274 434605)

### 7. MISCELLANEOUS ITEMS 33 - 44

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

- (A - D) Items to note.
- (E - H) Decisions made by the Secretary of State – Allowed.
- (I - N) Decisions made by the Secretary of State – Dismissed.

(Amin Ibrar – 01274 434605)

## Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 25 October 2023

**C**

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### Summary Statement - Part One

#### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	Eldwick Grange Sheriff Lane Eldwick Bingley West Yorkshire BD16 3EN - 23/01142/FUL [Approve]	<b>Bingley</b>
B.	Windward 29 Breakmoor Avenue Silsden Keighley West Yorkshire BD20 9PW - 23/02369/FUL [Approve]	<b>Craven</b>
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D.	Land At Grid Ref 399074 437004 Ponden Wood Ponden Lane Stanbury Keighley West Yorkshire - 23/01413/FUL [Refuse]	<b>Worth Valley</b>

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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)

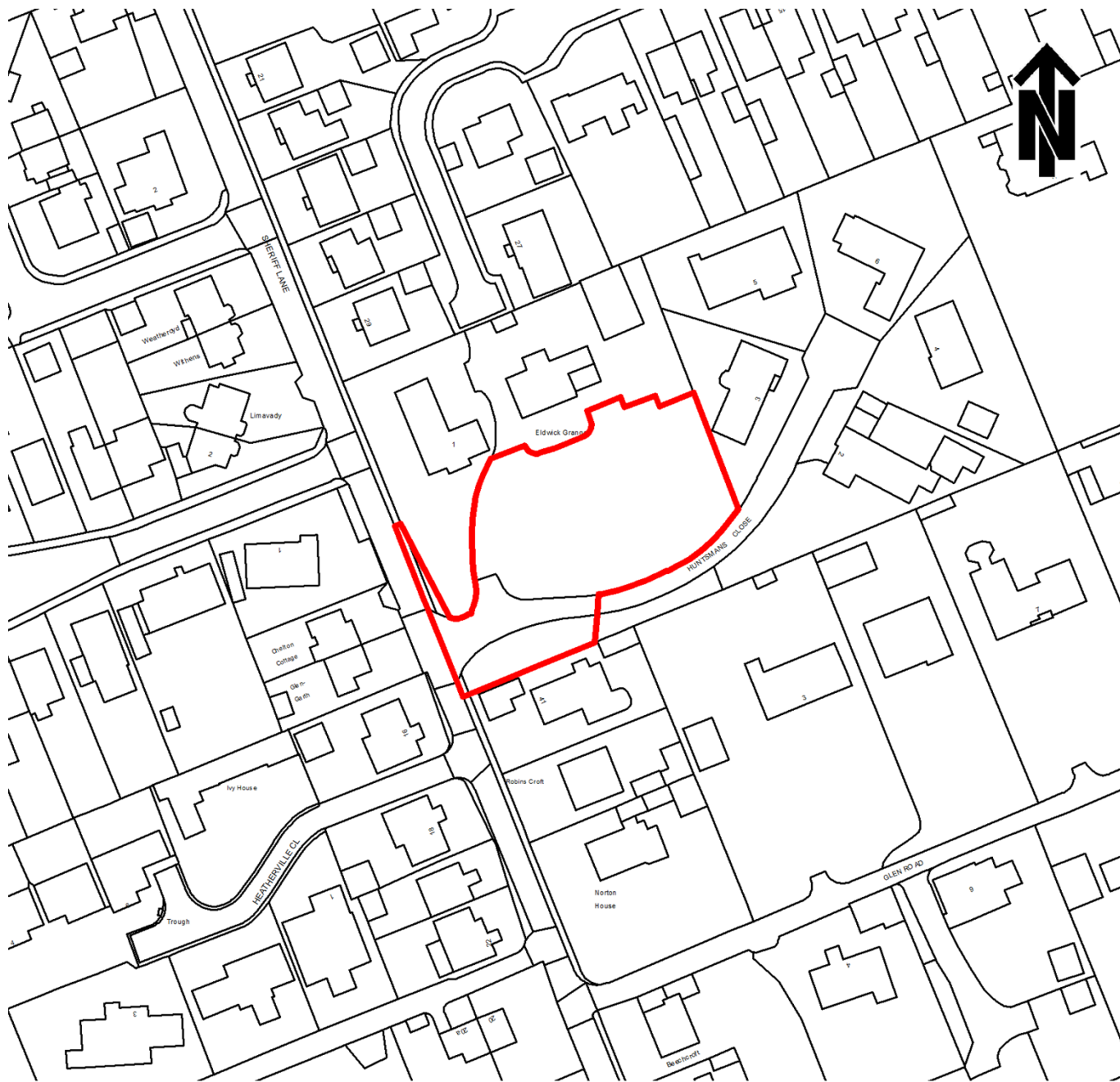
**Portfolio:**  
Regeneration, Planning &  
Transport

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

**23/01142/FUL**



**City of  
BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**Eldwick Grange**  
**Sheriff Lane**  
**Eldwick**  
**BD16 3EN**

**25 October 2023**

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

**Application Number:**  
23/01142/FUL

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

Full application seeking permission for Residential development of 3 detached houses with new section of adopted road and turning head and private drive at Sheriff Lane, Eldwick, Bingley

**Applicant:**

Mr Alan Tomlinson

**Agent:**

N/A

**Site Description:**

The site comprises 0.2 hectares of open and relatively level garden area to the south of Eldwick Grange and Loxley House. Access is taken from a private drive off Sheriff Lane known as Huntsman's Close which continues to the south of the application site and serves 5 detached bungalows to the east of the site. The site is in residential area comprising a variety of property styles.

**Relevant Site History:**

22/04641/FUL – Four detached houses, garages, and extension to Eldwick Grange with associated access. Withdrawn 13.02.23.

12/01409/OUT- Development of three dormer style bungalows with modified site access from Huntsman's Close. Granted 29.05.12.

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

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

**Local Plan for Bradford:**

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

### **Core Strategy Policies**

HO5 Density of Housing Schemes

HO8 Housing Mix

HO9 Housing Quality

DS1 Achieving Good Design

DS3 Urban character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

TR2 Parking Policy

EN7 Flood Risk

EN8 Environmental Protection Policy

Planning for Crime Prevention Supplementary Planning Document (SPD)

Homes and Neighbourhoods SPD

Sustainable Design Guide SPD

### **Bingley Town Council:**

Recommend refusal on the grounds of size, scale, overdevelopment, massing, highway safety, drainage, and the issue of bats.

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

The application was publicised with neighbour notification letters with an overall expiry date of 23.05.2023. 99 representations have been received with 93 objecting including local MP and 6 in support of the proposal.

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

Objector comments:

1. Damage from construction traffic to surrounding roads.
2. The proposed dwellings are out of context with the nearby property.
3. Covenants are in place to prevent access from Lyndale Grove, and this should be maintained.
4. Loss of dry-stone wall to create access for Loxley House from Lyndale Road.
5. Additional congestion and traffic would result in highway safety issues.
6. Overshadowing and loss of daylight and privacy for neighbouring property.
7. Loss of property value.
8. Exacerbate existing surface water drainage problems.
9. The access road from Sherrif Lane is maintained by the residents of Huntsman's.
10. Close and access modifications cannot be undertaken without their permission.
11. The loss of the garden would be detrimental to the heritage and character of the area and would increase run-off surface water issues.
12. Trees have already been removed from the site.
13. The revised highway arrangements do not address previous concerns and should not have been supported by the Highways Engineer.

Support comments:

1. The proposal is an efficient use of land, and the houses are similar in scale to surrounding nearby properties on Sherriff Lane.



2. The properties would enhance the area and help rectify a housing shortage in the area.
3. Much better use of land than building on the surrounding Green Belt.

**Consultations:**

Drainage - No objections have been raised.

West Yorkshire Police - No comments

Biodiversity - No comments

Highways Engineer - Opposed the initial proposal as submitted but revised plans/additional information have addressed the technical concerns.

**Summary of Main Issues:**

1. Background and Principle of Residential Development
2. Access and Highway Safety
3. Drainage
4. Design and Impact on Visual Amenity
5. Amenities of Occupiers of Adjacent Land
6. Other Issues

**Appraisal:**

**1. Background and Principle of Residential Development**

The site has been granted outline permission for residential development previously under reference 12/01409/OUT. The outline permission was for three dormer bungalows and considered details of access and layout.

More recently, application number 22/04641/FUL sought permission for four detached houses, garages and included extension to Eldwick Grange with associated access improvements. That proposal was withdrawn 13.02.23 and the discussions from it informed the application now submitted for three dwellings.

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

- c) Approving development proposals that accord with an up-to-date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. The application of policies in the NPPF 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 NPPF taken as a whole.

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

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

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

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

## **2. Access and Highway Safety**

The proposed means of access would make amendment to the existing junction between Sheriff Lane and Huntsman's Close and make improvement to the existing private drive currently serving Loxley House and Eldwick Grange.

The Council's Highway Engineer raised concerns about the original proposals but discussions with Officers have resulted in a number of revisions to the layout, responding to what were mostly technical design points regarding visibility splays. The Highway Engineer now supports the amended layout proposals.

Suitable visibility splays to Sheriff Lane are now incorporated. Other details of the design have been amended to the satisfaction of the Highways Engineer.

The proposal indicates adequate space within the site for a least two off-street car parking spaces within the development to meet the required levels. Arrangements are made for bin storage and collection.

Many objections raise highway safety concerns, describing existing traffic levels in Sherriff Lane and conflict with pedestrians and other users. However, the proposal for three additional dwellings on the site has previously been accepted, and following some design amendments now has the support from the Highway Engineer.

The proposal would not have any unacceptable effects on highway safety and is acceptable subject to the conditions.

