

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on Wednesday 14 February 2024

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Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	Meadow View 37 Southway Manor Park Ilkley West Yorkshire LS29 7HJ - 23/03220/HOU [Approve]	Wharfedale
B.	Cedarcroft Shann Lane Keighley West Yorkshire BD20 6NA - 23/00991/FUL [Refuse]	Keighley Central
C.	Land At Nab Wood Drive Shipley West Yorkshire BD18 4EW - 23/04297/FUL [Refuse]	Shipley

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Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

23/03220/HOU



1:1,250

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Meadow View
37 Southway
Manor Park, Ilkley
LS29 7HJ

14 February 2024

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

Application Number:
23/03220/HOU

Type of Application/Proposal and Address:

Householder planning application to retain the raised land levels and retaining structures in the rear garden at Meadow View, 37 Southway, Manor Park, Burley-In-Wharfedale, Ilkley, LS29 7HJ.

Applicant:
Mr & Mrs Pearson

Agent:
Planning Potential

Site Description:

The property is a modern detached dwelling which has recently been constructed as a replacement dwelling on this plot. 37 Southway sits within an isolated cluster of large suburban-style houses at Manor Park on the outskirts of Burley-In-Wharfedale.

The rear garden, like the other gardens on the north stretch of this section of the street, have a considerable length (approx. 50metres) with the land levels falling away as they extend toward their rear boundary. There is a field beyond which also forms part of the flood plain for the River Wharfe. There are no views of the rear garden from a public vantage point. The site is located in the Green Belt.

Relevant Site History:

21/01779/FUL - Demolition of existing dwelling, detached garage and coal store and the construction of a replacement detached dwelling with a subterranean level and vehicle access from Southway GRANT 28.05.2021.

21/03876/VOC - Variation of condition 2 (approved plans) of planning permission

21/01779/FUL - To replace with drawing numbers 8456-BOW-A0-ZZ-DR-A-1001 REV P3, 8456-BOW-A1-01-DR-A-2001 REV P10, 8456-BOW-A1-01-DR-A-3001 REV P8 and LL01 REV C GRANT 16.09.2021.

23/01314/HOU - Amend land levels to rear garden WDN 25.08.2023.

The National Planning Policy Framework (NPPF):

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

Replacement Unitary Development Plan (RUDP)

The RUDP is the statutory Development Plan for the Bradford District. It was adopted by the Council on 15 October 2005. The site is not allocated for any specific land use but is within the designated Green Belt in the RUDP.

RUDP Policies

GB1: New buildings in the Green Belt

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs.

Core Strategy Policies

SC7 Green Belt
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban Character
DS5 Safe and Inclusive Places
EN2 Biodiversity and Geodiversity
EN4 Landscape
EN7 Flood Risk
EN8 Environmental Protection

Saved RUDP Policies

GB1 Green Belt

The Burley-In-Wharfedale Neighbourhood Plan:

The Neighbourhood Plan was adopted on the 3 May 2018.

Neighbourhood Plan Policies

BW2: Development outside of the settlement

Publicity and Number of Representations:

The application was advertised by neighbour notification letters. The deadline for comments was the 25.10.2023. 14 letters of representation have been received, including one from an Ilkley Ward Councillor. The Ward Councillor has referred the application to Area Planning Panel for determination in the event of an officer recommendation to approve.

Summary of Representations Received:

Support comments (6):

- No negative impact from this development which cannot be seen by 99% of the residents on this street.
- Sensible to retain the soil rather than get lots of truckloads to deposit soil elsewhere.
- Have worked in construction industry over 25 years and have viewed the sleepers. These are acceptable as a retaining structure for the landscaping works.
- Been some terrible bitterness and derogatory remarks from some neighbouring occupants. Not necessary.

Objector comments (8):

- Retrospective. No consultation with neighbouring landowners by applicants and no notification of the application by the Council. Owners carried on without permission. Should be made to put it back to original or approved levels.
- Major engineering operation which impacts on the Green Belt.
- Field to rear used for the production of food. Cannot be impacted by additional drainage from this site. The Environment Agency has not visited to inspect.
- Large holes in structure suitable for vermin.
- Raised up to 1.6metres in height in parts. Overlooking/loss of privacy.
- Old timber used. Not appropriate. Not stable and at risk of collapse. Danger to neighbours. Who is liable if the structure fails?
- Timbers have been painted with creosote which is poisonous to plants and wildlife.
- No drainage. Has already caused fungi and moss to grow on numerous neighbouring plots.
- Flood zone 2 and 3 and so will cause extra flooding to neighbouring gardens.
- 40 plus Hawthorne trees damaged.
- Any support given by reason that it will mean less construction vehicles on the highway are not valid planning considerations.
- There is a conflict of interest in that the same planning officer that approved the previous plans is assessing this current application.

