

# Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 18 October 2017

# E

## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	13 Prod Lane Baildon BD17 5BN - 17/04743/HOU [Approve]	Baildon
B.	151 Main Street Addingham LS29 0PD - 17/03061/FUL [Approve]	Craven
C.	20 Grange Park Road Cottingley Bingley BD16 1NP - 17/03329/HOU [Approve]	Bingley Rural
D.	Former Site Of Bradford Hebrew Congregation Spring Hurst Road Shipley - 17/04336/FUL [Approve]	Shipley
E.	Land At 10 Pink Street Haworth Keighley BD22 8AX - 17/02907/OUT [Approve]	Worth Valley
F.	Land South East Of 12 Haincliffe Road Keighley - 17/00036/FUL [Approve]	Keighley East
G.	Low Croft Cottage 23 Delph Hill Baildon BD17 5HJ - 17/04663/FUL [Approve]	Baildon
H.	The Samuel Lister Academy Cottingley New Road Cottingley Bingley BD16 1TZ - 17/03677/FUL [Approve]	Bingley Rural
I.	Brentroyd Glenlyon Drive Keighley BD20 6LL - 17/03100/HOU [Refuse]	Keighley Central
J.	Land At Halifax Road Former Site Of Wesley Place Primary School Keighley - 17/02983/FUL [Refuse]	Keighley East

Julian Jackson  
Assistant Director (Planning, Transportation and  
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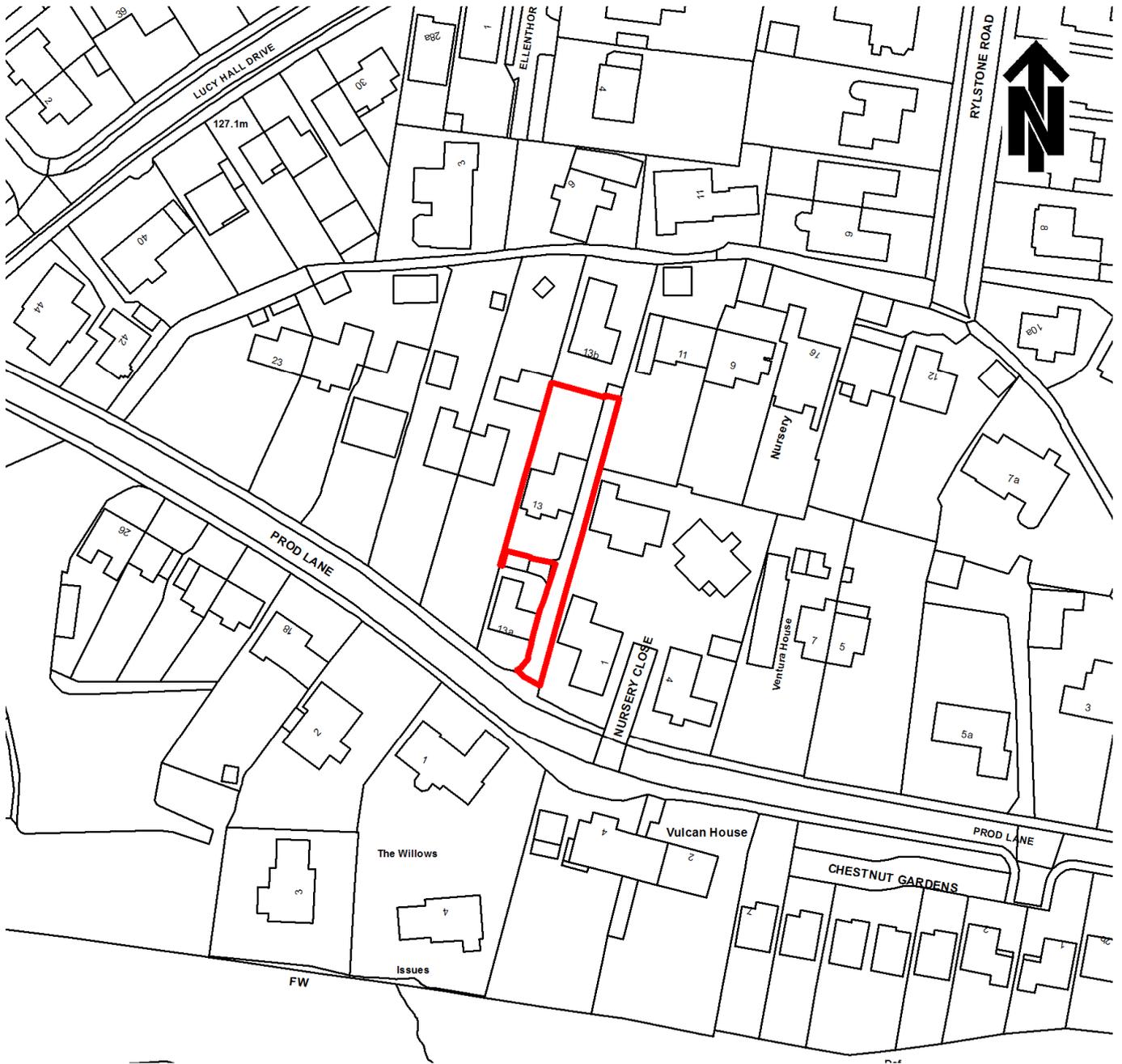
**Portfolio:**  
Regeneration, Planning &  
Transport

**Improvement Committee Area:**  
Regeneration and Economy

17/04743/HOU



City of  
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METROPOLITAN DISTRICT COUNCIL



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**13 Prod Lane  
Baildon  
BD17 5BN**

**18 October 2017**

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

**Application Number:**  
17/04743/HOU

**Type of Application/Proposal and Address:**  
Householder application for construction of a single storey rear extension, a timber car port/garage and driveway gate at 13 Prod Lane, Baildon, BD17 5BN.

**Applicant:**  
Mr Paul Ding

**Agent:**  
Mr Richard Blenkiron

**Site Description:**  
The application property is a stone built detached dwelling set well back from Prod Lane and accessed via a private drive serves 2 other properties, one in front and one behind. The other two dwellings are 13A and 13B Prod Lane that have been built in the curtilage. 13B Prod Lane is a dormer bungalow (approved 2010) that overlooks the site of the extension and car port. No 13 already has a two storey rear projection with a garage at ground floor.

**Relevant Site History:**  
None relevant to this house.

**The National Planning Policy Framework (NPPF):**  
The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017. Some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP Accordingly, the following adopted Core Strategy are applicable to this proposal.

***Proposals and Policies***

DS1 – Achieving good design  
DS3 – Urban character  
DS4 – Streets and movement  
DS5 – Safe and inclusive places  
SC9 – Making great places

**Parish Council:**

Baildon Parish Council – No response has been received.

**Publicity and Number of Representations:**

Publicised with neighbour notification letters expiry 4 September 2017.

2 objection representations from (1 address) have been received.

In addition, one objection from a Ward Councillor has been received which includes a request to refer the application to panel for decision.

1 email in support has been received urging objection to be disregarded because the gate is necessary for safety reasons and is possibly permitted development.

**Summary of Representations Received:**

Ward Councillor: The extension to the house may be acceptable but the car port would block access to the adjacent property for maintenance of the wall and hedge to 13B Prod Lane. The chief concern is the erection a gate across the drive. To have to stop and open a gate would breach unimpeded access to 13B Prod Lane. There is also the possibility that (what is described as) an unlocked gate might, at some future time, be converted to a locked one.

**Objections**

The objectors have no objections to the kitchen extension.

However, the car port will prevent the neighbour gaining access to maintain their wall and hedge and is over development of the site. Further concerns are expressed regarding additional surface water run off.

The gate will impede access to number 13B as it will have to be opened each time they wish to enter or leave their property. The gate may result in the private access being lost and incorporated into the properties garden. It will impede access for service and emergency vehicles.

**Support**

The gate is required on safety grounds. The applicant will not be preventing rights of access over the drive. The gate may not require planning permission.

**Consultations:**

None considered necessary.

**Summary of Main Issues:**

Impact on amenity of neighbours.

Design and visual Impact.

Response to objections: effects on access rights.

**Appraisal:**

The proposal is for alterations and extensions within the curtilage of a dwelling-house that is neither a listed building nor within a conservation area.

There are 3 parts to what is proposed on the submitted drawings:

1. A relatively modest single storey extension to the rear of the house.
2. A car port in the garden.
3. A proposal to install a 1.8m high metal gate across the shared drive. In the application this is described as an "unlockable gate".

**Rear Extension**

The proposed rear extension would create a larger kitchen. It would be 4.45 metres wide and project 3.8 metres from the rear wall of the original property. The extension would cause no detriment to the amenity of adjoining neighbours. It would be modest and subservient and the design and use of natural stone and slates would be entirely in keeping with the original dwelling. This can be reinforced by the proposed condition requiring construction in matching materials.

It is noted that the objectors do not oppose this feature of the application.

**Car Port**

The proposed car port would measure 5.3 metres x 7.3 metres. It would be an open sided structure creating space for two cars under a slate roof supported on timber posts. A small timber store is included to one side. The slate pitched roof would rise to a height of 3.9 metres.

The car port would be located to the rear of the property and set immediately adjacent to the rear and side boundary wall and hedge. However, its impact on the amenity of the neighbour would be mitigated by the intervening stone wall and hedge and also No 13B Prod Lane is at a slightly higher level. The car port will not create habitable accommodation and its sides would be open. Therefore the development would not cause overshadowing or result in a loss of privacy for occupants of No 13B or any other neighbouring property. As such it is not considered that it will be harmful to residential amenity.

The neighbour and Ward Councillor have raised concerns regarding the effects of the car port on boundary maintenance and creating additional run off from the car port roof. However, the boundary would still largely be capable of being maintained because the sides of the car port would be open. However, rights of access to the applicant's land for maintenance is a private matter and could not be used as a reason for refusal.

The agent has clarified that drainage from the car port will be collected by a rainwater gutter to each side of the roof with down pipes that can be connected into an existing surface water drain in the back garden of 13 Prod Lane. Details would normally be resolved at the Building Regulation stage - after the planning process. Given the small domestic scale of this development, there is unlikely to be significant additional rainwater run-off. The applicant's property is slightly uphill from the car port so rainwater that does not flow to the drain is unlikely to affect the objectors' property.

The objector has expressed concern that the car port could be converted to another dwelling in the future. However, the Local Planning Authority can only consider what is before it – a proposal for car port. Subsequent creation of a dwelling (which seems unlikely given its size and manner of construction), would constitute a breach of planning control to be resolved through enforcement powers.

### **The Gate**

The proposed gate will be black painted steel and 1.8 metres high at its highest point. The applicant has said they feel it necessary to put this gate in place to create a safe play space for their daughter.

From the Council's point of view, in the position proposed and with the height of the gate being less than 2.0 metres high, the gate would not require planning permission. It is clearly permitted development by virtue of Part 2 Class A to Schedule 2 of the General Permitted Development Order.

The representations concerning the gate are about how it might impinge on rights of access for occupiers of No 13B Prod Lane, cause inconvenience and affect access for service vehicles and emergency services. The applicants have described the gate as "unlockable" signalling that they do not intend to deny access. However, the ability of the applicant to gate the access and whether this is by a lockable or unlockable mechanism is a civil matter entirely outside the jurisdiction of the local planning authority.

The 1.8 metre high gate would not require planning permission so the Council cannot arbitrate in private legal matters such as this disagreement about gating this access. It is a matter for the two parties to resolve.

### **Community Safety Implications:**

None.

### **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 impact of the proposals on visual and residential amenity and highway safety has been fully assessed. The gate is permitted development and does not require approval of the Local Planning Authority. The proposed extension is modest and sympathetic, and the car port will have no significant effects on the amenity of neighbours and accords with Core Strategy policies DS1, DS3, DS4, DS5 and SC9 and the NPPF

**Conditions of Approval:**

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

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

2. The development hereby permitted shall be constructed of the facing and roofing materials specified on the submitted application.

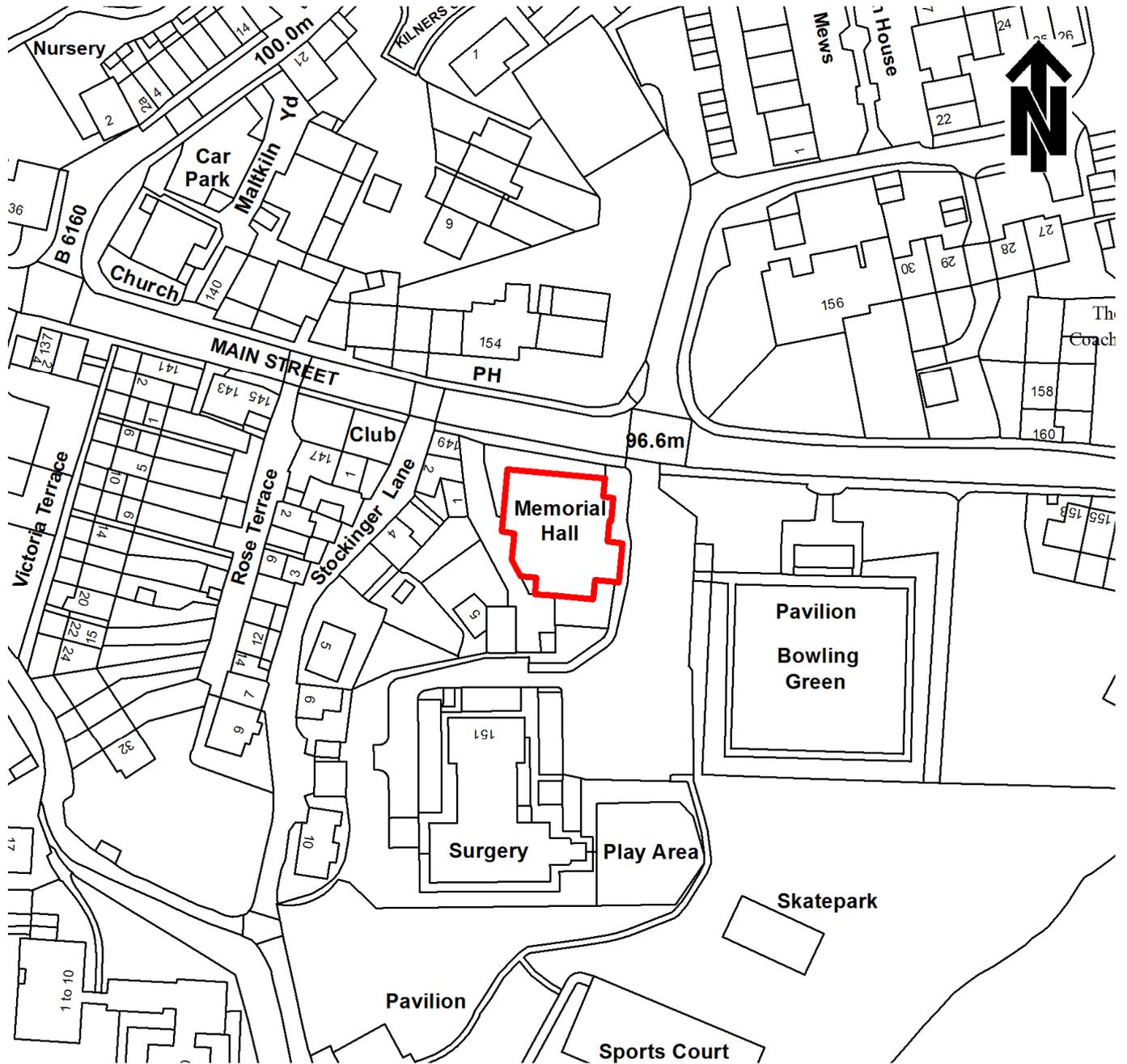
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and SC9 of the Bradford Local Plan Core Strategy.

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17/03061/FUL



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**151 Main Street  
Addingham  
LS29 0PD**

**18 October 2017**

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

**Application Number:**  
17/03061/FUL

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

A retrospective planning application for the change of use of part of the Addingham Memorial Hall from Community Hall use (D1) to use as a retail showroom (A1) at 151 Main Street, Addingham LS29 0PD.

**Applicant:**  
Mr David Langthorne

**Agent:**  
None.

**Site Description:**

The Memorial Hall is located off Main Street in the centre of Addingham. It is within the Addingham conservation area. To the rear of the hall is the village medical centre and pharmacy which was built in around 2007/2008. A surfaced car park is to the east side of the building and is shared by users of the hall, the associated recreation ground and the medical centre. Beyond this, to the east of the site, is a bowling green and recreation ground. To the south of the car park is a children's play area. The application refers to a single storey annexe added to the rear (south) of the Memorial Hall building in around 2002. It is known as the Hilda Holmes room (after the benefactor). It has a door access on the southern elevation and vertical windows on the east wall.

