

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 11 July 2018

C

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	Land At Grid Ref 416584 447411 Leather Bank Burley In Wharfedale Ilkley - 18/00663/OUT [Approve]	Wharfedale
B	5 Dale View Ilkley LS29 9BP - 18/01209/FUL [Approve]	Ilkley
C	10 High Wheatley Ilkley LS29 8RX - 18/01451/FUL [Approve]	Ilkley
D	13 Sugden End Halifax Road Cross Roads Keighley BD22 9DQ - 18/01439/FUL [Approve]	Worth Valley
E	3 Elderberry Close East Morton Keighley BD20 5WA - 18/01891/HOU [Approve]	Keighley East
F	6 Olicana Park Ilkley LS29 0AW - 18/01844/FUL [Approve]	Ilkley
G	24 Grange Road Riddlesden Keighley BD20 5AE - 18/00997/HOU [Refuse]	Keighley East
H	48 Green Head Lane Keighley BD20 6EU - 18/01380/HOU [Refuse]	Keighley Central
I	Land West Of Holmfield Jew Lane Oxenhope Keighley - 18/01463/FUL [Refuse]	Worth Valley

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

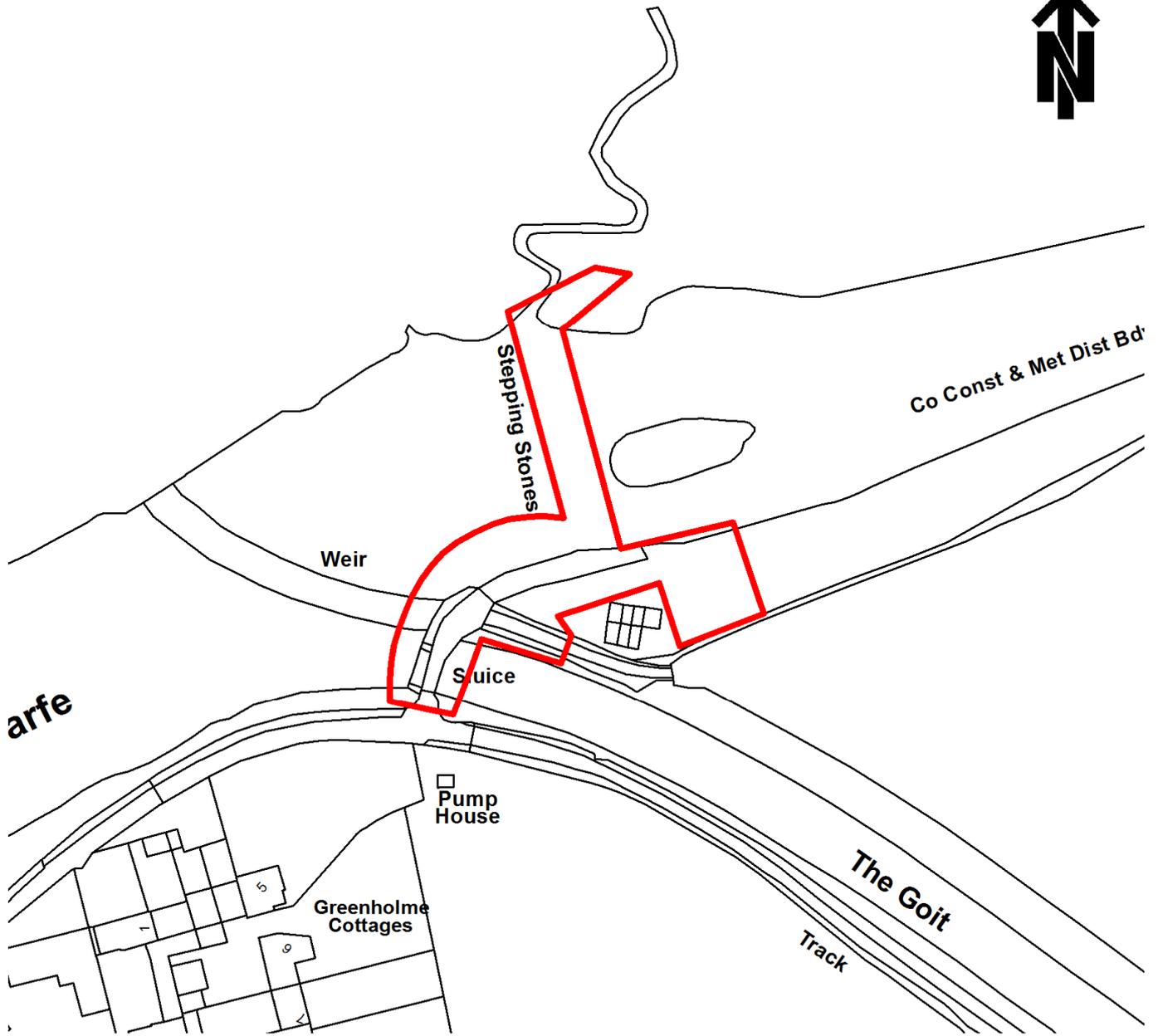
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Portfolio:
Regeneration, Planning & Transport

Improvement Committee Area:
Regeneration and Environment

18/00663/OUT



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Land At Grid Ref 416584 447411
Leather Bank
Burley In Wharfedale Ilkley

11 July 2018

Item: A
Ward: WARFEDALE
Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION

Application Number:
18/00663/OUT

Type of Application/Proposal and Address:

Outline application for a new pedestrian bridge across the River Wharfe at the end of Leather Bank, following existing public right of way over 'The Stones'.

Land at Grid Ref 416584 447411 - Leather Bank, Burley In Wharfedale, Ilkley.

The applicant has requested consideration of the layout, scale and access to the bridge, with its appearance and matters of landscaping being reserved for subsequent approval.

Applicant:

Burley Bridge Association

Agent:

Mr David Asher

Site Description:

Leather Bank is a bridleway and lane on the north side of Burley-in-Wharfedale. It links the village to the river Wharfe and serves a number of residential properties. The river forms the boundary between the Bradford and Harrogate Districts. The lane reaches the river close to a weir where there are some stone abutments associated with a nearby mill goit. A ramp leads down to the river from the abutments and a line of stepping stones and an adjoining ford lead across the river. On the opposite bank are open fields which are in Harrogate District and a public footpath leads north from the river bank to the village of Askwith. The bridge is proposed to link from the end of Leather Bank to the rights of way on the north side. The route of the bridge would follow the line of the existing stepping stones which are submerged for much of the year. Alongside these, the ford would continue to be used by horse riders. The site is in the green belt.

Relevant Site History:

14/03664/FUL: New pedestrian bridge across the River Wharfe at end of Leather Bank, following existing public right of way over 'The Stones'. Granted 26 February 2015.

03/02533/FUL: Renewal of permission for new footbridge and approach works including ramps and footpath. Granted 24 November 2004.

98/00252/FUL: Footbridge and approach works including ramps and footpath. Granted 10 July 1998

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document 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 in the Green belt.

The following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

EN2 - Biodiversity and Geodiversity

EN4 – Landscape

EN7 Flood Risk

SC7 – Green Belt

DS2 - Working with the Landscape

DS1 - Achieving Good Design

SC9 - Making Great Places

Burley Neighbourhood Plan:

It is acknowledged that Objective 6 of the Burley Neighbourhood Plan, to which weight should be given, is to increase access by foot and cycle throughout the Parish and into adjoining areas. Para 3.21 commits The Neighbourhood Plan to identify a network of foot and cycle routes and to support the concept of a Burley Bridge to increase access throughout the Parish and link residential areas with key facilities and the open countryside.

Policies BW2 (Development outside settlement boundaries) and BW15 (Green Infrastructure) of the Neighbourhood Plan are also relevant.

Parish Council:

Burley Parish Council recommends approval subject to previous comments submitted in 2014 and the subsequent conditions.

Publicity and Number of Representations:

Neighbour notification and site publicity notices.

56 representations of objection and 56 representations in support have been received.

Summary of Representations Received:

OBJECTIONS:

1. The building of a bridge will spoil a beautiful area. It will be an eyesore for ever and will spoil the natural character of the area which is a unique and beautiful asset for the village.
2. Its construction would also do considerable damage to the local ecosystem. There's no ecologically reasonable justification for concrete and girders harming the place irreparably.
3. If the water level is too high (to use the stepping stones), it's not a problem, as people can walk somewhere else. There are bridges at Otley and Ben Rhydding where the north side of the river Wharfe can be accessed.
4. Why does a beautiful, quiet area have to be spoilt because of a few people wanting to cross a river?
5. No confidence that the engineering proposals associated with the structures will withstand the full might of the river Wharfe in winter floods in the long term. It is well known the current proposal will be under water in a significant flood event, as shown by the winter 2015 events.
6. Residents in the area are already frequently disturbed in summer by all night social activities on the riverbank. The bridge will attract more people down Leatherbank, disturbing local residents more.
7. Antisocial behaviour continues to be a problem at the site with increasing numbers of people accessing the privately owned north bank to picnic, and swim, despite notices advising of the dangers of swimming in the river. During the summer members of the Burley Bridge Association clear rubbish from the north side of the river but a bridge would lead to rubbish being a problem all year – with increased littering, fire hazard, and danger to wildlife.
8. There is also a problem of people parking cars on Leather Bank which is a single track private lane. This causes access difficulties for residents. Signs to inform people there is no parking are ignored.
9. The land on the northern bank adjacent to the public footpath is privately owned. With easier access, more people will trespass on to this land with increased problems with rubbish and damage.
10. A bridge will cost a fortune but benefit very few.

SUPPORT:

1. There are no bridges to cross the river between Otley and Ilkley which greatly restricts access from one side of the river to the other. The bridge would open up the countryside which few people can access because of the difficulties of crossing the river.
2. The stepping stones are not safe or suitable for walkers to cross the river and are frequently under water.
3. The bridge would enhance walking in the area by allowing more variable walking routes to be enjoyed from a location that is very accessible by public transport.

4. Encouraging walking results in benefits to health and well-being. It could also bring economic benefits.
5. With regard to objections about existing anti-social behaviour problems on the riverside, a bridge may provide a deterrent if the river banks are seen by more passers-by.

Consultations:

Environment Agency: Have reviewed the FRA (Flood Risk Assessment) submitted by the applicant, plus supplementary information, and have no objections in this regard, subject to conditions. The development will only meet the requirements of the National Planning Policy Framework if the development is carried out in accordance with this FRA and the following conditions listed in the consultation are secured on any planning permission. The Agency has also confirmed that in addition to planning permission the construction of the bridge will require separate environmental permitting from itself.

Landscape Design Team: Note that the application is a renewal of the previous application. There are no changes which require comment. The attached drawings show some detail for the ramped access to the bridge and the choice of materials seems appropriate. The outline application does not include any elevations which would be important to understand how the bridge would sit within the existing landscape. As an outline application this may be acceptable. For full plans (reserved matters approval) would request better drawings showing the proposed structure of the bridge, including elevations/sections.

Council's Rights of Way Section: The submitted plans are the same (layout) as those approved with application 14/03664/FUL. As previously stated, the Rights of Way Section is supportive of the principle of an improved crossing of the River Wharfe. The request for provision of a bridge to replace the stepping stones is identified in Bradford's Rights of Way Improvement Plan (ROWIP) as a cross boundary issue, although noted as a large scale project beyond the scope of the current funding allocations. With regard to future maintenance it is noted that the information within the submission suggests that there are on-going discussions with Bradford Council's Highways Structures Team regarding future maintenance arrangements for the structure.

Council's Drainage Section: The River Wharfe is classed as "Main River" and is monitored and maintained by the Environment Agency, the application should therefore be referred to the Environment Agency for comment.

Summary of Main Issues:

Background and principle.

Green Belt.

Impact on Landscape Character and setting of the river.

Flood risk issues.

Nature Conservation Implications.

Implications for rights of way network.

Impact on the amenity of occupiers of nearby properties and adjoining land.

Appraisal:

In this outline application, the applicant has requested consideration of the layout, scale and access to the bridge, with its appearance (detailed design) and matters of landscaping being reserved for subsequent approval.

Background/Principle

This proposal for a bridge over the river is once again submitted by the Burley Bridge Association. It is not a project that is being led or funded by either Bradford Council or North Yorkshire County Council. The bridge would span the river Wharfe which is the boundary between Bradford and Harrogate Districts. A planning application has also been submitted to Harrogate District Council for the section in that District and Harrogate has now granted planning permission for its part of the bridge.

As seen in the Site History section, planning permission for a bridge across the river Wharfe for walkers to use instead of the stepping stones was first granted in 1998 and again in 2005.

In February 2015, an updated application for a bridge was granted, having been considered at the Keighley/ShIPLEY Area Planning Panel. This was a full permission with plans showing a detailed design of a simple suspension bridge that followed the existing right of way over the line of stepping stones. It followed a different route to the more ambitious 2005 and 1998 schemes and had been re-routed to require less extensive remodelling of ground levels than the earlier schemes and avoid requirements for any footpath creation orders because it linked the bridge from the Leather Bank bridleway directly to the existing rights of way on the Harrogate side of the river.

The latest submission proposes a bridge on the same alignment as the 2015 permission, but the applicant now seeks only outline permission for the layout and access, with the detailed design now being a reserved matter. The reason for this is that the final appearance may be subject to change for various technical and cost reasons. Securing outline permission will give greater flexibility as regards the final appearance of the structure - whilst enabling the Bridge Association to have the confidence to be able to continue with its efforts to secure funding from grants or voluntary contributions.

The arguments in favour of the bridge are all well known. The applicants have, once again, submitted evidence regarding the need for a bridge to enhance access to open countryside and provide a safer crossing than the stepping stones which are frequently inundated by the river and so are dangerous to use for much of the year. It is also claimed that the bridge will have some benefits to the local economy by making Burley a more popular destination for ramblers to begin their walks.

Although the bridge is not part of any Council rights of way programme, it is recognised that there has been a long campaign by ramblers to install a footbridge across the River Wharfe. The Council's Rights of Way Section is supportive and the request from the Bridge Association for a bridge is identified in Bradford's Rights of Way Improvement Plan (ROWIP) but with low priority for action by the Council.

Planning permission would only be the beginning of a series of legal requirements that the Bridge Association will have to put in place before construction of the bridge could begin. The obtaining of planning permission, if it is granted, will therefore be the first stage in a long process before the further technical, regulative, land ownership and financial hurdles have been overcome. In particular, the Bridge Association will have to secure from the Environment Agency a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 system (EPR). This regime would control any proposed works or structures, in, under or over, or within eight metres of the River Wharfe, designated as 'main river'. The impact on river/flood flows, phasing of construction in relation to fish breeding seasons etc. would be dealt with by the Environment Agency under this consenting process.

Technical approval from the two highway authorities would also come into play - to ensure that the bridge is safe and of an appropriate structural specification to fulfil its purpose as a public highway. This will involve both North Yorkshire County Council and Bradford Council as highway authorities.

Green Belt

The site is in the Bradford Green Belt. The NPPF (paragraph 90) sets out certain forms of development which are exceptions to the restrictions on inappropriate development in such areas. These include engineering operations and local transport infrastructure which can demonstrate a requirement for a Green Belt location and providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The bridge is a piece of local transport infrastructure that clearly needs to be in this part of the Green Belt to meet its objectives. The applicant maintains that all other possible bridge sites have been examined in the area but at Leather Bank there is an existing right of way on the north bank to which the bridge can connect.

The impact on openness caused by the bridge would not be very significant. From within Bradford District, the proposed bridge, being below the weir, would not be prominent and would be seen in the context of the existing man made retaining structures associated with the nearby weir and goit. It is envisaged that the final design of the structure would not appear as an imposing or overtly "urban" structure. It would be similar in form to many other suspension bridge structures seen in rural areas and, as was the case in 2015, the benefits of safer rights of way, are sufficient to outweigh the very limited harm to openness that would arise. The bridge would not appear as encroachment, would preserve openness and would not conflict materially with the purposes of including the land in the Green Belt.

The NPPF also urges that, once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, including looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation. As before, it is recognised that a bridge here will meet at least some of the objectives of promoting beneficial use of the Green Belt.

Impact On Landscape Character And Setting Of The River

The site is part of the Wharfedale Landscape Character Area defined by the adopted Landscape Character supplementary planning document, and Policy EN4 of the Core Strategy DPD seeks to safeguard the quality and character of this landscape.

A new bridge would introduce a man-made element into a picturesque location and form a new point of focus in views up and down the river but opinion about this is divided. Many objectors say a bridge will spoil the natural character of the area. However, it is evident that the riverside at this location has already been heavily influenced by man – through the construction of the weir, and the retaining abutments which many people consider contribute to the interesting and picturesque character of the locality. In addition, the main views of the bridge would be from close up, rather than it being prominent from further afield. Furthermore, bridges over rivers in scenic rural areas are fairly common – including other pedestrian crossings along the length of the Wharfe.

This outline application submits only the position, layout and access to the bridge. All of which are the same as was approved in 2015. Previous plans for a footbridge in this location approved in 2005 and 1998 have not been implemented largely because they were more substantial structures that have proved expensive to deliver. The intention is that this proposed bridge would be smaller than those more ambitious schemes and designed specifically for ramblers and walkers, and to minimise the physical and visual impact on its sensitive rural surroundings. However, matters of detail such as materials, cable heights, deck width and stair geometry would be matters for future consideration and details of the stability of supporting structures will have to be examined in detail at the Technical Consent stage to ensure the design of foundations and supporting structures is safe and robust.

With regard to the layout and means of access, there appear to have been no material changes in topography or landscape circumstances at the site. In 2015 it was judged that a bridge would not be prominent in wider, long or medium distance views due to screening by the intervening weir, natural landform and riverside trees. So although the landscape character will change locally if the bridge is constructed, Officers remain of the view that the change would not be negative if care is taken over the appearance.

The 2015 permission authorised a lightweight suspension bridge, but this time the final design is reserved for further consideration. There would, however, be an expectation that the proposed footbridge, should be of a scale and lightweight design that was not “urban” in character or overpowering, and which enhanced the setting and complemented existing features like the abutments and the weir. There is comfort that design criteria set out in BD 29/04 - Design Criteria for Footbridges allows for the designer to balance the full range of considerations such as cost, robustness, maintenance, modes of users and safety, along with aesthetic considerations and environmental impact.

Therefore, a sympathetic and carefully considered design solution for a bridge will be achievable. The final design proposal submitted as the Reserved Matters would also need to accord with Policy BW2 of the Burley Neighbourhood Plan which expects development proposals outside the settlement boundaries to satisfy national and local policies relating to development within the Green Belt; to not have an adverse impact on the cultural, ecological and archaeological importance of key features of Wharfedale; and protect and enhance the role of the River Wharfe for Green Infrastructure.