Parish Council:

No objections subject to a Flood Risk Assessment being submitted and confirmation from a suitable qualified person that the retaining walls are structurally sound.

Consultations:

Drainage

Following the receipt and consideration of the Flood Risk Assessment, no objection to the proposals.

Building Control

The work to the garden does not appear to need building regulations as it is not part of the dwelling.

Summary of Main Issues:

1. Planning Background and History
2. The Green Belt
3. Character and Appearance to Include Impact on Landscape Character
4. Residential Amenity
5. Flood Risk
6. Other Matters Raised in Representations

Appraisal:

1. Planning Background and History

In May 2021, the site gained permission to replace the existing dwelling with a new detached property with a subterranean level. The permission included some landscaping works to the rear garden which worked with the sloping nature of the land. Later in 2021, an amended scheme was approved, in effect allowing a minor variation to the approved dwelling. The proposed landscaping works remained.

As the construction works for the new dwelling progressed, the additional soil generated from the excavation of the subterranean level was retained on the site and spread across the rear garden, raising the natural land levels by various degrees but up to a height of 1.6metres. Some horizontal rail sleepers were added along the boundaries to create a retaining structure.

The works are now complete. Immediately to the rear of the house is a patio area which is level with the basement floor of the house with a sloping lawn beyond.

There is a planning enforcement case open for this site. All parties were aware that the landscaping works did not accord with the approved details and a planning application was submitted to address this. The previous application (ref: 23/01314/HOU) which was solely for the landscaping works was withdrawn because the land levels on the submitted section plan did not appear to correspond with that as viewed on site.

Both the enforcement and planning officer have carried out measurements on site and are satisfied that the land levels in this current application now correspond with the section plans provided.

2. The Green Belt

The site is located within an area of Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt serves five purposes as set out in the NPPF.

Saved Policy GB1 of the RUDP reflects the approach of the NPPF insofar as they state that permission will not be given within the Green Belt other than for certain specified purposes. However, it is not fully consistent with the NPPF due to differences in wording and the more limited exceptions to inappropriate development listed in GB1.

Policy SC7 of the Core Strategy relates to the Green Belt but is concerned with the release of Green Belt land and review of its boundaries, rather than individual applications for development in the Green Belt. As such, this policy is of limited relevance. Policy BW2 of the Burley-In-Wharfedale Neighbourhood Plan focuses on development outside the settlement

boundary and requires proposal to satisfy national and local policies relating to development within the Green Belt.

The determination of the application has therefore given weight to the provisions of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

This proposal for land level changes to the garden with the retaining structures would constitute an engineering operation.

Paragraph 155 of the NPPF (2023) states that engineering works are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The NPPF advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development, and it has both spatial and visual aspects.

There is no dispute that the proposals have raised the land levels of the rear garden but not to such a significant degree. The main dwelling continues to stand proud and the garden is predominantly a lawn and continues to have a sloping nature. The horizontal rail sleepers do not appear overly prominent and are a material often associated with landscaping works in domestic gardens. They do appear harmfully out of context.

The works have been carried out within the residential garden curtilage and the layout, with the long sloping lawn, is simple and entirely appropriate for this plot and commensurate with the surrounding gardens on this street. There is no identified spatial or visual loss of Green Belt openness from this development and the scheme does not conflict with the purposes of including land within it since it does not extend beyond the long-established residential curtilage and into the countryside.

The development is not inappropriate development in the Green Belt. There is no conflict with the above policies.

3. Character and Appearance to Include Impact on the Landscape Character

The gardens to the rear of these properties are extensive in length. The application garden has always had a sloping nature with vegetation along the common boundaries. There are no protected trees on this plot. Permission was not required to remove the small trees located towards the rear of the garden.