**Relevant Site History:**

00/03839/FUL: Alterations and extensions to provide new playgroup facilities plus enlarged entrance hall and new store. Granted 23.02.2000.

08/05600/FUL: Construction of first floor extension with pitched roof to form additional storage area with access stair. Granted 27.10.2008.

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;

- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**The Local Plan for Bradford:**

The Local Plan Core Strategy for Bradford was adopted on 18 July 2017 though some of the saved policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of the Allocations and/or Area Action Plan documents.

This site is not allocated for any specific land-use purposes in the Replacement Unitary Development Plan, but it is included in the Addingham Local Centre. Accordingly, the following adopted Core Strategy and saved RUDP policies are applicable to this proposal.

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

Addingham Local Centre

***Saved Policies***

CR1A – City Town and Local centres

***Proposals and Policies***

***DS1*** *Achieving Good Design*

***DS3*** *Urban Character*

***DS5*** *Safe and Inclusive Places*

***EN3*** *Historic Environment*

***DS4*** *Streets and Movement*

***TR2*** *Parking Policy*

**Parish Council:**

Addingham Parish Council: Supports the application.

**Publicity and Number of Representations:**

The application was publicised by individual neighbour notification letters, a site notice and through the newspaper. Publicity expired on 22 July 2017.

30 representations of support have been received.

20 letters of objections were received.

**Summary of Representations Received:**

**OBJECTIONS:**

1. This annexe should remain available for use by community groups. Change of use of part of the community building to business purposes reduces capacity for villagers' use of the village hall. The space could be used for providing other facilities for the benefit of the community. Assertions made by the applicant and supporters that the space is not required for community purposes are untrue.
2. Commercial use is inappropriate in the conservation area and is inconsistent with other uses.

**SUPPORT**

1. Typically these comments are about how village halls, generally, are not viable as the income received from community sources does not cover the running costs. The rent from tenants in this part of the Memorial Hall provides income to help towards running costs.
2. The annex stood empty for a period prior to its occupation by the applicant so the new use did not directly displace any existing community groups.

**Consultations:**

Design and Conservation Team: No appreciable heritage concerns.

Highways DC: No Objections

**Summary of Main Issues:**

Background.

Principle of retail use.

Visual amenity.

Residential amenity.

Highway safety.

**Appraisal:**

**Background**

The applicant seeks retrospective planning permission for the change of use of part of the Addingham Memorial Hall, which is a D1 community hall, to an A1 retail showroom. This involves an annexe to the rear comprising approximately 63 square metres of floor space which the applicant has leased from the owner. The owner of the hall is the Addingham Village Hall – a registered charity, with a board of trustees.

The annexe space amounts to about 14% of the total Memorial Hall floorspace of 440 sq. metres. In the past, the space was used by a play group. Although historically part of the community hall, with internal door links into the rest of the community hall, the retail business functions as a separate planning unit with its own door access off a small yard abutting the Memorial Hall car park. After the rooms were added, the space was used by a local playgroup. This has apparently relocated elsewhere in the village.

The applicant leases the premises and is already occupying the space. He runs a small business selling windows and doors, involving only 1 person (himself). The space involved is laid out as a showroom with displays of window and door products which customers can view, discuss with the applicant and place orders for doors/windows to be fitted at their homes. There is no manufacturing at the site, except that, occasionally, there is a requirement to assemble the changing displays of doors and windows in the showroom. The applicant has said this happens only a few times a year. Various photographs of assembly and delivery of the display materials have been submitted by objectors – showing when this last took place in August.

There have been objections to the retrospective application and representations in support. The objectors feel that the space taken by the retail use should remain available for the community uses, including (possibly) for the relocation of the community library temporarily housed in a storage container on the site. On the other side of the debate, the supporters make the point that the rental income derived from the retail showroom use helps contribute towards running costs for the building and so helps keep down the charges made to other community groups and activities.

### **Planning Issues**

The Local Planning Authority is not charged with adjudicating in respect of the decision of the owners of the Memorial Hall to rent the space in the annexe to this business instead of reserving it for use by community groups. Nor are the intentions of the benefactors of the Hilda Holmes material to the consideration of this planning application. Justification for the decision to lease the space to the applicant for business purposes is a matter for the owners.

The planning application can only be determined on its planning merits. The question is the acceptability of an A1 retail use at the site.

### **Planning Policy - Principle of Retail Use**

The site is located within the Addingham Local Centre as defined by the Proposals Map of the RUDP. Saved Policy CR1A of the RUDP says retail development will be permitted in these Local Centres, provided it is of a scale compatible with the role of that centre and not likely to adversely affect the vitality and viability of any equivalent or higher order centre. Having a floorspace of just 63 sq. metres, this is a modest retail showroom of a scale compatible with the role of Addingham Local Centre. Policy CR1A is saved until adoption of the forthcoming Allocations DPD or a Neighbourhood Plan.

As well as being acceptable when viewed against Policy CR1A, a retail use is also judged compatible with the more up-to-date National Planning Policy Framework which also seeks to promote town centres and focus retail and leisure activity within them.

The Local Plan Core Strategy, in Policy EC5, also says that planning decisions should seek to sustain and enhance the vitality and viability of a network and hierarchy of centres in the Bradford District, including the Local Centres, which should be the focus for appropriately sized retail developments and a variety of small shops to meet people's day to day needs, and should ensure that an appropriate scale of retail, leisure and office development is encouraged in sequentially preferable locations.

Some objectors have said that this application should be given proper analysis within the context of the Addingham Neighbourhood Plan. However, this Neighbourhood Plan is still in preparation and so carries little weight at present. The Local Planning Authority could not defer the determination of this planning application to await undetermined proposals of the Neighbourhood Plan.

Therefore, although the space was part of the Memorial Hall and there are adjoining community uses such as the medical centre, the alternative use of the space as a modestly sized A1 retail showroom is an acceptable alternative to community use in terms of national and local planning policy.

### **Impact on Community Facilities**

The objections raise concerns regarding loss of space for community facilities within the village. However, two sides to this argument are presented. The supporters counter arguments that space is being lost to the community by saying that the retail use of what is a small and ancillary part of the Memorial Hall is providing income to ensure viability of the rest of the community facility. The proposed use would not prevent the owners reverting to community use in the future - as and when circumstances dictate.

Having regard to the NPPF objectives of delivering the social, recreational and cultural facilities, this proposal does not significantly conflict with those objectives or those to avoid the unnecessary loss of valued facilities and services. Arguments from supporters that it helps ensure that the established facilities and services are able to develop and modernise, and are retained for the benefit of the community, seem valid.

The NPPF seeks to promote the rural economy through the retention and development of local services and community facilities in villages. Thus, the NPPF would permit use of the application property as either a small shop or its continued use for community purposes. In planning terms either retail OR community use would be acceptable and there is no sustainable case to resist A1 retail use on planning grounds.

### **Implications for Local Amenity and Conservation Area**

The site is part of the Addingham Conservation Area, but the appearance of this part of the building is not being changed by the proposal and the Council's Conservation Officer raises no objections to the use. Although objectors describe commercial use as wholly inappropriate to the conservation area, the village Main Street is already partly characterised by retail shops as well as cafes and pubs. Commercial uses are not incompatible with the conservation area.

There are residential properties behind the Memorial Hall to the west, but the A1 use has no adverse effects on nearby residents given its small scale. The scale of the use and low level of customer activity will not cause any appreciable effects on access to the playground, memorial garden or the medical centre.

Objectors have submitted photographs showing large vehicles delivering doors and windows to the site, and window and door installations being assembled outside the showroom. This activity took place in August, but the applicant has explained that this was an occasion when the showroom display stock was being changed, and that this delivery traffic and light assembly activity will take place infrequently (a few times a year). Window and door products are taken direct to the customer from storage facilities elsewhere and are not kept on site – other than for the showroom displays. Delivery and assembly is therefore occasional and incidental to the principal A1 use and will not materially affect the conservation area, local amenity or the amenity of adjoining occupiers to any significant degree.

### **Highway Issues**

As discussed above, the applicant says deliveries to the site to set up new showroom displays will be on a very occasional basis. This is a very specialist retail use and numbers of customer visits can be expected to be low. The unit has access from the open car park shared with the Memorial Hall, the recreation ground and the medical centre. There are around 40 spaces available in this car park, and it is unlikely that customers or the single member of staff associated with the retail use would make any impression on local parking demand. The Council's Highway Officer raises no objections to the application given the small size of the use and its location in the centre of the village.

### **Conclusion**

This application has provoked strong debate within Addingham but the Local Planning Authority cannot adjudicate on, or reverse the decision taken by the owners that the interests of the Memorial Hall are best served by securing a rental income from the floorspace in question as opposed to returning it to community use.

In terms of material planning considerations, a retail use is acceptable as it is within the Addingham Local Centre. The small scale of this retail use is such that there are no evident or demonstrable problems in terms of impact on local amenity and there are no objections to the use on highway grounds. The remainder of the Memorial Hall remains available for community use and the space will remain suitable for such use should the owners decide to resume that use in the future. There are no sustainable reasons for refusal on planning grounds, and this proposal for a small retail showroom accords with Policies EC5, TR2, EN3, DS3, DS5 and DS4 of the Local Plan Core Strategy, the National Planning Policy Framework, and Saved Policy CR1A of the RUDP.

### **Community Safety Implications:**

None.

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

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

**Reason for Granting Planning Permission:**

The proposed use of this annex of the Addingham Memorial Hall to a retail showroom (A1) is acceptable in principal because the site is within the Addingham Local Centre and the small scale of the unit is compatible with the role of that Centre. The use will have no adverse impact on the character or appearance of the building, local street scene or the conservation area. It will not negatively impact on the amenity of the residents in the nearby dwellings or substantially impact on highway or pedestrian safety. Policies DS1, DS3, DS5, DS4, EN3 and TR2 of the Local Plan for Bradford are satisfied, as well as paragraph 70 of the National Planning Policy Framework.

**Conditions of Approval:**

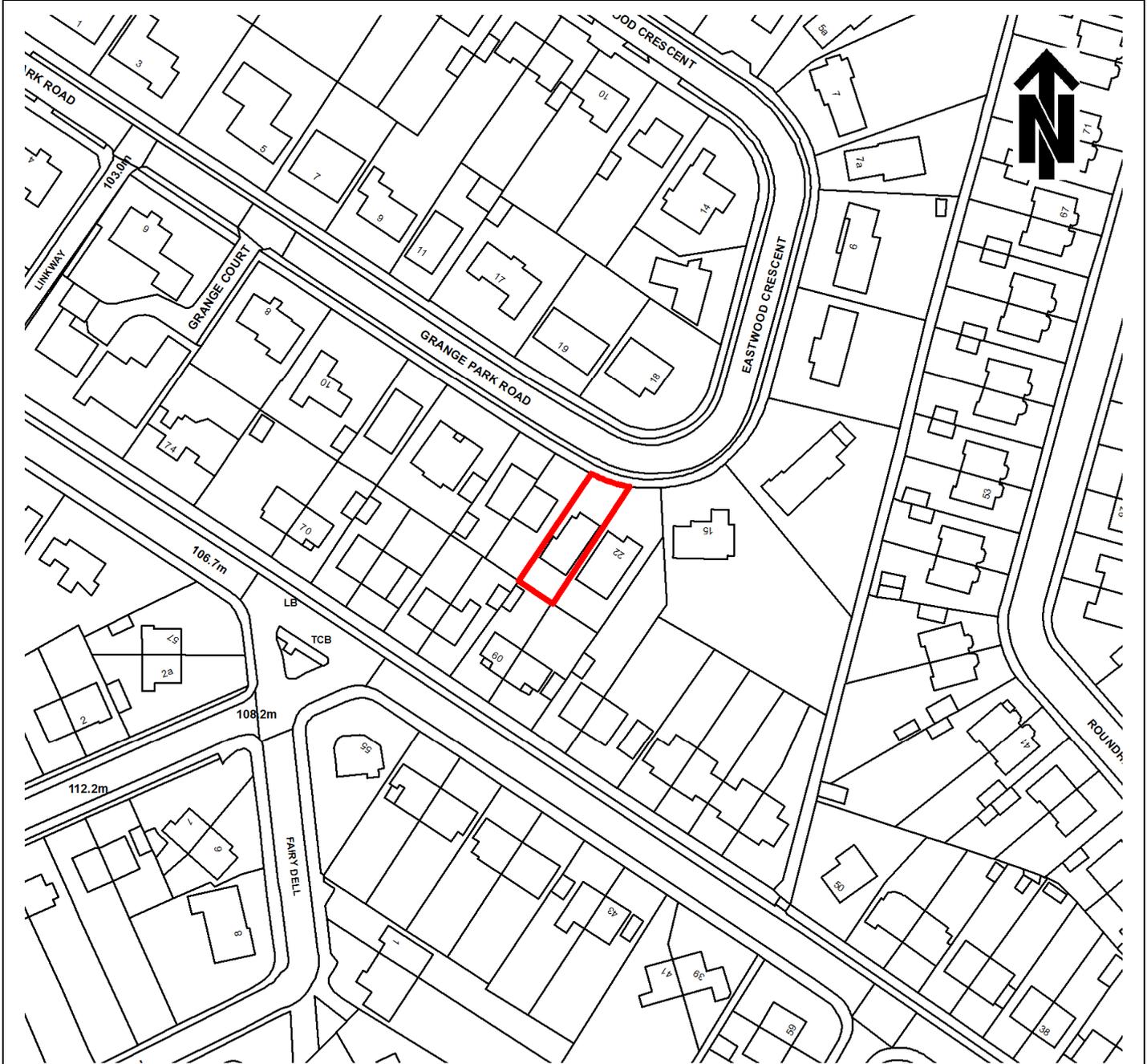
None deemed necessary.

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17/03329/HOU



City of  
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METROPOLITAN DISTRICT COUNCIL



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**20 Grange Park Road**  
**Cottingley**  
**Bingley**  
**BD16 1NP**

**18 October 2017**

**Item: C**  
**Ward: BINGLEY RURAL**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
17/03329/HOU

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

Householder planning application for first floor extension on top of existing flat roof bungalow at 20 Grange Park Road, Cottingley, Bingley, BD16 1NP.

**Applicant:**

Mr & Mrs James Ford.

**Agent:**

Mr Jonathan Holmes - Forward Planning & Design Ltd.

**Site Description:**

The application property – 20 Grange Park Road - is an unusually designed flat roofed dwelling built into a slope so that it is presently two storeys at the front but single storey at the rear. The lower level at the front is used for garaging/utility room with the existing upper storey providing living accommodation and 2 bedrooms. The dwelling is of a modern design with a flat roof but is situated in a very varied street of two storey dwellings and bungalows most having more traditional pitched roofs that give a greater overall height than this property. To the rear is a short back garden abutting the garden of No 60 Manor Drive.

**Relevant Site History:**

86/03510/NEW: Construction of a bungalow. GRANT- Date Issued: 21 July 1986.

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. Accordingly, the above adopted Core Strategy and saved RUDP policies are applicable to this proposal.

DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS3 Urban character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
TR2 Parking Policy

Consideration has been given to guidance in the Council's adopted Householder Supplementary Planning Document.

**Parish Council:**

Bingley Town Council: recommends refusal on grounds of layout and density of the building design, visual appearance and finishing materials.

**Publicity and Number of Representations:**

This application was publicised by means of individual neighbour notification letters. Overall publicity ended 10 July 2017.

17 representations of objection and 1 representation of support have been received.

**Summary of Representations Received:**

The grounds of objection from representations are summarised below:

1. Concern about the proximity of the proposed additional rear bedroom windows to houses on Manor Drive. The rear of these houses and the gardens will become unacceptably overlooked. The 2 proposed additional windows serve bedrooms at an elevated level, approximately 7 metres away from the back boundary - drastically encroaching on privacy of neighbours at 60 Manor Drive and Numbers 18 & 22 Grange Park Road.
2. The additional height will cause overshadowing and loss of light to garden areas, and windows of habitable rooms to neighbouring properties.
3. Loss of view will be caused.
4. Inappropriate design and materials, out of character with existing development in the area.
5. Too large - the subservience of the dwelling as originally designed will be lost. The size and scale seem disproportionate and overbearing in relation to the existing dwelling and surrounding dwellings.
6. The development will cause a parking and therefore highway safety problem.
7. The application needs withdrawing and the extension redesigned to take account of the objections.

8. Foundations may be inadequate for the extension.
9. The development would add to the overdevelopment of the area.

The 1 representation in support says that the area is mixed in character with flat, pitched and chalet style roofs. The development would support the local economy and improve the look of a dwelling, which already looks out of keeping.

**Consultations:**

None.

**Summary of Main Issues:**

Background and principle of development.

Design – Impact on visual amenity.