## **3. Drainage**

It is noted that public comment and the Town Council allude to drainage issues, however the site is existing garden land and is not within an area of flood risk and there are no watercourses evident on the land itself. Drainage issues were not raised during consideration of previous applications. Interested parties have described existing surface water issues in the vicinity of the site and advise that there are issues with land drainage.

The applicant has submitted a strategy outlining their initial proposals for drainage, although that is not entirely complete in terms of detail. The Council's Drainage Engineer raised no objections to the proposal subject to details of foul and surface water drainage and that the land drainage network should be investigated, and a scheme submitted for approval as conditions of any approval.

This approach is consistent with past permissions and would address the interests of the amenity of future occupiers and the effective management of flood risk in accordance with policies DS5, EN7 and EN8 of the Core Strategy.

#### **4. Design and Impact on Visual Amenity**

Planning permission 12/01409/OUT has previously allowed construction of three detached dormer bungalow dwellings on this plot but has since lapsed, unimplemented.

The proposal would introduce three, two storey detached properties along the northern edge of Huntsman's Close and facing towards Eldwick Grange. The rear elevations however have also been designed with gable features and include chimneys and detailing to reflect some of the detail seen on Eldwick Grange and Loxley House and to add some interest as they will be visible from Huntsman's Close and longer distance views from Sheriff Lane.

The proposal would introduce built form directly to the front of Eldwick Grange which is an attractive property but that does not benefit from any heritage protection or other statutory protection/designation. The proposals would clearly affect the current open setting of Eldwick Grange and Loxley House however, given the lack of any specific heritage protection, the impact of the development on such grounds cannot reasonably be resisted.

Some criticism has been made regarding the scale of the properties and that they would be out of keeping with the bungalows further along Huntsman's Close. The wider area comprises a mix of two-storey properties so, as the proposals are informed by the mix of neighbouring houses such as those to the north-west within the grounds of which they would be built. The scale of the properties is appropriate in this context. A condition should be attached to ensure the proposed materials are appropriate.

Overall, the amended scheme for three new dwellings, would be visually acceptable and of an appropriate scale and design and will sit comfortably on their allocated plots and as part of the wider street scene compliant with policies HO5, HO8, HO9, DS1 and DS3 of the Core Strategy.

#### **5. Amenities of Occupiers of Adjacent Land**

The three properties would be located to the southern edge of the site, presenting two storey rear elevations to Huntsman's Close, set behind the existing hedge, and front onto Eldwick Grange and Loxley House beyond a private drive and turning head. Properties to the north, south and the east are a substantial distance away and would not be harmfully impacted by the proposals.

Plot 3 is set to the south of 3 Huntsman's Close, the closest relationship of the proposal. Windows have been amended slightly on the front elevation to reduce their size and move them further off the boundary with 3 Huntsman's Close to further reduce potential for overlooking. Amendment has also been made to the proposed detached garage, which is to be sited beyond the rear elevation of the neighbouring property. The garage is set 2 metres

off the shared boundary defined by a hedge. Further amendment has been made to reduce the roof pitch, which improves the relationship with 3 Huntsman's Close. The eaves height of the garage is 2.2 metres with the ridge rising to 4 metres but extending in height as the distance to the boundary increases.

Given the orientation, separation distances and design, the proposal meets the required separation distances, and the massing arrangement of the buildings would not harm residential amenity in accordance with Policy DS5 of the Core Strategy.

## **6. Other Issues**

### Land Ownership

Comment received has raised questions regarding the ability of the applicant to the legal control and the ability to make the changes to the access road; also, whether the correct certificate has been signed on the Planning application form. The agent has been challenged on this matter and confirmed that: -

- i. The applicant owns all of Huntsman's Close identified as part of the application site by a red line boundary on the submitted location plan.
- ii. 1-5 Huntsmans Close have a right of access.

Based on this clarification of ownership, the correct certificate has been signed as procedurally required by the Planning Act. Any landownership, or related, disputes are civil matters for the private resolution by the parties involved and cannot be addressed through the Town Planning system.

### **Biodiversity**

An Ecological Impact Assessment has been submitted with the application and confirms that the site comprises very limited habitat potential. It is noted that Bingley Town Council has raised concern regarding impact on bats however there are no buildings or substantial trees proposed to be removed under the proposals. The nearby Eldwick Grange and associated outbuildings have also been assessed in the survey and no evidence of roosts were discovered.

A number of mitigation measures are proposed and include bat and bird boxes and other features to facilitate wildlife in addition to hedgerow and tree planting. A condition can be attached to require details and positions of biodiversity improvement features. On this basis the proposal would be considered to assist in an enhancement of biodiversity on the site.

### **Community Safety Implications:**

None foreseen.

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

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

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

The site is previously developed land in a built-up area with permission having been granted for residential development in the past. The proposal is acceptable in principle and is supported by the presumption in favour of sustainable development.

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

Subject to amendments relating to the design of the means of access, the proposal raises no issues for highway safety. The scheme has no adverse effects on drainage or any other Planning-related matters.

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

### **Conditions of Approval:**

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

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

2. 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.

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

Reason: To increase the biodiversity value of the scheme in accordance with the Policy EN2 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 and drained within the site in accordance with the approved plan and completed to a constructional specification first approved in writing by the Local Planning Authority.

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

5. Before any part of the development hereby permitted is brought into use, the off-street car parking shown on the approved plan shall be constructed of porous materials or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, with a gradient no steeper than 1 in 15. The parking so formed shall remain available whilst ever the development subsists.

Reason: In the interests of highway safety, drainage and to accord with policies TR2, DS4 and EN7 of the Core Strategy Development Plan Document.

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

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.

9. Prior to the occupation of any dwelling hereby permitted a minimum of one electric vehicle charging point shall be provided for each dwelling on the site, which shall be retained fully operational whilst ever the use subsists.

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

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

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

12. Notwithstanding details contained in the supporting information, the drainage works for the development shall not commence until full details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works, has been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they

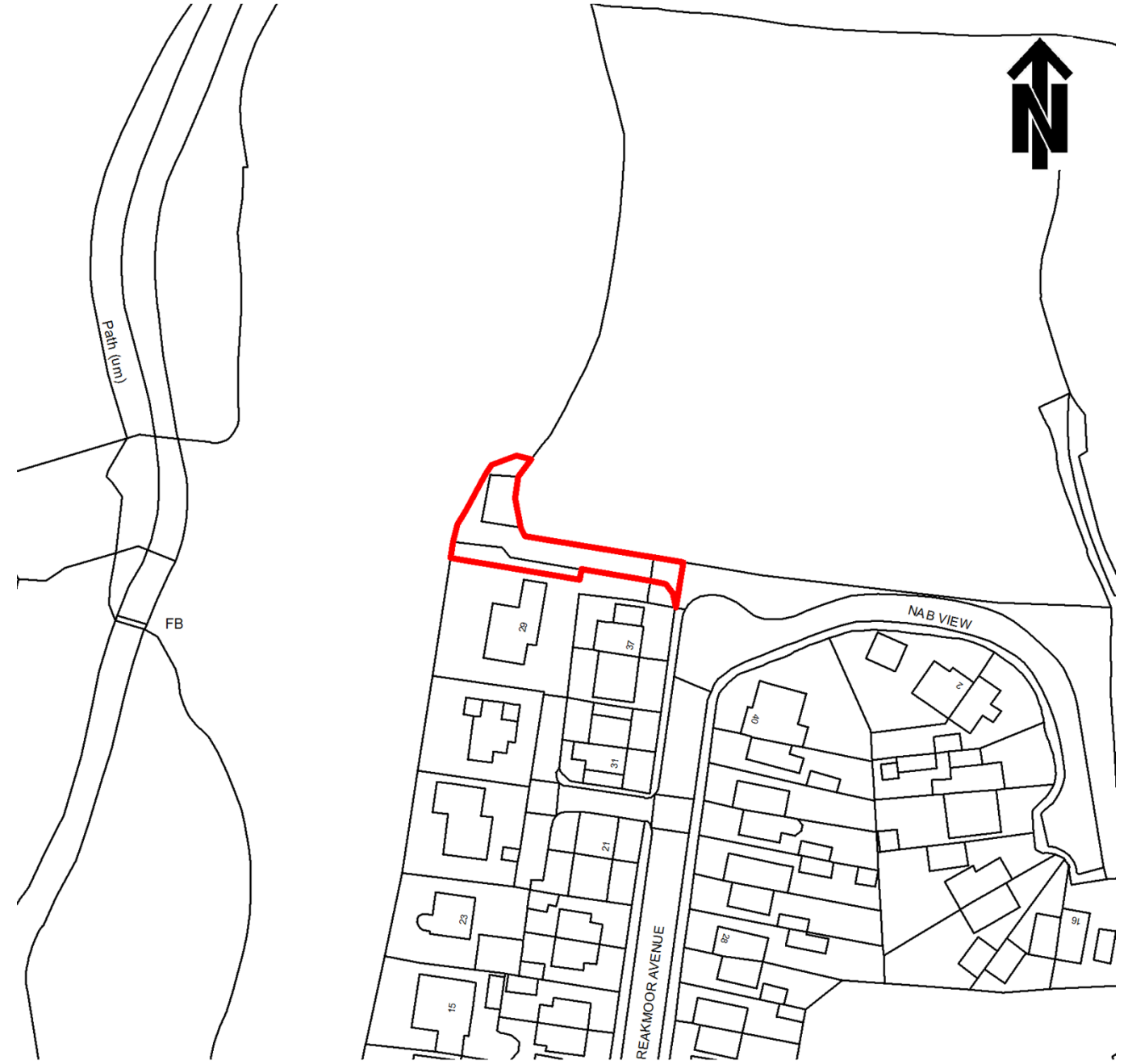
would be impractical. The details and scheme so approved shall thereafter be implemented in full before the residential occupation of the development.