The outline proposals of siting and access demonstrate a satisfactory solution that reflects the previous approved proposals. It is considered that, as before, there are no justifiable reasons to oppose construction of a bridge in this location on grounds of any adverse effects on local amenity and landscape character - subject to careful control of the final design upon submission of the reserved matters.

Flood Risk

Despite some objections saying that the bridge will be unsafe in relation to flood levels in the river, the applicant has submitted a Flood Risk Assessment and the Environment Agency (EA) has confirmed it has no objections to the bridge subject to imposition of two technical conditions dealing with the height of the bridge deck above flood level and the requirement for some minor remodelling of land to provide compensatory flood storage. This would be on the north bank in Harrogate District.

Regarding robustness of the bridge against river waters, this is a matter for detailed design and the reserved matters but previously the applicant's engineers have said that whilst the deck and upper parts of the bridge would be very light, the supports and piers will provide a sturdy and durable base and a structural configuration to be agreed with the EA under their consenting process.

The development will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 system (EPR) from the Environment Agency for any proposed works or structures, in, under or over, or within eight metres of the River Wharfe, designated as 'main river'. An informative on any decision will alert the applicant to this requirement.

As was the case in 2015, it is not considered that a bridge would have any adverse effect on flooding contrary to Core Strategy Policy EN7, nor would a bridge be vulnerable to flood risk given the further consent requirements that will have to be passed.

Implications For Nature Conservation

The River Wharfe is designated as a local Site of Ecological/Geological Interest. Previous applications for the bridge have been accompanied by ecological evaluation and the latest Ecology Survey was in association with application 14/03744/FUL. This has been resubmitted with the current outline application.

Bradford Council's Countryside Manager has liaised with the Principal Ecologist from Harrogate Borough Council. Both agree that, although the ecology report is now 3 years old, it is comprehensive in its treatment of the wildlife of the river and proposals for mitigation of the effects of construction of the bridge and subsequent enhancement of conditions for ecology at the site. It is also agreed that background conditions are not anticipated to have changed very much over the intervening three years.

As this is an outline application, a single ecological condition to be imposed by both Harrogate and Bradford Council's will be sufficient to ensure that the survey is updated prior to the submission of any reserved matters application and that a comprehensive scheme for ecological mitigation and enhancement shall be submitted for the written approval of the local planning authority prior to any work beginning in the river.

The Environment Agency has also commented on biodiversity. The EA also regards the Ecological Statement submitted in support of the application as very comprehensive. The agency has no objections in this regard, but agrees with the findings in respect of the need to prevent and stop the spread of crayfish plague. Therefore any plant or equipment to be used in the watercourse must be disinfected, cleaned and dried before and after work. Any work should be done before the end of February until the end of September to avoid disturbance to nesting Sand Martins. Such specific ecological mitigation and enhancement scheme, to include mitigation for the construction phase, would be expected to be contained within the up to date ecological survey to be submitted with, or prior to the submission of any reserved matters application.

Subject to the above, there will be no adverse impact on ecology or conflict with Policy EN2 of the Core Strategy DPD.

Implications For The Public Rights Of Way Network

The Council's Rights of Way Section is, once again, supportive of the principle of an improved crossing of the River Wharfe but, as the improved crossing is to be for pedestrians only, observes that construction must cause no detrimental to the public bridleway, including the ford, which might prejudice its use by horse riders.

The legally recorded width of Public Bridleway No 39 (Ilkley) is 3 metres/10 feet, and this minimum width must remain available to allow for bridleway access to the ford. Currently there is a width of 3.8 metres between the stone walls on the approach to the ford and footpath branch over the stepping stones. The plans show a minimum width of 3 metres remaining between the existing wall and the wall of the proposed ramp as shown on drawing 7803-0007.

Prior to development, separate advice may be required as to whether this will require a legal order under Highways legislation to create public footpath rights over this additional width for the new section of path comprising the ramp.

The Rights of Way Officer asks that if approved, standard informatives be attached to ensure that the applicant is aware of the need to adhere to avoid obstructions of existing rights of way during the period of any works on site, and that with the reserved matters it may be useful to see a cross section of the existing path/wall to compare with the new proposed configuration with the ramp. But generally, and subject to detail, it is not considered that the bridge would adversely affect use of the existing right of way by walkers or horse riders.

Impact On The Amenity Of Occupiers Of Adjoining Land

With previous proposals, neighbours raised concern about how the applicant would gain access to build the bridge. This will depend on the detailed design but it is, once again, expected that a suspension bridge structure would be delivered in smaller, easily transportable constituent elements with less on-site construction. Concerns about the need to use private land for contractors' cabins etc raises non material private legal issues and is a matter for the Bridge Association and its contractor and engineers to resolve.

Inevitably installation would cause some disruption to local residents but this could not be used to effuse a planning application. However, as was the case in 2015, it is proposed to impose the standard condition to ensure construction does not extend to unsocial hours given the quiet nature of this admittedly peaceful rural locality.

Local objectors also refer to existing problems of trespass and people misusing the river banks and leaving litter. The question is whether a bridge would worsen such problems. The applicants have said there is no intention that the bridge would provide a destination in its own right. Its purpose is to promote a safe route through the surrounding countryside along existing public rights of way and the expected narrow width would not promote lingering. The bridge proposed would connect directly to the established right of way on the north bank that leads to the stepping stones. The bridge now proposed is therefore far less likely to lead to trespassing on the farmland to the north than past schemes.

In 2015, the applicants suggested that some appropriate and agreed signage regarding litter and trespass should be funded as part of the project, and also landscaping improvements to help direct people crossing the bank along the right of way and signage at the start of Leather Bank to deter parking could be made. It is suggested that the planning condition imposed in 2015 to require such a scheme of signage appropriate to the environmental setting be re-imposed on this new permission.

Maintenance

The applicant – the Burley Bridge Association – says it is aware that neither Bradford nor Harrogate Councils are able to contribute monies for either construction or maintenance of the bridge, and fully accepts the challenge of raising sufficient funds to address both aspects before construction can start. As was the case in 2015, the intention is that a local Trust called the Burley in Wharfedale Community Trust (BWCT) will assume full responsibility for the life-time maintenance of the bridge following construction. This will protect Bradford MDC from any future financial liability. Since being formed in 2003, the BWCT has gradually accumulated a portfolio of village assets which are either owned outright, or where the Trust has responsibility for funding and maintenance.

These include the sports pavilion and sports field at Scalebor Park and a number of other gardens and open spaces. The Trust therefore has experience in managing and maintaining other physical assets in the village and say they see it as a natural extension of this role to take on the maintenance of the bridge.

To ensure the bridge structure is adequately maintained in the interests of visual amenity and public safety, the previous planning permissions have included a condition that:

No development shall begin until a detailed scheme for the maintenance of the bridge has been submitted to, and approved in writing by the Local Planning Authority. The footbridge, access ramp, walkway and associated features shall be maintained thereafter in accordance with the agreed scheme.

It is acknowledged that proposals for maintenance have progressed in that an organisation has now been identified for future maintenance and funds are now known to be held by the applicant for both construction and maintenance. So it is proposed to impose the same planning condition to ensure that no work can commence until a robust and workable maintenance regime is put in place.

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 recognised that the bridge provides improved opportunities for ramblers to access the rights of way on the north bank compared with the existing stepping stones. In this respect it advances equality of opportunity. Further consideration of the technical specifications for the bridge would be part of the Technical Consent process.

Reason for Granting Planning Permission:

Planning permission has previously been granted for a bridge in this location and there have been no material changes in circumstances at the site, nor in planning policy since the previous decision.

The benefits of safer rights of way are sufficient to outweigh what will be a modest degree of harm to openness and conflict with the purposes of including the land in the Green Belt. The scheme will provide opportunities to provide better access to the countryside and so meet objectives of promoting beneficial use of the Green Belt. The detailed appearance of the bridge is now a reserved matter and flood risk concerns and ecological issues have been addressed by conditions. Detailed design matters will also be resolved through the separate Technical Approval process. As with previous permissions for this bridge, planning conditions are suggested to deal with other material planning concerns expressed in the objections regarding maintenance, ecology, flood risk and the impact on the amenity of neighbouring occupants.

Conditions of Approval:

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

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

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

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

3. Before any development is begun plans showing the:
- i) Appearance, and
 - ii) Landscaping

of the bridge 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. The soffit of the bridge is to be a minimum of 600 mm above the 1 in 100 modelled level, or 300mm above the 1 in 100 plus climate change level, whichever is the greater.

Reason: To ensure the bridge has sufficient clearance from the river during flood conditions and to accord with Policy EN7 of the Core Strategy Development Plan Document.

5. Level for level compensatory storage must be provided for any loss of storage within Flood Zone 3.

Reason: To ensure that there is no displacement of possible future flood flows, and that the development does not increase or exacerbate flood risk to others, to accord with Policy EN7 of the Core Strategy Development Plan Document.

6. An up to date ecological survey and assessment (to include an assessment of the condition of the 'rivers' priority habitat in the immediate vicinity, otter, white-clawed and signal crayfish, nesting birds, fish species and invasive plants) together with an ecological mitigation and enhancement scheme, to include mitigation for the construction phase as well as proposals for the enhancement of the riparian environment, shall be submitted for the written approval of the local planning authority, prior to the submission of any reserved matters application.

Implementation of the permission shall be strictly in accordance with the requirements of the approved ecological mitigation and enhancement scheme.

Reason: To ensure appropriate protection of any nature conservation interests likely to be affected by the development and to provide any necessary mitigation to such impact, to accord with Policy EN2 of the Core Strategy Development Plan Document.

7. A scheme for the integration of bat roosting opportunities into the new bridge shall be submitted for the written approval of the local planning authority prior to the commencement of works.

Reason: To ensure appropriate protection of any nature conservation interest likely to be affected by the development and to provide any necessary mitigation to such impact, to accord with Policy EN2 of the Core Strategy Development Plan Document.

8. No development shall begin until a detailed scheme for the maintenance of the bridge has been submitted to, and approved in writing by the Local Planning Authority. The footbridge, access ramp, walkway and associated features shall be maintained thereafter in accordance with the agreed scheme.

Reason: To ensure the bridge structure is adequately maintained in the interests of visual amenity and public safety and to comply with Policies EN4, DS2 and DS5 of the Core Strategy Development Plan Document.

9. Construction work 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, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy DS5 of the Core Strategy Development Plan Document.

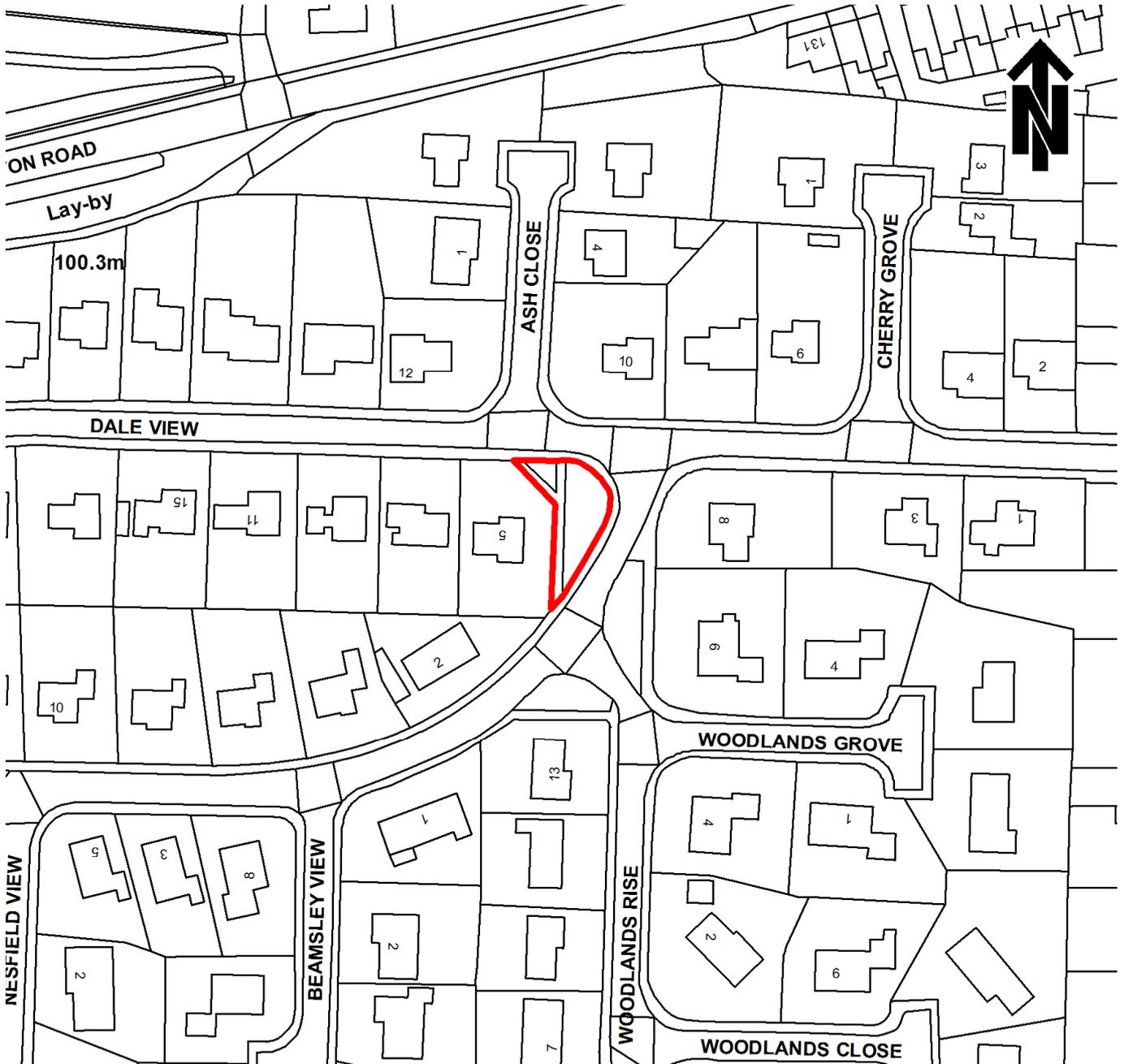
10. The bridge shall not be brought into use until a detailed scheme for signage of the bridge has been submitted to, and approved in writing by the Local Planning Authority. This shall include suitable signage directing users along the rights of way and signage to discourage access to the bridge by vehicle. The signage shall be maintained thereafter in accordance with the agreed scheme.

Reason: To safeguard the amenity of occupants of adjoining land and to comply with Policy DS5 of the Core Strategy Development Plan Document.

18/01209/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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5 Dale View
Ilkley
LS29 9BP

11 July 2018

Item: B
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
18/01209/FUL

Type of Application/Proposal and Address:
The application seeks planning permission for a change of use from adopted highway to private curtilage at 5 Dale View, Ilkley LS29 9BP.

Applicant:
Mr William Scott

Agent:
None.

Site Description:
The application site is a grass verge within the adopted highway at the junction of Dale View and Beverley Rise. These are two conventional residential estate roads with a wide vehicular carriageway and footways to either side. The surrounding area comprises modern detached houses. It is understood they were built in the 1970's. The verge land and Beverley Rise slope upwards towards the south and the application site is a roughly triangular shaped open verge between the footways and the existing boundary to the curtilage of the detached house at 5 Dale View which is occupied by the applicant. There is also a hard surfaced pavement running north-south alongside the adjoining curtilage which is also part of the land for which change of use permission is sought.

Relevant Site History:
None relevant to this land.

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document 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 unallocated. Accordingly, the following adopted Core Strategy policies DS1, DS3, DS4 and DS5 policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving good design
DS3 – Urban Character
DS4 – Streets and Movement
DS5 – Safe and Inclusive Places
SC9 – Making Great Places.

Parish Council:

Ilkley Parish Council recommends refusal of this application. They advise that they have logged an objection with the Land Registry against this piece of land being registered in the applicant's name and the Parish Council has applied to have the piece of land to be registered as an Asset of Community Value. It strongly objects to any planning permission for change of use being granted.

Publicity and Number of Representations:

Publicised by neighbour notification letters and site notice with expiry date for comments of 25 April 2018.

Letters/emails of objection have been received from 14 people including two from local Councillors.

Summary of Representations Received:

1. Challenges to claimed ownership of the land by the applicant. The site is part of the highway and has been maintained by the Council since the estate was constructed. Established rights of way should not be relinquished by the Council.
2. The application does not demonstrate proprietary rights over the whole of the land and not just the subsoil. Whilst the Land Registry document may show the highway as included in the boundary of No 5 Dale View, this may well have been an error in the original conveyance.
3. The application, if granted, would entail the stopping up of the paved footpath along the boundary of 5 Dale View. Currently pedestrians, including parents with children and buggies, and those using wheelchairs can access Dale View from Beverley Rise along boundary of the garden of 5 Dale View but, if this part of the highway and the grass verge were to be removed, all pedestrians would be forced to use the footway immediately next to the road and would, as a result, be placed at risk of injury and have to travel further.

4. The verge is immediately adjacent to the carriageway and has amenity value having provided a welcome visual amenity for the estate for 50 years. This area should be protected and enhanced - not lost to private garden.
5. Incorporation into the garden of 5 Dale View would restrict visibility for vehicles entering Dale View from Woodlands Rise particularly if the proposed new boundary were to include a fence or high growing hedge like exists at other properties near this junction. It is a busy junction for vehicles accessing the rest of the estate and there have been a number of near collisions over the years.
6. The proposal fails to provide detail of boundary treatment.

Consultations:

Highways Development Control – No objections. The land subject of this planning permission is presently part of the highway so in addition to obtaining planning permission, where the closure or diversion of the highway is involved, there is a legal procedure under Section 247 of the Town and Country Planning Act 1990 which will have to be undertaken before any part of the planning permission may be implemented. The planning permission does not in itself alter the status of a public highway and it will be necessary for an Order to be obtained formally extinguishing the public highway.

Summary of Main Issues:

1. Impact on amenity.
2. Highway Safety.
3. Other issues raised.

Appraisal:

Procedure

The application land comprises the gradually sloping grassed verge and an intersecting length of footway linking the footways to the sides of Beverley Rise and Dale View. It is currently an open verge maintained by the Council. The application seeks permission for a change of use for the grassed verge to incorporate it into the garden of the adjacent house at No 5 Dale View.

The applicant has provided a title deed which indicates that grassed verge is shown within their registered title. There are clearly legal challenges by objectors to the applicant's title to the land. However, that is a separate legal matter. Also, as is pointed out by the Highway Officer, this planning application is the first part of the process that will have to be followed to use highway land for other purposes. If the Local Planning Authority decides to grant planning permission, the applicant would then need to formally extinguish the highway under Section 247 of the Town and Country Planning Act, 1990 before any part of the development authorised by the planning permission can be implemented. The status as highway will not change until an Order has been obtained that formally extinguishes the public highway.