Impact on amenities of occupiers of the adjacent land.

Highway safety.

Other planning matters.

**Appraisal:**

**Background and principle of development**

The proposal is for a domestic extension to a dwelling-house that is neither a listed building nor within a conservation area. The principle of development is acceptable subject to considerations of the design and impact of the enlargement on the amenity of neighbours.

The proposal is to add an additional storey in the form of a flat roofed extension building up from the flat roof of the existing dwelling. It would be faced in matching cladding materials and would provide 3 bedrooms, a bathroom and en suite. This would allow the ground floor of the bungalow to revert solely to living accommodation and kitchen.

**Design and impact on visual amenity**

The existing dwelling dates from the 1980's and is of an unusual "contemporary" design, built using glass and cladding and an existing flat roof. The extension now proposed continues this design theme. Rather than adding a pitched roof, it is proposed to add a flat roofed extension on top of the existing dwelling constructed using glass, natural stone and wooden cladding matching the materials already present.

Significantly, the new "box" added on top of the dwelling would be set back in from the existing front and side walls which would reduce its massing and prominence. A "street scene" elevation has now been submitted to show the proposed height in relation to the height and mass of the two storey houses on either side. This shows that the extended house would not appear unduly larger overbearing compared with the houses to either side.

Grange Park Road includes a varied assortment of house designs of varying heights. It is not accepted that the contemporary design approach adopted for the extension would be either inappropriate or out of keeping with the area. The form and design continue the style of the existing dwelling, rather than trying to adapt that original design, and this approach is considered to be acceptable and the extension design to accord with design policy DS1 of the Bradford Local Plan.

### **Amenities of occupiers of adjacent land**

It is appreciated that there are strongly expressed concerns from occupiers of properties on Manor Drive about overlooking from the new bedroom windows introduced at 1st floor level which would face towards the rear garden boundary.

These windows are admittedly close to the back boundary. There would be a separation of 7.7 metres between the first floor extension and the boundary to the gardens of 58/60 Manor Drive. There would be a separation of 18.68 metres between the new rear windows and the windows in the house behind at 60 Manor Drive.

These distances are within guidance set out in the Householder Supplementary Planning Document (SPD) adopted in 2012. To prevent unreasonable overlooking and loss of privacy, the SPD guidance relating to two storey extensions, suggests that a minimum distance of 7.0 metres should be retained between a first floor window in an extension and the rear garden boundary; and that a minimum of 17 metres separation be retained between the first floor habitable room windows in the extension and any habitable room windows in neighbouring properties.

The land also slopes upwards towards the existing houses on Manor Drive, and these houses are to the south of the application property. Therefore, although the extension adds height to the existing building, the fall of the land will reduce any impact in terms of the additional structure being overbearing or causing overshadowing. The use of the flat roof, rather than a conventional pitched roof will also keep the height down.

Although strong concerns are expressed by the neighbours, the separation distances to properties to the rear accord with the adopted guidance. The relationship of the extension to the existing homes behind the site is considered sufficient to stop unacceptable overlooking or dominance of the existing residents.

To the front, the new windows in the front elevation of the extension would be set about 27m from the properties across the street. This gives ample separation to properties such as 18 Grange Park Road.

With regard to impact on properties to either side of 20 Grange Park Road, the extension would be sited 0.75m and 1.5m behind the front and rear walls of the original dwelling and 1m away from the side elevation adjoining 22 Grange Park Road. It is not considered that the additional bulk of the extension would significantly affect occupiers of those two houses. To the other side, there is a gap of between 3 and 4 metres to the side wall of 18 Grange Park Road which has two non-habitable room windows facing the site. The extension would not lead to any undue overshadowing of 18 Grange Park Road compared with the existing situation, nor would it have an unacceptable overbearing impact on habitable rooms or the garden of that house.

It is noted that No 22 Grange Park Road has three small windows in the facing side elevation. The extension will potentially reduce light to the side windows. However, two of these windows serve non-habitable rooms, and the third serves the kitchen which is also served by a large glazed window on the rear elevation. It is not considered that the amenity of the occupiers of 22 Grange Park Road will be unduly affected.

There are no new habitable room windows proposed in the side elevations of the extension. The elevations show windows to landing, bathroom, and en suite which would be obscure glazed. A condition is suggested to ensure these are fitted with obscure glass and that it is retained. The extension would therefore not cause loss of privacy for the occupiers of either 18 or 22 Grange Park Road.

### **Highway safety**

The development does not alter the present access or parking arrangements for the dwelling and therefore has no adverse impact on highway safety.

### **Other Issues Raised**

Loss of a view by people living to the rear of the application site is not a material planning consideration. It has been argued above that the additional bulk would not significantly affect the outlook or cause dominance of those properties.

Disturbance and disruption during construction would be a temporary issue and would not form a reasonable reason to refuse an application, or prevent home improvements and alterations necessitating building works.

Adequacy of foundations is a matter for consideration under the Building Regulations and detailed assessments and specific construction proposals will need to be submitted for approval under that separate process should planning permission be granted.

### **Community Safety Implications:**

This proposal raises no community safety issues.

### **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:**

It is considered that the proposed extension will not have an adverse impact on the character and visual amenities of the surrounding area. Impact on the residential amenity of occupiers of existing dwellings has been considered, but the extension accords with design guidance in the adopted Householder SPD. No highway safety or community safety issues arise. It is considered that the proposal will therefore accord with policies DS1, DS2, DS3, DS4, DS5, TR2 and EN7 of the Local Plan for Bradford and the principles of the Householder Supplementary Planning Document. It will form sustainable development compatible with the National Planning Policy Framework.

### **Conditions of Approval:**

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

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

2. The development hereby permitted shall be constructed of facing and roofing materials as specified on the approved drawing 1345/03A.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Local Plan for Bradford.

3. The bathroom and landing windows in the north west and south east elevations of the extension hereby permitted shall be glazed in obscure glass prior to the first occupation of the building/extension and thereafter retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policy DS5 of the Local Plan for Bradford.

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the north west or south east elevations of the extension hereby permitted without prior written permission of the Local Planning Authority.

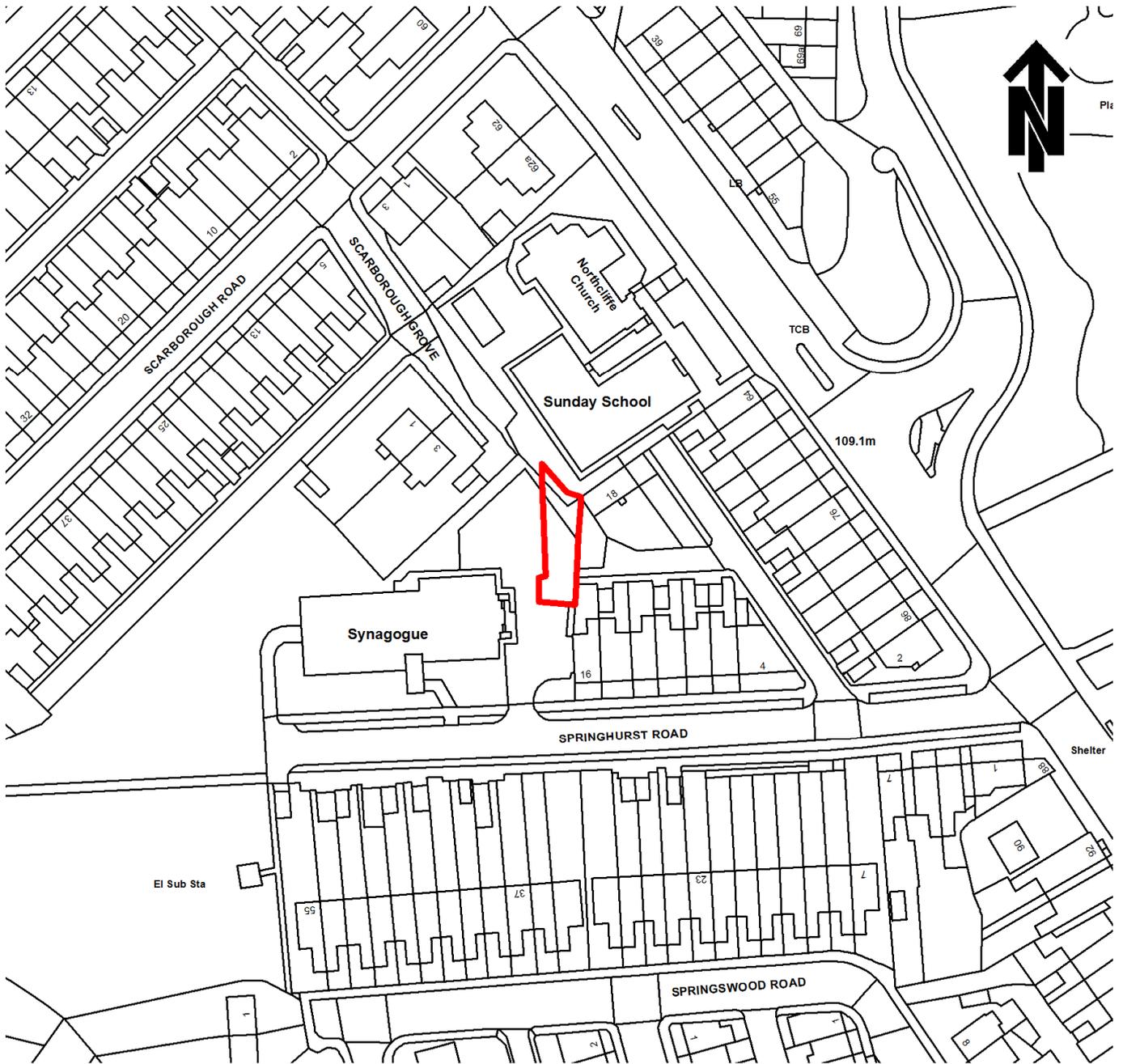
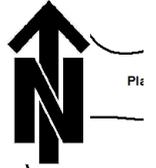
Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy DS5 of the Local Plan of Bradford.

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17/04336/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Former Site Of Bradford Hebrew  
Congregation  
Spring Hurst Road Shipley**

**18 October 2017**

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

**Application Number:**  
17/04336/FUL

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

Planning permission is sought for amendments comprising external works to the rear of the houses on Plots 4 to 7, which form part of an approved residential development at the site of the former Bradford Hebrew Congregation, Spring Hurst Road, Shipley.

**Applicant:**  
Oak Tree Developments

**Agent:**  
Peter Brooksbank

**Site Description:**

The Bradford Hebrew Congregation Synagogue was sited in a large curtilage at the end of Spring Hurst Road. The building has been demolished and works have commenced on a residential development of 14 houses which was granted under planning permission 16/00464/MAF. This development consists of two terraces of dwellings lining Spring Hurst Road. Between these, a private drive leads into the site and a further short terrace of dwellings (plots 4-7) is set at a right angle to Spring Hurst Road. The rear elevations of these properties are orientated to face towards the rear gardens of the existing terrace dwellings along the north side of Spring Hurst Road. Level changes result in a slope from the rear walls of the new houses to the boundary. The currently unauthorised raised platforms have been installed on the back of the houses.

**Relevant Site History:**

13/02320/OUT – Residential development – Refused.

14/03667/OUT - Demolition of existing synagogue and new housing development of nine terrace houses. – Granted.

16/00464/MAF - Demolition of synagogue and construction of 14 two bedroom houses and apartments – Granted.

16/00464/NMA01 – Non-material amendment to planning, comprising Plot 3 to be 3-bedroom unit with new bedroom window on gable, access to plots 4, 5, 6, 7 and 9 to be from shared private drive (not adoptable) and plots 10, 11, 12, 13 and 14 floor levels to be amended – Granted.

16/00464/NMA02 - Non-material amendment to planning, comprising plots 1,2,4,5,6 and 7 from 2 bedroom properties to three bedroom properties. – Refused.

16/00464/NMA03 - Non-material amendment to planning approval 16/00464/MAF dated 15/07/2016: Alterations to internal layout of Units 1, 2, 5, 6 and 7 and provision of additional parking spaces – Granted.

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents.

***Proposals and Policies***

DS1 - Achieving Good Design

DS3 - Urban character

DS5 - Safe and Inclusive Places

**Parish Council:**

Not in a Parish area.

**Publicity and Number of Representations:**

The application has been publicised by the display of a site notice and via individual neighbour notification letters. The publicity period expired on 30 August 2017.

Four representations have been received, including one from a local Ward Councillor.

The Ward Councillor has referred the application for determination by Panel.

**Summary of Representations Received:**

The representations are all in objection, based on the following concerns:

Loss of light.

Overlooking.

Inadequate information.

Lack of publicity.

**Consultations:**

Not applicable.

**Summary of Main Issues:**

1. Background.
2. The impact of the proposal on residential and visual amenity.
3. Other issues raised in the representations.

**Appraisal:**

**Background**

The current application is in part retrospective. Following the planning approval (ref: 16/00464/MAF) work to build the 14 houses has commenced on site. These works have included construction of raised platforms to the rear of the houses on Plots 4-7. Such elevated platforms did not form part of the original planning approval.

This application seeks permission for the retention of three of the platforms, but the applicant has agreed to modify the fourth (to Plot 4) and for the installation of measures to mitigate the threat of overlooking from the others. In the case of Plot 4 the raised platform is replaced with a revised stepped access from the house to its garden.

This application deals solely with these amendments and does not consider the wider residential development which is progressing on site in accordance with the extant planning permission. The main issues will now be considered:

**Residential and Visual Amenity**

The houses on Plots 4 – 7 form a short terrace row, but the house on Plot 4 is notably smaller than those on Plots 5, 6 and 7 which are all of the same design. The dwellings are now mid-construction and in order to address level difference between internal floor levels and the external ground level in their gardens, raised rear platforms have been constructed. It is acknowledged that these platforms present the opportunity for overlooking of a neighbouring residential property beyond the rear boundary, most notably no.16 Spring Hurst Road.

Following intervention of the Enforcement Service, the applicant has accepted the need to address the overlooking concerns from neighbours. The submitted drawings therefore propose to remove the raised platform constructed at Plot 4, which is closest to the back garden of No 16. It would be replaced with a much reduced raised platform only approximately 1m x 1.2m and a flight of steps down to the garden. These have been orientated to face towards the blank side elevation of the house on Plot 5.

The existing ground level then slopes gradually to the rear boundary. This is to be enclosed by a 1.8m high boundary fence. Given that the rear garden of no.16 Spring Hurst Road is directly beyond the site boundary, these measures are considered sufficient to alleviate these concerns. The reduced platform behind Plot 4 is of limited size so sitting out will be impracticable, and the proposed boundary treatment will prevent overlooking from the rest of the garden level.

The overlooking from platforms behind the houses on Plots 5, 6 and 7 is less direct. To deal with potential overlooking from these the applicant proposes to add a 1.8m screen fences to the sides of the remaining platforms. This would direct outlook from the platforms towards the rear boundary, beyond which there is a rear access road serving the rear of properties off Spring Hurst Road, and the roof of an outbuilding attached to no.18. It is understood the outbuilding may have been converted to residential accommodation of some description and associated roof lights have been installed, but it is not envisaged that the revised arrangements will result in conditions significantly detrimental to the occupant's amenity. From the platform, steps lead down to the sloping garden which is again enclosed by a 1.8m high boundary fence as previously approved.

This revised arrangement is considered to mitigate the overlooking concerns that may result from the raised platform, as expressed in the representations. In doing so the scheme now satisfies the requirements of Policy DS5 of the Local Development Plan for Bradford.

In terms of visual amenity and the impact on the local environment, the addition of the raised platforms is considered to have a negligible impact. The raised platforms are closely associated with the new dwellings, and positioned to the rear of the properties views of the platforms will be restricted, and no important vistas will be impacted. Policies DS1 and DS3 are thereby considered to be satisfied.

#### **Other issues raised in the representations**

The loss of light is not considered relevant to this application, and is more related to the previous application when the residential development as a whole was considered. The matters considered as part of this approval do not create significant massing of structures close to the boundaries of the site.

Objectors have raised concerns regarding inadequate information. Additional plans have been submitted for consideration, which include a further section drawing, and following receipt of this information it is considered that an accurate appraisal of the scheme can be made.

Lack of publicity. The scheme has been publicised by a site notice and individual neighbour notification letters this exceeds the requirements of Article 15 of the Development Management Order 2015 and the councils own Publicity Code of Practice.

#### **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. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations

**Reason for Granting Planning Permission:**

The proposal is considered to satisfactorily mitigate the threat to neighbouring amenity, and will not represent a concern to visual amenity. The requirements of the National Planning Policy Framework and policies DS1, DS3 and DS5 of the Local Plan for Bradford are considered to be satisfied.