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

**Informatives:**

Informative: In order to carry out the works within the highway it is necessary to obtain separate Highway Authority approval of the specification and construction details and enter an agreement under Section 278 of the Highways Act 1980, unless otherwise agreed in writing with Highways. The applicant is advised to make early contact with Highway Development Control (email: [Highway.Development@bradford.gov.uk](mailto:Highway.Development@bradford.gov.uk)) prior to submission of condition discharge details to discuss this requirement further.

23/02369/FUL



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**Windward**  
**29 Breakmoor Avenue**  
**Silsden**  
**BD20 9PW**



**25 October 2023**

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

**Application Number:**  
23/02369/FUL

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

Full Planning application for construction of new dwelling to the side and change of use of a barn to domestic storage and amenity space at 'Windward', 29 Breakmoor Avenue, Silsden.

**Applicant:**

Mr William Spencer

**Agent:**

NJ-Architects

**Site Description:**

The site comprises a narrow portion of land to the side of 29 Breakmoor Avenue and includes small, rendered barn. It is to the north-west edge of a small group of mainly semi-detached dwellings, dating from the mid-20<sup>th</sup> century, with open fields beyond. Levels fall significantly beyond the western boundary. Access would be via an unmade private track adject to 37 Breakmore Avenue at the point where the road becomes Nab View.

**Relevant Site History:**

22/04757/FUL - Construction of new house to the side of the existing house, change of use of existing barn building to domestic storage and amenity space - Withdrawn

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

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

**Local Plan for Bradford:**

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

### **Core Strategy Policies**

DS1 Achieving Good Design

DS3 Urban character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

EN2 Biodiversity and Geodiversity

EN4 Landscape

EN7 Flood Risk

EN8 Environmental Protection Policy

HO5 Density of Housing Schemes

HO8 Housing Mix

SC7 Green Belt

SC9 Making Great Places

TR2 Parking Policy

Planning for Crime Prevention Supplementary Planning Document (SPD)

Homes and Neighbourhoods SPD

Sustainable Design Guide SPD

### **Silsden Town Council:**

Objects due to the access being along an unadopted road. The old barn should be used for storage only and not converted to a business use.

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

The application was publicised with neighbour notification letters with an overall expiry date of 19.08.2023. 19 comments have been received objecting to the proposal and 1 comment in support.

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

Objector comments:

1. The residents have just paid for the road surface to be improved and the construction traffic connected with the proposal would damage the road surface.
2. The proposed materials are inappropriate and out of keeping with the area.
3. The proposed building would be overbearing and overshadow neighbours.
4. The proposal would conflict with the farmers existing field access.
5. There is insufficient off street parking.
6. The proposals would disturb wildlife in the barn.
7. Construction traffic would unacceptably disturb neighbours.

Support comments:

1. Proposal looks interesting, and it is good to see a self-build project rather than a large developer estate.

### **Consultations:**

Drainage - No objections have been raised.

West Yorkshire Police - No objections raised, some general design and security advice is offered.

Highways DC - No objections.

Biodiversity - No comments.

**Summary of Main Issues:**

1. Background and Principle of Residential Development
2. Access and Highway Safety
3. Drainage
4. Design and Impact on Visual Amenity
5. Amenities of Occupiers of Adjacent Land

**Appraisal:**

**1. Background and Principle of Residential Development**

Following a similar application that was withdrawn last year, this new proposal has been reduced in scale and redesigned to address previously raised concerns of overlooking, overshadowing and design.

The proposal is for a contemporary-designed dwelling to the north of 29 Breakmoor Avenue and would form a vehicular access from the east and past the side of 37 Breakmoor Avenue. An existing barn would be reduced in size and incorporated into the proposal to provide a residential storage facility.

The northern, triangular shaped part of the site which contains the existing barn is in the Green Belt. Conversion of existing buildings in the Green Belt to residential uses is supported by the NPPF.

There is no new build development proposed in this Green Belt area and there is very little impact with regards its openness. This part of the site is would also not form any significant garden areas with lawn provided to the rear of the proposed dwelling and as such the proposal would not conflict with established national or local policy or result in any significant harm to the Green Belt.

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

- c) Approving development proposals that accord with an up-to-date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i The application of policies in the NPPF 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 NPPF taken as a whole.

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

That is acknowledged to be the situation in the district, within which the latest Housing Delivery Test results published on 14 January 2022 showed supply falling below this threshold. The shortfall in the five-year supply of deliverable housing sites is therefore of significance. The site is not an asset of particular importance as defined in Footnote 7 of the NPPF.

Therefore, the planning balance must lead to a conclusion that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of securing more housing, when assessed against the policies in the NPPF taken as a whole.

## **2. Access and Highway Safety**

The site access would run along the sides of two properties and would initially be taken from existing gated access from unmade piece of ground to the north-east of 37 Breakmoor Avenue, at the junction point where the road becomes Nab View. It would then extend westwards to the site itself. The development would not generate a degree of traffic that would overwhelm the local highway network or obstruct the free-flow of vehicles or sight lines.

Some comment has been received regarding potential conflict with farmers field gate that is adjacent to the proposed access point. However, the proposals would not likely prejudice the existing field access as it would not block or otherwise physically affect the existing field access point and parking areas for the dwelling are sufficiently distant from the field gate.

Further concerns explain that the surface of the unadopted Breakmoor Avenue has recently been repaired by the residents and that construction traffic would worsen the state of the recently repaired road. Whilst this is an important local issue, it is not a Planning matter that would justify refusal because any damage to the road would be a civil issue to be privately resolved by the parties involved.

The Council's Highway Engineer supports the proposals and suggests that conditions are attached to require the parking areas to be provided and that electric vehicle charging points are provided.

Whilst the concerns regarding potential blocking of the farmers access and damage to the surface of Breakmoor Avenue are duly noted, the proposal would not have any unacceptable effects on highway safety and damage to the highway would be a private matter between the interested parties. The proposal as advised by the Councils Highways Engineer is acceptable subject to conditions.

## **3. Drainage**

The Councils Drainage Engineer raised no concerns or objection to the proposal. Given the siting alongside existing residential properties, there are no insurmountable drainage issues expected. A standard condition is proposed requiring that drainage be on separate foul and surface water systems and that no piped discharges take place before details are submitted and approved. This would address the interests of the amenity of future occupiers and the effective management of flood risk in accordance with Policies DS5, EN7 and EN8 of the Core Strategy.

#### **4. Design and impact on visual amenity**

The area comprises a mix of residential property but generally two storey detached and semi detached dwellings of stone and render with slate roof materials.

The proposed dwelling would be of differing design and occupy a long and narrow plot to the side of 29 Breakmoor Avenue. The site is located to the north of the end property on this section of Breakmoor Avenue and does not have a prominent position or direct frontage with regard to the road. Public views of it would be quite limited or from longer distances.

Some criticism has been made regarding the scale of the property and that they would be out of keeping with the neighbouring properties in the area. Whilst it is acknowledged that the proposed dwelling is clearly of contemporary design using stone with zinc and timber cladding that would differ from surrounding properties, the submitted plans demonstrate that it is appropriate in terms of height and massing and the bespoke design is in part a visually interesting reaction to the shape and size of the plot.

Overall, the scheme is visually acceptable and of an appropriate scale and design and will sit comfortably on the plot compliant with policies DS1 and DS3 of the Core Strategy.

#### **5. Amenities of occupiers of adjacent land**

Compared with the recently withdrawn scheme, windows and a roof terrace have been amended, as has the rearward projection of the dwelling, such that it would no longer allow any overlooking or overshadowing of the parent dwelling, 29 Breakmoor Avenue.

Windows would be sited in the eastern and western elevations that would not directly overlook neighbours and windows to the northern elevation would look onto open fields beyond the site boundary.

Given the siting, orientation, separation distances, scale and design the proposed dwelling would maintain neighbouring amenity in compliance with Policy DS5 of the Core Strategy.

#### **Biodiversity**

Comment has been received regarding potential impact on wildlife using the existing barn on the site. The plans describe a small flat roofed portion of the existing barn to potentially be removed subject to a biodiversity survey confirming that no protected species would be affected. The residential use of the site does not however rely on this suggested demolition, which itself is likely to be permitted development, and in this case, it would not be proportionate to require a wildlife survey of the barn prior to determination of the planning application. The applicant suggests that a biodiversity survey would be undertaken, and demolition works carried out subject to its findings. The applicant is already aware of their responsibilities with regard protected species and the duties imposed by the Wildlife and Countryside Act; an informative can be added to the decision notice to confirm this with regards birds and bats.

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

None foreseen.

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

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

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

The proposed residential development is acceptable in principle and is supported by the presumption in favour of sustainable development and would not adversely impact the Green Belt. The design, layout and scale of the dwelling would relate satisfactorily to local character on this unobtrusive site. The proposal raises no issues for residential amenity, highway safety drainage or any other Planning-related matter. For these reasons the proposal accords with relevant Core Strategy policies and the NPPF.

### **Conditions of Approval:**

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

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

2. 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.

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

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

4. Before any part of the development hereby permitted is brought into use, the off-street car parking shown on the approved plan referenced 103 REV B shall be constructed of porous materials or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, with a gradient no steeper than 1 in 15. The parking so formed shall remain available whilst ever the development subsists.

Reason: In the interests of highway safety, drainage and to accord with policies TR2, DS4 and EN7 of the Core Strategy Development Plan Document.

5. Prior to the first occupation of the dwelling hereby permitted a minimum of one electric vehicle charging point shall be provided on the site, which shall be retained fully operational whilst ever the use subsists.

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

6. Before any part of the residential development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced and drained within the site in accordance with the approved plan referenced 103 REV Band completed to a constructional specification first approved in writing by the Local Planning Authority.