The consideration of this planning application therefore considers only the planning merits of the proposal to change the use of the land.

Amenity Issues

The site is currently an open area. It is prominent because it is open and located on a junction within the estate. Objectors say it has amenity value and that its incorporation into the garden of No 5 Dale View would result in the loss of an important local open and green space.

The site does have some amenity value but it is regarded as making only a modest contribution to the character of the locality. There are two smaller grass verges further to the south and south east and the visual quality of the application grass verge is not exceptional or of any meaningful significance. Incorporation of the verge within an enclosed garden would still allow the sense of spaciousness and open character around the junction to be retained. If a visually appropriate boundary fence or hedge was installed, the change from open verge to private garden would not cause significant harm to the quality of the local environment or local character.

The application does not include any specific detail regarding physical structures but boundary detail could be conditioned to ensure a suitable height, design and visual appearance of whatever intended hedge, wall or fence the applicant might choose to install. It is noted that properties to the north and east already have boundaries extending to the back of footways and a varied mix of fences and hedges to boundaries occur close to the application site and throughout this residential estate.

With regard to its value for recreation purposes, the verge is modest in size which makes it generally unsuitable for most sports or games. The restricted size in combination with its position adjacent the road junctions mean that the land therefore has very limited value as a recreational space. In any case, all the surrounding houses have generous private gardens. The area as a whole does not lack alternative space for play or amenity. As such the loss of public accessibility across this site would not lead to the loss of a space of any importance for recreation.

Objections are made regarding the loss of the length of footway adjacent to the existing side garden of 5 Dale View. However, the more conventionally routed footway around the edge of the verge would still be retained. It would only add a minor increase in distance for footpath users. Consequently, loss of this duplicate section of footway would not seriously or demonstrably diminish connectivity within the residential estate nor the contribution of the estate roads to local character. The proposals could not be said to discourage people to walk, would not cause existing footpaths to be less well integrated into the development and will not make the routes within the estate less well overlooked or convenient. There is therefore no material conflict with Policy DS4 of the Core Strategy in this respect.

Highway Safety

Objectors raise concerns regarding the potential impact of the change of use with regard to safety for road users and inconvenienced pedestrians. However, the Council's Highway Officer has no objections to loss of the verge on highway safety grounds.

The highway would continue to retain an appropriate footway alongside Beverley Rise which is of adequate width and alignment and will continue to provide a safe route for pedestrians around the junction. There seem to be no obvious reasons why pedestrians will be less safe walking closer to the intersection as some of the objectors have claimed. Also the Highway Officer does not agree that the verge must remain open in order to retain the standard of visibility splay required for the junction. In conclusion it is not necessary to retain the site as verge for reasons of highway safety.

As stated above, the Highway Officer advises on the need for consent under Section 247 of the Town and Country Planning Act 1990 to extinguish the highway before any planning permission may be implemented. The grant of any planning permission would not in itself alter the status of a public highway. It is a necessary prelude to an application for an Order to be obtained extinguishing the public highway.

Other issues

The Parish Council has said it has applied to register the land as an Asset of Community Value (ACV) under the Localism Act. At the time of writing this report this is still under consideration. Should the land be added to the ACV register this would simply mean that should the land ever come up for sale, a community group would be given opportunity to make a bid to buy the land. It would have no bearing on the planning application. Also, in this case, the applicant claims ownership and so there is no suggestion that there is a prospect of it being on the market. The ACV process is separate to the planning process and makes no significant contribution to consideration of the planning issues explained and assessed above.

It is appreciated that various objectors challenge the entitlement of the applicant to regard this verge as being within his ownership. However, the applicant has provided information including a Title Deed which suggests that the land is within the title. The dispute over land ownership is a legal matter, distinct from considerations of the material planning implications of the proposed change of use.

Community Safety Implications:

None identified.

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 change of use is considered to have no significant adverse impact on local amenity or highway safety and is considered to be acceptable subject to a condition regarding boundary treatment detail. It complies with the requirements of policies DS1, DS3, DS4 and DS5 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Conditions of Approval:

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

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

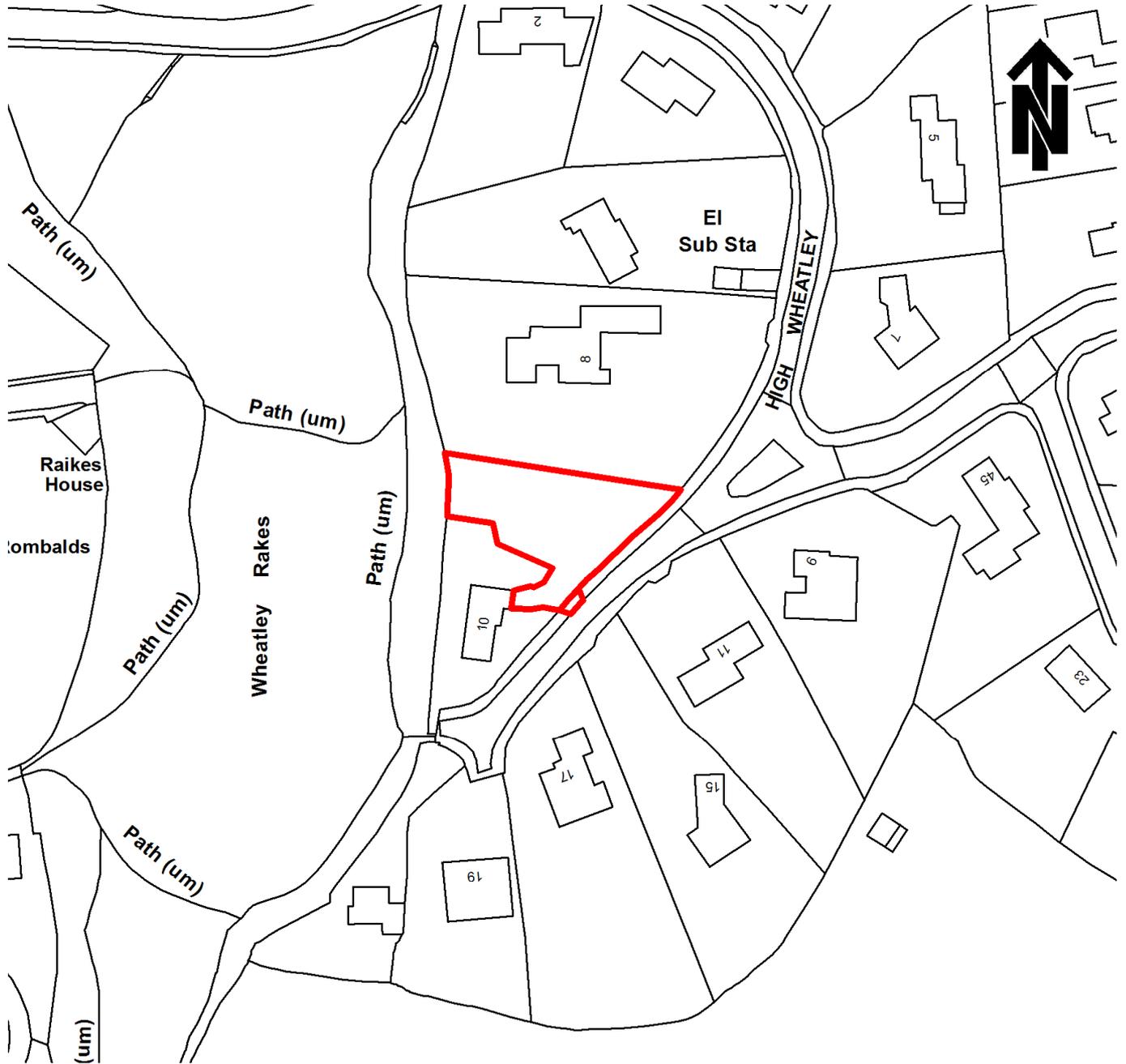
2. Notwithstanding the provisions of Part 2 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent equivalent legislation, the land shall not be brought into use as part of the curtilage of 5 Dale View until details of the position, height, appearance and materials of the proposed means of enclosure to the new curtilage have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall then be installed in accordance with the approved details and shall thereafter be retained in that form unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity to accord with Policies DS1, DS3, and DS5 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

18/01451/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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10 High Wheatley
Ilkley
LS29 8RX

11 July 2018

Item: C
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
18/01451/FUL

Type of Application/Proposal and Address:

A full plans planning application for the construction of a single detached dwelling within vacant garden area, which includes the creation of new vehicular access and amended access to the existing dwelling at 10 High Wheatley, Ben Rhydding, Ilkley.

Applicant:
Mr David Grimson

Agent:
Halliday Clark Limited

Site Description:

The existing house is built in stone and dates from around the 1960's. The site is served by an adopted cul-de-sac (High Wheatley) and forms part of a residential area consisting of a variety of property types in an area that is a low-density suburb on the eastern side of Ilkley. Mature vegetation and trees run along the street frontage and there are some large trees, including Scots pine within the site. The trees are subject to a tree preservation order. A small stream crosses the site. The application site itself is set between 1.5 and 2metres below the highway and the land continues to drop northward where there is a detached house, 8 High Wheatley.

Relevant Site History:

17/03505/FUL: Construction of a two storey dwelling. Withdrawn
17/06034/FUL: Construction of a two storey dwelling. Withdrawn
05/01733/OUT: Construction of detached dwelling. Refused
98/00109/OUT: Construction of a two storey dwelling. Refused
94/01779/OUT: Construction of a two storey dwelling. 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.

Local Plan for Bradford:

The Core Strategy Development Plan Document 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 unallocated in the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
TR2 Parking Policy
EN5 Trees and Woodlands
EN7 Flood Risk
EN2 Biodiversity
SC8 Protecting the South Pennine Moors

Parish Council:

Ilkley Town Council - Recommend a refusal and request that Bradford Council undertake a full habitat survey and will review their comments at that stage.

Publicity and Number of Representations:

The application was publicised by neighbour letters and site notice. Publicity expired on 15 May 2018. The Council received ten objections including one from an Ilkley Ward Councillor.

Summary of Representations Received:

Impact on protected trees and loss of habitat from new dwelling and new driveway.
Impact on stream and concerns over flooding downstream.
Drainage implications and resulting flood issues.
Highway safety.
Over-development.
Design of dwelling out of keeping with area.
Two applications already refused, no justification to approve current application.
Over-development of the site.
Contravenes covenant on the land.
Fire risk due to materials proposed.

Consultations:

Drainage: No objections in principle subject to condition(s) to final approval of a scheme for foul and surface water drainage.

Biodiversity: No objection subject to compliance with recommended condition.

Trees: No objection subject to conditions.

Summary of Main Issues:

1. Principle.
2. Visual amenity.
3. Residential amenity.
4. Highway safety.
5. Drainage and watercourse.
6. Trees.
7. Habitat Regulations Assessment.
8. Other matters raised in representations.

Appraisal:

1. Principle

The principle of residential development would (in a small way) help to meet a District-wide need for new housing and the proposal satisfies sustainability objectives, representing an appropriate use of an unallocated site within the limits of the built up settlement and with good access to existing facilities in the local centre. An additional dwelling within this established residential area of Ilkley would conform to surrounding uses. The scheme equates to a density of 13 dwellings per hectare (d/ha). Whilst this underscores on the Council's aim of achieving 30d/ha to promote efficient use of land, there are specific amenity, access and tree constraints detailed below that justify a lower density in this instance. For these reasons, the principle of development is acceptable.

2. Visual Amenity

The application proposes a bespoke and contemporary dwelling constructed of Siberian Larch with a flat (green) roof. The topography and tree cover are such that a dwelling of the size and form proposed could be accommodated on the plot without adversely affecting the existing character of the street scene, which consists of a large mix of dwelling types. The dwelling would have minimal presence in the street as it would be placed below street level. Subject to careful selection of materials, which as submitted is acceptable, it is considered that in terms of design and visual amenity, the proposal can be supported and satisfies policies DS1 and DS3 of the Core Strategy Development Plan Document.

3. Residential Amenity

The proposed dwelling has been carefully sited and designed to not to adversely affect the living conditions of occupiers of the existing neighbouring dwellings around the site in terms of resulting loss of outlook, dominance or overshadowing. Habitable room windows on the dwelling and balcony space maintain distance of a minimum of 7metres to the boundary with the neighbouring dwelling and 17metres to neighbouring habitable room windows in order to maintain privacy levels.

It is acknowledged that the proposed dwelling would be affected by shading from existing trees, which is part of its design concept. However, excessive shading would be a matter for future residents, who would be aware of the situation and any additional pressure for works to the trees would be subject to separate application(s) under the Tree Preservation Order procedures.

The proposal satisfies Policy DS5 of the Core Strategy Development Plan Document.

4. Highway Safety

The access point to the new property has been moved south due to concerns with regard to the impact on the protected trees which run along the front boundary of the site. The access will now be taken from the existing access/driveway of 10 High Wheatley, which will be slightly widened, away from a protected tree and will provide a joint access point with the existing dwelling. This is in line with the recommendations from the Council's arboricultural officer.

The proposal includes the provision of two parking spaces for the dwelling, and will retain two parking spaces for the existing dwelling. This is sufficient for these properties and accords with the parking standards set in Appendix 4 of the Core Strategy Development Plan Document.

Located toward the end of a residential cul-de-sac, the level of vehicular movements to the site from the addition on one dwelling is not likely to adversely affect the safe and free flow of traffic, nor will it conflict with pedestrian or highway safety in general.

The proposal is therefore considered acceptable in terms of highway safety and complies with the requirements of Policy TR2 and Appendix 4 of the Core Strategy Development Plan Document.

5. Drainage and Watercourse

The development is proposed to be drained using separate foul sewer drainage system.

The surface water discharge from the development is proposed to flow into the existing watercourse. This option has been put forward as the development will be sited on undeveloped land which does not currently drain to the public sewer and subsequently Yorkshire Water would not allow any additional surface water to drain to the public sewer unless all alternative options have been exhausted and deemed not reasonably practicable.

In accordance with the Government Guidance on 'Sustainable Drainage Systems: non-statutory technical standards', the surface water discharge from the development will have to restrict flows to the watercourse so that it is not greater than the existing undeveloped rates and volumes. The supporting information from 'Paul Waite Associates' advises that this can be achieved with details suggesting that the green-roof construction would capture and limit run-off from the new dwelling. The report also suggests that an overflow, located below the dwelling, could then be utilised to deal with any excess levels, for example when the roof becomes saturated over long or intense rainfall events.

The Council does not have any objections in principle to this option but notes that all calculations, rates, volumes and layout proposals are indicative only and thus subject to further detailed design. Therefore and in order to be confident that the development would ensure surface water flow rates and volumes to the watercourse remain at pre-development levels and thus reducing flood risks to the application site and downstream, the development should not begin until a finalised scheme for foul and surface water drainage, including attenuation and flow calculations, has been submitted and approved in writing by the Local Planning Authority. These details can be conditioned as part of an approval.

The proposed development of the site requires a section of the watercourse passing through the site to be diverted. Paul Waite Associates consider that this can be accommodated on site with no detriment to the watercourse or impact on flood risk. This will also be aided by raising the dwelling 900mm above the ground level. No objections have been raised by the Council to this matter. A footnote will be added to advise the developer that permission from Bradford Council Land Drainage Department must be gained for consent to undertake works to the watercourse.

The Local Planning Authority is aware of the concerns raised by the local residents with regard to drainage and subsequent flooding implications as a result of this development, however, based on the information submitted as well as the proposed conditions to ensure that satisfactory evidence is submitted to confirm that the levels of water surface run-off is no greater than at pre-commencement levels, it is not considered that the development would have a significant impact on drainage and there is therefore no material conflict with Policy EN7 of the Core Strategy Development Plan Document.

It is noted that the indicative drainage scheme would have no implications for trees on site, however should this situation change a fresh proposal may be required.

6. Trees

The trees at 10 High Wheatley form a strong feature and comprise of individually and collectively important specimens which are generally situated around the boundaries of the site adding to the sylvan quality of the area. All of the trees on the site are protected by a Preservation Order and as such the space for building a new dwelling is naturally quite constrained.

The Arboricultural Impact Assessment and Method Statement, Revision B by Smeedan and Foreman is however very comprehensive and the Council is satisfied that the tree protection measures submitted can be fully implemented. The access point is now amended so that the new dwelling will now share its access point with the existing dwelling. The drainage scheme has been revised so that the necessary infrastructure is sited away from the tree root protection areas and a detailed construction management plan is submitted which includes details of the screw pile foundations and the 'no-dig' permeable construction for the drive.

The majority of the trees will be retained with the proposed development, however trees T1 (birch), T5 (pine) and T17 (cypress), identified as low quality and value, will require removal to facilitate the development. This approach is accepted by the Council and a replacement tree planting scheme agreed in principle.

On this basis and following significant work by the applicant, it is considered that the proposed dwelling can be accommodated on this site without significant harm to the trees and subsequently upon the wider character and amenity of the area. Any harm identified through the removal of trees, is mitigated by replacement tree planting which will help diversify the age range of tree species on site and help to provide a sustainable long-term population. The development is therefore acceptable with regards impact on trees and compliant with Policy EN5 of the Core Strategy Development Plan Document.

7. Habitat Regulations Assessment: Impact on South Pennine Moors

The site lies within 400metres of the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC), Ilkley Moor being the nearest part. As such, the EU Habitats Regulations need to be addressed to reduce any likely significant impacts arising from the development of the proposed development on the SPA/SAC. To achieve this, Policy SC8 of the Core Strategy Development Plan Document identifies zones around the SPA/SAC within which certain impacts will arise and require avoidance or mitigation; the application site is located in Zone A. This requires applicants to provide information to show how the development can be regarded as an exception and therefore would not have an adverse impact on the SPA/SCA.

The submitted Habitats Regulation Assessment (HRA) document prepared by Smeeden Foreman (i.e revision B dated April 2018) details the proposed mitigation measures. Table 02 of this document shows how impacts from the development on the South Pennine Moors SPA and SAC will be reduced. In particular, the following mitigation measures are welcomed:-

- Additional planting is proposed to the western boundary where a gap exists to provide a robust barrier to the adjacent Wheatley Rakes (woodland habitat).

This will reduce direct access into Wheatley Rakes and thus assist in reduction of tipping of garden waste.

- It is proposed to install an interpretation board within Wheatley Rakes (woodland adjacent to the west of the site) at the point where Wheatley Rakes adjoins the SAC/SPA. This will advise on the importance of the site and use of the moor, i.e keeping dogs on leads, keeping to designated paths, etc.

This will help to reduce the direct additional recreational impact on the SPA/SAC from the development.

- The proposed dwelling shall be provided with a compost bin to reduce the risk of garden waste being dumped within the SAC/SPA.