**Conditions of Approval:**

1. The 1.8m high fence screens and 1.8m high boundary fencing as detailed on plan ref: 220/40/Rev A shall be provided in full prior to the first occupation of the dwellings and shall be retained as such thereafter.

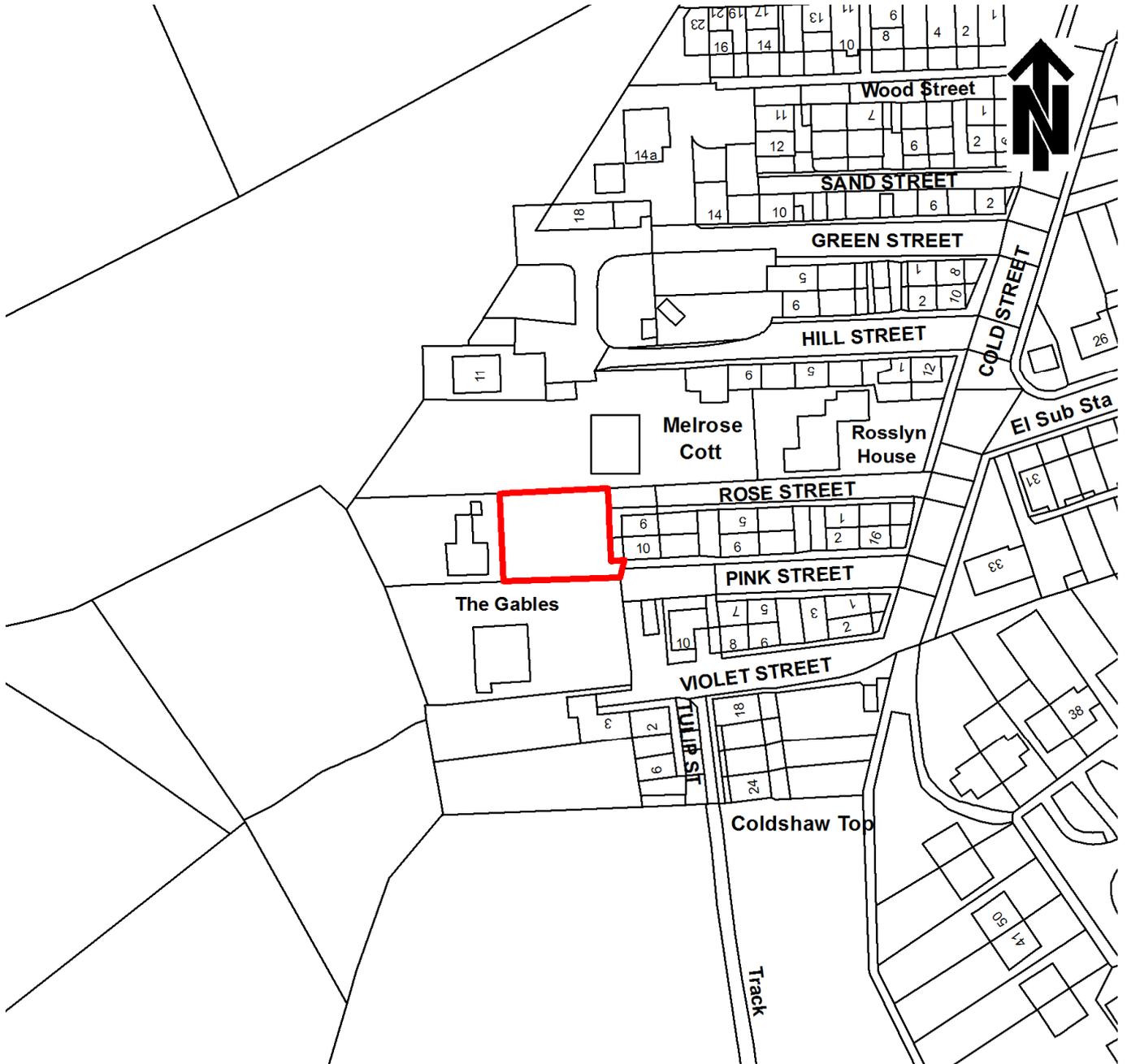
Reason: In the interests of amenity and privacy and to accord with Policy DS5 of the Local Plan for Bradford.

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17/02907/OUT



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land At 10 Pink Street**  
**Haworth**  
**Keighley**  
**BD22 8AX**

**18 October 2017**

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

**Application Number:**  
17/02907/OUT

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

Outline planning application with all matters reserved for the development of a single detached family dwelling, including off road vehicle parking and gardens on land at 10 Pink Street, Haworth, Keighley, BD22 8AX.

**Applicant:**

Mr Paul Cowling

**Agent:**

None.

**Site Description:**

The site is an overgrown garden plot situated at the top of Pink Street. This is an unmade road leading off Cold Street that presently serves about 9 terraced houses that abut both sides of the street. The application site is in the ownership of the end house - 10 Pink Street which is one of a block of 4 back to back houses, with two houses being on the pedestrianized Rose Street. The land is 405 sq metres in area and slopes down to an access gate leading off the top end of the street. The rendered gable wall to 10 Pink Street and 9 Rose Street faces the land. These have some windows with clear glazing up at second floor level. The neighbouring houses are mostly built in natural stone and have strong traditional features, but the site is not part of Haworth Conservation Area.

**Relevant Site History:**

None relevant to this plot.

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. The site is also within the 2km buffer to the South Pennine Moors Site of Special Scientific Interest. Accordingly, the following adopted Core Strategy and saved RUDP policies are applicable to this proposal.

**P1** Presumption in Favour of Sustainable Development

**PN1** South Pennine Towns and Villages

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

**HO5** Density of Housing Schemes

**TR2** Parking Policy

**DS1** Achieving Good Design

**DS2** Working with the Landscape

**DS3** Urban character

**DS4** Streets and Movement

**DS5** Safe and Inclusive Places

**EN7** Flood Risk

**Parish Council:**

Haworth Crossroads and Stanbury Parish Council objects to the application on the grounds of loss of parking and the difficulty of access. There is also considered to be insufficient information with regard to the design of the dwelling.

**Publicity and Number of Representations:**

This application was publicised by means of a site notice and individual neighbour notification letters. Overall publicity expired on 21 June 2017.

7 representations objecting to the proposal have been received.

**Summary of Representations Received:**

Representations objecting on the following summarised grounds:

1. Pink street is an unsurfaced, unadopted street in poor condition. Householders each own to the centre of the street. Parts of the road are very worn and uneven. If permission is given there will be further damage and deterioration due to the heavy vehicles travelling to and from the building site, followed by additional traffic travelling to and from the new property adding wear and tear.
2. Fears expressed about loss of privacy, overlooking and overshadowing of neighbouring homes.
3. The proposed build appears to look extremely large/over bearing and out of scale to the rest of the small back to back houses it will overlook.
4. The land that is being used for the proposed build is a garden. This is an already built up area where gardens are at a premium.

5. There is also no mention of sewage.
6. The development could presents a flood risk to existing properties due to springs in the area and increased surface water run-off caused by the development.
7. The additional traffic will form a danger to children playing in the street.
8. Children would be driven to play elsewhere by the extra traffic.
9. Neighbours seek a guarantee to each householder that the builder would repair any damage to Pink Street.

**Consultations:**

**Drainage Section:** No objections have been raised subject to imposing conditions to provide for the development to be drained via a separate system within the site boundary and use of porous materials in the construction of the car parking and hard standing areas.

**Highway Officer:** Initial consultation requested further information on parking and turning area, but these are reserved matters and only the principal of taking access via Pink Street is being considered at this stage.

In a second consultation Highways DC consider that the site access from Pink Street is adequate to serve an additional dwelling without causing any undue highway safety problems. Adequate on-site parking and turning facilities to serve both the new and the existing dwellings and also visitors must be provided as part of the detailed plans considered at the reserved matters stage.

**Summary of Main Issues:**

Background and principle of development.

Visual amenity.

Amenities of occupiers of adjacent land.

Highway safety.

Drainage.

Other planning matters.

**Appraisal:**

The application is in outline with all matters reserved. The Local Planning Authority is therefore only asked to consider the principle of building a single dwelling on the land. All detailed matters including the position, height, design, orientation, walling and roofing materials etc. would be reserved for consideration at the reserved matters stage.

Although the Parish Council has objected on grounds that there is insufficient information about the design of the dwelling, the applicant is entitled in law to make an outline application without such details being presented.

The site is a garden adjacent to residential properties. It is not protected from development by any restrictive planning or heritage designations. It is situated in the built up area of Haworth in a sustainable location with good access to the facilities of the village centre and close to a bus route. The building on garden land is not unacceptable in principle and in this case the land is not widely visible, does not contribute particularly significantly to local character. It contains no significant trees or obvious features of wildlife value. It is not considered that the loss of the open garden land would have any significant effects on local character or lead to an unacceptable loss of visual amenity.

There is therefore no objection in principle to re developing this site for additional residential development, which, in a small way, would assist in meeting the need for housing land across the District. The density of development is acceptable taking into account the constraints of access and the size of the plot.

Neighbours have raised concerns regarding the potential scale of the house. However, layout, scale and design of the proposed house (including size and height) are reserved for later consideration. The houses on Pink Street are traditional terrace and back-to-back houses, but the surrounding area also has a mixture of semi-detached and detached properties such as The Gables, which is served off Violet Street and stands to the south of the plot, and Melrose Cottage - a traditional detached house to the north east. A single detached house standing in this garden at Pink Street would not be out of keeping with the local pattern of development.

Buildings in the area are mostly two or three storeys in height and it would be expected that a house would be of similar height and built in materials to blend with the surroundings – natural stone would be expected.

These are matters for approval at the reserved matters stage, but for now there seems no reason why a detached dwelling could not be designed to fit on this plot and be of a mass, height, form and materials that would harmonise with the prevailing character and respect other neighbouring buildings.

With regard to privacy and overlooking, again, details of layout and positions of windows are not presented but the size of the plot and the distance to surrounding dwellings are such that it should be feasible to design and position a house on the plot to achieve required standards of separation and therefore not cause a significant loss of privacy or dominance to existing or future residents. The expectation will be for a conventional two or 2.5 storey storey house and the probable distance to the nearest houses such as 9 Pink Street is such that the new house should not be overbearing, or cause overshadowing - given the height of the windows in the gable.

With regard to means of access, Pink Street is the only feasible means of access to the land by vehicle. It is appreciated that Pink Street is an unadopted, unmade cul de sac, but it is laid out with 1.4m flagged footways between a straight carriage way around 5 metres in width. The footways extend as far property No. 7. The remainder of the route to the plot is a private track.

Current guidance places no specific limit on the number of dwellings that can be safely served from unadopted streets, and Pink Street has served 9 dwellings for many years without any recorded highway safety issues or insurmountable difficulties for emergency or servicing vehicles. Consequently, the Council's Highways DC officer considers that the access from Pink Street is adequate to serve one additional dwelling without causing any undue highway safety problems - providing conditions are imposed to ensure parking for existing and proposed dwellings is created in the plot.

Although parking details are not submitted, layout of house and car parking being reserved matters, the site is large enough to accommodate adequate off road parking and turning for the proposed dwelling, any visitors and the existing dwelling 10 Pink Street.

Although neighbours are very concerned about the impact of construction traffic on the surface of the road, this would only be for a short duration and any repairs required to Pink Street as a result of damage caused by construction traffic would be a private matter. It would not be possible for the Local Planning Authority to secure any legal agreements between the builder /applicant and residents regarding upkeep of the street. However, the scale of disruption for a single dwelling would not be expected to be significant. Any disruption to existing residents would be of temporary duration.

Neighbours are also concerned regarding drainage. However, the Council's Drainage Section has raised no objections to the proposal. It is expected that separate foul and surface water drainage systems would be installed. The scheme represents a way of introducing positive surface water disposal arrangements to the land which may remedy or reduce any existing problems.

Also surface water run-off from hard surfaces such as the driveway could be controlled by a condition that the hard surfacing details form part of the reserved matters and should use permeable surfaces if ground conditions are found to permit this.

### **Habitat Regulations Assessment – Impact on the South Pennine Moors Special Protection Area (SPA)/Special Area of Conservation (SAC)**

Policy SC8 of the recently adopted Bradford Local Plan Core Strategy sets out an approach to avoiding or mitigating the effects of development on the integrity of the South Pennine Moors SPA/SAC where that development is not directly connected with or necessary to the management of the site. It identifies Zones A, B and C and sets out the approach to be taken in each of these zones.

The application site is within Zone C, which is land up to 7 km from the SPA and SAC boundary. The likely effects of residential development in Zone C on the nature conservation interest of the SPA/SAC would arise from the additional recreational pressure that the development might cause.

To mitigate these adverse effects, a developer contribution towards mitigation is required. This is to be secured via the Community Infrastructure Levy (CIL) payable in respect of this development; Habitat Mitigation is included in the CIL Regulation 123 list.

### **Community Infrastructure Levy**

The new dwelling would be liable for Community Infrastructure Levy (CIL). The site is within Zone 3 incurring a levy of £20 per square metre of residential floorspace. In this case, the liability would be calculated at the reserved matters stage when the size of the house is known.

### **Community Safety Implications:**

The new dwelling is capable of being contained within a secure, defensible curtilage and therefore raises no community safety issues.

**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 site is not protected by any specific planning designations and the principle of redeveloping this garden land for an additional dwelling is acceptable. The access to the site via Pink Street is considered adequate to cater for one additional dwelling. It is considered that, subject to subsequent control of detailed matters relating to design, height, scale, materials and layout, the single dwelling proposed could be designed to not adversely affect visual amenity or community safety and without detriment to the amenity of adjoining occupiers. The development of a single dwelling is therefore acceptable in principle and will accord with policies P1, PN1, HO5, SC8, TR2, D1, D2, D3, DS4, DS5 and EN7 of the Local Plan for Bradford. It would form sustainable development compatible with the National Planning Policy Framework.

**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 the 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. Before any development is begun plans showing the:
  - i) access,
  - ii) appearance
  - iii) landscaping
  - iv) layout,
  - v) and scale

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

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

4. Any application for the reserved matter of layout shall include plans showing the provision within the application site of two parking spaces for the proposed dwelling; two parking spaces for the existing dwelling 10 Pink Street Haworth; and a turning area within the site to enable vehicles to enter and leave in forward gear, and the development shall be carried out in accordance with the details so approved.

Reason: To ensure adequate parking is provided for the development in the interests of highway safety and to accord with Policy DS4 of the Local Plan for Bradford.

5. Unless detailed investigation of ground conditions shows such measures to be unfeasible, all new vehicular or other hard standings formed within the site shall incorporate permeable/porous surfaces.

Reason: In the interests of promoting sustainable drainage and to accord with Policy EN7 of the Local Plan for Bradford.

6. Development shall be drained via a separate system within the site boundary.

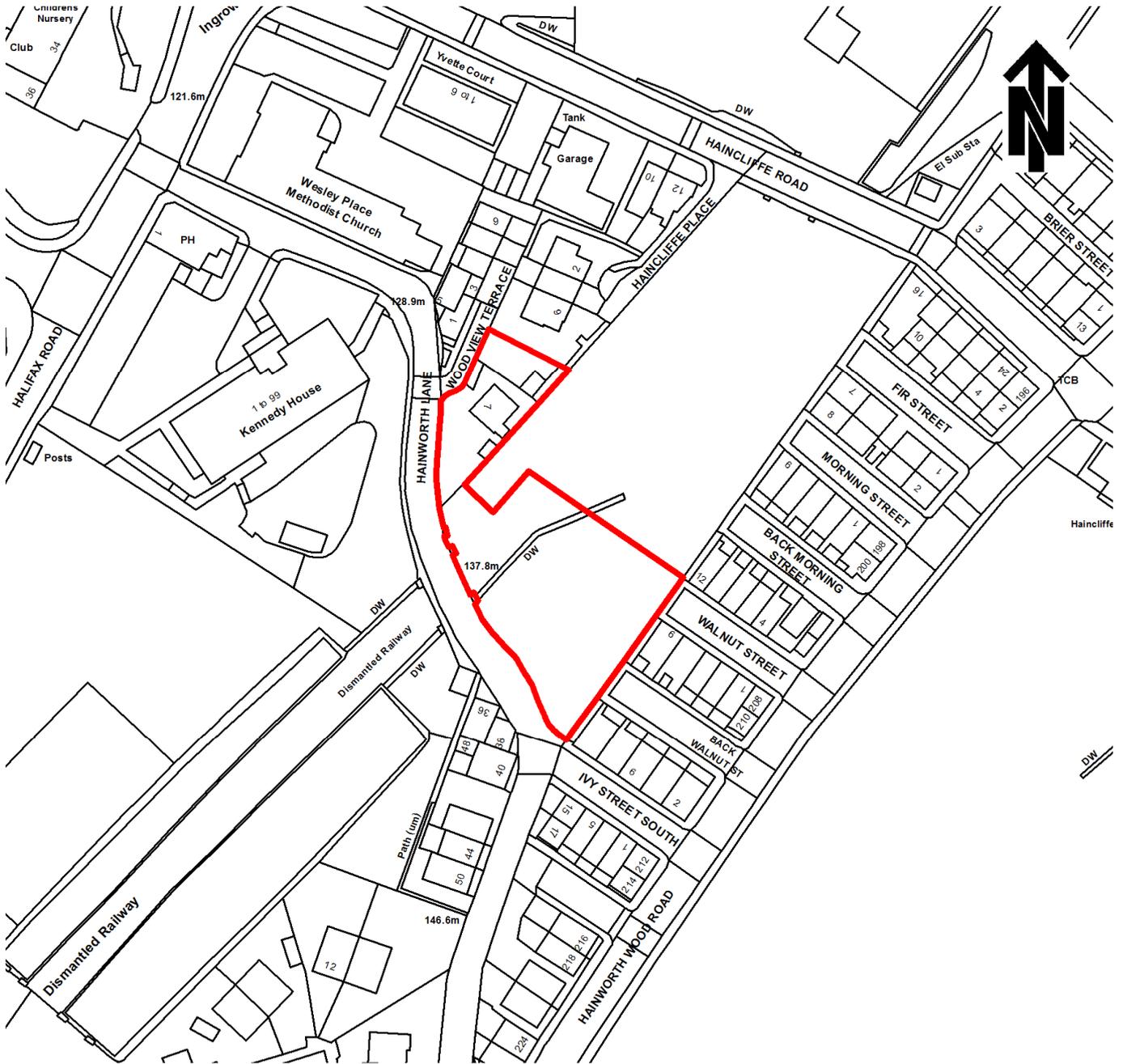
Reason: In the interests of promoting sustainable drainage and to accord with Policy EN7 of the Local Plan for Bradford.