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

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

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

8. Notwithstanding details contained in the supporting information, the drainage works for the development shall not commence until full details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The details and scheme so approved shall thereafter be implemented in full before the first occupation of the development.

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

**Informatives:**

Informative: All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), including their nests (whilst in use or being built) as well as any eggs the nest may contain. Therefore, no vegetation should be removed and no buildings likely to house nests should be demolished during the bird nesting season. This is weather dependant but generally extends from 1st March to 31st August (inclusive). If this is not possible, a qualified ecologist should check the areas concerned immediately prior to vegetation removal or demolition to ensure

that no nesting or nest-building birds are present. If any nesting or nest-building birds are present, no vegetation should be removed, and the buildings not demolished until the fledglings have left the nest.

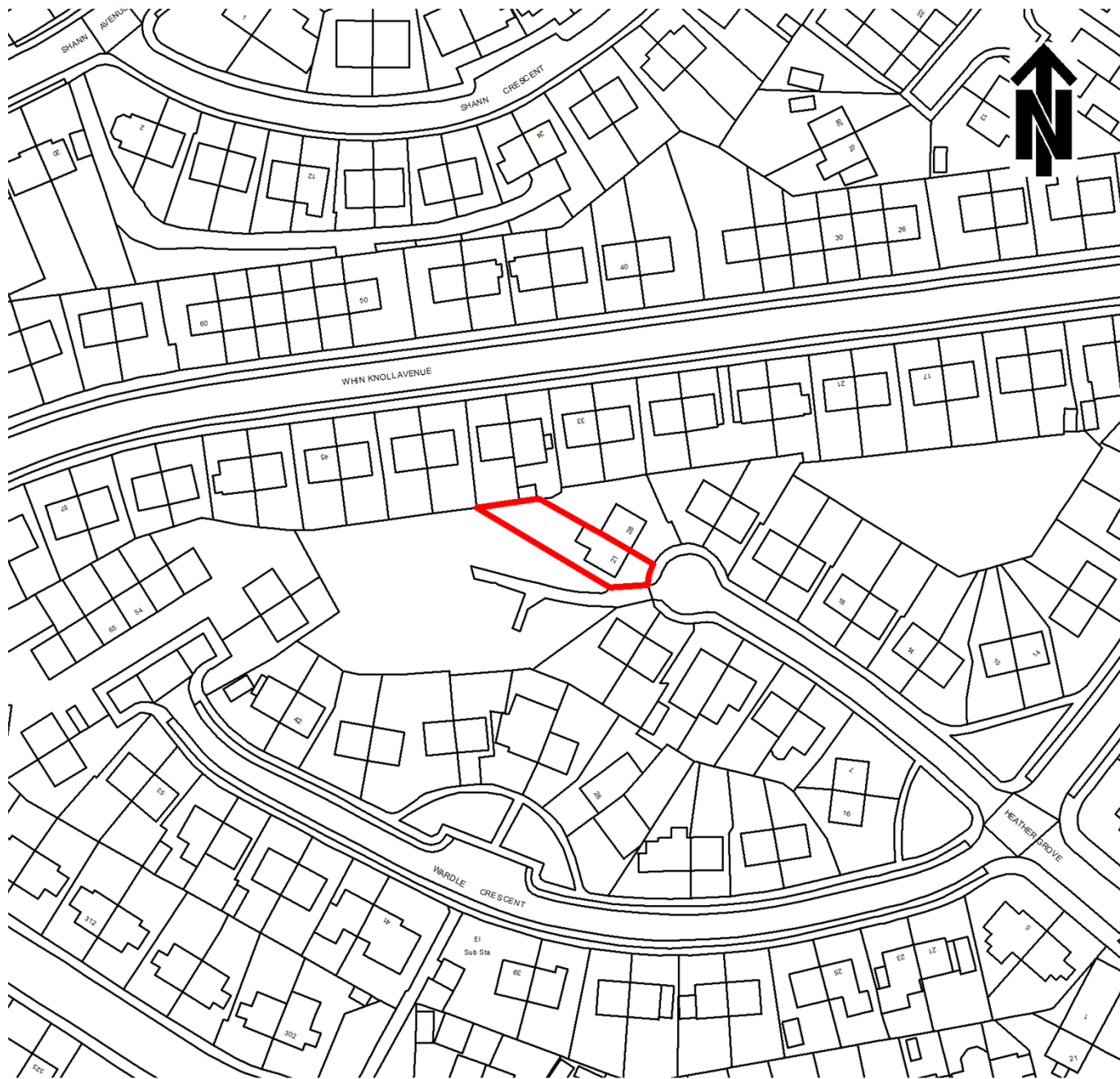
Informative: All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010. The applicant and contractors should be aware that all bats and any structures used by them are protected by law, and that works likely to disturb bats or their resting places (even if undertaken at a time of year when the bats are absent) require a licence from Natural England. Should a bat be encountered during development, work should cease immediately, and advice should be sought from Natural England (tel. Batline 0345 1300 228). Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained. Particular care and vigilance should be taken when roof tiles or slates are removed (remove by hand and check underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Fascias, barge boards and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.



**23/02539/HOU**



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



1:1,250

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**21 Heather Grove**  
**Keighley**  
**BD21 2RP**

**25 October 2023**

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

**Application Number:**  
23/02539/HOU

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

This is a Householder Planning application for the construction of a garage to the front plus a dropped kerb at 21 Heather Grove, Keighley, BD21 2RP.

**Applicant:**

Mr M Z Iqrar

**Agent:**

A A Planning Services

**Site Description:**

21 Heather Grove is a rendered semi-detached house under a blue slate roof. Heather Grove is a residential cul-de-sac with the application site positioned at the end of the cul-de-sac facing down the street. The dwelling is set in sloping topography such that it is at a significantly higher level than the street making the property highly visible within Heather Grove. The surrounding dwellings are almost entirely semi-detached houses of matching design, many with off-street parking spaces within their front curtilages.

**Relevant Site History:**

No site history.

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

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

**Local Plan for Bradford:**

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

**Core Strategy Policies**

DS1 - Achieving Good Design

DS3 - Urban character

DS4 - Streets and Movement

DS5 - Safe and Inclusive Places

TR2 Parking Policy

Householder Supplementary Planning Document (SPD)

**Parish Council:**

Keighley Town Council - Concerned about the potential negative impact on the street scene.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters which expired on 07 August 2023.

One Keighley Central Councillor representation has been received and requests referral to the Area Planning Panel if refusal is recommended by officers.

**Summary of Representations Received:**

Supports the applicant's statement regarding parking, which is a widespread issue in the district.

Residents should have the opportunity to make space for parking.

The proposal will enhance, and be in character with, the local area.

**Consultations:**

N/A

**Appraisal:**

The proposal is for a garage within the curtilage of a dwelling-house that is not a listed building nor within a conservation area. The principle of development is therefore acceptable subject to specific policies.

The proposed garage will be constructed of material to match the parent dwelling. However, as the garage is situated to the front of the dwelling in a prominent position at the head of the cul-de-sac, it will project out into the street scene rather than blend into the backdrop of the house itself. The garage will dominate the cul-de-sac head, an effect exacerbated by the box-like design and featureless blank elevations and door.

The proposal therefore introduces a development that dominates the parent dwelling to the detriment of the street scene and the surrounding environment.

Design Principle 1 of the Council's adopted Householder SPD also requires that the size, position, and form of extensions should maintain or improve the character and quality of the original house and wider area. As a general rule, extensions should not appear to dominate the original house or neighbouring properties. It also notes that a new garage can have as much impact on the overall appearance of a property as an extension and will therefore need to satisfy the Design Principles. The Householder SPD specifically advises that garages are not normally acceptable to the front of a house.

Further advice is given to the effect that domestic car parking spaces should provide be a minimum of 5 metres in length and that at least 5.6 metres should be maintained between the garage doors and the back edge of the footpath; this will allow for the opening of garage doors without obstructing the footpath or highway. Garages that are accessed from slow moving streets should be set back far enough to prevent the doors obstructing the highway when open.

Due to the position of the garage and its unsympathetic design it would lack subservience and would not complement the design of the original property. This is contrary to Core Strategy DPD policies DS1 and DS3.

If off-street parking is required, as per the applicant's statement, this can be created with a simple driveway (as many of the neighbours have done) with a dropped kerb to discourage additional parking in the cul-de-sac turning head.

The possibility of parking in front of the garage when gaining access would prevent turning, such that vehicles would have to reverse back down the length of Heather Grove, and possibly disrupt access to neighbouring dwellings.

The neighbouring, attached property of 28 Heather Grove is situated to the north-east of the application site at a higher level than the position of the proposed garage. Although close to the boundary, the garage is of modest height and so would not affect the neighbouring property. The garage is situated far enough from the boundaries with other properties in Heather Grove to prevent any overshadowing issues.

The garage is a non-habitable space so no overlooking will occur.

The development is acceptable in relation to its impact on residential amenity and so complies with Core Strategy Policy DS5 and the Householder SPD.