The works, which are now complete, continue to show a long sloping lawn. It appears sympathetic and akin to the other gardens in the immediate vicinity. Policy DS3 of the Core Strategy seeks to ensure development responds to the existing positive patterns of development which contribute to the character of the area. This has been achieved. In addition, set comfortably within the established curtilage, there is ample confidence that there are no wider adverse impacts on the landscape and thus no conflict with policies EN4 or DS2 of the Core Strategy Development Plan.

4. Residential Amenity

Properties on either side of 37 Southway are spaced relatively close together, with n.35 on a slight angle so that faces towards the application plot. Mutual oblique overlooking of rear garden areas is common between neighbouring properties. This appears to be generally limited to transient glances from upper floor rear windows. On either side of the common boundaries is vegetation in the form of hedging and trees. These prevent any direct overlooking between gardens. The hedging is also understood to be owned jointly by respective neighbouring owners and so there is degree of certainty that any significant changes to the height of the hedges would need to be agreed between both parties.

The increase in the land levels, with the inclusion of the rail sleepers have not created a raised platform that towers over the boundaries. The most apparent element of the retaining structure for a neighbouring occupant is to the rear (NW) corner at the bottom section of the garden. At the time of the site visit additional hedging /planting had been added in the gap. It cannot be agreed that the development results in an intrusive or dominant feature.

The works which were complete at the time of the site visit. This has allowed officers from both the Planning and Enforcement Teams to observe the impact on privacy levels from various vantage points in the garden. The development has not resulted in a notable increase in opportunities for direct overlooking at close quarters between gardens or into the neighbouring habitable rooms. This is due to the extensive and existing boundary treatment. There is no identified significant harm to privacy levels and no conflict with policy DS5 of the Core Strategy.

5. Flood Risk

The River Wharfe is some 200metres from the rear boundary of the garden, at its closest point. There is an intervening field identified as being a flood plain.

The northern end of the garden is located in Flood Zone 2 and 3 as defined by the Environment Agency Flood Map for planning and so at higher risk of flooding.

The Flood Risk Technical Note Document (reference 32417-SLEE-RP-C-0001), dated 1 December 2023 and submitted by the agent, indicates that the Environment Agency flood model outputs provide no depth or height data for any of the modelled scenarios at any location within the site boundary or immediately to the north, up to and including the 1 in 1,000-year flood event.

This signifies that the site does not provide flood storage for any of the design events required for assessment within local or national planning policy. For this reason and noting the small-scale development proposal, the Council's Drainage Engineer is confident that the development will not increase flood risk elsewhere.

The replacement house has an improved and more modern drainage infrastructure and so the plot is better equipped, more generally, to deal with surface water drainage than the original property. The proposal itself remains as garden (lawn) and has always had a sloping nature. The scheme therefore would not necessarily result in any greater level of surface water entering neighbouring plots. There is no identified conflict with policy EN7 of the Core Strategy.

6. Other Matters Raised in Representations:

Removal of Soil from Site

The government seeks to avoid the disposal of soil to landfill. The reuse of soil is an important factor in the Government Waste Strategy (2007) and contributes to breaking the link between economic growth and waste growth with the dual benefits of reduced environmental impact and the preservation of natural resources. In this respect, retaining the excess soil from the construction works on this plot is deemed as best practice.

Retaining Structure

The use of rail sleepers is a common material used for these types of garden structures. Dart Engineers Ltd have provided some structural calculations and not raised any concerns on this matter. In any event, the limited height of the retaining structure and its siting to the rear of a domestic garden with open land beyond is as such that it is judged to be highly improbable to cause significant risk or danger to life should it collapse.

The owners of the structure would be liable for any damage or costs to third party land should the structure collapse in the future.

Creosote is an oil-based wood treatment, effective when applied to exterior timbers. It is not an uncommon product and used on many wooden structures in a domestic setting. There is no substantive argument or evidence put forward that such a product would be so harmful to wildlife and plants.

The boundary hedging (Hawthorne) is a very hardy species. There was no obvious evidence of significant harm to the boundary treatment at the time of the site visit. There is sufficient confidence that any minor damage to the hedge would recover, and additional planting could be added if any small gaps appear.

The owners of the structure are responsible for the management / upkeep of the structure and incidences of vermin habitation as a result should be dealt with by them. This is not a material planning consideration.

Conflict of Interest as Same Planning Officer Dealing with Application

Individual planning officers do not make a final decision on their allocated planning application. They make a recommendation and present the case for a formal decision to management or to a Panel of Councillors, as is the case here. It is good practice for case officers to consider subsequent applications on any given site in the interests of consistency and to retain local knowledge as they can be best placed to understand how a development site has evolved. This is not a conflict of interest.