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17/00036/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land South East Of  
12 Haincliffe Road  
Keighley**

**18 October 2017**

**Item: F**  
**Ward: KEIGHLEY EAST**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
17/00036/FUL

**Type of Application/Proposal and Address:**  
Full application for the demolition of an existing dwelling and construction of nine dwellings at land south-east of 12 Haincliffe Road, Keighley.

**Applicant:**  
Mr Philip Mone

**Agent:**  
Mr Michael Longden

**Site Description:**  
This site of about 1,830 sq m comprises part of a previously landfilled railway cutting that formerly ran between existing terraced housing and Halifax Road (A629). The cutting passed beneath Haincliffe Road and Hainworth Lane before entering a tunnel running beneath Halifax Road. The site rises generally up to the south-east, locally steeply, is overgrown including some semi-mature trees mainly to Haincliffe Place and is currently vacant with mounds of infill materials and one of the former railway bridges still evident. The site is substantially enclosed by stone walling and more domestic-type boundary treatments. Beyond the site is a mix of housing, Victorian terraces at a higher level to the south-east and later semi-detached properties to the north-west plus 'Kennedy House', a 1960s residential tower block. On the opposite side of Haincliffe Road to the north-east is a building supplies merchant. Vehicular access is available via Haincliffe Road/Place, the former rising steeply up from its junction with Halifax Road.

**Relevant Site History:**

90/00626/OUT: Residential development on infilled former railway, granted 25 February 1991.

93/00088/FUL: Back filling of former railway cutting, granted 24 August 1993.

94/00652/OUT: Residential development, granted 20 May 1994.

99/01016/OUT: Residential development, granted 21 July 2000.

03/02682/REM: Residential development of 20 dwellings comprising nine flats and eleven houses, granted 14 January 2004.

12/03368/FUL: Construction of five dwellings in place of apartment building as approved by planning permission 03/02682/REM, granted 15 November 2012.

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**The Local Plan for Bradford:**

***Allocations:***

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy and saved RUDP policies are applicable to this proposal.

***Proposals and Policies***

SC9 Making Great Places  
HO5 Density of Housing Schemes  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
TR3 Public Transport, Cycling and Walking

**Parish Council:**

Keighley Town Council has made no comment.

**Publicity and Number of Representations:**

The application was advertised by individual neighbour notification letters a site notice. The publicity period expired on 9 March 2017.

Five letters and a pro-forma petition of six signatories in objection have been received.

**Summary of Representations Received:**

1. Existing pedestrian safety issues due to 'blind' corner on Hainworth Lane.
2. Missed opportunity to add a footway to Hainworth Lane to link to Ivy Street.
3. Highway improvements around the development will increase traffic volumes to the detriment of road safety.
4. The proposed access is adjacent to an existing private road off Haincliffe Road, which is already heavily used and narrowed by on-street parking and has a 'blind' bend.
5. Exacerbation of existing access problems, highway safety and congestion on the local road network.

The petitioners raise no specific planning or other matters.

**Consultations:**

Highways Development Control: Insufficient off-street parking.

Drainage Services Unit: No objections subject to conditions to ensure adequate separate foul and surface water drainage and attenuation of future flood risks. A public sewer exists within the site boundary and so Yorkshire Water should be consulted for any layout constraints and potential impact on the public sewerage system.

Trees Officer: No objections.

West Yorkshire Police: The proposal fails to satisfy 'designing out crime' criteria with regards design of fencing, gates, bin storage, adequacy of parking provision, external lighting, security of doors/windows/garages and provision of intruder alarms.

Public Rights of Way: Keighley Public Footpath 606 abuts the site and should be maintained as part of the development. Otherwise, a standard advice footnote is suggested.

Minerals and Waste Team: No objections.

Environmental Health Land Contamination: Objection due to the lack of information regarding previous landfilling operations such that phase 1 and 2 land contamination reports are required.

**Summary of Main Issues:**

Principle of development and density.

Visual amenity.

Residential amenity.

Highway safety.

Other planning matters.

Outstanding issues raised by representations.

**Appraisal:**

**Principle of Development and Density**

This site has a history that includes permission for the deposit of waste materials as well as subsequent approvals for housing development as noted above.

The current proposal would develop the site in a similar manner to the previous schemes last approved in 2004 under permission 03/02682/REM, but with a slightly re-orientated house on Plot 16 and demolition of the dwelling between the cutting and Woodview Terrace, to be replaced with four further houses.

As a matter of principle, the residential development of this cutting has been accepted since 1990, as noted by the site history summary. Furthermore, in relation to housing land supply, the NPPF indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against the Council's housing targets. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%. The Council's Strategic Housing Land Availability Assessment (SHLAA) identifies that there is a substantial shortfall in the five-year housing land supply position well below the level required by the NPPF. Under these circumstances, the NPPF confirms that relevant policies for the supply of housing should not be considered up-to-date.

In light of the record of persistent under-delivery and the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District. The scheme would make a significant contribution towards meeting local housing need.

The site is previously developed and within the built form of Keighley, with good access to shops, employment opportunities, local facilities and public transport offering opportunity for travel other than by private car. The site is also within a built form substantially surrounded by other residential properties. As noted above, the site was until recently the subject of extant planning permission for residential development. For these reasons, the principle of development is acceptable.

With regards the density, the NPPF puts less emphasis on this aspect of development than previous advice, however Core Strategy Policy HO5 is germane seeking a minimum of 30 dwellings/hectare (d/ha) or higher where sites are located in areas well served by public transport, such as this. Compared with the previous schemes, the proposal now makes better use of the available land, equating to 49 d/ha, which meets the requirements of Policy HO5.

### **Visual Amenity**

The site here has been in a derelict and partly overgrown condition for many years and previous landfilling was apparently never completed to the point of top-soiling and seeding. The proposed development would result in significant improvements to local visual amenity and would restore the presently despoiled site to beneficial use.

In general terms, the dwellings would be of a scale, design, use of brick and roofing materials and final landscaping that would complement those previously approved and the existing mix of residential units around the site. Subject to conditions to detail the final specification of materials, boundary treatments and landscaping the proposal would provide a positive benefit to visual amenity compliant with policies SC9 and DS1-5 inclusive of the Core Strategy.

### **Residential Amenity**

The proposed residential development is a use that would be consistent with the existing land uses in terms of noise generation and general disturbance. As already noted, the incomplete tipping operations on the land and the lack of reclamation work have left the site in a poor state for many years. The development here would result in significant improvements to local amenity and existing householders around the site would benefit from the satisfactory completion of the site.

The separation distances between existing and proposed dwellings, combined with topography, are such that the development would not lead to excessive loss of privacy, overshadowing, over-dominance or harm to outlook.

Taking all the above matters into consideration, the proposal as amended would not cause any excessive harm to the amenities of residents of neighbouring properties and so complies with Core Strategy Policy DS5 in this regard.

### **Highway Safety**

Whilst it is acknowledged that the Haincliffe Road and Hainworth Lane are, in places, narrow and steep with discontinuous pedestrian footways, the additional dwellings would not generate a volume of traffic that would overwhelm the local highway network. The point of access to the adopted road network (i.e. on to Haincliffe Road adjacent to Haincliffe Place) is unchanged from that approved in 2003 and 2012.

Initially, the proposed layout fell short of the necessary standards and did not provide adequate parking to serve the level of development proposed. However amended plans have since been submitted that ensure the proposal would provide off-street parking for two vehicles per dwelling. Subject to conditions to ensure provision of car parking, the proposal would have no adverse impact on highway safety compliant with policies DS4 and TR2 of the Core Strategy.

### **Other Planning Matters**

Rights of Way: An adopted footpath 'Keighley Public Footpath 606' abuts the site to the south-west, separated by a low stone wall, which is in poor condition and ideally should be repaired or replaced. However, the ownership responsibilities of this wall are unclear and previous approvals (that extend across two-thirds of the wall's length) have not required works to it. Notwithstanding this, a footnote can be added to the decision notice to the effect that the wall must remain at its existing height and the developer must ensure that any engineering works do not impact on its structural stability or that of the supporting embankment. This is in addition to a standard footnote to alert the developer to the need to maintain the footpath.

### **Land Contamination**

The site is part of a former railway cutting subject to landfill that raises potential for contamination as no relevant analysis has been provided for either this application or with the previous applications in 2003 and 2012. Subsequent to the Environmental Health Team's objection to the proposal on this basis, a geo-environmental report for the entire Haincliffe Road site, dating back to 2005, has been made available. It confirms the infilling was carried out by the applicant and that there has been no further infilling of the site since. The report concludes that there is no significant contamination of the site and that with a 500mm thick capping layer of clean subsoil and topsoil the residential properties will be protected. Also, it remains the case that the site has a history of planning permissions. Accordingly it is considered appropriate in this instance that a precautionary condition be attached to address discovery of any unexpected contamination.

### **Community Infrastructure Levy (CIL)**

The Council formally approved the CIL Charging Schedule earlier this year, which will affect any application determined after 1 July 2017. CIL will apply to the construction of new homes, etc., which place an added demand on local infrastructure, subject to some exemptions including residential self-build. The CIL charge is variable across the District, in this part of Keighley it is currently nil.

The proposal raises no other matters, such as biodiversity, drainage, trees, etc., that cannot be controlled through conditions and footnotes as necessary.

### **Outstanding Issues Raised by Representations**

*Existing pedestrian safety issues due to 'blind' corner on Hainworth Lane.*

*Missed opportunity to add a footway to Hainworth Lane to link to Ivy Street.*

The proposal does not affect pedestrian or vehicular traffic on Hainworth Lane and so it would be unreasonable to impose improvements to it as part of the development of the site.

The petition received is in a familiar form and it makes clear that the objectors do not intend to set out the grounds of their objections. In the absence of any explanation in the petition, it must therefore be assumed that the objectors do not wish to see the site, or any part of it, developed. In these circumstances the local benefits outlined above would not be realised. Equally, the local social and economic benefits of additional new housing being provided to meet local needs in the Keighley area would also be lost, particularly if the previous approvals have not been implemented.

### **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. Any issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

### **Conclusion:**

The proposed dwelling is acceptable in principle and detailing, and would comply with the NPPF and the relevant Local Plan for Bradford policies subject to conditions. The points raised in objection, though mainly valid, are not considered to be of sufficient weight to go against these policies and so the proposal is recommended for approval.

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

The development is acceptable in principle and raises no excessively harmful implications for visual or residential amenity, highway safety, contamination, rights of way or any other planning-related matter. The proposal is therefore compliant with the above-noted 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. 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, B, C, D or 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 safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy DS5 of the Local Plan for Bradford.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows or other openings shall be formed in the side elevation of Plot 17 or Plot 20 without prior 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 Local Plan for Bradford.

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with policies DS1 and DS3 of the Local Plan for Bradford.

5. Prior to the commencement of any development on the land, the following details shall be submitted to and approved in writing by the Local Planning Authority:-
- a. Full details of the degree and extent of excavations in or around the cutting together with final surrounding land levels and any mitigation works.
  - b. Full details of the means of treatment of the area between the terminus of the estate road and Hainworth Lane road bridge, and for the prevention of unauthorised access beneath the bridge.

The details so approved shall be fully implemented before the first occupation of any dwelling hereby permitted.

Reason: In the interests of ensuring a satisfactory form of development and in the interests of safety and security, in accordance with policies DS1 and DS3 of the Local Plan for Bradford.

6. Construction work, including any works of demolition associated with the approved development, shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays and Public Holidays.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy DS5 of the Local Plan for Bradford.

7. Before any part of the development hereby permitted is brought into use, the off-street car parking facility 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, and laid out with a gradient no steeper than 1 in 15. The parking so formed shall be retained whist ever the use hereby permitted subsists.

Reason: In the interests of highway safety, drainage and to accord with policies DS1, TR2 and EN7 of the Local Plan for Bradford.

8. Before the development hereby permitted commences, 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, shall be 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 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 Local Plan for Bradford.

9. Before any development commences on site, full details of any engineering works and alterations to the sites levels, including all necessary calculations of those temporary and permanent works affecting the stability of the land to the south-west and west of the site, and a site investigation with assessment of any risks to land stability and any necessary remediation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be carried out in accordance with a programme of works so approved in writing by the Local Planning Authority.

Reason: No details have been submitted and to protect the stability of the site and surrounding land in the interests of safety and to accord with Policy DS1 of the Local Plan for Bradford.

10. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with Policy DS1 of the Local Plan for Bradford.

**Footnote:**

The applicant should have regard to Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) Technical Guidance for Developers, Landowners and Consultants Development on Land Affected by Contamination Verification Requirements for Cover Systems if remediation or quality control of imported soil materials is required, and guidance on Verification Requirements for Gas Protection Systems if gas protection is necessary. Current editions of all documents are available on Bradford Council's MDC website:

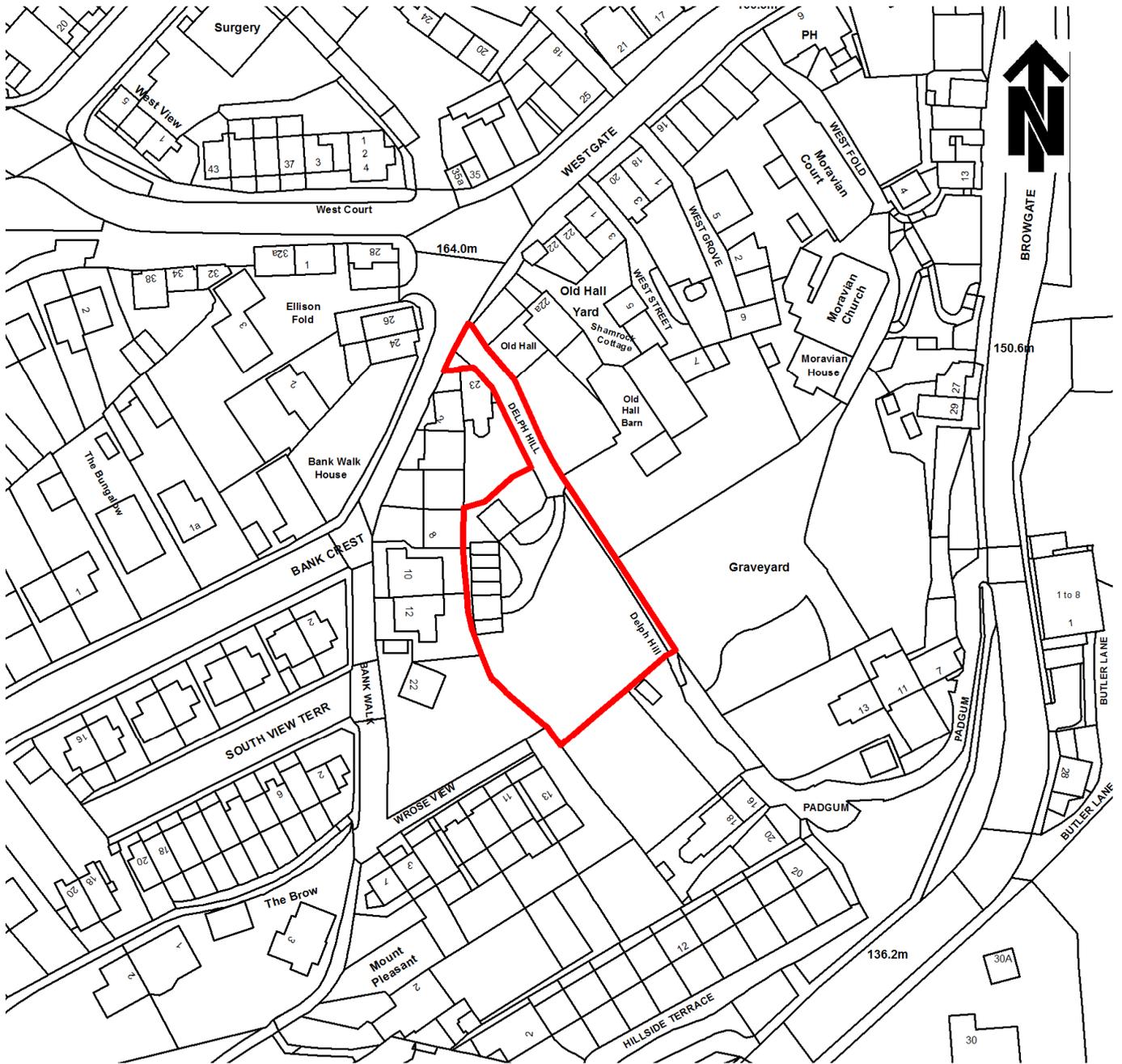
<https://www.bradford.gov.uk/planning-and-building-control/planning-applications/planning-permission/>

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17/04663/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Low Croft Cottage**  
**23 Delph Hill**  
**Baildon**  
**BD17 5HJ**

**18 October 2017**

**Item: G**  
**Ward: BILDON**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
17/04663/FUL

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

Full application for the construction of a detached dwelling and a pair of semi-detached dwellings and construction of a garage on land at 23 Delph Hill, Baildon.