**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.

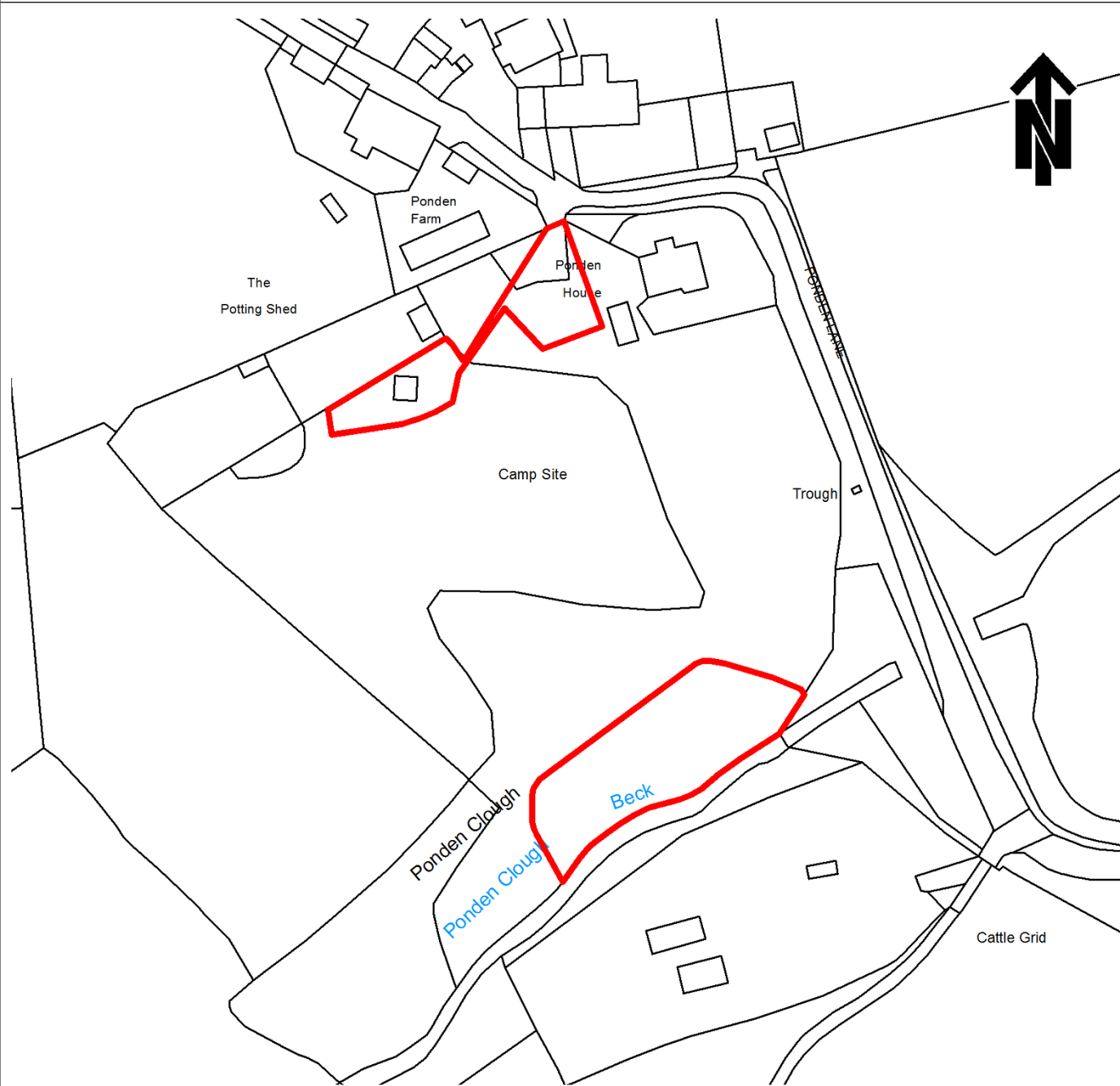
**Reason for Refusal:**

The proposed garage will be in a prominent position and will dominate the cul-de-sac head, an effect exacerbated by the box-like design and featureless blank elevations and door. The proposal therefore introduces a development that dominates the parent dwelling to the detriment of the street scene and the surrounding environment contrary to Core Strategy Development Plan Document policies DS1 and DS3 and the guidance of the Householder Supplementary Planning Document.

23/01413/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land At Grid Ref 399074 437004 Ponden  
Wood  
Ponden Lane  
Stanbury  
Keighley**

**25 October 2023**

**Item: D**  
**Ward: WORTH VALLEY**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
23/01413/FUL

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

This is a retrospective full planning application for the retention of a timber cabin and a bell tent for use as a single holiday let, including restricting the associated lawful camping field to a maximum of six tents at Land at Ponden Wood, Ponden Lane, Stanbury, Keighley.

**Applicant:**

Mrs B J Taylor

**Agent:**

Mr Luke Binns  
David Hill LLP

**Site Description:**

The application site is in a small woodland surrounded by open countryside. The nearby group of buildings includes the grade II\* listed Ponden Hall and two grade II listed associated structures. The site is accessed via Ponden Lane which runs along the side of Ponden Reservoir and marks the edge of the Green Belt in this specific location. As the site is wooded the proposal location is not highly visible from the surrounding countryside.

**Relevant Site History:**

02/02782/CLE Certificate of lawfulness for existing use as a camp site, granted 09.10.2003.

**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

EN3 - Historic Environment

EN4 - Landscape

SC8 - Protecting the South Pennine Moors and their Zone of Influence

South Pennine Moors Supplementary Planning Document (SPD)

Landscape Character SPD

### **Parish Council:**

Haworth and Stanbury Parish Council: Concerns regarding the drainage arrangements for the site and would seek further clarification on this issue before an informed decision can be made.

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

The application was publicised with site notices and neighbour notification letters which expired on 10 July 2023. 78 representations have been received, 30 objecting to and 48 supporting the proposal.

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

Objector comments:

1. Noise from proposal
2. Messy site
3. Toilet - septic tank not site owners
4. Insufficient parking
5. Dogs are a risk to livestock
6. Fire risk
7. Too close to existing dwellings
8. Where camping is currently permitted the land is let on a long-term lease to a forest school
9. Development of land around the proposal
10. Blocked footpath
11. Damage to mounting block (grade 2 listed)
12. Demand for water from private supply
13. No bins
14. Impact on listed building

Support comments:

1. Respectful of environment
2. Have used the site for a long time
3. Good provision for walkers
4. Welcome addition
5. Discreetly situated
6. Will use facilities in future
7. Good facilities

**Consultations:**

Rights of Way – Recommend standard footnote.

Drainage – Drainage details require clarification.

Trees – No comments received.

Biodiversity – Unable to support this application and recommend refusal as it relates to the creation of additional dwellings within Zone A, 400m of the South Pennine Moors Special Protection Area/Special Area of Conservation (SPA/SAC).

Landscape Design – No comments received.

Conservation – Further clarity is needed as to whether any changes have taken place in the site entrance arrangements and what impact increased vehicle activity could have both visually and physically. The avoidance of harm to heritage assets and full compliance with the NPPF and policies EN3 and SC1(11) must be fully demonstrated.

**Summary of Main Issues:**

1. Impact on Biodiversity
2. Impact on Heritage Assets
3. Impact on Landscape Character
4. Impact on the Built Environment
5. Impact on Neighbouring Occupants

**Appraisal:**

The proposal seeks full planning permission for the retention of a timber cabin and a bell tent for use as a single holiday let, including restricting the associated lawful camping field to a maximum of six tents. A vehicular access onto Ponden Lane is to be provided.

**1. Impact on Biodiversity**

The South Pennine Moors SPD was adopted in January 2022. This document provides guidance and information to enable planning officers and developers to understand the necessary steps that need to be taken to ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) ('the Habitats Regulations'). This SPD expands upon the content of Policy SC8 of the adopted Core Strategy which sets out a zonal approach to development which may affect the South Pennine Moors SPA/SAC.

The application site is identified as being within 400m of the South Pennine Moors Site of Special Scientific Interest (SSSI), which forms part of the SPA/SAC, categorised as being within Zone A. Policy SC8 advises that in Zone A, in order to limit urban edge effects, no development involving a net increase in dwellings would be permitted unless, as an exception, the development and/or its use would not have an adverse effect upon the integrity of the SPA/SAC. Paragraph 3.5 of the SPD defines what constitutes an exception for the purposes of the interpretation of Policy SC8. 'Instances of exceptional circumstances by their very definition are very rare. The 400m zone is necessary to provide protection for the supporting habitat around the periphery of the European site boundary, to reduce the impacts from recreation and to address urban effects. As such the presumption is that there will be no net increase in dwellings as these pose particular risks (from urban effects, loss of supporting habitat or recreation) and the only types of residential or holiday accommodation that might therefore be permitted would be replacement dwellings (C3) or replacement houses in multiple occupation (C4).'



Para 3.6 of the SPD goes on to say that: 'There is a large body of appeals from other parts of the country where similar policies to SC8 are in place and planning inspectors have consistently turned down residential development within 400m. These provide a clear body of evidence that pet covenants, fencing or the presence of other buildings between the European site are not sufficient to rule out adverse effects on integrity from urban effects for residential development.'

The provided Shadow Habitat Regulations Appropriate Assessment (Envirotech, 2023) makes no mention of the Policy or the Habitat Regulations Assessments carried out by the Council in relation to the Core Strategy, nor does it reference the SPD, all of which are available online and establish the significant risk to the South Pennine Moors SPA/SAC. These documents have all received comment from the Special Nature Conservation Orders, Natural England who have supported the policies and strategies presented.

The Shadow Habitat Regulations Appropriate Assessment does not address the urban edge effects which are expected to occur as a result of additional dwellings, including holiday accommodation such as that proposed in this application, within 400m of the SPA/SAC. These include increased risk of fire, litter, disturbance by pets and additional human disturbance, the risk of which would be increased by the various camping proposals in this application.

A Habitat Mitigation Fee has been paid alongside the application. However, given the proximity of the site to the designations such mitigation would be unlikely to resolve the issues arising from the close proximity, within 400m.

The proposal does not meet with any of the above exceptions, in that it does not involve the construction of a replacement dwelling, or a replacement for a house in multiple occupation. As such, the proposal does not qualify as an exception and fails to accord with Core Strategy Policy SC8. It is not possible to establish there are no likely significant effects on the SPA/SAC so the Council, as Competent Authority, is unable to approve the application.