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 quality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission

The landscaping carried out at this site is acceptable and commensurate with the surrounding gardens. There is no conflict with the fundamental aim of safeguarding the Green Belt from inappropriate development or impact on the wider landscape character area. Despite the changes in land levels, there is no identified impact on the amenity (privacy) of the neighbouring residents and the structure does not appear overly intrusive. The development accords with the above policies. Officer recommendation is to approve.

Conditions of Approval:

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

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

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

Plan Type	Reference	Version	Date Received
Location	0001		30.08.2023
Proposed plans and elevations	0020	P2	30.08.2023
Proposed site	0010	P3	30.08.2023
Sections	0011	P2	30.08.2023

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

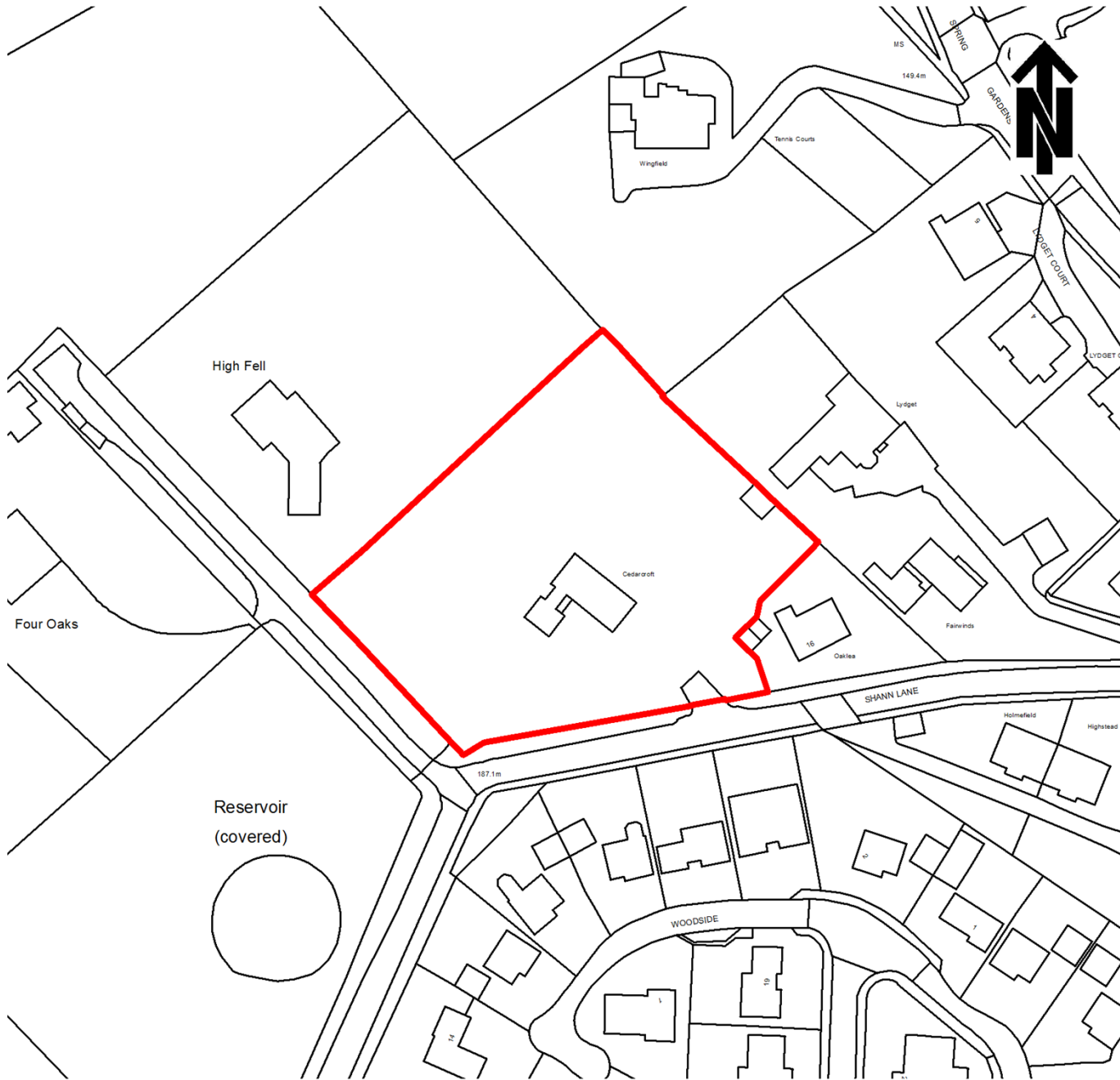
3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Class E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby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