The development will be located in an established residential area and on the provision that the measures are fully implemented as per the conclusions of the HRA Revision B, the Council considers that the requirements as set out by the Habitats Regulations are satisfied and the development in this instance can be considered as an exception and will not result in significant impacts upon the SPA/SAC. On this basis Policy SC8 of the Core Strategy Development Plan Document is satisfied.

8. Other matters raised in the representations

Contravenes covenant on the land

Comment: The presence of a covenant is not a planning consideration. The approval of a planning application does not override any other legal agreements which may be in place.

Fire risk due to materials proposed

Comment: The use of timber for the construction of buildings is fairly common place and whilst concerns of increased fire risk are noted all works would be subject to compliance with relevant Building Regulations.

Community Safety Implications:

There are 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 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 unallocated and not protected by any restrictive land designations, so the principle of a new dwelling is acceptable given the lack of an adequate supply of land for housing across the District. The scale and design of the new dwelling is appropriate and its position on the site is such that it would not cause significant loss of amenity to neighbouring occupiers. Subject to conditions reserving drainage and tree protection details, the proposal should ensure the retention of those trees which are healthy and of amenity value and will not result in any drainage issues. Balancing all these issues, the development is considered to accord with relevant Core Strategy DPD policies and to amount to sustainable development in accordance 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 using external facing and roofing materials as specified on the hereby approved drawing number 766/9/02 REV A dated 8.12.2016.

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

3. Before the dwelling is brought into use, the off street car parking facility for each shall be laid out, surfaced, and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15.

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

4. All new areas of hardstanding within the site shall be formed using porous surfacing materials, or shall be surfaced in a manner that directs run-off water from a hard surface to a permeable or porous area within the curtilage of the dwelling, and the surfaces shall thereafter be retained in this form as long as the additional dwelling is in use.

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

5. The development shall not begin until a scheme for foul and surface water drainage, including attenuation and flow calculations, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details so approved.

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

6. Prior to the first occupation of the dwelling hereby approved, the scheme of mitigation identified in table 02 of the Habitats Regulations Assessment, Revision B, ref: 2714 by Smeeden Foreman, dated April 2018 shall be implemented and shall remain whilst ever the use subsists.

Reason: In ensure that the impacts on the South Pennine Moors Special Protection Area from a new dwelling in this location are sufficiently mitigated and to accord with Policy SC8 of the Core Strategy Development Plan Document.

7. The development shall not begin, nor shall there be any demolition, site preparation or groundworks, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained until the tree protection fencing and other tree protection measures are installed in strict accordance with an arboricultural method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority.

The development shall not begin until the Local Planning Authority has inspected and given its written approval confirming that the agreed tree protection measures are in place in accordance with the submitted details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site which would otherwise harm trees to the detriment of visual amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

8. The approved and agreed tree protection measures shall remain in place, and shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection areas without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during development activity on the site which would otherwise harm trees to the detriment of visual amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

9. Prior to the removal of the protective fencing and other agreed tree protection measures, written verification/evidence that the developer has arranged for supervision and monitoring of those approved measures by a suitably qualified and pre-appointed tree specialist, at regular and frequent intervals throughout the duration of the construction period, shall be submitted to the Local Planning Authority.

Prior to the occupation of the development, or prior to the occupation such phases of the development as have been agreed in writing with the Local Planning Authority, the Local Planning Authority shall have first confirmed in writing its agreement to the verification/evidence.

Reason: To ensure that trees have been adequately protected by the developer during development activity and that harm to the trees has been effectively prevented or mitigated by the measures proposed in the planning application submission in the interests of tree protection and visual amenity, and to accord with Policy EN5 of the Core Strategy Development Plan Document.

10. Notwithstanding the details submitted in the application and prior to the commencement of development, a detailed tree planting scheme for the site shall be submitted to, and approved in writing by the Local Planning Authority. This scheme shall include details of the location of new tree planting, the species of trees and stock sizes, as well as details for protection of the trees. All new trees must be to British Standard BS 3936 Nursery Stock, rootballed or containerised, and staked and tied in accordance with good arboricultural practice.

In the first available planting season (1st December to 15th March) following the substantial completion of the development, the trees shall be planted in accordance with the approved tree planting scheme and the Local Planning Authority shall be notified in writing of the date of planting and have confirmed that the trees are planted in accordance with the approved details.

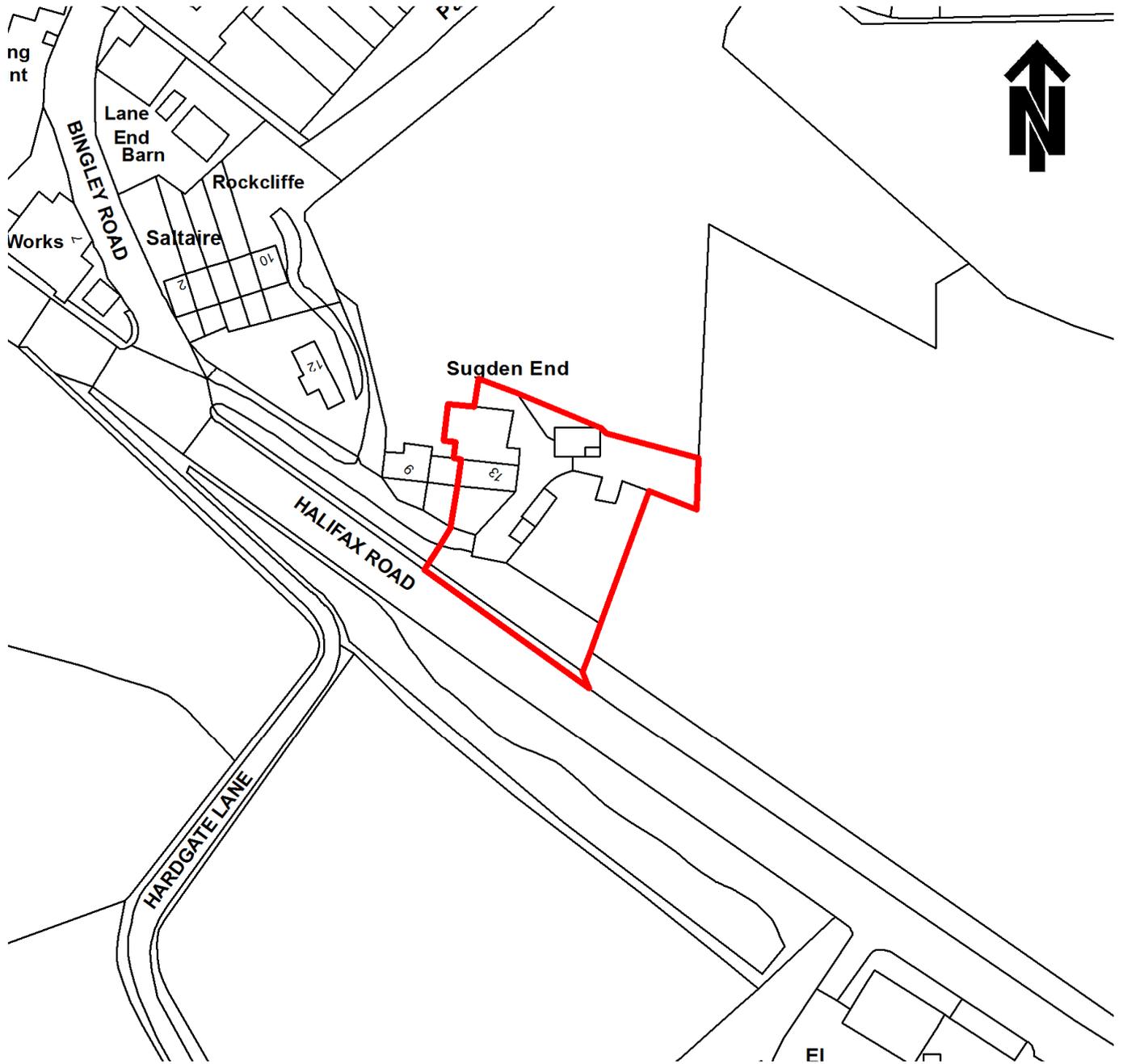
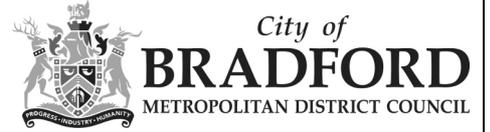
If within a period of 5 years from the date of planting a new tree is removed, uprooted, is destroyed or dies, another tree of the same size and species shall be planted at the same place as soon as reasonably practicable or in accordance with any variation for which the Local Planning Authority gives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

Reason: To preserve and enhance the contribution of trees in the area by securing replacement planting in accordance with Policies SC9 and EN5 of the Core Strategy Development Plan Document.

Footnote:

The developer should be aware that they must apply to Bradford Council Land Drainage Department for consent to undertake any works to the watercourse that crosses the site. The developer must provide full and comprehensive details of their proposals for consent prior to any works commencing on the watercourse. For advice regarding works to the watercourse please contact Edward Norfolk on 01274 433905 or via e-mail at edward.norfolk@bradford.gov.uk

18/01439/FUL



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**13 Sugden End
Halifax Road Cross Roads
Keighley BD22 9DQ**

11 July 2018

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

Application Number:
18/01439/FUL

Type of Application/Proposal and Address:

A full planning application to extend an existing dwelling into the existing barn and the construction of two new dwellings on land at 13 Sugden End, Halifax Road, Cross Roads, Keighley, West Yorkshire, BD22 9DQ.

Applicant:

Mr Paul Knowles

Agent:

Neil Bowen Architects LTD

Site Description:

The land is unallocated and the area is semi-rural in character, being on the edge of the built up settlement of Cross Roads. 13 Sugden End is a small stone dwelling that is part of a traditional group of buildings north of the A629 Halifax Road in an unobtrusive position below the level of the road. The house at No 13 is attached to a much larger old stone barn to the rear, and the barn and cottage are attached to a pair of stone cottages at 9 and 11 Sugden End. All these properties are currently accessed via a narrow, unmade access turning sharply off Bingley Road close to its junction with Halifax Road. The barn has a typical vernacular character and the associated land that is proposed to be developed for Plots 2 and 3 is currently occupied by a number of insubstantial greenhouses and sheds. The site is bounded by stone wall and is adjacent to open agricultural land to the north and east which is part of the designated Green Belt.

Relevant Site History:

18/00218/FUL - Extend existing dwelling into barn and construction of three dwellings – Refused – 27.3.18

Reasons for refusal were the over dominance, poor positioning and poor residential amenity standards for the future occupants of one of the houses due to proximity to the main road.

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document 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 largely unallocated but a small part of the curtilage is within Green Belt, although this part is not proposed for any development. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

- DS1 – Achieving good design
- DS2 – Working with the landscape
- DS3 – Urban character
- DS4 – Streets and movement
- DS5 – Safe and inclusive places
- SC9 – Making great places
- EN7 – Flood Risk
- SC7 – Protecting the Green Belt

Parish Council:

Haworth, Stanbury and Cross Roads Parish Council – Recommends approval of this application subject to confirmation that the building material is stone as stated in the design statement but not listed on the application form.

Publicity and Number of Representations:

The proposal was publicised with a site notice and neighbour letters – 7 objections from 6 individual addresses have been received.

Summary of Representations Received:

The extra dwellings will cause intensification of the use of a very poor access.

The barn conversion will impede on privacy as the windows of the barn overlook adjacent properties.

Overdevelopment of the site, 3 houses is too many.

Construction vehicles will add extra congestion to an already extremely busy junction and cause possible damage to boundaries, needless noise and inconvenience during development.

Concerns that there is no mains drainage.

Consultations:

Highways Development Control - No objection in principle to the formation of the new access onto the A629. A section 278 agreement will be required in relation to works required in the highway to create the new access.

Drainage - The Council hold no details of how the existing properties are drained. Details of the proposed foul and surface water drainage must be submitted.

Minerals and Waste - Due to proximity to the former landfill site (Sugden End) which produces landfill gas, it is recommended that Environmental Protection are consulted on the need for any reports relating to this.

Environmental Protection - 13 Sugden End has occupied the site since at least 1889. Potential sources of contamination on site include ash and clinker from domestic coal burning residues. The proposal is within approx. 100m of the Sugden End landfill site, which was used since the early 1960s as a local authority waste disposal site. The site closed by July 1998. Materials deposited include a broad range of wastes including domestic, commercial and industrial waste, all of which have the potential to generate landfill gas and leachate. The gas generated by the site has been actively controlled since 1996 when a gas control compound and flare was installed in the south west corner (near the site entrance); leachate is also actively collected and managed at the site and is currently discharged to sewer. There is also a household civic amenity site located to the east of the Sugden End entrance.

In view of the proximity to the Sugden End Landfill, gas compound and civic amenity site it is recommended that a precautionary approach towards contamination is taken, in particularly towards landfill gas, and that conditions are included on the decision notice to deal with this issue.

Summary of Main Issues:

1. Background and principle of development.
2. Design/Visual amenity.
3. Amenities of occupiers of adjacent land.
4. Highway safety.
5. Drainage.
6. Impact of the former landfill site.

Appraisal:

Background and Principle of Development

The proposal is in two parts;

- (a) The conversion of the existing stone barn to form a 4 bedroomed house as an enlargement to the existing dwelling at 13 Sugden End.
- (b) Construction of 2 new dwellings on the land alongside that is presently open or occupied by greenhouses.

The proposal is a resubmission for a previously refused application which proposed a third new dwelling awkwardly sited on land towards Halifax Road that would have appeared intrusive and lacked sufficient standards of privacy and amenity. This third house is now omitted.

The site is unallocated and on the edge of the settlement of Cross Roads. This community has a primary school and various services and shops. Bus services run along Halifax Road. The development of sustainably located sites would contribute towards housing supply and is encouraged by the NPPF.

A small part of the site is in the Green Belt where the construction of new buildings is inappropriate, but no buildings are proposed in this area which would become part of the garden to the house proposed on Plot 2. The stone walls around the rest of the site already form a robust boundary between the settlement and the Green Belt.

Design/Visual Amenity

The proposed barn conversion is achieved with fairly modest alterations required to the existing building. The existing full height cart opening which is a central feature will be glazed to provide light to the interior and the additional windows that need to be added are appropriate to the character of the building. The conversion would retain the agricultural appearance and character of the present vernacular building.

A previous application for 3 houses was refused due to objections to the visual impact of the house proposed on the plot abutting the main road. The reasons for refusal have now been overcome by the omission of the unsatisfactory dwelling from the scheme.

The resubmission shows two semi-detached dwellings set back into the site on an alignment with the existing cottages. The form and character are more in keeping with the surrounding area, continuing the building line of the existing dwellings. It is not considered to be overdevelopment of the site.

Although part of the garden to Plot 2 lies in green belt, this part would not have any buildings on it and is currently clearly part of the curtilage of 13 Sugden End. It seems acceptable and logical to have this section continue in use as part of the garden. There would be no impact on openness or conflict with the purposes of the green belt and the removal of permitted development rights should be removed to control the construction of outbuildings and so prevent unrestricted sprawl of such ancillary development into the green belt.

Amenities of Occupiers of Adjacent Land

The barn is located to the rear of No 13 Sugden End and already projects significantly further back than the adjoining dwelling at No 11. It is also elevated above the rear elevations of the adjoining dwellings. However, there will be no increase in the size of the building which could be said to lead to additional overshadowing. The existing window openings windows in the existing barn overlook a grassed area outside the site which does not appear to be private amenity space for any of the dwellings. The new kitchen windows proposed in the side will be set at a 90 degree angle to the kitchen windows at 9 and 11 and therefore direct overlooking of their windows would not be possible.

It is noted that objections about overlooking have been received but these are from occupiers of cottages some distance away to the west. The barn conversion and its new windows in the side walls will not significantly affect the privacy of those objectors.

The two new dwellings will abut open Green belt countryside and so will not overshadow or overlook any surrounding dwellings.

Highway Safety

The existing access from the junction of Bingley Road and Halifax Road is unsuitable to be used as an access to additional dwellings. The applicant is therefore proposing to construct a new access from the main road. This would also have the great benefit of enabling traffic to the 3 houses to by-pass the existing dwellings at 9 and 11 Sugden End.

An acceptable standard of access is shown on the submitted drawing 1917/5B and the Highway Officer confirms there is no objection in principle to the formation of a new access off Halifax Road, subject to a section 278 agreement being made with the Council in respect of any works that need to be carried out in the public highway.

Objectors are concerned about the intensification of the substandard access but there appears to be some confusion over this issue as the new houses and the existing house will all be served off the new access which will reduce the number of houses served by the existing one by one dwelling.

Drainage

The application form proposes mains drainage but an objector has raised concerns relating to the lack of mains drainage of the site. The existing buildings at the site are clearly served by an existing drainage system but the applicant is unclear as regards the nature and capacity of the existing drainage systems.

There will be a standard requirement for separate foul and surface water systems and if the mains sewers are available and are shown by the developer to have adequate capacity than that would be the way to serve the dwellings –subject to technical details being agreed with the sewerage undertaker Yorkshire Water. That agency will specify the permitted surface water discharge rate to sewer, and surface water attenuation may be required with the developer expected to submit details and calculations to demonstrate any surface water attenuation proposals are sufficient to contain flows generated in a 1:30 year event plus climate change within the underground system together with details and calculations to demonstrate flows generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed dwellings or safe egress and access.

Surface water drainage could drain to soakaways if ground conditions are suitable.

If foul water cannot be connected to mains drainage it would be possible to install a new package treatment plant, as with other developments in the District's rural areas.

The agent has confirmed that if a package treatment plant is required it would be a new installation sized specifically for the development and the developer would not be wanting to use any existing septic tanks which are likely to be substandard. Therefore objector concerns about overloading the existing drainage systems can be allayed.

To comply with the current Building Regulations a septic tank should not be located within 7m of any habitable part of a building, plus any final effluent drainage field for a septic tank should not be located within 15m of any building. These separate controls are sufficient to protect existing properties adjoining the site.

Although there is lack of detail about methods of drainage, the Council's Drainage Section does not object to the principal of development but advises that a condition that development should not begin until details of a scheme for foul and surface water drainage, including any necessary balancing and off site works have been submitted to and approved in writing by the Local Planning Authority.

It is considered that the suggested conditions would resolve satisfactory details of drainage for the development.

Impact of the former landfill site

The site is close to the Sugden End landfill site. Landfill gas emissions from this closed tip are closely monitored and controlled. There are management systems in place for both gas and leachate at the tip and nothing to suggest that either are currently affecting the site. However, if there is a failure in the management systems there is potential for the site to be affected. Given the close proximity to the tip, the Council's Environmental Protection Officer has advised a precautionary requirement that before development begins, further investigations should be undertaken, at the developer's expense, to ensure that future occupiers will not be vulnerable to landfill gases or land contamination.