## **2. Impact on Heritage Assets**

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty as respects listed buildings in the exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The site is in close proximity to the grade II\* listed Ponden Hall, a 17th century yeoman's house with 18th and 19th century alterations. Besides the architectural and historical significance of the house, it has associations with the literature of the Brontes. Opposite and at the entrance to this site is a stone mounting block which is grade II listed. Additionally, within the woodland on the south facing slope of the site is an L-shaped retaining structure containing a number of stone recesses for holding bee skeps. This structure is grade II listed although its condition is deteriorating, and the growing trees are increasingly hiding it from view.

From the existing and proposed plans, it is not clear if the parking area, stated as existing, has required any alteration to the entrance, gate piers and wall, which are immediately next to the mounting block. The site enclosure contributes to the ambience of Ponden Lane at this point, and the setting of Ponden Hall. The crushed stone parking area has not previously been especially noticeable or heavily used. Increased activity or a more obvious crushed stone surface would disrupt the visual harmony of the area and be intrusive in the setting of the listed mounting block and of Ponden Hall.

The cabin and tent are set further to the west and due to site boundaries, neighbouring buildings and vegetation, would not be evident in the setting of the listed assets. Further clarity is needed as to whether any changes have taken place in the site entrance arrangements and what impact increased vehicle activity could have both visually and physically. The avoidance of harm to heritage assets and full compliance with the NPPF and policy EN3 has not been fully demonstrated.

### **3. Impact on Landscape Character**

The site is located within the Worth and North Beck Valleys Landscape Character Area and is allocated as Upland Pasture. With a strong character and prominent, open aspect this simple landscape of pastures and isolated, traditional farmsteads could easily be fragmented by inappropriate development, and is sensitive to change. The character of the area is strongly linked to the isolated dwelling with occasional small clusters. Any change to this would be alien to the landscape.

The Landscape Character SPD recommends that there is no capacity for further suburban housing developed in this area. However, there is strong pressure for former farm units, including barns/outhouses, to be converted to residential use, with associated suburban features such as conservatories, formal landscaping, and intrusive access drives. The SPD advises that traditional building styles should be retained and encouraged wherever possible, and further applications should include a landscape management plan for the associated land surrounding the property to ensure the land is appropriately managed i.e., grazed, and stone wall boundaries kept repaired, in order to avoid the appearance of neglect. Access tracks should be constructed in sympathetic materials so that their impact upon the landscape is mitigated.

As the proposal is situated within a small established woodland it will not have a significant impact on the landscape character however, the proposal is also not in accordance with the SPD as traditional building styles have not been incorporated nor has a landscape management plan been submitted for the surrounding property.

### **4. Impact on the Built Environment**

The development includes two structures, one timber cabin and one bell tent for use together as a single holiday let. The structures are set back from Ponden Lane and can only be viewed from within the application site due to its wooded nature and boundary walling.

The bell tent requires a solid level base to be constructed and as such cannot be considered in the same vein as a tent on a camp site. It is a more permanent structure and therefore is not covered by the certificate of lawfulness previously issued by the Local Planning Authority.

As far as possible it appears that the existing mature vegetation within the site would be retained to provide a mature setting for the proposal and this would reduce its prominence and impact on the local environment. However, this is at risk of being mismanaged and damaged due to a lack of management plan from the applicants.

The proposal also includes restricting the associated lawful camping field to a maximum of six tents. The camping field is not so much a field but a wooded grove and in reality, cannot accommodate any more than 6 small tents. Also, the proposal to 'reduce' the intensification of the site and off set one form of camping for a more permanent structure couldn't be done by attachment of a condition, as this is an application for timber cabin and a bell tent, and any condition can only relate to that development.

Overall, whilst this development will take place within a woodland in an attractive isolated position, due to the small scale of the proposal and the retention of much of the existing landscaping, the development would sit unobtrusively within the existing location. It would not give rise to any significant harmful impacts on local character. The scale and form are not unduly imposing or out of keeping with the character of the locality, and the proposal accords in this respect with Policies DS1 and DS3 of the Core Strategy DPD.

## **5. Impact on Neighbouring Occupants**

The intensification of the use of the site is considered to have some impact on the neighbours amenities. The current camping site takes the form of an informal woodland without vehicular access utilising the area of the site furthest away from neighbouring dwellings within the small hamlet. It is therefore predominantly used by back packer type campers arriving on foot, without vehicles or by the forest school with drop offs close to the reservoir. The proposal includes a vehicular access very close to the neighbouring residents and the permanent structures will encourage a different type of camper which will undoubtedly travel in vehicles.

The site is isolated and there is no form of on-site management within close proximity to the site. Subsequently no form of monitoring the visitors to the development nor the size of group or vehicular movements. It would therefore fall on neighbouring occupants to intervene if there were any issues on the proposed development site.

This raises the question of removal of waste, toilet facilities, water provision, further parking, etc., none of which have been sufficiently addressed within the submission and again put pressure on existing private facilities.

The proposal has the potential to significantly harm neighbouring amenities due to the additional pressure on private services including waste handling, water provision, sewerage management, and the intensification of use of the site adding further pressure on limited access and parking facilities in the area. The proposal is therefore contrary to Core Strategy Policy DS5.

### **Community Safety Implications:**

There are no implications for community safety.

**Equality Act 2010, Section 149:**

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

**Reasons for Refusal:**

1. The site lies within 400 metres of the nearest part of the South Pennine Moors Special Protection Area/Special Area of Conservation. Policy SC8 of the Core Strategy Development Plan Document identifies this as being within Zone A, where development involving a net increase in dwellings would not be permitted unless, as an exception, it would not have an adverse effect on the integrity of the area. The proposal would not meet with the exception tests for residential development as set out in the South Pennine Moors Special Protection Area/Special Area of Conservation Planning Framework Supplementary Planning Document adopted by the Council in January 2022.
2. The site is located within the Worth and North Beck Valleys Landscape Character Area the character of which is strongly linked to the isolated dwelling with occasional small clusters. Any change to this would be alien to the landscape. The lack of traditional building styles and landscape management plan is contrary to the Landscape Character Area Supplementary Planning Document.
3. Sufficient information has not been provided in relation to the entrance arrangements to the site and what impact increased vehicle activity could have both visually and physically. The avoidance of harm to heritage assets and full compliance with the National Planning Policy Framework and Core Strategy Development Plan Document Policy EN3 has not been fully demonstrated.
4. The proposal has the potential to significantly harm neighbouring amenities due to the additional pressure on private services including waste handling, water provision, sewerage management, and the intensification of use of the site adding further pressure on limited access and parking facilities in the area. The proposal is therefore contrary to Core Strategy Development Plan Document policy DS5.

## Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 25 October 2023

# D

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### Summary Statement - Part Two

#### Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(4)
Decisions made by the Secretary of State - Allowed	(4)
Decisions made by the Secretary of State - Dismissed	(6)

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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)

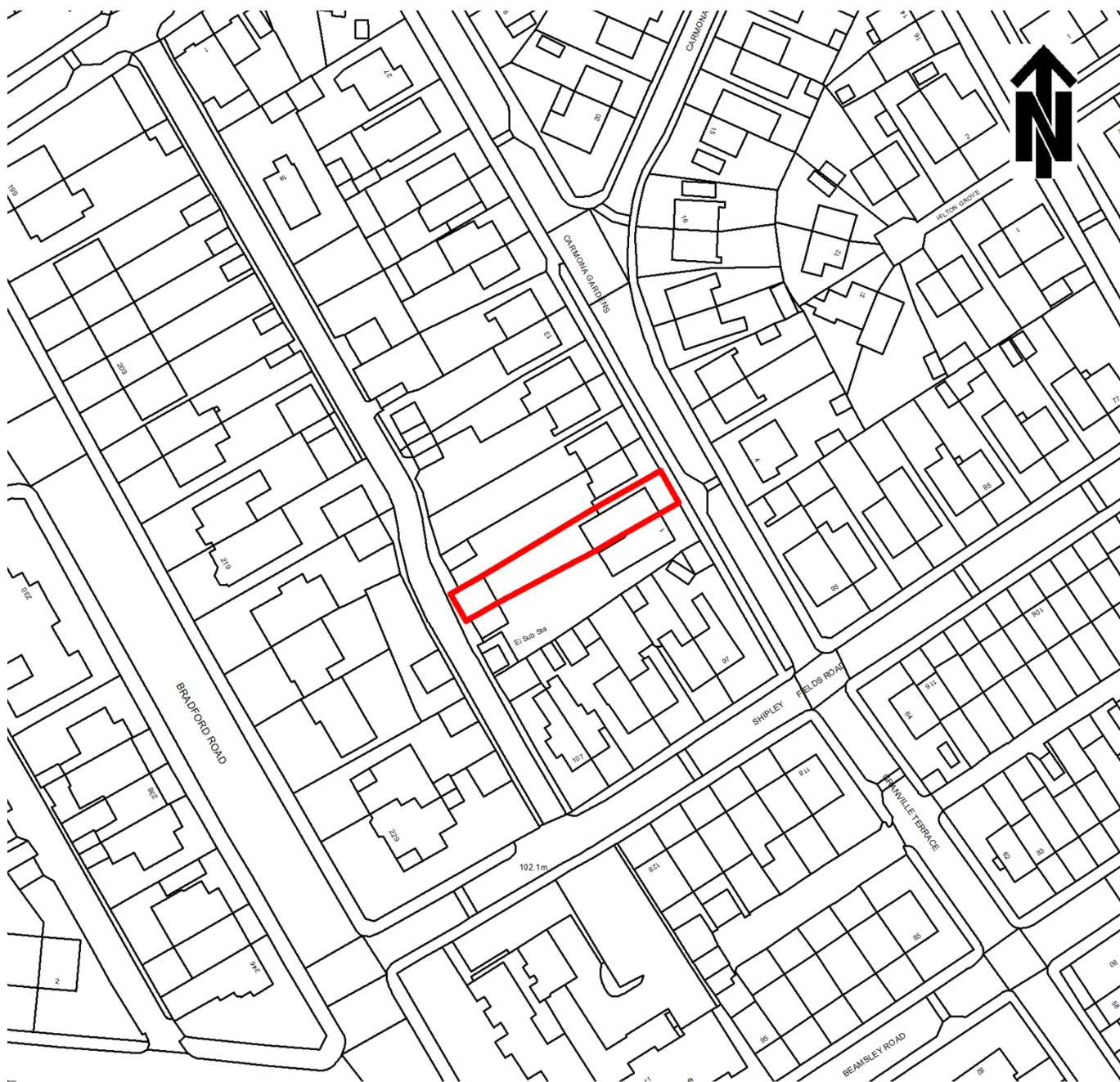
**Portfolio:**  
Regeneration, Planning & Transport