**Applicant:**

Mr Gordon France

**Agent:**

Mr Ray Andrews

**Site Description:**

The application involves part of the garden of 23 Delph Hill, and a larger area of roughly surfaced or overgrown land on which there are a number of old garage structures. The site is in Baildon (Central) Conservation Area. The site is set behind Westgate and Bank Walk and as such does not appear as a prominent feature in the local street scene. The rear elevations of a row of traditional cottages face onto the site along the western boundary. Access to the site is via Delph Hill, which is an unmade track which runs between Baildon Old Hall, a listed building, and the side wall and garden wall of 23 Delph Hill, which is the cottage at the end of the terrace. A public footpath follows the route of Delph Hill alongside the boundary wall before heading down hill towards the south.

**Relevant Site History:**

16/06223/FUL Demolition of existing garages, construction of one detached dwelling, a pair of semi-detached dwellings, detached garaging for four cars, single garage to existing house and works to existing access road Withdrawn 28.9.2016.

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Replacement Unitary Development Plan (RUDP):**

**Allocation**

Unallocated although the site falls within the Baildon (Central) Conservation Area.

**Local Plan for Bradford**

The Local Plan Core Strategy for Bradford was adopted on 18 July 2017 though some of the saved policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of the Allocations and/or Area Action Plan documents.

The following Core Strategy Policies are relevant to the consideration of this application:

DS1 *Achieving Good Design,*  
DS3 *Urban Character,*  
DS4 *Streets and Movements,*  
DS5 *Safe and Inclusive Places,*  
EN3 *Historic Environment,*  
TR1 *Travel Reduction and Modal Shift,*  
TR2 *Parking Policy and*  
SC9 *Making Great Places.*

**Town/Parish Council:**

Baildon Town Council - Concerned that this application represents overdevelopment of the site.

**Publicity and Number of Representations:**

Advertised by way of individual NN letter and press and site notice.

Overall expiry date 29 September 2017.

Objections have been received from 7 households plus from a Ward Councillor.

**Summary of Representations Received:**

1. The development would have a detrimental impact on the nearby listed building, C17 Old Hall, both during and after construction from additional traffic movements. The gable wall of this property is particularly at risk due to the age and fragility of the structure.
2. Loss of a natural habitat for wildlife.
3. The proposal result in additional traffic on the local highway network. The proposed traffic calming measures would be inconvenient for existing residents. Emergency service and refuse vehicles may have difficulty accessing the site.

4. Loss of amenity through overlooking, light and overshadowing to neighbouring dwellings
5. Impact on the character and appearance of the conservation area. The proposal represents an overdevelopment of the plot.
6. The existing location plan shows the area of the site coloured blue. Therefore is the access to the site in the ownership of the applicant?
7. The development is purely for financial motives.
8. The proposal would have a damaging effect on the character of Baildon which cannot be offset by the small contribution to Baildon's housing supply.
9. Uncertainty over what will happen to an access footpath that runs between Bank Walk and Browgate.
10. Impact of the development on adjacent retaining walls.

**Consultations:**

Highways DC – No objection subject to conditions.

Drainage Section – No objection. Records indicate a separate foul & surface water sewers exist in the area of the site and this should be maintained.

Conservation – No comments have been received.

**Summary of Main Issues:**

Principle of Development.

Impact on the Conservation Area.

Residential Amenity.

Highway Issues.

Representations.

**Appraisal:**

The proposal seeks approval for the construction of one detached house and a pair of semi-detached houses on this land to the rear of 23 Delph Hill. A new detached garage within the remaining rear garden to 23 Delph Hill is also to be constructed for that house.

The 3 dwellings would be accessed via the existing track and arranged so that they face each other across a new shared courtyard area which would provide turning and car parking. The detached dwelling would have its rear elevation facing towards the rear of No 23 Delph Hill while the semi-detached pair of houses is positioned towards the southern end of the site with outlook facing across the valley towards the south. The route of the public footpath along the eastern boundary would remain unaffected.

The proposed houses are designed in a traditional style with the proposed use of punch-faced grit stone and utilising corbels to support the guttering, and stone coping stones and chimneys to add to the visual interest and heritage character. The semi-detached pair also incorporates a glazed canopy to the rear elevation.

**Principle of Development**

The application site is unallocated land on the Development Plan, but it is partly occupied by an informal courtyard of garages and is untidy in appearance though largely hidden from view by the existing traditional houses along Bank Walk.

The scheme presents a means of using what is an unsightly vacant site in the built up for new housing. It is located area relatively close to the amenities of the centre of Baildon. The redevelopment for housing is acceptable in principle as it would satisfy the sustainability objectives as set out in the NPPF, and it represents an appropriate use of an unallocated site within the limits of the built up settlement and with good access to existing local facilities.

However, this would also be dependent on (i) the design quality of development having a positive impact on the character of the conservation area; (ii) attention to the relationship of some parts of the development to the existing houses on Bank Crest; and (iii) securing a satisfactory means of access.

The application is a resubmission of an earlier withdrawn scheme for the construction of a detached dwelling and pair of semi-detached dwellings on the site (16/06223/FUL refers). Although the scheme still proposes 3 houses, amendments to the design, materials and appearance of the dwellings have been presented in order to address previous concerns about the earlier proposal. Especially, that development here must be suited to its setting in the conservation area. The Council's Highway Officer also recommended changes to the treatment of the access road and turning/parking area and these have been incorporated into the current proposal.

### **Impact on the character and appearance of the Conservation Area**

The Baildon Conservation Area Appraisal identifies the site as making a neutral contribution to conservation area character. It is unobtrusive and, though the garages on it are of poor quality, they are small structures. The site appears to have always been open, but Delph Hill is a historic route with steps leading to the south down to where rows of cottages stood until the 1960s. Immediately to the north east of the land is Baildon Old Hall, a Grade II listed building.

The built form around Delph Hill was historically linear - developing along the road, with incremental organic additions behind in the form of small cottages, workshops and outbuildings. The result is an irregular form to the settlement - with simple vernacular buildings tightly clustered around yards and narrow lanes.

The design of the dwellings has changed since the earlier scheme and the layout and scale of the scheme now better reflects the strong, traditional character of buildings in this part of the conservation area, as well as the historic layout and configuration of buildings in the surrounding area.

The dwellings would be of proportionate size to the existing cottages, and the proposed form and appearance has evolved away from the modern suburban style of dwellings shown on the earlier scheme drawings. The use of a more traditional punch faced grit stone for the walling would also be appropriate subject to the submission of a condition requiring agreement of these materials including a sample panel of stonework prior to commencement.

The pedestrian route along Delph Hill is to be retained. However, it is recommended that a condition be added to require approval for a landscaping scheme, including boundary treatments, to ensure the character of this part of the site is retained. Subject to control of materials and design detail of boundaries and landscaping, the proposal is considered to enhance the character and appearance of the conservation area and so accords with the requirements of Policy EN3 of the Core Strategy.

### **Residential Amenity**

A particular concern has been the impact of the development on neighbouring properties on Bank Walk which abut the site. In the main, these are C18 two storey cottages which have few windows in the rear walls facing onto or across the site.

The pair of dwellings 10-12 Bank Walk are less affected. These are of a more recent construction with a short rear garden and are therefore set in and further away from the site boundary.

The proposed detached dwelling is positioned close to the rear elevation of 8 Bank Walk and there are rear facing windows on this existing property. However the position of the new house is not dissimilar to the position of the larger detached garage that currently stands on the site and which presently affects the outlook from any ground floor opening. The detached dwelling has been set at an angle to the linear form of Bank Walk in an attempt to minimise a loss of light at this point, particularly to the first floor window. No significant loss of amenity through overlooking is anticipated as the side facing gable elevation is blank and a condition could be imposed to prevent the addition of future windows/ extensions in the interests of residential amenity.

The submitted scheme shows that parking for visitors and residents would occur to the rear of No's 10-12 Bank Walk in close proximity to the boundary. However, this would not be any more harmful to these neighbours than the existing situation given that there is already a long established block of garages at this point. The semi-detached pair of houses is set at right angles to the nearest properties on Bank Walk and consequently their impact is lessened, and the near side facing gables have been kept blank to minimise the impact on near neighbours. Whilst the pair would be visible from near neighbours no loss of amenity through overlooking or over dominance is expected.

The proposed level of garden space for each unit is commensurate with the size of the properties in this area. It is recognised that dwellings in this part of Baildon may have smaller than the average suburban garden size and a closer juxtaposition due to the historic urban fabric.

The detached garage raises no amenity concerns. The ground floor of the adjacent neighbour contains no window openings to be affected by the proposal.

The proposal is considered to respect the position of the existing dwellings alongside the site. It would accord with the NPPF objective of always seeking to ensure good standards of amenity for existing and future occupants and it would accord with Policy DS5 of the Local Plan Core Strategy.

### **Highway Issues**

The Council's Highway Officer is now satisfied that the access via Delph Hill is capable of being upgraded to serve the 3 proposed houses and that its design and dimensions are appropriate. Though objections have been received on grounds of extra traffic, the advice from Highways DC is that the proposal will not lead to conditions which would be prejudicial to highway safety and that the parking, turning and access arrangements, for both the proposed garage and residential units, are acceptable. The imposition of relevant conditions to secure provision of the access, turning and parking facilities proposed is recommended. In this respect, the scheme is considered to meet highway requirements and to accord with Policies DS4 and TR2 of the Core Strategy.

The public footpath along Delph Hill is to be retained, but the surface of part would be improved to serve the 3 houses. There is also another public footpath on the statutory Rights of Way map that links Bank Walk with Browgate to the east. However this is located towards the end of Bank Walk, and is well away from the development site.

### **Other points raised in the representations**

The concerns raised by adjacent neighbours, the Parish Council and a Ward Councillor have been considered above.

The comments made in respect of the impact of the development on the nearby listed building, C17 Old Hall, both during and after construction from additional traffic movements are noted. However, the access is already well established and used by vehicular traffic including traffic accessing the existing garages, so the Local Planning Authority could not reasonably resist the redevelopment of this site in principle. Damage to the adjacent property is a private matter between the concerned individuals and it would be essentially the responsibility of the applicant/ developer to minimise potential damage to neighbouring buildings.

Permission could not be reasonably withhold consent for its development on grounds of harm to nature conservation. It is noted that parts of the site has a wild and overgrown appearance being a neglected area used for parking and the garaging of vehicles. It has no specific and statutory designation as a wildlife habitat, and there is no specific evidence that protected species are present on the site.

It is considered that the site can comfortably accommodate 3No units satisfactorily given the particular constraints of the site such as its access, local character and proximity of neighbouring residents. The proposal is not therefore considered to represent an overdevelopment of the plot.

The scheme would not result in conditions that would be harmful to highway safety or residential amenity for the reasons outlined above. The impact on the character of the conservation area has been considered and found to be acceptable.

It is acknowledged that some details on the submission may have been misleading to objectors – such as the use of the colour blue on an existing site plan, however the site has been identified by being edged in red correctly, and the Proposed Site Layout Plan and the ownership certificate has been correctly completed and the plans are clear as regards the impact of the proposed development.

Structural and construction issues such as effects on retaining walls would be dealt with through the Building Regulations process.

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

Policy SC8 of the recently adopted Bradford Local Plan Core Strategy requires the avoidance or mitigation of the effects of new development on the integrity of the South Pennine Moors SPA/SAC. The application site is within Zone C, being within 7km of the SPA/SAC boundary. Policy SC8 requires mitigation of the adverse effects on the SPA/SAC arising from additional recreational pressures. However, developer contributions towards this mitigation would be secured through the Community Infrastructure Levy (CIL) payable respect of this development. Habitat Mitigation being included in the CIL Regulation 123 list.

### **Community Infrastructure Levy**

The new dwellings would be liable for Community Infrastructure Levy (CIL). The site is within Zone 2 incurring a levy of £50 per square metre of new residential floorspace. This would address impacts of additional development on community infrastructure including schools and recreation facilities.

### **Community Safety Implications:**

None anticipated.

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

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

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

The proposed development is considered to relate satisfactorily to the character and appearance of the surrounding environment without having an adverse impact upon either the amenities of neighbouring properties or highway safety. The proposal should have a positive impact on the character and appearance of the Conservation Area in that it will see the redevelopment of an untidy garage court area. The establishment of a small scale housing scheme utilising vernacular building forms and materials should ensure that the site can be developed in a sustainable manner in accordance with the requirements of the National Planning Policy Framework.

As such this proposal is considered to be in accordance with Policies DS1, DS3, DS4, DS5, TR1, TR2, EN3 and SC9 of the Core Strategy for the Bradford District.

### **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 of any work above damp proof course level commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. A sample panel of the proposed grit stone walling showing the methods of coursing and pointing of the stonework shall be constructed on site. The samples shall then be approved in writing by the Local Planning Authority and the development subsequently constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character of the Conservation Area and to accord with Policies DS1, DS3 and EN3 of the Core Strategy for the Bradford District.

3. Before any part of the 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 numbered FPA GF 160530 01C and 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 Policy DS4 and TR1 of the Core Strategy for the Bradford District.

4. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced and drained within the site, in accordance with details shown on the approved plan numbered FPA GF 160530 01C and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policies DS4 and TR1 of the Core Strategy for the Bradford District.

5. Before the development is brought into use, the off street car parking facilities shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policies DS4 and TR2 of the Core Strategy for the Bradford District.

6. Notwithstanding the details shown on the proposed site plan, FPA GF 160530 01C, a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the completion of any of the dwellings. The landscaping scheme shall show the following details:

- i) Position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell;

- ii) Details of proposed new trees and details of new shrub and grass areas - including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety;
- iii) The extent of, and types of enclosure to all domestic curtilages together with the proposed means of enclosure to the adjacent pedestrian footpath along Delph Hill.
- iv) Details of measures for management and maintenance of any communal landscaped areas not comprising part of the domestic curtilages;
- v) Types of hard surfacing (pavings, tarmac, etc) other than those within the domestic curtilages.
- vi) Details of any regraded contours and details of changes in level within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the dwellings hereby approved.

Any trees or shrubs comprising the approved landscaping becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree or shrub of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree or shrub.

Reason: In the interests of visual amenity and to accord with Policies DS1, DS3, DS5, EN3 and SC9 of the Core Strategy for Bradford.

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 Policies EN7 and EN8 of the Local Plan Core Strategy.