This will require Phase I and Phase II investigations to establish whether there is any land contamination or vulnerability to migrating landfill gas or leachate from the adjoining landfill site. It is reasonable to require these further investigations by condition as otherwise an assumption would be being made based on assumptions that existing landfill management systems are 100% effective, with very little evidence.

If the Phase 1 stage investigation concludes there is no problem with landfill gas or other contamination then no further investigation or mitigation would be necessary. However, initial investigation may recommend a further Phase II investigation is carried out which may include a period of gas monitoring before work on the houses can be begun which will establish whether gas protection measures will need to be incorporated into their structure.

The conditions requiring further investigation will therefore ensure that development does not proceed until further investigation proves that occupiers of the site are not vulnerable to contamination risk or that appropriate protection measures can be incorporated into the scheme and therefore there is confidence and proof that any potential risks have been dealt with.

As advised by the Environmental Protection section, a precautionary approach must be taken to the development of this site due to the potential presence of contamination and/or landfill gas. Conditions requiring thorough investigation of the site are suggested at the end of this report to be included on the decision notice.

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 proposal's impact on local amenity and highway safety has been fully considered and is considered acceptable when measured against the relevant development plan policies and the National Planning Policy Framework.

Conditions of Approval:

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

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

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

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

3. Before any part of the development is brought into use, the means of access and vehicle turning and parking areas shall be laid out, hard surfaced and drained within the site, in accordance with details shown on the approved site plan and shall be retained whilst ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy DS5 of the Core Strategy Development Plan Document.

4. 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 Core Strategy Development Plan Document.

5. The development should not begin until details of a scheme for foul and surface water drainage, including any balancing and off site works have been submitted to and approved in writing by the Local Planning Authority.

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

6. **Phase 1 Investigation**

Prior to development commencing a Phase 1 Desk Study and Preliminary Risk Assessment Report must be submitted to, and approved in writing by the Local Planning Authority. This submission needs to investigate the vulnerability of future occupiers of the additional houses to site contamination, including from any migrating landfill gas or leachates arising from the adjoining landfill site..

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with policy EN8 of the Local Plan for Bradford.

7. **Phase II Site Investigation Scheme**

Where potential for contamination is identified by the Phase 1 report required by the above condition then a Phase 2 site investigation and risk assessment must then be submitted to, and approved in writing by the local Planning Authority before development commences. This should include appropriate intrusive investigations and landfill gas monitoring and presentation of a risk assessment methodology to assess the nature and extent of any contamination risks on the site, whether or not it originates on the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy EN8 of the Local Plan for Bradford.

8. **Remediation strategy**

If the Phase I and Phase II investigations confirm a risk to occupiers from on-site contamination or landfill gas migration, a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination or migrating gas or leachates, shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the development. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall then be implemented as approved unless otherwise 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 EN8 of the Local Plan for Bradford.

9. **Remediation verification**

Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

10. **Unexpected contamination**

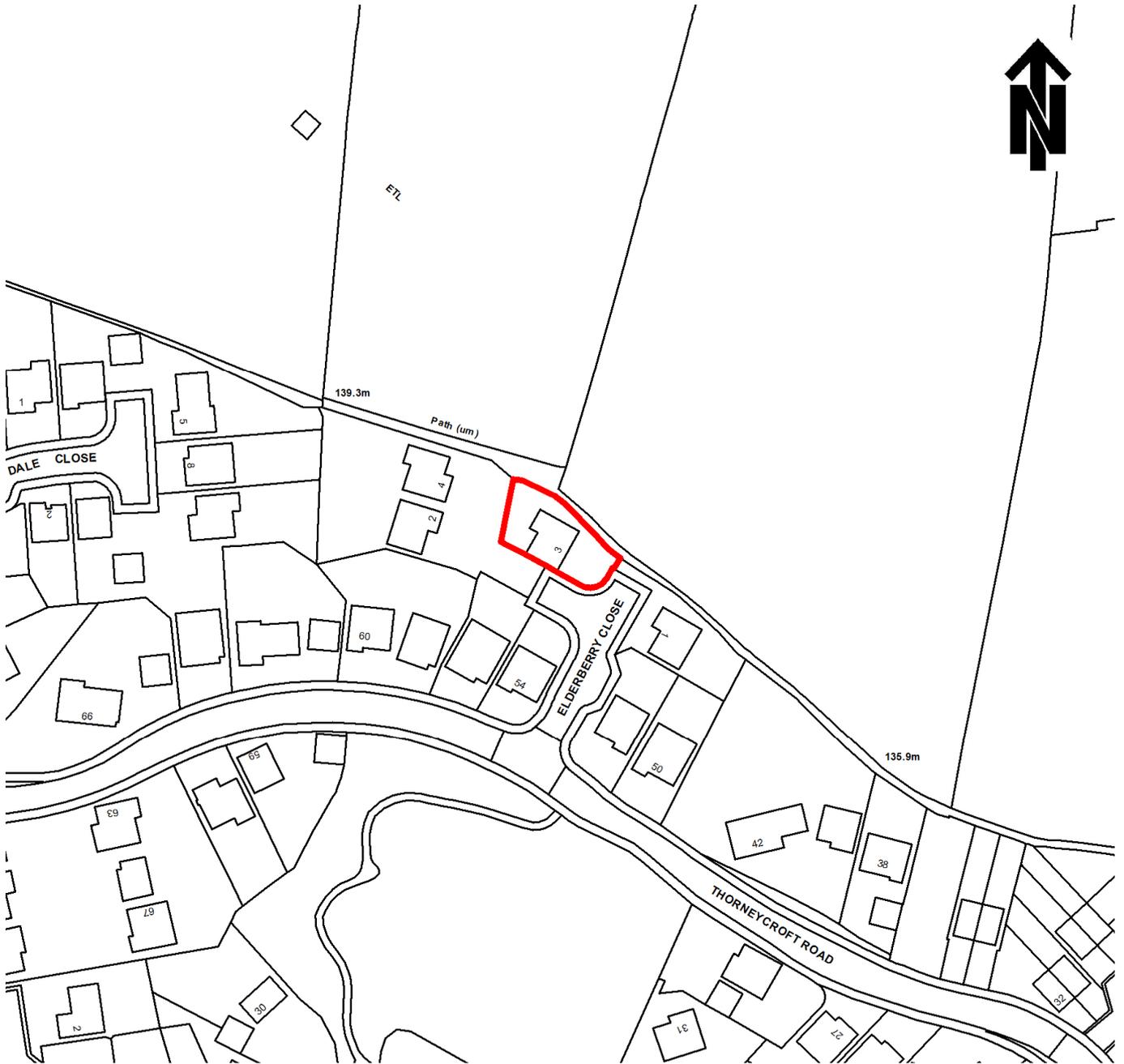
If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from 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 EN8 of the Local Plan for Bradford.

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

Reason: To safeguard the amenities of occupiers of adjoining properties and to maintain the openness and character of the greenbelt to accord with Policies SC7, DS3 and DS5 of the Core Strategy Development Plan Document.

18/01891/HOU



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**3 Elderberry Close
East Morton
Keighley BD20 5WA**

11 July 2018

Item: E
Ward: KEIGHLEY EAST
Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
18/01891/HOU

Type of Application/Proposal and Address:
Householder planning application for a single storey front extension at 3 Elderberry Close, East Morton, Keighley, BD20 5WA

Applicant:
Mrs Catherine Parker

Agent:
Chris Finn Architect

Site Description:
The application property is a detached house in a small mews court cul de sac off Thorneycroft Road. It was built as part of the Swine Lane residential development in the early 2000s. It is built in artificial stone and set on a sloping site with two main floors and a basement on the lower level housing an integral garage. A conservatory has been added to the back (east) wall of the house and a small extension has been added to the north side. To the north, open Green Belt fields slope down to the estate and an unmade public footpath runs east-west along the bottom of the fields adjacent to the north wall of the house. Across the cul de sac Nos 2 and 4 Elderberry Close are detached houses of similar age and style.

Relevant Site History:
13/02571/HOU: Construction single storey side extension. Granted 20 August 2013.
07/05853/FUL: Single storey rear extension to form conservatory. Granted 19 October 2007.
06/06910/FUL: Single storey rear conservatory extension. Refused 10 November 2006.
05/09122/FUL: Conservatory to the rear (East). Refused: 2 March 2006.

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document 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 was allocated as Housing Land by the RUDP, but this allocation has now been implemented with the completion of the estate.

Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

- DS1 – Achieving good design
- DS3 – Urban character
- DS5 – Safe and inclusive places

Parish Council:

Keighley Town Council: No comments received at time of report.

Publicity and Number of Representations:

Application publicised by letters to neighbours to 6 June 2018.
10 objections have been received.

27 representations in support have been received.

There is also a petition signed by 16 people - petitioning for approval.

Summary of Representations Received:

SUPPORT

1. The plans seem very sympathetic with the surrounding buildings and work well within the space.
2. It is vital planning permission is granted, the extension is a bathroom which is essential for care of a dependent relative. Otherwise the burdens for the family due to the lack of ground floor facilities will only grow as the relative's health situation deteriorates.

OBJECTIONS

1. The proposed extension will over develop the plot and change the character of the house. A rear extension was approved in 2007. In 2013 a side extension was added. The 4 bed house already has a large enough extended footprint without the need for a further extension.
2. A front extension is not in keeping with the character of Elderberry Close or the whole estate. The end face of the extension will be a featureless, expanse of bricks.
3. It has potential to cause drainage issues when water floods off the fields.
4. Concerns are expressed by several objectors about the intended use of the extension for business purposes (a therapy room has allegedly been mentioned to neighbours by the applicant) which they fear will bring additional traffic and strangers to this restricted cul de sac where young children often play outside.
5. An extension to the front of No 3 will affect views and cause overlooking of the houses opposite which have French windows.

Consultations:

Rights of Way Section: Keighley Public Footpath 94 abuts the site to the north of the house. This footpath does not appear to be affected by these proposals but any boundary treatments must not encroach onto the line of the public footpath.

Summary of Main Issues:

1. Impact on local character – scale, forward projection and design.
2. Effects on neighbours.
3. Other issues.

Appraisal:

The submitted plans propose that the existing extension to the side of the house will be used as a bed sitting room, and a further single storey extension is being proposed in front to provide an enlargement to that room and a bathroom is to be created. The proposed extension is single storey in height and would project 6 metres from the forward-most wall of the house. It is 3 metres wide.

The applicant's supporting statement says that the proposal would create accommodation for a dependent relative. The extension will allow wheelchair access to the ground floor level from a short ramp, and the new bathroom to be built would be of a size to allow a hoist. Alterations to the small front garden would create a safe, contained area for the occupier to sit outside on warm days. The intention is to use matching walling and roofing materials.

Impact on local character – scale, forward projection and design

Design Principle 1 of the Council's adopted Householder SPD requires that the size, position and form of extensions should maintain or improve the character and quality of the original house and wider area. As a general rule, extensions should dominate the original house or neighbouring properties and should complement the design of the original property and the wider area.

The extension meets these principles. It is of modest size and clearly subordinate to the original house. Even though the house has previously been extended to the side and the rear, this would not preclude the owner carrying out further improvements to the accommodation. Even when taken cumulatively, the extensions added will not dominate the original house or the wider area.

The main criticism by objectors is that the extension would project forwards of the principal elevation of the original house. In conventional housing layouts, where all the houses are of similar design and set on a regular alignment and at regular distances from the road, this may have been a valid point. In those conventional housing estates an extension to the front, other than a small porch, can disrupt the uniform appearance of the street. However, the SPD recognises that if a house is of individual design or if the building line is staggered or indistinct, it may be possible to design a front extension without upsetting the character of the area.

In this instance, the modern houses on Elderberry Close are arranged around two sides of a mews court in an irregular layout. There is no distinct building alignment. Indeed the house at No 3 stands on its own plot - with fields to the upper side and the road to the lower. The extension proposed would project 6 metres in front of the original house, but in such an indistinct and irregular layout, a subservient single storey extension such as the one being proposed would cause little harm to the character of the original dwelling or the wider locality. Contrary to what objectors have said, there will be little impact on amenity arising from what such a modest forward extension to a house that is not part of a regular or distinct alignment of development.

Objectors have criticised the blank end wall facing across the street. But this is blank to avoid overlooking and, as the room will be a bathroom, to safeguard the dignity and privacy of the future users. It is not accepted that the end wall will present a "large expanse of bricks", as described in one of the objections, it will be a small feature that will not appear oppressive or bland.

Generally, the proposed gabled roof form of the extension and the use of matching materials are as would be expected in applying the Householder SPD guidance and Core Strategy design policies. There will be no appreciable loss of character or amenity.

Effects on neighbours

Design Principle 3 of the SPD requires that extensions should not over dominate, seriously damage outlook or unacceptably reduce natural daylight reaching any neighbours' property. This proposed extension is a low rise addition dwarfed by the mass of the existing house behind. It will not dominate, overshadow or affect outlook from the two properties at 2 and 4 Elderberry Close which are separated from the extension by the width of the intervening mews court. No windows are proposed looking towards the French windows in the houses opposite. The privacy, outlook and amenity of occupiers of the neighbour homes will therefore not be affected.

Other Issues

Existing garaging and parking arrangements are unaffected and no highway implications will arise from the modest extension.

Several objections refer to the possible use of the extension for business purposes and the traffic that might be generated as a result. This has arisen because the applicant has mentioned to neighbours the possibility of locating a home business elsewhere in the house. At present the applicant works from other locations and the applicant has explained that this was only mentioned as a long term possibility/option.

In any case, whether there will be a home business run from within the house at some point in the future is not material to consideration of the planning application. The plans are clear in showing a bathroom and enlarged bed sitting room, forming accommodation for a dependent relative, not accommodation for a business. If such a business was to be started, whether in the extension or elsewhere in the house, it would be a separate matter for planning enforcement to establish whether such a business, as a matter of fact and degree, amounted to a material change of use requiring planning permission.

Objections about effects on flooding are unsupported by any evidence. The extension is to be drained via the existing foul and surface water systems serving the existing house. The small area is unlikely to add significantly to run off. There is a claim that the extension may affect water that seeps off the adjoining fields in extreme weather events, but there is no evidence that such a small structure would noticeably affect land drainage to the detriment of anyone else.

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 noted from the applicant's statements and the supporting comments that the accommodation is necessary to provide home care for a person with a disability. However, the extension is judged to meet all relevant planning policies and design guidance and is acceptable in planning terms on its own merits. In consideration of this application, no special provision needs to be given to advance equality on the basis of protected characteristics.

Reason for Granting Planning Permission:

The subservient size, materials, design and form of this small extension would maintain the character and quality of the original house and the wider area. Although extending forward of the principal elevation, the irregular layout of this modern development and the modest scale will mean that the extension proposed will cause little harm to the character of the original dwelling or the locality. There will be no significant effects on the amenity of neighbours or road safety. Relevant design requirements of the Householder SPD are met and, providing matching materials are used (see condition 2), the proposal accords with policies DS1, DS3 and DS5 of the Core Strategy DPD.

Conditions of Approval:

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

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

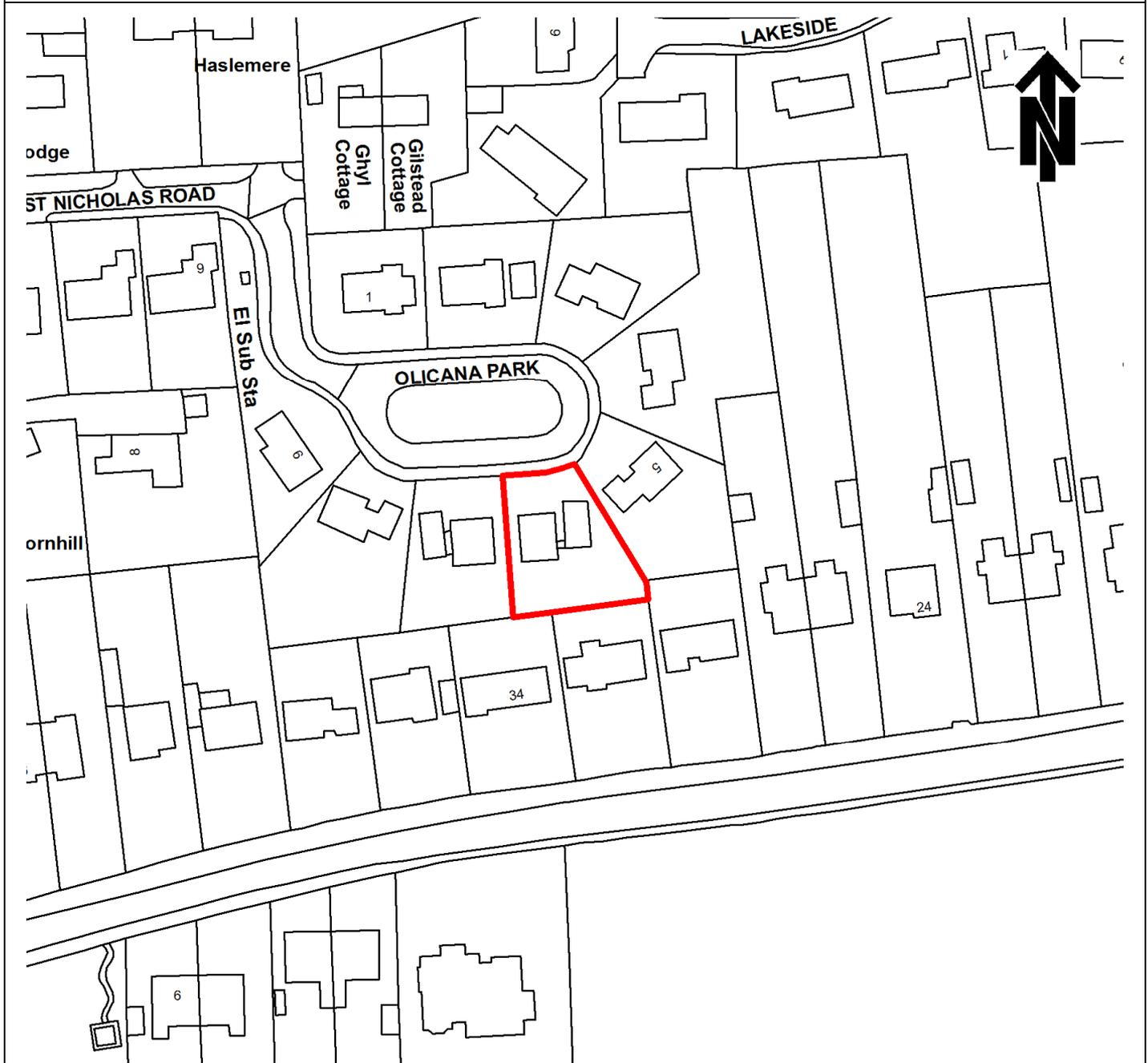
2. The development hereby permitted shall be constructed using external facing and roofing materials to match the existing building as is specified on the submitted application.