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

**20/01175/ENFUNA**



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**3 Carmona Gardens  
Shipley  
BD18 2AF**

**25 October 2023**

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

**Enforcement Reference:**  
20/01175/ENFUNA

**Site Location:**  
3 Carmona Gardens Shipley West Yorkshire BD18 2AF

**Breach of Planning Control:**  
Unauthorised rear dormer window

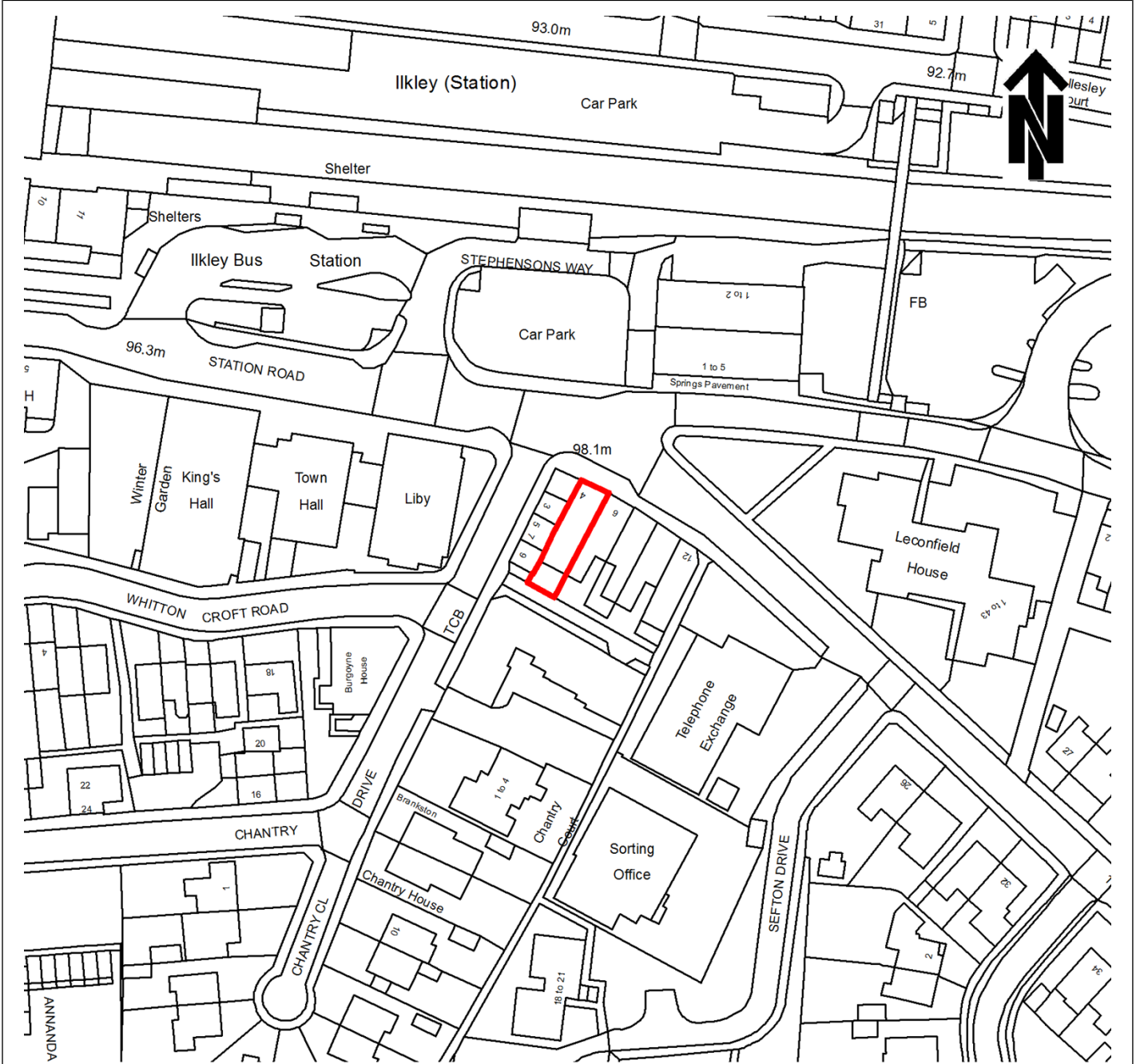
**Circumstances:**  
In August 2020 the Council received an enquiry regarding development works at the property.

An inspection showed that a rear dormer window had been constructed, for which the Council had no record of planning permission having been granted.

The owner of the property has been given the opportunity to rectify the breach of planning control, however no action has been taken.

On 16th August 2023 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised rear dormer window is detrimental to visual amenity by virtue of its design and appearance, forming an incongruous feature on the building and within the street scene, contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan Document, the Council's adopted Householder Supplementary Planning Document and the principles of the National Planning Policy Framework.

22/00765/ENFUNA



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**4 Cowpasture Road**  
**Ilkley**  
**LS29 8SR**



**25 October 2023**

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

**Enforcement Reference:**  
22/00765/ENFUNA

**Site Location:**  
4 Cowpasture Road Ilkley West Yorkshire LS29 8SR

**Breach of Planning Control:**

Without planning permission, the material change of use of the land to an area for customers to congregate including as a drinking and seating area (Sui Generis) in connection with the adjacent drinking establishment (at 4 Cowpasture Road) and associated operational development comprising the siting of timber boundary fencing, timber and plastic canopy and fixed seating

**Circumstances:**

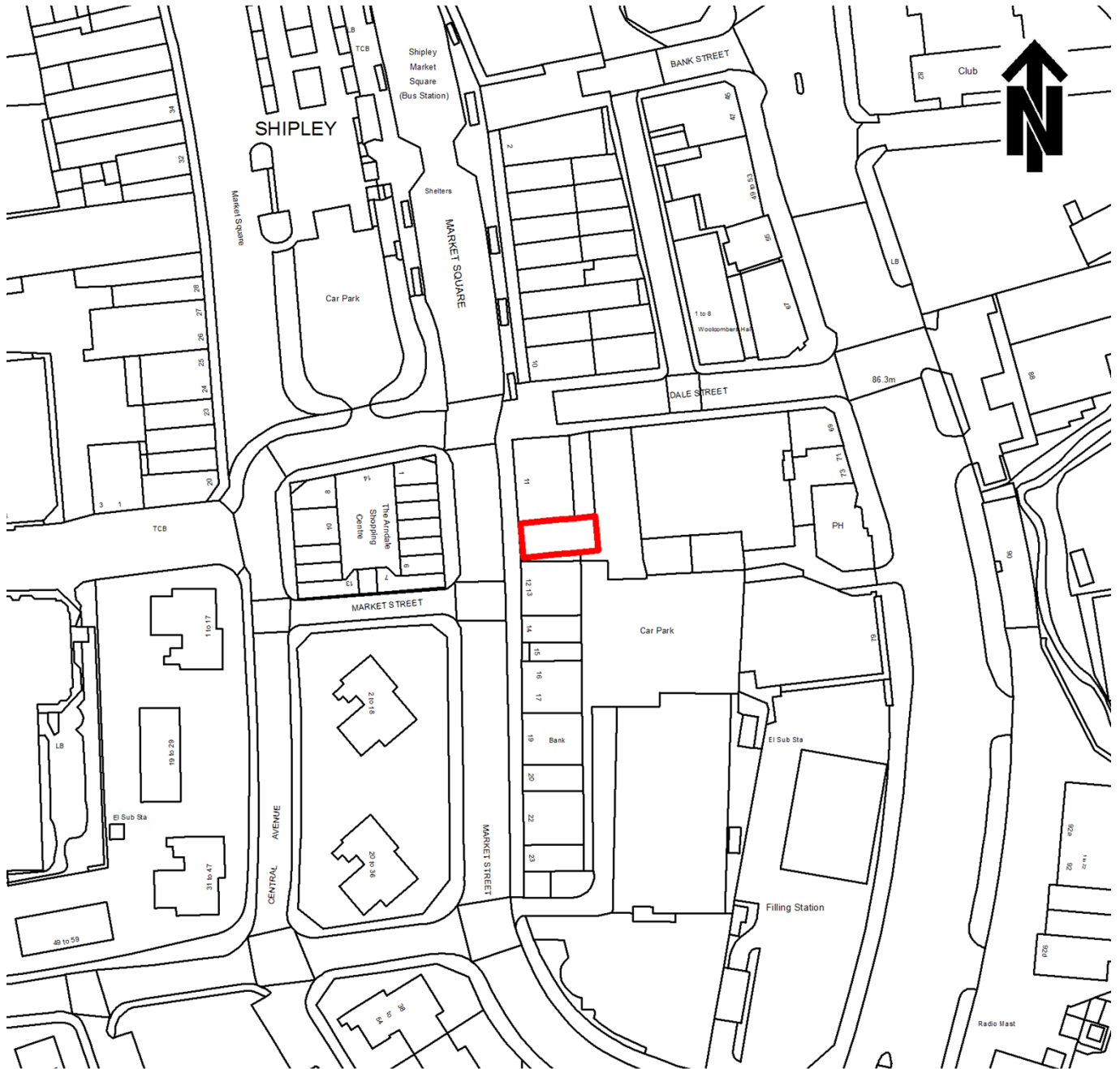
The Local Planning Authority was made aware of the unauthorised use of the land to the rear of the property by customers of the adjacent drinking establishment and associated operational development causing significant detriment to neighbour and visual amenity. Despite correspondence sent to the owner the unauthorised use continues and associated development including fencing, seating and canopy remains in situ and unauthorised.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 05 July 2023. The Notice will require cessation of the unauthorised use and removal of the fencing, fixed seating and canopy.