8. 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 F of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

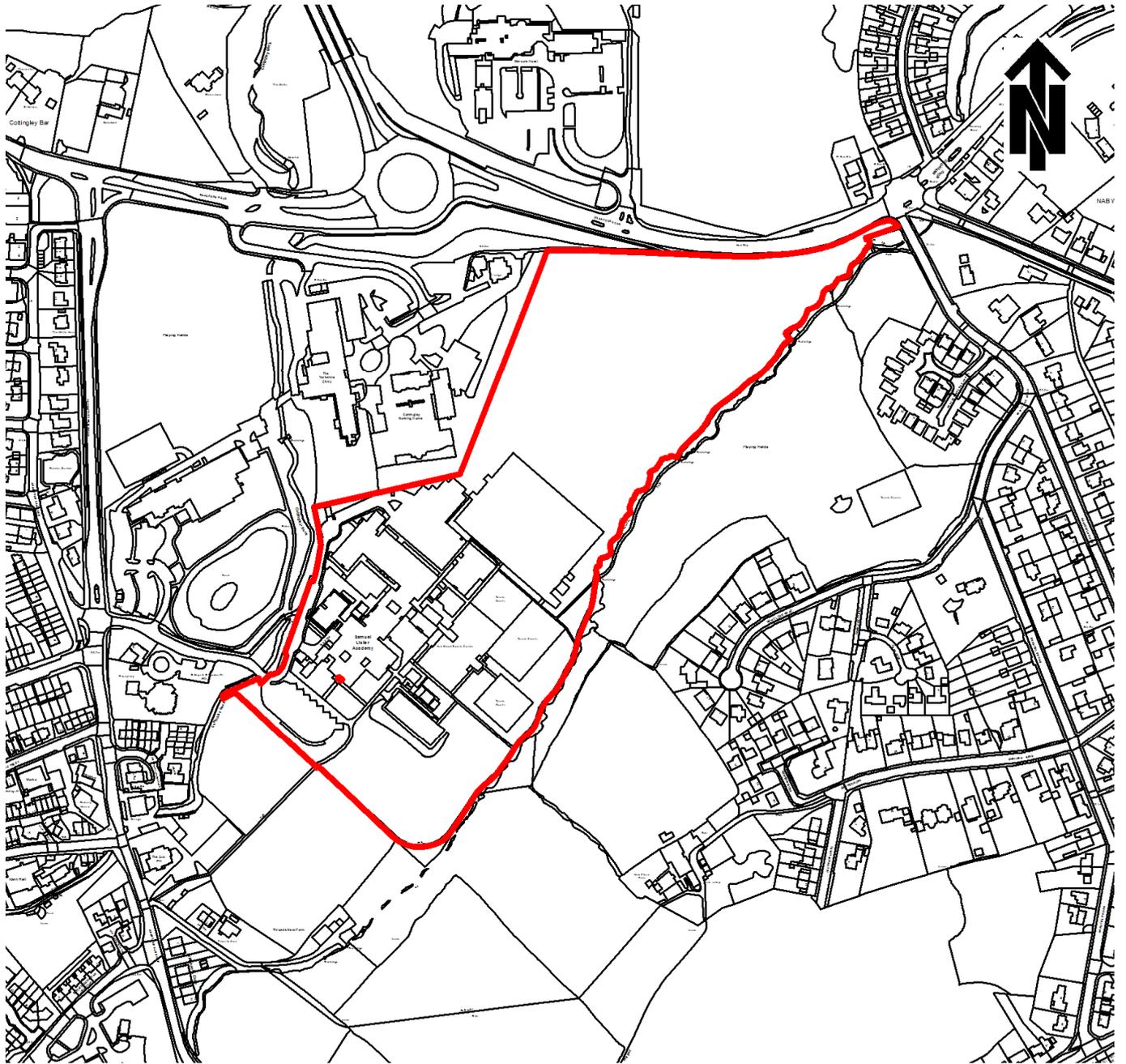
Reason: To ensure that the Local Planning Authority retains control over future developments on the site in the interests of the residential amenity and the character and appearance of the conservation area and to accord with Policies DS1, DS3, DS5 and EN3 of the Core Strategy for the Bradford District.

9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side elevations of the proposed dwellings without prior 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 for the Bradford District.

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17/03677/FUL



1:5,000

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**The Samuel Lister Academy**  
**Cottingley New Road**  
**Cottingley**  
**Bingley**  
**BD16 1TZ**

**18 October 2017**

**Item: H**  
**Ward: BINGLEY RURAL**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
17/03677/FUL

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

Full planning application for the construction of a green metal palisade fence 2.4 metres high along the perimeter of the sports field adjacent to the public footpath at The Samuel Lister Academy, Cottingley New Road, Cottingley, Bingley, BD16 1TZ.

**Applicant:**

Ms Rachael James, Samuel Lister Academy

**Agent:**

None.

**Site Description:**

The Samuel Lister Academy is a secondary school which occupies a group of buildings set within large grounds, including extensive playing fields stretching down to Bingley Road. The site has been occupied as a school for many years. The whole school was rebuilt as an academy in 2015/2016 and re-opened earlier in 2017. Access is from Cottingley New Road where there is a drop-off facility to the west side of the school. The whole site is situated within the Green Belt. A public footpath runs from New Close Road along the eastern boundary of the site towards Cottingley Village. The application proposes a new fence along this eastern boundary.

**Relevant Site History:**

14/05172/MAF : Construction of replacement secondary school and sports hall and the provision of replacement games courts including demolition of existing facilities and associated landscaping works. GRANT 31.03.2015

15/01837/VOC : Variation of conditions 4 and 17 of permission 14/05172/MAF dated 31.03.15: Construction of replacement secondary school and sports hall and the provision of replacement games courts including demolition of existing facilities and associated landscaping works. Condition 4: to read ' The school shall not be occupied'. Condition 17: to change the submission deadline from before development commences to before external wall construction commences. GRANT 23.07.2015

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is allocated as Green Belt and Playing Fields in the RUDP. Accordingly, the above adopted Core Strategy and saved RUDP policies are applicable to this proposal.

***Proposals and Policies***

SC9 - Making Great Places

SC7 - Green Belt

EN1 - Open Space, Sports and Recreational

DS1 - Achieving Good Design

DS2 - Working with the Landscape

DS3 - Urban character

DS4 - Streets and Movement

DS5 - Safe and Inclusive Places

**Parish Council:**

Bingley Town Council supports this application and recommends approval.

**Publicity and Number of Representations:**

Advertised by site notice with a 21 day deadline for comment of 13.08.2017.

1 support comment has been received.

30 objections have been received from 24 households including one Councillor objection that requests referral of the application to Panel for a decision.

1 general comment has been received from the Councillor for an adjoining Ward.

**Summary of Representations Received:**

The community has been using the land on a regular basis for over 30 years and the fence would prevent this.

The school do not use the land.

Development has already begun.

The school do not own the land.

There has been no consultation with local community.

The public footpath to the side of the fence will become overgrown.

The fence will be unsightly.

**Consultations:**

Rights of Way Section – Public Footpath 4 Bingley / 49 Shipley abuts the site. The footpath is a well-used and is an important safe pedestrian route to school. It is highlighted in the Councils Rights of Way Improvement Plan as a project with a request for upgrade to a cycleway. The British Horse Society considers the route as an important bridleway link possibility. The public footpath must not be restricted in width at any point during or after construction of the fence.

Minerals – There are no apparent minerals or waste legacy issues that would have an adverse impact on the proposed development. No Objections.

British Horse Society: The width of the right of way should be preserved at a level that would accommodate horses and riders.

**Summary of Main Issues:**

Impact on local amenity.

Safeguarding and security.

**Appraisal:**

The proposal is to place a 2.4 metre high green mesh boundary fencing along part of the perimeter of the playing fields at Samuel Lister Academy. It will comprise a wire mesh fence with a green powder-coated finish. This type of fence is typical of the type installed around many schools across the Metropolitan District.

The Academy says that other boundaries to the site, including those closer to the school buildings are already secured by new fencing that was provided either as part of the recent rebuilding programme, or else was in place around the previous school that was on the site. The Academy says this eastern boundary is open and exposed and accessible to intruders from the public footpath. The fence is proposed in the interests of improving the safety and wellbeing of its pupils and staff and that it is needed to secure the site and improve the safeguarding of the staff and pupils during school hours.

The proposal has not arisen as a result of an Ofsted report or any specific threats, but the Academy says that since the site re-opened in March 2017, it is utilising outdoor areas to a greater extent, and there is a need for safe and secure fencing. At this particular site, the grounds are substantial - with low level boundary treatments and existing boundaries that are relatively exposed and open. There is also a problem with people exercising dogs on land that is used by children for sport.

It should be noted that under permitted development rights conveyed by the Town and Country Planning (General Permitted Development) (England) Order, 2015, the school could install a fence of any description up to 2 metres in height without requiring planning permission. However, the applicant feels that a height of 2.4 metres is necessary to provide effective safeguarding.

### **Security and safeguarding**

The aim of the proposed fencing is to improve the security of the site. Community safety is a material planning consideration and is an objective included in Core Strategy Policies SC9 and DS5, which seek for development to be designed to ensure a safe and secure environment and reduce opportunities for crime. The safeguarding of the pupils is, of course, especially important.

Whilst no specific incidents or threats to this school and its pupils have been identified, the Academy says there have been a number of occasions when members of the public have accessed the fields during outdoor lessons to exercise their dogs while children are using the playing fields. The general risks and need for child protection will be well understood and is an important material planning consideration. The applicant has explained why the school perceives a need to address the lack of fencing due to the increased use of its outside areas for teaching and other activities.

### **Impact on local amenity.**

For much of its length, the fence will run unobtrusively alongside existing vegetation and trees that exist along the margins along the eastern boundary of the sports field. The scrub vegetation here would soften the effects of the fence in limited views from Bradford Road and farther afield.

The central section would be more noticed as it would run alongside the public footpath where there is less screening. However, the applicant has deliberately set the line of the fence well back from the line of the footpath so that the right of way is preserved and maintained unobstructed. Beyond the boundary the backdrop of the retained vegetation to the east, and the open mesh design and the green finish will all combine to reduce the visual impact and effects on landscape character.

The effects on the character of the site and openness of this part of the green belt have been carefully considered but the position and nature of the fence is such that any impact on the character of the landscape would be very limited and the proposal as submitted has no harmful impact on amenity and complies with Core Strategy Policies SC9, SC7, EN1, DS1, DS2, DS3, DS4 and DS5.

### **Access**

Although the local residents believe the sports fields are a facility that should be available for the whole community. However, the rights of people to wander freely around the school grounds is not a matter for the Local Planning Authority. The objective is to provide a secure environment for its pupils during outdoor lessons and break/lunch times. The right of the community to use the fields at other times is a matter for the community to resolve with the owners of the site – the management of the Academy. From a planning point of view, the fence would not impede use of the sports fields for their designated planning purpose as sports pitches serving the Academy. It is clear that the safety of the pupils during school hours needs to be given significant weight.

### **Impact on Highway Safety**

The fence will not adversely affect any vehicular accesses or visibility splays, and is not considered detrimental to highway safety.

### **Other matters raised in the representations**

Although a lack of prior consultation with local people has been referred to, this is a matter for the school not the planning authority. It is not a requirement of planning law. Local people have clearly had chance to comment on this planning application

Objectors have stated that the school does not own the land in question. However, the applicant confirms the land was transferred from Bradford Council to the Academy in 2009 when it became a Co-operative Trust and again to current trustees BCET (Bradford College Education Trust) in 2012. Consultation with the local community was sought prior to both conversions.

Work on the fencing around the sports fields has been on going since April 2017 under permitted development rights. The fencing proposed by this application has not commenced as has been suggested in some of the planning objections.

### **Conclusion**

Whilst people's concerns regarding the loss of free access to the sports fields are understood, the redevelopment of the site as the Academy has changed local circumstances whereby the benefits to the safety and security of the pupils needs to be considered. The fence would support and safeguard the use of the land for its designated purpose as a sports field, albeit one that is primarily serving the adjoining Academy. Rights of access for the community is a separate matter.

In the context of the site as a whole, which is quite extensive, and includes existing fencing to a similar height, the fencing will not create a new feature that will be especially intrusive or incongruous. Any visual impact must be weighed against the security and safeguarding needs of the school. However, this proposal is considered to be acceptable and causes no significant conflict with Core Strategy Policies SC9, SC7, EN1, DS1, DS2, DS3, DS4 and DS5.

### **Community Safety Implications:**

The proposal poses no apparent community safety implications.

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

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

**Reason for Granting Planning Permission:**

The installation of a 2.4metre high safeguarding perimeter fence will provide the school with additional measures to secure the site for the safety and well-being of the staff and pupils working at, and attending the school. The design, height, position and colour of the fence have been devised to reduce the impact on local visual amenity. Such effects are not judged significant and any impact on amenity is considered to be outweighed by the resulting improved safeguarding benefits. The proposal satisfies Core Strategy Policies SC9, SC7, EN1, DS1, DS2, DS3, DS4 and DS5.

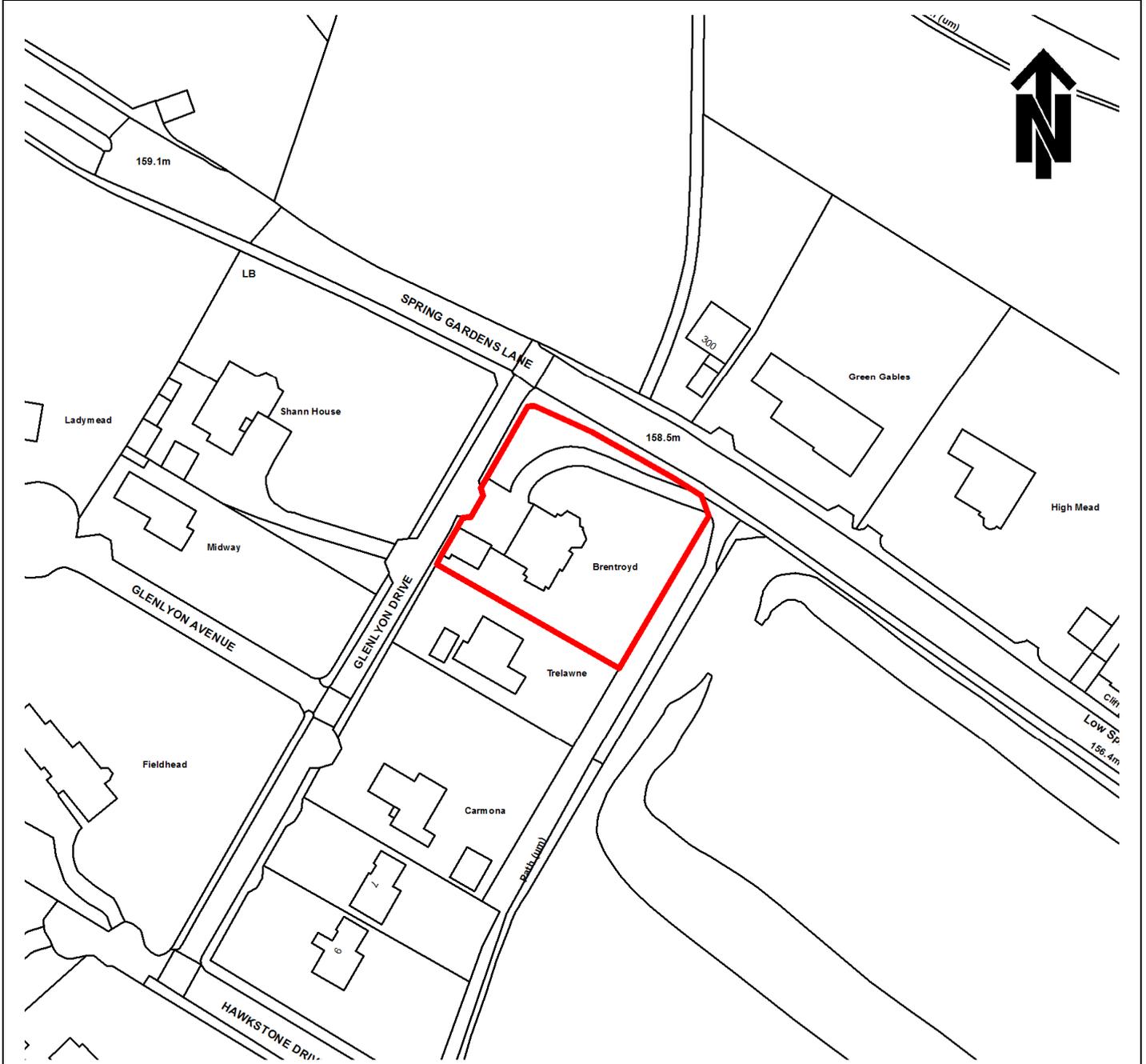
**Conditions of Approval:**

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).