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

18/01844/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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6 Olicana Park
Ilkley
LS29 0AW

11 July 2018

Item: F
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
18/01844/FUL

Type of Application/Proposal and Address:

A full planning application for the demolition of the existing detached 4 bed-house and garage and construction of new 4 bed-detached house with integral garage at 6 Olicana Park, Ilkley LS29 0AW.

Applicant:

Mr Richard Holmes

Agent:

Mr William Cartwright - Heritage Planning Design Ltd

Site Description:

The application site is located within a residential suburb on the north side of the river at Ilkley. Although the street is part of Middleton Conservation Area, the existing detached dwelling is a modern mid-late 20th century two storey house and it is located facing a large verge area within a suburban cul-de-sac of detached properties that are similar in age but vary in design style.

Relevant Site History:

18/00133/FUL: Demolition of existing house and garage, construction of new house and garage. Withdrawn.

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document 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 un-allocated in the Replacement Unitary Development Plan but is located in an area designated as a conservation area. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
TR2 Parking Policy
EN3 Historic Environment
EN7 Flood Risk
SC8 South Pennine Moors and their zone of influence

Parish Council:

Recommend a refusal. The overall size and mass of this proposal is of great concern in the context of Olicana Park.

Publicity and Number of Representations:

A site notice, press advert and neighbour notification letters advertised the applications. The publicity period expired on 7 June 2018.

The LPA has received 9 objections from local residents and 1 objection from a Ward Councillor as well as 6 letters of support.

Summary of Representations Received:

Objections:

Scale of the development.
Over-development of the site.
Overshadowing.
Overlooking.
Out of keeping with the area.
Insufficient parking and highway safety.
Increase in flooding.
Loss of views.
Noise, nuisance and damage to road during construction.

Support:

A more environmentally friendly construction than existing house.
Well designed and sympathetic house which will contribute to the character of the conservation area.
It would have a raised floor to reduce flood risk.

Consultations:

Design and Conservation Team: Offer support of the application

Environment Agency: The proposed development can meet the requirements of the National Planning Policy Framework subject to compliance with the details submitted in the FRA Michael Lambert Associates, which can be secured by way of planning condition on any planning permission.

Summary of Main Issues:

1. Principle.
2. Visual amenity/heritage assets.
3. Impact on residential amenity.
4. Addressing flood issues.
5. Highway safety.
6. South Pennine Moors SPA/SAC: Habitats Regulations.

Appraisal:

This application is submitted following the withdrawal of a previous application, and a new agent has taken on board the concerns raised by local residents and the Local Planning Authority with regard to the scale and height of the replacement house. This amended scheme includes a reduction in the overall height of the originally proposed dwelling by 700 mm, a reduction of the footprint as well as a greater set back from the highway.

1. Principle:

The application seeks permission for the demolition of the existing house and its replacement with a new house in the same position but to an enlarged footprint. A replacement dwelling represents an appropriate use of a previously developed site within the urban area that has reasonably good access to existing facilities in Ilkley town centre. The principle of the development is considered acceptable.

2. House design and impact on the character and appearance of Middleton Conservation Area:

Although the site is included in the Middleton Conservation Area, designated 2005, the existing dwelling is of modern character. It is distinctly of its era, and has only modest architectural quality. There are no objections to the demolition of the existing dwelling which will cause no harm to the character or appearance of the conservation area.

The proposed new house would be of greater bulk than the existing house, but it has been amended and reduced in scale compared with the first submission in early 2018. This was to address objections from neighbours and concerns from officers regarding the somewhat overbearing scale of what was previously proposed. The new proposals now present a reasonably proportioned house that better fits the plot.

The replacement house would be approximately 950mm taller to ridge than the existing house. This increase in floor height is driven by advice from the applicant's Flood Risk Engineers that it is necessary to lift the floor levels above the levels of the highest recorded floods in the area. The Environment Agency has advised that finished floor levels must be no lower than 74.87m above Ordnance Datum. The plans indicate that the floor levels are on this lowest level.

The design of the proposed dwelling has been well considered and incorporates some typical features of other properties in the conservation area without resulting in a pastiche appearance. The gabled roof, tall chimney stack, vertical emphasis of the fenestration and use of natural materials echo the positive characteristics of more traditional properties in the Middleton conservation area and further afield. Although the height and massing of the proposed house is still larger than the existing dwelling, the established building line is respected and drawings show that the ridge height is comparable with other houses in the vicinity. The timber detailing to the gables will add visual interest to the appearance.

Middleton conservation area is characterised by the variations in architectural style and size of dwellings. The proposed new house would also maintain an open plan garden area to the front. The building line will be brought forward slightly but still maintains a comparable set back from the highway. The agent has provided a street scene drawing to demonstrate the impact and it is not considered that the variation in heights would have any greater effects on the character of the area. Proportionally, the new dwelling is comparable to the neighbouring dwellings, including 5 and 8 Olicana Park which both have an average height of approx 8 metres. Thus whilst it is accepted that it would be higher than the neighbouring dwelling 7 Olicana Park, in the context of the setting of the street, the new house would not appear overbearing or over dominant.

Therefore, the proposed new dwelling will not appear out of place within the context of the surrounding built form and there is no material conflict with policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document for Bradford. The character and appearance of the Conservation Area is appropriately enhanced by this scheme to replace an existing house.

3. Impact on residential amenity:

The proposal is for a replacement dwelling and as such the site has an established level of activity associated with a single detached property. The proposal would remain a single detached dwelling and whilst larger than the existing property it will remain as a 4-bed configuration, as per the existing arrangements. Any increase in activity at the site would not result in any significant harm to the residential amenity of neighbours.

The width of the proposed replacement dwelling would be wider than the existing house but the proposal would retain an appropriate distance of a minimum of 2metres to the east and west side boundaries. This is ample separation given the lack of important features in the walls of those properties that face the site and properties 5 and 7 Olicana Park will not be unduly impacted.

To the rear, south of the site, are properties on Denton Road, with 32 Denton Road a bungalow. The agent has acknowledged this property on cross section drawing 2415-03A. This identifies the relationship between the new dwelling and this neighbouring dwelling. The plan indicates a distance of approx 17.9 metres from the rear elevation of 32 Denton Road and the main rear elevation of the new property and also shows the 25degree angle as measured from the ground floor level windows of No 32. Officers are satisfied that the amenity of the occupants of this address as well as the occupants of neighbouring dwellings on Denton Road which are set at a further distance, will not be unduly impacted in terms of loss outlook, or resulting un-acceptable levels of dominance or overbearing levels. Further, there are no concerns with regard to resulting overshadowing issues.

Whilst the footprint and size of the replacement dwelling would be larger than the current property at the site, it is not considered that the resulting impact on the amenity of the neighbouring occupants would be significant. There is no material conflict with policy DS5 of the Core Strategy Development Plan Document or the core objective of the NPPF which seeks to ensure good standards of amenity for all existing and future occupiers of land and buildings.

4. Addressing Flood Risk

The site is north of the river Wharfe and is in Environment Agency (EA) Flood Zone 3 which indicates that it is at high risk of flooding. The river overtops its banks in peak flood events, and flooding to the south side of Olicana Park occurred in December 2015. However, one purpose of this application is to demolish and rebuild the dwelling to modernise it and also provide higher floor levels so it can better withstand future flooding.

Officers are fully supportive of the desire of the applicant to remedy potential flood risk problems by this rebuild with higher floor levels and in-built flood resilience measures. It is appreciated that these are more readily incorporated into a new building design than fitted retrospectively into the existing house. The resilience measures will include providing a hollow void underneath the dwelling so that the existing floodplain volume can be retained, with wall grilles added to the southern wall so that in event of a flood, floodwater can flow in and out of the sub-structure.

The application has been accompanied by a Flood Risk Assessment (FRA) and the design of the house has been informed by the FRA and the identified flood levels. The Environment Agency is satisfied that the Flood Risk Assessment is to a satisfactory standard and correctly addresses the relevant issues.

The EA also advises that it is satisfied with the proposed house design subject to the development being carried out in accordance with the submitted FRA (by Michael Lambert Associates). It advises a planning condition be imposed to require adherence to the FRA and ensure implementation of the specific mitigation measures proposed.

1. The hollow area below the ground floor level shall be used for flood storage purposes only and not to be used for domestic storage or habitable purposes. The floodable void must be designed to allow the free passage of flood waters and shall be cleared of silt on a regular basis.
2. Finished floor levels shall be set no lower than 74.87m AOD.

The EA has also advised that no new perimeter walls should be built the site which may act as an obstruction to the flow of flood waters across the site. It is proposed that this be a restriction imposed by planning condition.

The EA requires a condition that the FRA mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Despite the increase in built footprint of the replacement dwelling, the proposal as advised by the Environment Agency would not result in an increased flood risk for prospective occupants or to neighbours of adjoining land. Subject to the adherence to the conditions, policy EN7 of the Core Strategy Development Plan Document for Bradford are satisfied.

5. Highway safety

The proposed replacement dwelling would include an integral garage facility and large driveway to accommodate additional parking of vehicles which would provide ample off street parking for the needs of its occupiers. The comments with regard to the quality of the road and the poor visibility are noted, but with no intensification of units on site, since it is a replacement dwelling, it is not considered that it that it would have any greater impact on highway or pedestrian safety. Policies TR2 and DS4 of the Core Strategy Development Plan Document for Bradford are satisfied.

The concerns raised with regard to the possible damage to the highway during the construction works are not a planning matter.

6. South Pennine Moors SPA/SAC: Habitats Regulations

The site lies within 2.5km of the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) – Ilkley Moor being the nearest part. As such, the EU Habitats Regulations need to be addressed to reduce any likely significant impacts arising from the development of the proposed development on the SPA / SAC. To achieve this, Policy SC8 of the Bradford Local Development Plan Core Strategy identifies three zones around the SPA/SAC within which certain impacts will arise and require avoidance or mitigation.

Zone A extends 400m from the SPA/SAC boundary and can be discounted as the site lies beyond this zone. Zones B and C extend 2.5km and 7km respectively from the SPA/SAC boundary. In Zone B, potential impacts on foraging habitat which supports SPA bird species is to be avoided and in Zone C, any net increase in residential floorspace that results in additional recreational pressure on the SPA/SAC will require a developer contribution to mitigate the impact but this is secured through CIL regime payments.

The application site lies within zone B. However, this proposal is to construct a replacement dwelling for an existing dwelling. Given that but the site is within a domestic curtilage of a small size and in a suburban location surrounded by existing development and roads, the site does not form supporting habitat for South Pennine Moors bird species and so there will be no impact from this development. In this respect, there is no material conflict with policy SC8 of the Core Strategy Development Plan Document for Bradford.

Community Safety Implications:

There are 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 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 proposal for a replacement dwelling is acknowledged to be necessary to improve the resilience of the site to flood risk as well as to modernise the property. The impact of the scheme has been carefully assessed and it is considered that the development will have no significant adverse effects in terms of impacts on highway safety, visual amenity, residential amenity, flood risk or drainage. The development will have no significant adverse effect on the character or appearance of the Middleton Conservation Area. The proposal therefore complies with policies DS1, DS3, EN3, DS5, DS4, TR2 and EN5 of the Core Strategy Development Plan Document for Bradford.

Conditions of Approval:

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

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

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

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

3. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: B2068 Olicana FRA; by Michael Lambert Associates; dated 08/05/2018 and the following mitigation measures detailed within the FRA shall be incorporated:

- The hollow area below the development shall be used for flood storage purposes only and not to be used for domestic storage or habitable purposes. The floodable void must be designed to allow the free passage of flood waters and shall be cleared of silt on a regular basis.
- Finished floor levels shall be set no lower than 74.87m AOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework and Policy EN7 of the Core Strategy Development Plan Document for Bradford.

4. The development shall not be occupied until the compensatory flood storage facility comprising the basement of the building has been made available and the measures proposed to allow the access and egress of floodwaters into this area have been implemented in accordance with the approved plans and the submitted Flood Risk Assessment.

Reason: To ensure that there is no risk of flooding elsewhere in the vicinity and to accord with Policy EN7 of the Core Strategy Development Plan Document for Bradford.

5. Notwithstanding the provisions of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent equivalent legislation, no new walls, fences or other permanent means of enclosure shall be erected on the site or around its perimeter except with the prior written approval of the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework and Policy EN7 of the Core Strategy Development Plan Document for Bradford.

6. The development shall be drained using separate foul sewer and surface drainage systems within the site.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies DS1 and EN7 of the Local Plan.

7. All new areas of hard-standing within the site shall be formed using porous surfacing materials, or shall be surfaced in a manner that directs run-off water from a hard surface to a permeable or porous area within the curtilage of the dwelling, and the surfaces shall thereafter be retained in this form as long as the additional dwelling is in use.

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

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

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

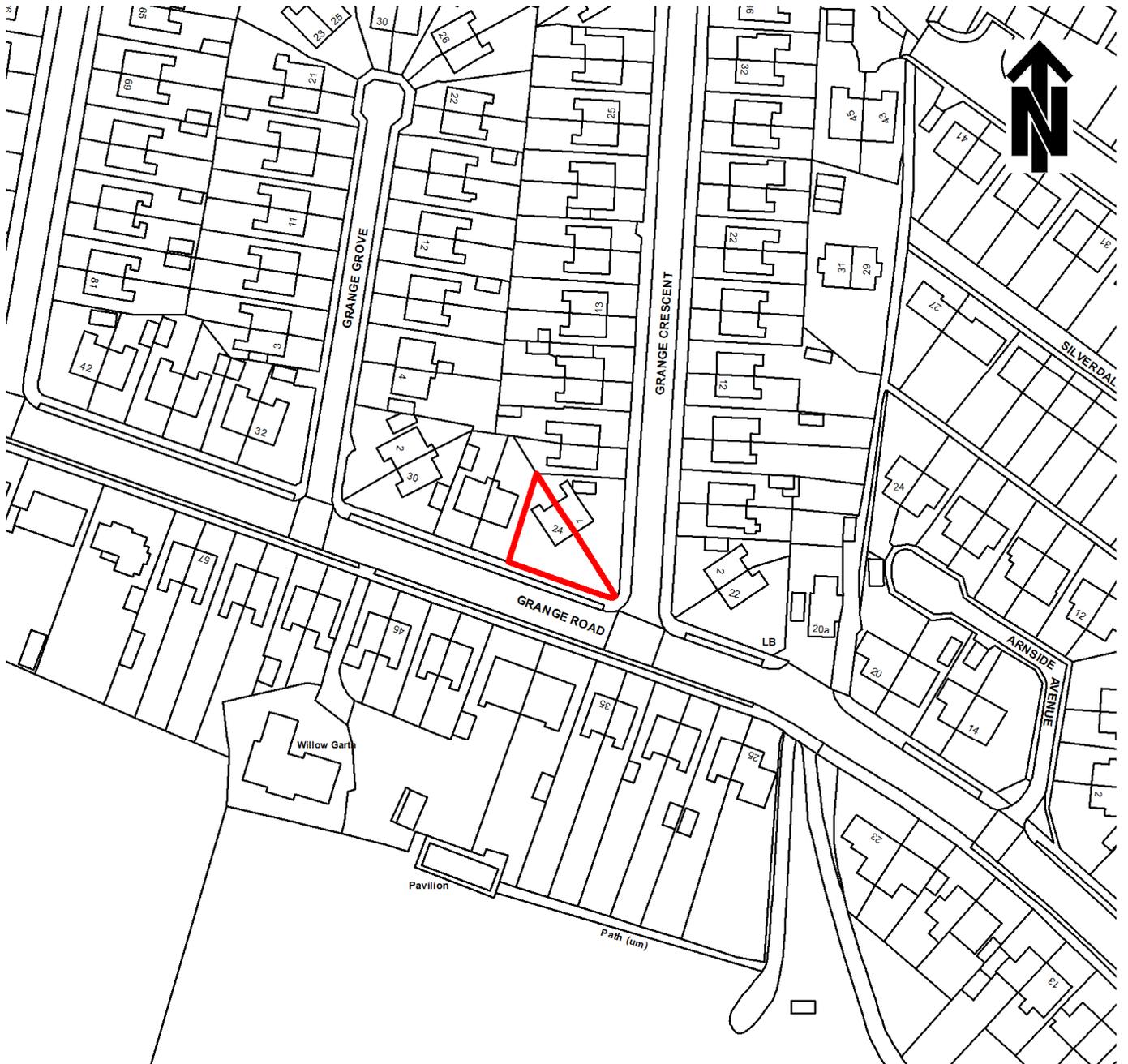
9. The windows in the side elevations of the dwelling hereby permitted shall be glazed in obscure glass prior to the first occupation of the dwelling and thereafter this form of glazing shall be retained to those openings.

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

18/00997/HOU



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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24 Grange Road
Riddlesden
Keighley BD20 5AE

11 July 2018

Item: G
Ward: KEIGHLEY EAST
Recommendation:
TO REFUSE PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
18/00997/HOU

Type of Application/Proposal and Address:

Construction of hip to gable roof extension with two storey side and rear extension and single storey rear extension at 24 Grange Road, Riddlesden, BD20 5AE.

Applicant:

Mr O Parvez

Agent:

AA Planning Services

Site Description:

The site is occupied by a semi-detached dwelling situated in a prominent corner location in a suburban residential area. The adjoining house forming the pair is 1 Grange Crescent, and the pair of semi-detached dwellings is unusually positioned in that it is oriented at a 45 degree angle to turn the corner from Grange Road into Grange Crescent. The end wall to be extended is therefore a prominent feature as one travels along Grange Road. Grange Road and the surrounding streets comprise mainly of mid-20th century semi-detached dwellings which generally have slate roof and a rendered finish. Grange Road leads to the local primary school so it is a well-used street. There are instances in the area of two storey side extensions being added to semis, including the adjoining semi-detached dwelling at 1 Grange Crescent which has been extended by a hipped roofed, two storey extension approved in 2002.

Relevant Site History:

None for this property.

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document 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 unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

- DS1 – Achieving Good Design
- DS3 – Urban Character
- DS4 – Streets and Movement
- DS5 – Safe and Inclusive Places

Other Relevant Legislation

Householder Supplementary Planning Document.

Parish Council:

Keighley Parish Council.

Publicity and Number of Representations:

Publicised by neighbour notification letters to 5 April 2018.

Summary of Representations Received:

Two letters of objection were received.

Grounds for objection were overshadowing, overlooking, concern regarding damage during construction, inadequate parking and dust and disturbance.