23/00175/ENFCON



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**Ground Floor**  
**11B Market Street**  
**Shipley**  
**BD18 3QD**

**25 October 2023**

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

**Enforcement Reference:**  
23/00175/ENFCON

**Site Location:**  
Ground Floor 11B Market Street Shipley West Yorkshire BD18 3QD

**Breach of Planning Control:**  
Breach of condition 5 of planning permission reference 14/04400/FUL

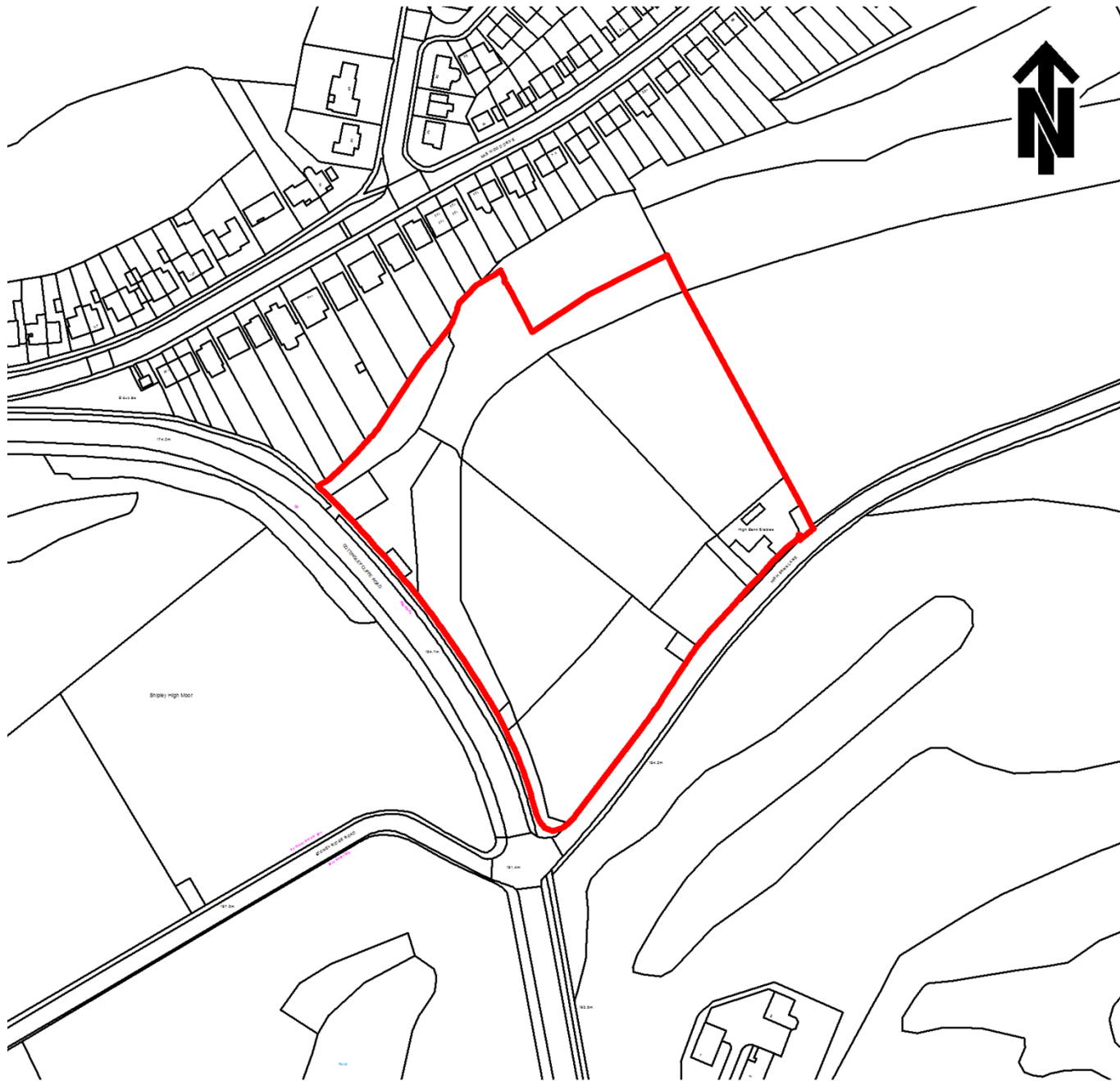
**Circumstances:**  
Planning permission reference 14/04400/FUL for a development including a ground floor hot food takeaway unit was granted by the Council in December 2014.

Condition 5 of the planning permission requires the hot food takeaway to be open for business only between the hours of 0800 and 2300.

The occupier of the property has been advised to adhere to the approved opening hours, however the condition is not being complied with.

On 12th September 2023 the Planning Manager (Enforcement & Trees) authorised the issue of a Breach of Condition Notice. It is considered expedient to instigate Enforcement (Legal) Action, as the breach of condition 5 of the planning permission is detrimental to the residential amenity of nearby residents.

**23/00378/ENFUNA**



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**Land Adjacent To  
High Bank Lane  
Shipley**

**25 October 2023**

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

**Enforcement Reference:**  
23/00378/ENFUNA

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

**Breach of Planning Control:**  
Unauthorised single storey building

**Circumstances:**  
An Enforcement Notice was issued in June 2022 in respect of unauthorised structures on part of the parcel of land.

In February 2023 it was noted that the requirements of the Enforcement Notice had been complied with. However, an unauthorised single storey building had been re-positioned onto land outside the red line boundary of the land subject to the Enforcement Notice.

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

On 4th July 2023, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised single storey building is sited on designated Green Belt land and does not fall within any of the exceptions set out in National Planning Policy Framework paragraph 149. The single storey building is considered to be inappropriate development in the Green Belt and to have a detrimental effect on the character of the landscape by virtue of its position, design and appearance, contrary to Policies SC7 and EN4 of the Council's adopted Core Strategy Development Plan Document.

## DECISIONS MADE BY THE SECRETARY OF STATE

### Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
E.	Baildon (ward 01)	4 Heaton Drive Baildon BD17 5PQ  Demolition of existing garage and store. Construction of two storey side extension. - Case No: 23/01268/HOU  Appeal Ref: 23/00053/APPHOU
F.	Bingley Rural (ward 03)	4 Wood Nook Whalley Lane Denholme Bradford BD13 4LH  Construction of detached garage and workshop - Case No: 23/01130/HOU  Appeal Ref: 23/00049/APPHOU
G.	Bingley Rural (ward 03)	7 Lees Moor Meadows Cullingworth Bradford BD13 5GY  Certificate of Lawfulness for existing use of garage as vehicle wash/valeting service - Case No: 22/03116/CLE  Appeal Ref: 22/00140/APPCLC
H.	Craven (ward 09)	Land At 5 Westy Bank Croft Steeton With Eastburn  Construction of agricultural shed and associated works (retrospective) (resubmission of 22/03095/FUL) - Case No: 23/00822/FUL  Appeal Ref: 23/00036/APPFL2

## Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
I.	Wharfedale (ward 26)	2 Hopps Barn Back Lane Burley In Wharfedale Ilkley LS29 7ED  Cladding of outbuilding with timber (retrospective) - Case No: 23/00150/HOU  Appeal Ref: 23/00037/APPHOU
J.	Keighley West (ward 17)	55 Low Fell Close Keighley BD22 6ER  Single storey rear extension - Case No: 23/00701/HOU  Appeal Ref: 23/00039/APPHOU
K.	Keighley West (ward 17)	6 Sunny Hill Grove Keighley BD21 1RU  Appeal against Enforcement Notice - Case No: 21/00428/ENFUNA  Appeal Ref: 22/00160/APPENF
L.	Keighley East (ward 16)	Dimples Cottage Dimples Lane East Morton Keighley BD20 5SU  Construction of two detached houses - Case No: 22/02826/FUL  Appeal Ref: 23/00017/APPFL2
M.	Worth Valley (ward 29)	Kirklands Outside Lane Oxenhope Keighley BD22 9QY  Single storey sunroom extension - Case No: 22/05158/HOU  Appeal Ref: 23/00035/APPHOU

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
N.	Bingley (ward 02)	Land At Crossflatts Cricket Club Keighley Road Bingley  Change of use of cafe to form residential dwelling (Plot 5) with associated works, construction of one pair of semi-detached houses (Plots 6 and 7), three terraced houses (Plots 8, 9 and 10) and two detached houses (Plots 11 and 12) with associated parking, access and landscaping - Case No: 20/01995/FUL1  Appeal Ref: 23/00005/APPFL2

### **Appeals Upheld**

There are no Appeal Upheld Decisions to report this month

### **Appeals Upheld (Enforcements Only)**

There are no Appeal Upheld Decisions to report this month

### **Appeals Withdrawn**

There are no Appeal Withdrawn Decisions to report this month

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

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

### **Notice Upheld**

There are no Notice Upheld to report this month

### **Notice Varied and Upheld**

There are no Notice Varied and Upheld to report this month