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17/03100/HOU



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**Brentroyd  
Glenlyon Drive  
Keighley  
BD20 6LL**

**18 October 2017**

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

**Application Number:**  
17/03100/HOU

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

A planning application for the construction of two-storey annex in place of existing detached garage to form games room/home office and ancillary accommodation at Brentroyd, Glenlyon Drive, Keighley.

The application is the third proposal for an annex at this site, and the current proposal is identical to the first of these applications.

**Applicant:**  
Mr Sarfaraz Riaz

**Agent:**  
Michael Ainsworth Design Partnership

**Site Description:**

20 Glenlyon Drive is an attractive dwelling with single storey garage to the rear set in large grounds within Cliffe Castle and Devonshire Park Conservation Area. The proposal is to replace the garage with a two storey outbuilding. Glenlyon Drive in general has a positive impact on conservation area character it is an attractive street which retains traditional materials used for road surfaces and boundary treatments, mature vegetation and attractive houses in large grounds. The area reflects past architectural fashions and this area's history as a very desirable neighbourhood for the wealthiest residents of Keighley.

**Relevant Site History:**

15/04218/HOU: Formation of two storey annex in place of existing detached garage. Refused.

15/07424/HOU: Construction of two storey annex in place of existing detached garage. Refused.

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;

- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**The Local Plan for Bradford:**

***Allocations:***

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP but is within the Devonshire Park Conservation Area. Accordingly, the following adopted Core Strategy and saved RUDP policies are applicable to this proposal.

***Proposals and Policies***

DS1 – Achieving Good Design  
DS3 – Urban Character  
DS4 – Streets and Movement  
DS5 – Safe and Inclusive Places  
EN3 – Historic Environment  
Householder Supplementary Planning Document.

**Parish Council:**

Keighley

**Publicity and Number of Representations:**

Publicised by Neighbour Notification letters, site notice and local press.

**Summary of Representations Received:**

Nine letters of objection were received, ten in support and two general comments. Grounds for objection were that the annex is alleged to be a house, that it is too close to the existing house and that it will have an adverse impact on the conservation area.

**Consultations:**

Keighley Parish Council objected on the grounds that the proposal is too similar to the previous refusals.

Minerals and Waste had no objections.

## **Appraisal:**

### **Impact on the Local Environment**

The current garage roof is just glimpsed above the stone boundary wall and blends well into its surroundings; it is not over dominant or obtrusive in the street scape. The proposed annex is a significantly larger and bulkier structure, which has the appearance of a dwelling.

Located right on the boundary, the annex will over-dominate and detract from the prominent and attractively detailed rear elevation of the host property (the rear elevation presents as a 'principal' elevation) which is a key unlisted building in the conservation area. It will also introduce a two-storey building close to the highway at odds with the general pattern of development in this part of the conservation area where dwellings are set well back. This will detract from how the host property is perceived as being set within spacious and open grounds and will impact on views of the house from the public highway. The proposal will therefore negatively alter the character and appearance of the streetscape and conservation area and so conflicts with Policy EN3 of the Local Plan for Bradford.

### **Impact on Neighbours**

In terms of residential amenity the proposal is considered to be acceptable and is not considered to have any significant negative impact on the occupants of neighbouring dwellings.

### **Impact on Highway Safety**

The dwelling would still retain sufficient parking therefore the proposal has no impact on highway safety.

### **Other Matters**

The proposed annex would have two storeys, with two upstairs rooms and a bathroom. The rooms have been re-labelled but the impact of the proposal and its relationship to the original dwelling is unchanged. As such the annex is considered to be excessively large and to offer a level of accommodation in excess of that which could be classed as ancillary to the parent dwelling. The proposed annex is not considered to constitute ancillary residential accommodation to the main dwelling, due to its significant size, the facilities provided and the relationship with the main dwelling.

### **Conclusion**

For the reasons given above the proposal would have a harmful impact on visual amenity, including the historic context of Devonshire Park Conservation Area, and would not constitute an ancillary annex and so is recommended for refusal.

### **Community Safety Implications:**

There are no community safety implications.

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

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

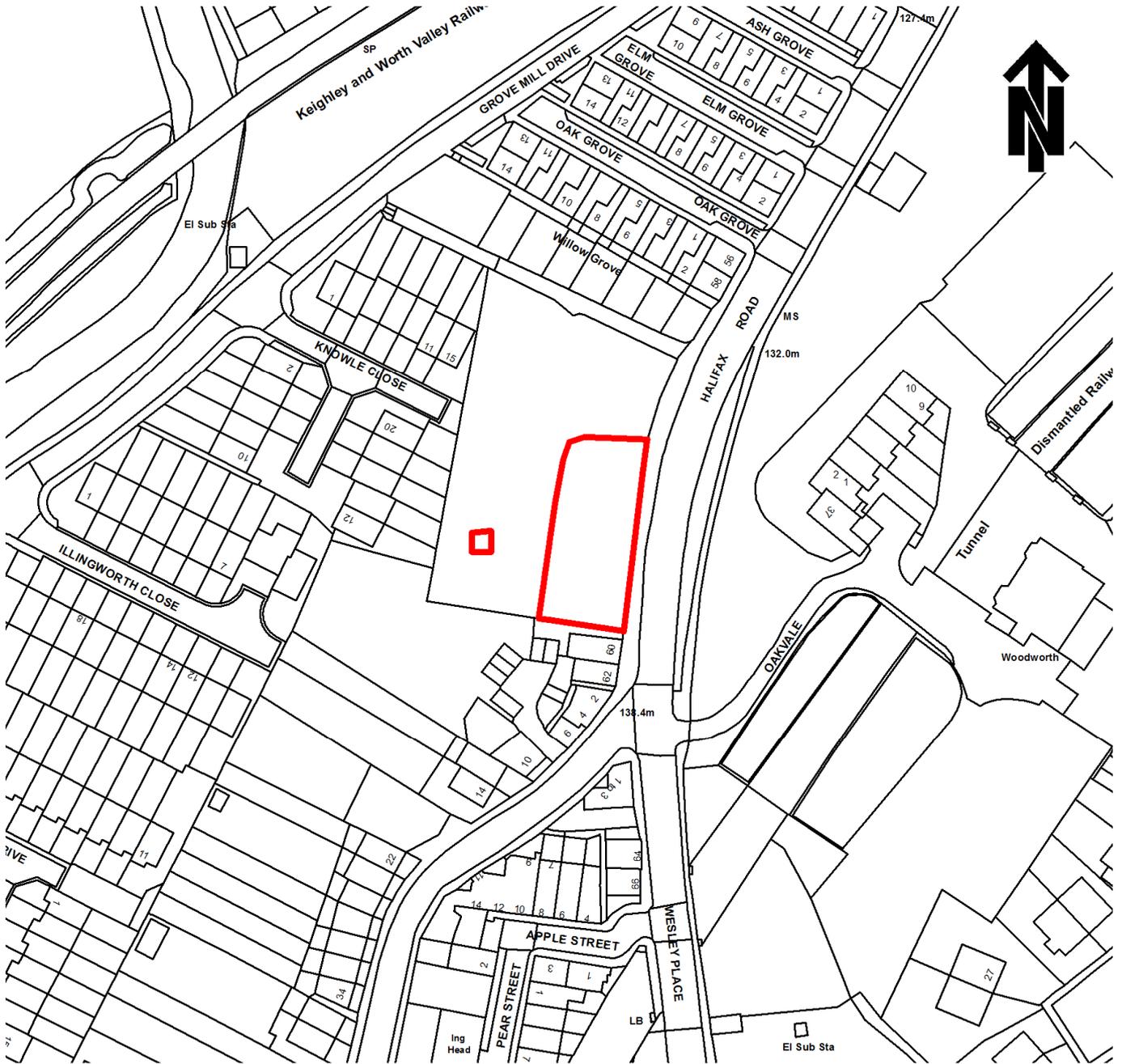
**Reasons for Refusal:**

1. Due to its height, bulk and position forward of the position of the existing dwelling, the annex would be prominent and detract from the character and appearance of the existing dwelling. It would present a cramped and incongruous feature in the street scene that would harm the character and appearance of the Devonshire Park Conservation Area within which the property is set. The proposed annex is therefore contrary to policies DS1, DS3, and EN3 of the Local Plan for Bradford and the Council's adopted Householder Supplementary Planning Document.
  2. The proposed annex would not constitute ancillary residential accommodation to the main dwelling due to its significant size, the facilities provided and the relationship with the main dwelling and so fails to comply with Policy DS1 of the Local Plan for Bradford.
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17/02983/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land At Halifax Road  
Former Site Of Wesley Place Primary  
School  
Keighley**

**18 October 2017**

**Item: J**  
**Ward: KEIGHLEY EAST**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
17/02983/FUL

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

Full planning application for construction of 7 terraced three-storey residential houses at the former site of Wesley Place Primary School, Halifax Road, Keighley.

**Applicant:**

Mr Batash Karim

**Agent:**

Mr Michael Ainsworth

**Site Description:**

This application relates to cleared land with a site area of 669 m sq that forms part of a larger site being developed for housing. The site was formerly occupied by Wesley Place Primary School. The site has frontage onto Halifax Road and slopes down steeply from this road towards recent housing on Red Holt Drive which is the site of the former Grove Mills.

**Relevant Site History:**

11/00939/MAF - Construction of 12 houses and access road at Red Holt Drive, Grove Mills, Ingrow Bridge, South Street. Granted 26 May 2011 and implemented.

15/03334/FUL - Construction of 5 residential dwellings. Granted (by Area Planning Panel) 18 December 2016.

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy and saved RUDP policies are applicable to this proposal.

***Proposals and Policies***

P1: Presumption in Favour of Sustainable Development  
SC5: Location of Development  
AD1: Airedale  
TR2: Parking Policy  
HO5: Density of Housing Schemes  
EN7: Flood Risk  
DS1: Achieving Good Design  
DS2: Working with the Landscape  
DS3: Urban character  
DS4: Streets and Movement  
DS5: Safe and Inclusive Places

**Parish Council:**

Keighley Town Council recommends approval.

**Publicity and Number of Representations:**

This application was publicised by means of a site notice and individual neighbour notification letters. The overall expiry date for publicity was 21 June 2017. One representation neither supporting nor objecting to the development and a petition of 8 signatures supporting the application have been received.

**Summary of Representations Received:**

The petition does not give reasons for support of the application.

The individual representation pointed out that access and drainage issues could be overcome by engagement with the developers of the Grove Mills development as the access and drainage infrastructure for the Gove Mill development has capacity to also accommodate the proposed development and the earlier permission for 5 dwellings.

**Consultations:**

West Yorkshire Police: No objections to the principle of the development but provide detailed advice to ensure the designing out of crime.

Drainage Section: The application indicates surface water is to be drained via a sustainable drainage system and the proposal is to connect into the drainage scheme for application number 15/03334/FUL but no details are provided. Full drainage scheme details should therefore be submitted for comment. Proposed separate system to be maintained within the site boundary.

Yorkshire Water Services Ltd: The drainage details submitted on drawing 671/250 dated May 2017 are not acceptable and they recommend imposing conditions requiring further approval of foul and surface water drainage details prior to commencement of the development and that the site shall be developed with separate systems of drainage for foul and surface water on and off site.

Minerals and Waste Team: No objections.

Environmental Health: Recommends that due to possible contaminates and the sensitivity of the end use of the land that to protect public health and the environment a proportionate Phase 2 intrusive site investigation report should be submitted before the planning decision notice is issued. Should the Local Planning Authority be minded to approve the application, recommend conditions to cover site investigation for contaminate, implementation of the report's conclusions for remediation, verification of remediation and to deal with unexpected contamination encountered during development.

Highway Development Control: Unable to support the previous application, this proposal for a further seven dwellings at this site would exacerbate highway safety concerns previously raised. The proposal provides an insufficient access, likely to lead to turning vehicles obstructing the free-flow of traffic on a busy classified A-road and conditions prejudicial to highway safety.

**Summary of Main Issues:**

Background and principle of development.

Visual amenity.

Amenities of occupiers of adjacent land.

Highway safety.

Other planning matters.

Outstanding Matters Raised by Representations.

**Appraisal:**

**Background and Principle of Development**

The site forms part of a larger area of cleared land, part of which is already being redeveloped for 5 dwellings under earlier planning permission 15/03334/FUL despite a recommendation to refuse based on concerns of the Highways Engineer with regards an unacceptable access and lack of usable parking.

The site is situated within a built up part of Keighley and is on a bus route so there are alternative sustainable modes of transport for accessing services, goods and facilities. The development will therefore form sustainable development that will assist in meeting the housing needs of the District and remains acceptable in principle.

The proposed density of development forms an efficient and effective use of the land, whilst reflecting the higher density terraced nature of development in the area.

**Visual Amenity**

The scale, massing and form of the development as a terrace row of uniform appearance are acceptable in this location reflecting much of the existing residential development in the area. The use of Marshalls pitched faced artificial stone to the walls and Marley modern (grey) tiles for the roofs of the development is acceptable in this location.

The frontage to Halifax Road will be a natural stone wall with hit and miss fencing above it with an overall height of 2 metres from Halifax Road ground level. The terrace would be visible above the stone/fence boundary walling and the 'deadening' impact of the boundary enclosure would be lessened and the visual impact on this part of Halifax Road would therefore be acceptable.

### **Impact on the Amenity of Occupiers of Adjacent Land**

The proposed dwellings will be sited to the east and at a higher level than the dwellings on Red Holt Drive but the positioning of the dwellings elevations is off set so that habitable room windows will not look directly across to other habitable room windows. The rear garden areas of the dwellings on Red Holt Road are enclosed by 1.8-metre high close boarded fencing. The distances between the elevations of the proposed dwellings and the rear elevations of dwellings on Red Holt Drive will be between 27 metres and 31 metres; the distance to the rear garden areas will be a minimum of 22 metres. It is considered that the distance between properties, the offset of the elevations and the enclosures of the rear garden areas are sufficient to prevent the proposed dwellings having an unacceptable adverse impact on residential amenity by reason of overbearing, overshadowing or overlooking.

The gable elevation of the proposed terrace will be situated to the south and 12.5 metres away from the nearest point of the front elevation of the terrace permitted under 15/03334/FUL. There are no habitable room windows in the gable elevation and the distance is sufficient to prevent residential amenity issues due to overshadowing or overbearing.

The proposed terrace will lie to the north and be stepped back from 60 Halifax Road but it is considered that the depth of the step at the rear is not sufficient to cause loss of residential amenity to the occupants of 60 Halifax Road by reason of overbearing or overshadowing. There are no habitable room windows in the gable elevation that would cause an overlooking issue.

The impact of the parking area of the residential amenities of the residents of Red Holt Drive was considered in the earlier application for 5 dwellings (15/03334/FUL) and found to be acceptable.

### **Highway Safety**

Although the development can provide adequate parking for the residents of the development the proposal is unacceptable due to the means of access being from Halifax Road which is a busy classified highway (A629). Specifically, vehicles turning right into the site would be likely to obstruct through-traffic and could be waiting some time for a gap in the downhill flow. Traffic turning right onto the A629 will likely have to wait some time for a gap in traffic and this could lead to frustration and drivers taking risks. Furthermore, the proposed access road gradient would be too steep and does not meet adoptable standards. The proposal would lead to the significant increase of traffic from 5 dwellings to 12 dwellings using the unacceptable access and would increase the highway dangers of the access being used. For these reasons the proposal will have an unacceptable impact on matters of highway safety and so fails to comply with the Council's adopted Local Plan for Bradford Policy TR2.

### **Other Planning Matters**

Drainage of the site is physically possible and those matters raised by the Council's Drainage Section and Yorkshire Water can be controlled through compliance with the relevant Building Regulations. In these circumstances it is not considered that it is appropriate to refuse the application on drainage grounds when these matters can otherwise be controlled by conditions and other legislation.

### **Outstanding Matters Raised by Representations**

The engagement of the applicant with the developer of the Grove Mill development to resolve drainage and highway issues by using their infrastructure is a private matter. The Local Planning Authority need to consider the acceptability of the drainage and access as submitted in the current application.

### **Community Safety Implications:**

The properties would have secured curtilages apart from Plot 1, which would use remote parking though this space would be visible from the property. The walling/fencing arrangement fronting Halifax Road could provide a step for intruders however Halifax Road is a main route through Keighley and well-trafficked so this, together with the steep drop at the garden side, would be a deterrent to intruders. Other comments by the Police are detailed matters that would not normally be considerations at the planning stage but could ordinarily be the subject of footnotes.

### **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:**

The development is unacceptable due to its reliance on the proposed means of access onto Halifax Road, which is a busy classified highway (A629), to serve a significant increase in vehicle movements. Right-turning manoeuvres into and out of the site is likely to lead to obstruction of the free-flow of traffic and high-risk vehicle movements resulting in conditions prejudicial to highway safety contrary to Policy TR2 of the Local Plan for Bradford.

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