Reason: To safeguard the openness of the Green Belt from uncontrolled curtilage development, to safeguard the amenities of occupiers of adjoining properties and to accord with Policies SC7 and DS5 of the Bradford Local Plan Core Strategy Development Plan Document.

23/00991/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Cedarcroft
Shann Lane
Keighley
BD20 6NA**

14 February 2024

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

Application Number:
23/00991/FUL

Type of Application/Proposal and Address:
Full application for the construction of a replacement dwelling together with a new form of vehicular access and a detached garage annex at Cedarcroft, Shann Lane, Keighley.

Applicant:
Mrs Sameera Kahn

Agent:
Mr Andrew Wolstenholme of aw+a architects ltd

Site Description:
Cedarcroft is a detached, L-shaped single storey timber clad dwelling, dating from the mid C20 and located centrally on a large residential plot on the north side of Shann Lane. The property is set at a lower level relative to the highway and clearly open to view. Directly to the west of the garden plot is a private access drive which serves the neighbouring dwelling to the rear, High Fell, amongst others. The surrounding area is largely residential in character with a mix of housing styles and ages in evidence.

Levels rise steeply when travelling along the Shann Lane in a westerly direction. Therefore, the bungalows to the east occupy a lower level relative to the application site. There is also a noticeable change in levels across the site from south to north. The modern residential properties at Woodside on the opposite side of Shann Lane are set at a higher level than Cedar Croft, which in turn is set above neighbouring properties beyond the rear garden boundary to the north.

Along the western plot boundary to the private drive is a stand of mature trees which are protected by way of a Tree Preservation Order (TPO 0506). It is evident that some protected trees have been recently felled on this part of the site. Prior to the submission of this application, the area of land to the south of Cedarcroft, between the bungalow and the highway, was heavily wooded, as confirmed by photographic evidence from 2022. However, at the time of inspection all trees and undergrowth had been comprehensively cleared from this part of the site. None of these trees were however protected. Mature sycamore trees also line the north-west boundary with High Fell, again these are not statutorily protected.

Relevant Site History:
None

The National Planning Policy Framework (NPPF):

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

Local Plan for Bradford:

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

Core Strategy Policies

DS1 Achieving Good Design
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
EN2 Biodiversity and Geodiversity
EN5 Trees and Woodlands
EN7 Flood Risk
EN8 Environmental Protection Policy
HO5 Density of Housing Schemes
HO9 Housing Quality
TR2 Parking Policy

Other Relevant Legislation

The Council's adopted Supplementary Planning Document 'Homes and Neighbourhoods: A Guide to Designing in Bradford' is also relevant.

Parish Council:

Keighley Town Council – No objection in principle. They have questioned whether or not a large, 4 storey property would be in keeping with the immediate surroundings and neighbouring properties.

Publicity and Number of Representations:

Advertised by NN letter with an expiry date of 11.5.2023.

8 objections have been received (from 7 respondents) and 2 representations received in support of the proposal. 2 Ward Councillors have requested that the application is considered by the Area Planning Panel if there is an Officer recommendation to refuse.

Summary of Representations Received:

Objector comments:

1. The height of the new dwelling would be excessive.
2. Neighbouring properties would be overlooked.
3. The proposed triple car, two-storey garage is unnecessary as there is ample garaging and parking provided for. The position of the garage would also overshadow and have an over dominant impact upon the outlook from neighbouring bungalows to the detriment of amenity.
4. There is potential for the garage building to become a separate annex given its overall size.
5. The occupants have already chopped down almost every tree on the site which has unacceptable consequences for wildlife, land stability and drainage.
6. The ecological survey is meaningless as large quantities of mature trees have been felled. The reference to 'fallen trees' is incorrect.
7. Plans are misleading and lack context since neighbouring properties, particularly those to the north of the site are not fully represented on the drawings. The trees as drawn do not exist on site.
8. Large areas of paving could have flooding implications for properties lower down the hill side in times of heavy rain.
9. Potential for drainage concerns as springs are common locally.