A petition in support signed by 11 people has been received. Petitioning for approval and referral to panel.

One letter of support has been received.

Consultations:

None.

Summary of Main Issues:

1. Impact on street scene.
2. Impact on amenity of neighbours.

Appraisal:

The proposal is for a domestic extension in the curtilage of a dwelling-house. It is neither a listed building nor within a conservation area.

Scale of the extensions and impact on street scene

Whilst the principle of an extension to the side of this semi would be acceptable, the issue here is the scale, design and position of what is proposed in total. The proposals include a hip to gable roof enlargement to the roof of the original dwelling as well as a two storey side extension. As it is being proposed in combination with the two storey extension, planning permission is required for the hip to gable enlargement and the impact of the combined proposals on the setting of this semi in the street scene needs to be considered.

This combination of the hip to gable enlargement and a two storey side extension would appear prominent and would unbalance the semi-detached pair. The pair of houses is awkwardly positioned in that it is set at an angle to the main road so that the side extension and hip to gable enlargement would both appear very prominent. The resulting building would appear bulky and very mismatched with its adjoining semi at 1 Grange Crescent. The site is prominent being set at an angle to Grange Road so it is in full view to people travelling down the street. The street is well used as it is the access to Riddlesden Primary School.

The adjoining dwelling has a two storey side extension which has a successful and well balanced hipped roof design matching the profile of the original roof. It sets a good precedent for how an appropriate and suitably balanced extension might be added to the application property.

The presence of this hipped roof extension to 1 Grange Crescent would also mean that the bulkier extension being proposed to No 24 Grange Road would appear even more incongruous. Viewed in the context of the original matching pair to people approaching from the east, the proposed extension would appear imposing, to lack the appropriate degree of subservience and to unbalance the original pair of houses. This would be to the detriment of the character and visual amenity of the existing dwelling and the street scene.

As stated the adjoining dwelling has a two storey side extension which sets a good precedent for similar development to the application property, but the larger extension being proposed is regarded as being too large and imposing. It would create an incongruous and inappropriate feature which would cause harm to the character and appearance of the existing dwelling and the street scene. It does not meet design principles in the Householder SPD guidance and is contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan Document.

Impact on Neighbours

The proposed extension would be close to the side wall of 26 Grange Road and the projection at the rear would press close to its back garden. Three bedroom windows are shown at 1st floor level of the extension and face onto the neighbouring house and its garden at close quarters.

It is noted that objection has been received regarding loss of light to windows in this adjoining house and to loss of outlook. The neighbour is also concerned about overlooking and overshadowing of garden areas due to the scale and proximity of the extensions being proposed.

Due to its size and proximity, the proposal would cause some loss of outlook from a side window to a kitchen in 26 Grange Road. However, this seems to be a secondary window and two of the bedroom windows look across the front garden and towards the street. The proposed extension will increase overshadowing of the rear garden at No 26 to some extent, but this area is already overshadowed by the dwelling at 26 and the increase caused by the extension is not considered so severe as to warrant refusal on this point.

However, the more pressing problem is that one of the bedroom windows would cause overlooking of the rear private amenity space to 26 Grange Road. This would allow views directly onto the neighbouring property and appear very invasive. The overlooking of the back garden of 26 Grange Road at very close quarters is a further problem with this bulky extension. It would not ensure satisfactory standards of amenity for existing occupiers of the adjoining property and is contrary to Policy DS5 of the Core Strategy.

Impact on Highway Safety

The site does not benefit from off street parking and none has been shown on the proposed plans. The site is close to a primary school and parking has been identified by objectors as being a problem in this location. Given the increase in size proposed by the applicant the lack of off street parking is considered likely to result in an increase in on street parking which will have a detrimental impact on traffic and pedestrian safety.

Other Matters Raised By Representations

Damage during construction.

It is the developer's responsibility to ensure that damage is not caused to adjoining land or property during construction. Had approval been recognised then a footnote reminding the developer of their responsibility would have been attached to the decision notice.

Dirt and disturbance during construction.

House extensions tend to be completed in a relatively short time and disturbance during construction is usually reasonably temporary. Any excessive dirt, noise or disturbance during construction would be a matter for Environmental Protection.

Community Safety Implications:

The proposal raises no know community safety implications.

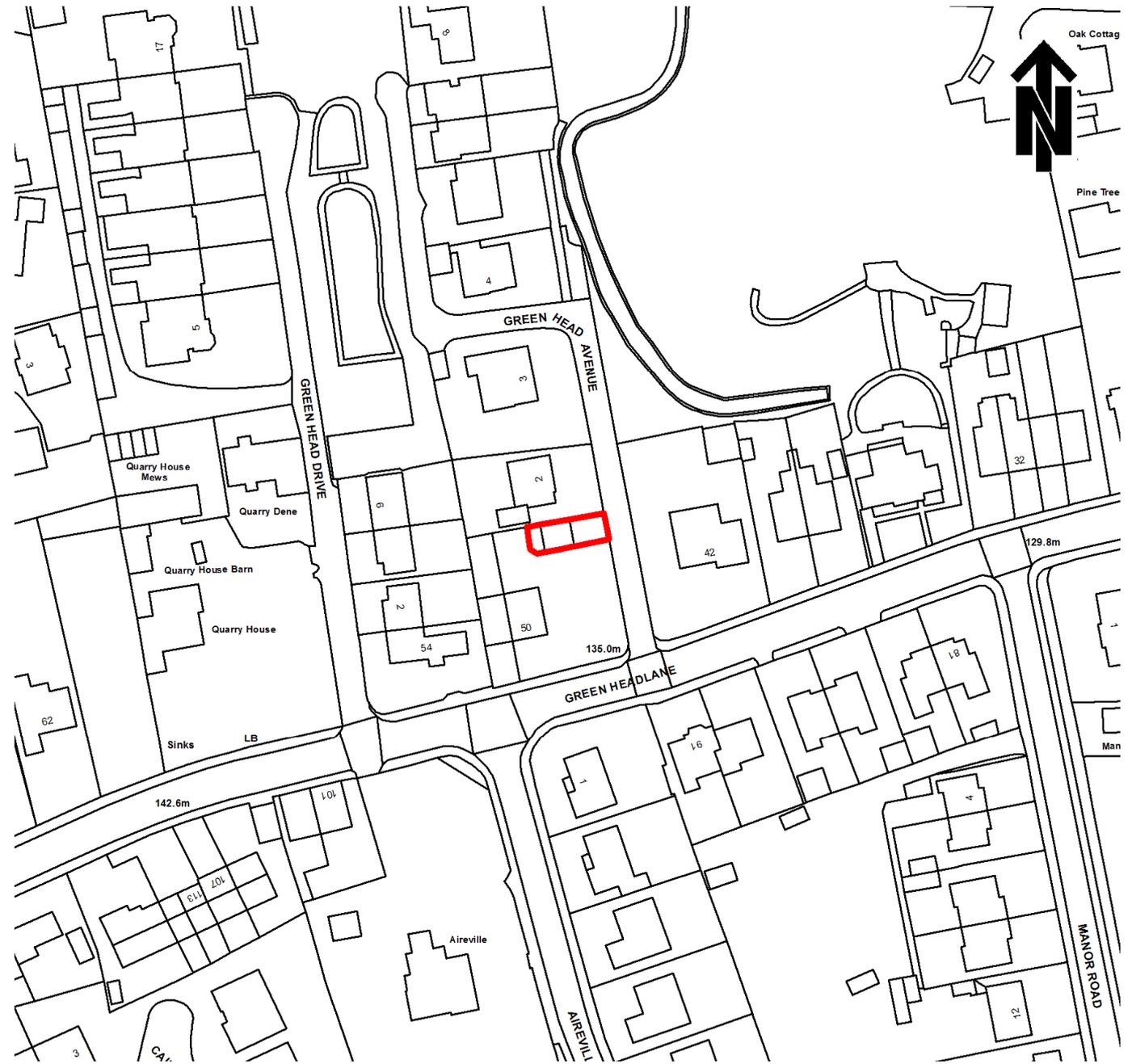
Equality Act 2010, Section 149:

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. The combination of the proposed hip to gable enlargement and two storey side extension would by reason of their size and unbalancing effect create an incongruous and inappropriate feature which would cause harm to the character and appearance of the existing dwelling and the street scene. The resulting building would appear bulky and mismatched with its adjoining semi at 1 Grange Crescent. The proposal does not meet design principles in the Householder SPD guidance and is contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan Document.
 2. The proposed extension would be close to the side elevation of 26 Grange Road and its garden areas. Three bedroom windows are shown at 1st floor level facing onto the neighbouring house and its garden at close quarters. The extension would cause overlooking and would not ensure satisfactory standards of amenity for existing occupiers of the adjoining property and is contrary to Policy DS5 of the Core Strategy.
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18/01380/HOU



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**48 Green Head Lane
Keighley
BD20 6EU**

11 July 2018

Item: H
Ward: KEIGHLEY CENTRAL
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
18/01380/HOU

Type of Application/Proposal and Address:
Householder planning application for construction of a detached garage in place of an existing garage at 48 Green Head Lane, Keighley, West Yorkshire, BD20 6EU.

Applicant:
Mr Sajad Ahmed

Agent:
Mr Michael Ainsworth

Site Description:
The site is a small plot of land to the rear of a row of recently constructed houses fronting Greenhead Lane. These include the applicant's house at No 48. The application land is separated from the small back gardens of the houses by a narrow back access. This leads off a narrow access called Greenhead Avenue which serves a number of other dwellings. The site presently consists of a level hard standing, open to Greenhead Avenue and an existing double garage set back behind the hard standing. The site abuts the curtilage of No 2 Greenhead Avenue. The drive of this detached house drive abuts the application site.

Relevant Site History:
15/00173/FUL Demolition of existing double garage and construction of new two bedroom detached house and new front car parking bay with dropped kerb footpath crossing. Refused 13 March 2015.

Reasons for refusal;

1. The means of access is of restricted width and lacks adequate turning facilities to provide an adequate and appropriate route for vehicular traffic.
2. The proposal is poorly related to existing properties and affords inadequate privacy to existing and future residents. Loss of amenity to prospective occupants would particularly result from the proposed access being adjacent to the gable ends of the dwelling and the restricted parking and turning area directly adjoining rear garden area of the proposed dwelling.
3. The proposed development would represent a cramped and incongruous form of development which would not reflect the existing balance and relationship between buildings, gardens and landscaping in this locality.

17/05828/HOU Construction of detached garage in place of existing garage Withdrawn 4 January 2018.

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.

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 unallocated in the RUDP. Accordingly, the above adopted Core Strategy and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

- SC9 - Making Great Places
- DS1 - Achieving Good Design
- DS2 - Working with the Landscape
- DS3 - Urban character
- DS4 - Streets and Movement
- DS5 - Safe and Inclusive Places

Supplementary Planning Guidance:

Regard has been given to guidance in the adopted Householder Supplementary Planning Document.

Parish Council:

Keighley Town Council - No comments received.

Publicity and Number of Representations:

Publicised by neighbour notification letters with expiry for comment date of 1 May 2018.

Summary of Representations Received:

- 19 representations of support (from 16 households) have been received.
- 16 representations objecting to the proposal (from 10 households) have been received.

A Ward Councillor supports the application and has requested referral to panel.

Objectors comments (16 objections received from 10 households)

- The proposal is out of scale with what might be required for a domestic garage use.
- The large shutter door looks more like a commercial business unit and is inappropriate.
- The size of the building is over development and will have an adverse visual impact on the area.
- The proposal would lead to increased noise levels.
- The proposed window in the apex of the roof suggests a 1st floor and would allow overlooking.
- The proposal would lead to increased traffic movements and would interfere with use of the shared access road by existing residents.
- The applicant's property already has integral garage facility.
- Reference is made to security lighting. This would impact on neighbour's amenities and could have biodiversity implications.

Support comments (19 comments received from 16 households)

- No adverse impact on area or residents.
- Objections are unsubstantiated and should be disregarded.
- The site is untidy and the proposal would help to tidy it up.
- The proposed development would act as a deterrent for anti-social behaviour.
- The proposal is a simple replacement, cars are larger now and a larger garage is justified.

Consultations:

None.

Summary of Main Issues:

Impact on local character and visual amenity.
Impact on the amenity of occupiers of adjacent land.
Highway safety issues.
Other matters raised by objectors.

Appraisal:

The proposal seeks permission for a detached garage on this small plot of land to the rear of 48 Greenhead Lane. The plot abuts and takes access from Green Head Avenue which is a narrow lane. The site currently accommodates an old detached double garage which is in disrepair.

This submission follows application 17/05828/HOU for a similar development which was recommended for refusal but which was withdrawn just before the Area Planning Panel was due to meet to assess it in January 2018.

As before, the plans show an intention to build in coursed natural stone with a grey slate roof.

Compared with the withdrawn proposal, the height and therefore massing have been reduced. The agent says this is with regard to comments about the previous planning application, and that the reduction in height now makes it in keeping with many of the extended houses around it. He says particular consideration has been given to the perceived mass as seen from Greenhead Lane and Greenhead Avenue.

The current application has the eaves and ridge heights reduced by 0.5m compared with the withdrawn proposal. The ridge is reduced from 5.604 and the eaves from 3.543 metres. Length and width measurements (10.3 and 5.5 metres) remain the same.

The principal issue is the height of the garage building and the effects of this scale of structure being built on such a cramped plot close to other houses. The local residents are concerned that the proposed garage would be substantially larger than the one that currently exists on the site and therefore would be a dominant and inappropriately large structure intruding into what is a close knit residential area.

The existing garage has a shallow pitched, low rise roof and so it is a relatively unobtrusive building with a height of 3.1 metres to the ridge.

The proposed replacement garage would have a steeper roof pitch rising to a height of 5.104 metres at the ridge and 3.043 metres at the eaves.

As stated above, the ridge and eaves heights have been reduced by 0.5 metres compared with the withdrawn proposal from January 2018.

The existing garage has a length of 5.2 metres. The replacement building would have a length of 10.3 metres. The width of 5.5 metres would be the same as the existing garage.

Impact on local character and visual amenity

The site is surrounded by residential development on all sides.

The principal of a conventional garage being built on this plot to replace the existing poor quality building is not opposed, but the height of what is proposed seems significant given the cramped size of the plot and the proximity to the surrounding houses. The additional height compared with the present low rise garage would mean that it would appear more intrusive and overbearing. The site is visible, though not unduly prominent in views from Greenhead Lane, but it is visible to those approaching along Green Head Avenue which is a narrow access serving a number of other dwellings.

Features such as the large shutter door, also will not help the proposed garage blend with the residential surroundings, and although the agents submission talks about the perceived mass seen from Greenhead Lane and Greenhead Avenue being softened by maintaining existing trees/hedges, in reality there is little screening or softening afforded by any hedges of trees.

It is also noted that the applicant's property at 48 Green Head Lane already includes an integral garage and forecourt parking which seem sufficient to serve the needs of the occupiers of the domestic dwelling. Nothing in the submission explains why an additional garage with an increased footprint and increased height are necessary to meet any particular special needs or family circumstances. There is nothing to explain why a 5 metre high replacement garage as opposed a more conventional one closer to the height of the existing garage is necessary.

On balance, the increase in height of this proposed garage are such that it would appear out of context in this cramped setting and it would appear overbearing of the plot and harmful to the character of the area. This is contrary to Policies SC9, DS1 and DS3 of the Core Strategy DPD which require planning decisions to create high quality places through good design.

Impact on neighbouring properties

As well as appearing visually intrusive and out of place due to its height, there are also concerns about the effects on the outlook and therefore amenity of adjoining residential neighbours whose properties are very close. The proposed garage would take up more of the plot than the existing garage, as well as rising to a greater height of 5.1 metres at the ridge.

It would affect outlook from rear windows in 46 and 48 Greenhead Lane as it would be built around 7.5 metres from those rear windows and these homes have restricted back yards that would also be affected by the large side wall and roof stretching along the rear access.

The other side of the garage would also be set only 3.7 metres from the side windows of 2 Greenhead Avenue which also contains a conservatory facing towards the site. The side wall, being 3.04 metres to the eaves, would be placed directly south of 2 Greenhead Avenue and its conservatory. Being 10.3 metres in length this side wall would run along a significant proportion of the joint boundary creating a long and solid expanse of masonry directly on the boundary and with the roof then rising to 5.1m at the ridge.

The agent is aware that there are, once again, concerns from neighbours about the height of the garage and has attempted to demonstrate lack of impact by showing 25 degree lines on the drawings to demonstrate that unacceptable loss of light would not result. However, the issue is not just the effects on daylight to the nearest windows – it is the concern that the taller and longer expanse of the proposed garage would create an oppressive and dominating feature affecting outlook from the neighbouring houses. This is not addressed by the annotations on the drawing. The 25 degree line shown in relation to 2 Greenhead Avenue does not take into account the glazed conservatory.

The objections from neighbours that the garage would have an overbearing effect on the surrounding homes seem correct. Being 10.3 metres in length and 5 metres high the sides of the garage would create a significantly more intrusive feature than the present structure, with the solid side walls affecting outlook and amenity of the neighbouring properties. For this reason it is contrary to Policy DS5 of the Core Strategy DPD which seeks to secure amongst other things good standards of amenity for existing and future occupiers of land and buildings.

Highway Issues

The proposed garage would project further forward than the existing garage but the plans show it would retain a hard standing of 5.6 metres between the door and Greenhead Avenue so it would not encroach over this access road. Objectors refer to the substandard access and traffic conflicts, and it is the case that the intensification of use of the unsatisfactory access was a feature of the refusal of the 2015 application for a dwelling on the land.

However, whilst there would certainly be objections to an intensive commercial business operating from the site on highway grounds, if the garage remained entirely in domestic use, levels of vehicle movements would be relatively low and it is unlikely there would be a significant conflict in terms of vehicle movements and highway safety implications – but this would be dependent on ensuring that it will remain entirely in domestic use.

Other matters raised in the representations

It is perhaps understandable why objectors consider that the additional height might allow the building to become a house in the future. But this application can only be considered as a garage – the proposal as submitted. Subsequent change of use would require planning permission and would be considered on its own merits.

Comments have been received questioning the intended use of the proposed building. The application purports to be for a detached garage for use by the occupants of number 48 Greenhead Lane. Although no information has been provided justifying why it needs to be 5.1 metres high and over 10 metres long, the concerns regarding subsequent use for non-domestic purposes would be a matter for Planning Enforcement should there be any unauthorised non domestic use in the future. Any commercial or business use would be unauthorised and would require a further planning application.

Comments have also been received regarding use of security lighting. Whilst this is mentioned in the accompanying Design and Access statement, no details of lighting are shown on the submitted drawings. However, if the application was approved, conditions could be attached regarding lighting to protect the amenities of neighbours.

With regard to support comments that the proposal would tidy the site up, the physical condition of the site does not seem especially bad. The benefits of improving the appearance of the existing garage are outweighed by the negative effects caused by the incongruous scale of the new structure. Although supporters say the proposed development would act as a deterrent for anti-social behaviour, there is no explanation regarding what problems have occurred here, or how a new garage on a separate plot from the applicant's house and that would presumably be infrequently attended would provide a deterrent compared with the existing garage.

Community Safety Implications:

The proposal poses no apparent community safety implications.

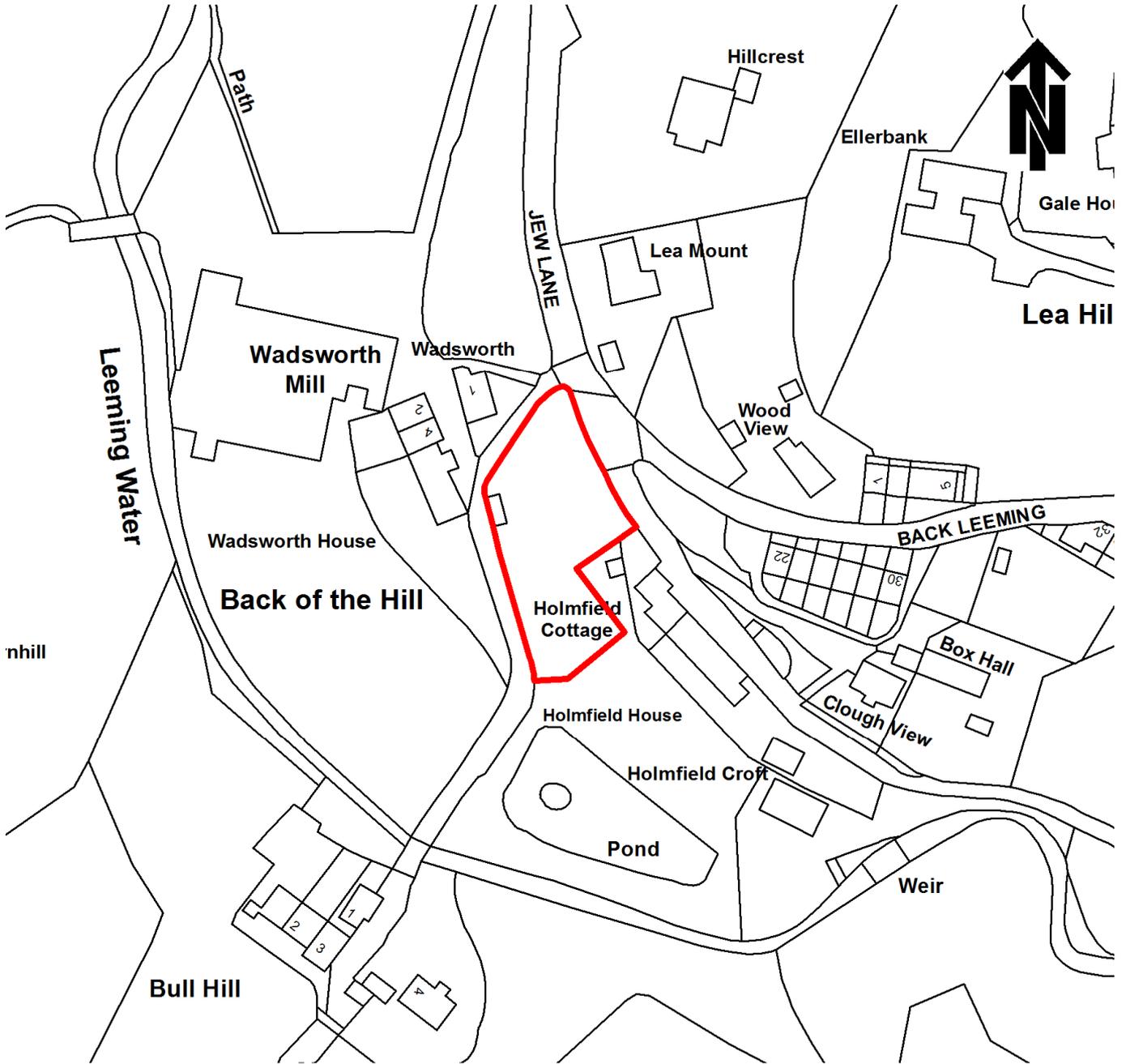
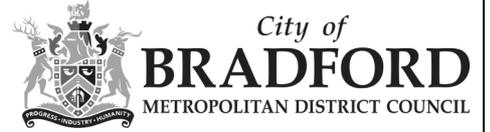
Equality Act 2010, Section 149:

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.

Reasons for Refusal:

1. The increased scale, height, and massing of this garage compared with the existing structure on the site would create an incongruous and visually intrusive feature. It would appear out of proportion with its surroundings, and detract from the character and appearance of the locality contrary to Policies SC9, DS1 and DS3 of the Core Strategy Development Plan Document.
 2. The height, length and scale of the proposed garage are such that it would present a physically dominating and imposing feature alongside the boundary with 2 Greenhead Avenue, and in relation to the rear elevation windows and back yards of 46 and 48 Greenhead Lane. It would cause loss of outlook from those adjoining properties, to the detriment of the amenity of the occupants, and contrary to Policies DS5 and DS3 of the Core Strategy Development Plan Document.
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18/01463/FUL



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Land West Of Holmfild
Jew Lane
Oxenhope Keighley

11 July 2018

Item: I
Ward: WORTH VALLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
18/01463/FUL

Type of Application/Proposal and Address:
Construction of a detached dwelling on Land west of Holmfield, Jew Lane, Oxenhope, Keighley.

Applicant:
Mr Stephen Couch

Agent:
Mrs Amy Pickard

Site Description:
This sloping site is located in Oxenhope Lower Town Conservation Area on land identified by the adopted Conservation Area Assessment as 'key open space' which also contains 'key woodland/ group of trees'. The Conservation Areas Assessment also identifies the land as part of a wider area which makes a positive contribution to the character of the area. The site contains a number of large, mature trees which are protected by Tree Preservation Order.

Relevant Site History:
09/00650/FUL: Construction of one dwelling house. Refused due to highways concerns and impact on protected trees and the character of the conservation area.

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document 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 unallocated. Accordingly, the following adopted Core Strategy policies and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving Good Design
DS3 – Urban Character
DS4 – Streets and Movement
DS5 – Safe and Inclusive Places
EN3 – Historic Environment
EN4 – Landscape
EN5 – Trees and woodlands
HO9 – Housing Quality

Saved RUDP Policies

OS8 – Small areas of open land in villages

Parish Council:

Oxenhope Parish Council – a comment has not been submitted.

Publicity and Number of Representations:

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

Summary of Representations Received:

Thirteen letters of objection were received.

Nine letters of support were received including one from a Ward Councillor referring the application to Panel if it is recommended for refusal.

Grounds for objection were:

1. Loss of this open space is inappropriate. The site is identified as important open space to the character of the Conservation Area. No justification has been submitted for its loss.
2. The house would be of inappropriate design. Particularly the timber board cladding and the sedum roof.
3. The scheme is being sold to all as a modest single storey dwelling yet its footprint is out of character and its 2 storey element to the south and west is understated in the justification statements submitted.
4. It will cause loss of privacy and overshadowing.
5. Adverse impact on trees.
6. Harmful impact on wildlife. No Ecological Survey has been submitted.
7. Impact on highway safety.

Grounds for support were:

1. It is a smaller scale house than in 2009.
2. A sensitive single story dwelling with a sedum roof would blend in and clean up an untidy area.
3. With an appropriate meadow garden it would retain and attract wildlife.
4. The house would provide much needed accommodation for those wishing to 'downsize'.
5. The off road parking should clear up the roadside congestion and the building method of screw piling foundations avoids damage to tree roots.

Consultations:

Design and Conservation Officer:

Objects. The principle of development on this site is unacceptable, and the design is out of keeping. The development of the land and the particular proposal being put forward are contrary to the advice of Paras.131, 134 and 137 of the NPPF and policy EN3 of the core strategy and to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

TreesTeam:

Objects. Confirms the importance of the large protected trees at this site. However, the application lacks almost all of the arboricultural information that would be expected and required for a submission of this type. Irrespective of the lack of evidence the Tree Officer is unconvinced that the proposed can be built in a manner that would avoid unacceptable tree damage during construction.

The vague mention of piled foundations does not alter that opinion.

There would be, on the balance of probability, irresistible pressure to lop and remove trees after occupation which would be harmful to visual amenity. Without evidence to the contrary the application fails on policies DS1, DS2, HO9, EN5 and significant lack of submitted evidence to address the tree issues.

Summary of Main Issues:

1. Design and effects on the character of the landscape.
2. Impact on Lowertown Conservation Area.
3. Harm to trees.
4. Impact on residential amenity.
5. Highway issues.

Appraisal:

Design and effects on the character of the landscape

This site is one of a number of interlinked open spaces, small woodlands, paddocks and gardens within this part of Oxenhope which collectively give the area its strong rural characteristics. These areas of open land provide the spatial separation and setting to an assortment of traditional stone buildings. As sloping, open land, it is very prominent from some vantage points and generally lends much to the character, distinctiveness and setting of the Lowertown area, which is also part of Oxenhope Lower Town Conservation Area.

Planning Officers have previously advised the owner that a house on this land would not be supported because of the importance of the land and the mature trees that surround it to the character of the area. There is a strong rural feel to this part of the conservation area and this is, to a great extent, derived from the intervening paddocks and other open spaces, and the tree cover. The land itself is fringed by mature trees and is in a part of the village that is of high visual quality and great charm.

Consequently, the land is identified by the adopted Conservation Area Assessment as 'key open space' which also contains 'key woodland/ group of trees'. The Conservation Areas Assessment also identifies the land as part of a wider area which makes a positive contribution to the character of the area. The Lowertown Conservation Area Appraisal identifies the site as Key Open Space containing key groups of trees. It is part of a wider tract of open land that makes a positive contribution to the character and appearance of the conservation area.

Furthermore, saved policy OS8 of the RUDP, seeks to safeguard small sites such as this that are within the curtilage of the District's villages. It states:

PROPOSALS FOR DEVELOPMENT ON SMALL AREAS OF OPEN LAND IN THE VILLAGES OF:

ADDINGHAM; DENHOLME; HAWORTH; WILSDEN; CULLINGWORTH; HARDEN; THORNTON; BURLEY-IN-WHARFEDALE; EAST MORTON; OAKWORTH ; MENSTON; OXENHOPE; STEETON AND EASTBURN

WILL NOT BE PERMITTED WHERE IT WOULD RESULT IN THE LOSS OF OPEN SPACE WHICH IS IMPORTANT TO THE CHARACTER, VISUAL AMENITY AND LOCAL IDENTITY OF THE SETTLEMENT.

This open land is considered intrinsically important to the character, visual amenity and local identity of this part of the settlement. The plot is bounded by roads and public footpaths so it is also prominent and visible to the public unlike the open areas in the curtilage of Gale House, referred to by the agent's submission. Loss of this open land to development would significantly erode the contribution of the land to the conservation area - both in terms of its spatial role as part of a wider open break in the built form and, more obviously, its contribution to the charm and visual attractiveness of this part of Oxenhope.

The proposal would not only be an intrusive incursion, the proposed form and design of dwelling tabled is inconsistent with the prevailing character of the conservation area. Timber boarding is proposed but is a material which is alien to this conservation area. The vertical boarding to the house would appear overpowering when looked at from the lower road. A sedum roof would also not reflect the roofs of adjacent buildings. Most adjacent buildings are roofed in stone slates or blue slates.

Generally the contemporary style of house being proposed appears very suburban in style and out of keeping in an area dominated by traditional vernacular houses and cottages and traditional stone materials. Although contemporary design can have a place in the historic environment, the proposed design and form presented here does not respond to the surrounding context of the site. The design would be out of keeping and harmful to the character of the landscape and the conservation area. There is no public benefit associated with the proposal to counter the harm which would arise to local amenity. There is conflict with design and landscape Policies DS1, DS2 and EN4 of the Core Strategy DPD, and with Saved Policy OS8 of the RUDP.

Impact on Conservation Area

Additionally, and as identified above, the site is one of a number of interlinked open spaces fringed by mature trees that lends much to the character, distinctiveness and setting of the Lowertown Conservation Area. It is part of a wider tract of open land that makes a positive contribution to the character and appearance of the conservation area. The Lowertown Conservation Area Appraisal identifies the site as Key Open Space containing key groups of trees.

Para.137 of the NPPF suggests that new development in conservation areas should enhance or better reveal the significance of the area. Para.133 of the NPPF makes clear that consent should be refused if substantial harm to a designated heritage asset would arise. Para.134 states that where less than substantial harm is expected, the harm must be weighed against public benefits. Although the harm to the wider conservation area may not be of substantial magnitude, the development of key open spaces is identified as a direct threat to character in the adopted character appraisal. There is no evident public benefit associated with this proposal to offset the significant harm which would arise.

The statutory duties of the planning authority must be borne in mind. In respect of any buildings or land in a conservation area, the planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72, Listed Buildings and Conservation Areas Act 1990). The weight required to be attached to this duty must not be underestimated, and exceeds the importance attached to other planning considerations.

The principle of development on this site is unacceptable, and the design is out of keeping. The development of the land and the particular proposal being put forward are contrary to the advice of Paras.131, 134 and 137 of the NPPF and policy EN3 of the core strategy and to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on the Amenity of Neighbours

The proposed dwelling is separated from the nearest houses and is not considered to cause any significant overshadowing of those adjacent. However, it would be positioned on the hillside with a decking area to the north side which would cause overlooking of the habitable room windows of Wadsworth House to the west. For this reason it would also be contrary to the amenity of existing occupiers and in conflict with Policy DS5 of the Core Strategy DPD.

Impact on Highway Safety

The Highway Officer has previously said that although the roads around the site are substandard in some respects, the construction of a single dwelling could be supported in principle subject to satisfactory access and parking details being submitted. In particular, the site slopes steeply downwards and it will be important to ensure and satisfactory gradients and visibility to the parking spaces and means of access. However, neither has been demonstrated on the submitted plans.

Furthermore the provision of a parking area from Jew Lane is likely to require the construction of retaining walls. No details of these have been shown on the plans.

The design detail relating to parking and means of access are therefore unsatisfactory and highway objections and concerns of objectors have not been properly addressed. The proposal has to be regarded as being contrary to highway safety.

Impact on Trees

The site is bounded by large, mature trees protected by long-standing Tree Preservation Orders (TPOs). These trees are visually significant, widely visible and add to the sylvan character of the area. Due to the constrained nature of the site, there is great doubt whether or not any development could be practically delivered without harming the trees during construction and whether there will likely be sustained pressure (possibly irresistible) to lop or remove trees after occupation of any dwelling built on the land.

There is a suggestion from the agent that piled foundations would be used but a lack of detail as regards how these would be delivered. Indeed the Tree Officer remarks that the application lacks almost all of the arboricultural information that would normally be expected and required for a submission of this type and given the obvious constraints that trees present to a successful and environmentally sustainable development. But irrespective of the lack of evidence the Tree Officer is not convinced that the proposed house could be built in a manner that would avoid unacceptable tree damage during construction.

Therefore, it seems clear that a development here would have a negative impact on the health and longevity of the trees and the threat to trees would significantly diminish local visual amenity. Irrespective of the lack of evidence it is considered unlikely that the proposed house could be built in a manner that would avoid unacceptable tree damage during construction and that there would be irresistible pressure to lop and remove trees after occupation which would be further harmful to visual amenity.

The proposal is contrary to Policy EN5 of the Core Strategy which seeks to protect the District's trees and landscape features and to the design policies which seek to integrate trees into new developments.

Other Matters Raised by Representations

Supporters refer to the neglected condition of the site, but this should not be regarded as affording any justification to a development that is unacceptable in principle. In any case, the condition of the land is not too detrimental to the area as a whole. The condition of the site should not fundamentally influence decision about the openness and positive contribution the site makes to the spatial characteristics of the conservation area.

Impact on wildlife: Whilst the land in its current condition is attractive to local wildlife due principally to the large trees, the site is not designated as a protected wildlife habitat.

Impact on drainage: Notwithstanding the need for further details regarding foul and surface water discharge and the need to achieve sustainable forms of drainage to prevent flood risk, the proposal is not considered likely to have a significant impact on drainage or flood risk and detailed consideration of drainage would in any case be a matter for Building Control and Drainage Sections.

Conclusion

This proposal would create an invasive and unsympathetic form of development on open land that is important to the character, visual amenity and local identity of this part of the settlement. Loss of this open land to development would harm the character of the landscape and significantly erode the contribution of the land to the Oxenhope Lowertown conservation area - both in terms of its spatial role as part of a wider open break in the built form and, more obviously, its contribution to the charm and visual attractiveness of this part of Oxenhope. The threat posed to the mature trees fringing the land would further compound the harm to the conservation area that would be caused.

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. The proposed dwelling is of unsympathetic design and would cause loss of an open space that is important to the character, visual amenity and local identity of this part of the settlement. The development would be visually intrusive and cause harm to amenity within this distinctive rural setting contrary to Saved Policy OS8 of the Replacement Unitary Development Plan and Policies EN4 and DS2 of the Council's adopted Core Strategy Development Plan Document.
2. Due to the loss of a key open space and the inappropriate and unsympathetic design of the dwelling, the proposal would harm the distinctive character and appearance of the Oxenhope (Lower Town) Conservation Area contrary to Policy EN3 of the Council's adopted Core Strategy Development Plan Document and the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The proposed dwelling would result in unacceptable damage to trees and tree roots during construction and would also result in subsequent irresistible pressure to lop and remove trees after occupation of any house built on the land. Trees surrounding the site are protected by Tree Preservation Order and are highly important to local amenity. The submitted arboricultural information is not sufficient to overcome objections on these grounds. The development would be harmful to protected trees and their contribution to visual amenity contrary to Policies DS2 and EN5 of the Council's Core Strategy Development Plan Document.

4. The proposed dwelling includes a raised decking area which would result in overlooking of habitable room windows in the front elevation of Wadsworth House to the west of the site. This would be to the detriment of the residential amenity of the occupants of that dwelling and contrary to Policy DS5 of the Council's Core Strategy Development Plan Document.
 5. The submitted plans fail to demonstrate that satisfactory gradients or visibility standards can be achieved for the proposed car parking facilities and means of access. Furthermore the provision of a parking area accessed from Jew Lane is likely to require the construction of retaining walls. No details of these have been shown on the plans. The absence of satisfactory design detail relating to parking and means of access are such that the proposals are contrary to interests of highway safety and contrary to the National Planning Policy Framework and Policy TR2 of the Core Strategy Development Plan Document.
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