Support comments:

1. Good design
2. The development will result in additional housing

Both Ward Councillors have lent their support to the application and stated that the development would be in keeping with the character of the surrounding area and would not harm neighbouring properties. In their view, the site needs developing and there is a constant issue with fly tipping in areas that are not occupied. They would also wish to point out that the bushes and trees that were cut down did not have TPO's on them.

Consultations:

Biodiversity

Unable to support the proposal in its submitted form. Further investigation is required to demonstrate that the habitats of protected species (Great crested newts and badgers) will not be affected by the development.

The proposal will result in a Biodiversity Net Loss which is unacceptable. The Preliminary Ecological Appraisal (PEA) is flawed in that it is based upon the woodland condition of the site prior to the extensive tree felling that has recently taken place.

The bat survey findings are however accepted although it is noted that a European Protected Species Mitigation Licence (CL21) will be required prior to the demolition from Natural England.

Drainage

No objection in principle subject to conditions/informatives to address onsite drainage issues.

Highways Development Control

No objection in principle subject to conditions requiring the provision of domestic parking prior to first occupation of the replacement dwelling and the introduction of EV charge points.

Trees

Numbers of large and mature trees have been pre-emptively felled across the site and there is an open enforcement case pending full investigation. From an initial assessment, 3 protected chestnut trees are missing, at least one of which is in the location of the proposed new access. The submitted Arboricultural information is generic and vague and does not clearly demonstrate that the development, especially the new access point, could be achieved without further substantial harm to retained trees. Pending further investigation, there is a duty on the developer to replace trees removed without consent with new trees in the same place as the original. Developers should not be seen to benefit from a potentially unlawful act.

Summary of Main Issues:

1. Principle of Development
2. Impact upon Trees
3. Impact upon Neighbouring Occupiers
4. Impact upon Natural Habitats and Protected Species
5. Outstanding Issues Raised by Representations

Appraisal:

The proposal seeks approval for the demolition of the existing timber clad bungalow and its replacement with a substantial 3/ 4 storey, 7No bedroomed dwelling on the site. The dwelling is built to a contemporary specification from natural stone and render under a blue slate roof and incorporates glazed feature gables, recessed balconies and areas of larch cladding to the lower ground floor is an integral garage which accommodates 4 vehicles.

A large, 3 car garage is proposed towards the eastern plot boundary, adjacent to the rear elevation of the neighbouring bungalow, Oaklea, Shann Lane. The garage is a two-storey structure with dormer windows to the front and rear elevation. The upper floor is shown as storage. An expanse of hard surface is shown between the garage and north-eastern elevation.

Also, the scheme incorporates an additional driveway to the south-western frontage which takes access off the private access road to the west. This is shown between the existing stand of mature TPO trees.

The scheme has been amended since initially submitted in that the following changes have been submitted for consideration:

1. The height of the dwelling has been reduced by 1.2m
2. The garage has been brought forward 5m off the rear boundary
3. The tarmac hard surfacing has been replaced with a permeable surface
4. A landscaping scheme has been provided to mitigate against tree loss
5. The gates and posts to the entrance of the private road have been removed

In addition, further details of how level differences adjacent to the protected trees would be dealt with together with section drawings through the site and a street scene image to illustrate the impact of the scheme on Shann Lane.

1. Principle of Development

The principle of constructing a replacement dwelling on this site is acceptable. The existing bungalow is of no particular architectural merit and its removal would not be resisted. There is a mix of housing types within the local area and a contemporary dwelling need not be inappropriate. The house is large, but substantial dwellings set in large garden plots is characteristic of this location. High Fell, Wingfield and Lydgate are such examples. The property will be set at a lower level than the highway, dug slightly into the site. The modest reduction in height on the amended drawing, together with the tabled section drawings, demonstrate that the property could be accommodated reasonably comfortably on the plot without resulting in harm to the immediate street scene. There is also scope for an outbuilding to be added. It is regrettable that the woodland area to the frontage alongside Shann Lane has been cleared as this would have helped the dwelling to better assimilate into the site and reduced its visual impact.

Notwithstanding the concerns raised by objectors, and on the basis of the information contained on the amended plans, there is confidence that the replacement dwelling has the potential to accord with Policies DS1, DS3, HO5 and HO9 of the Core Strategy Development Plan. It is however noted that the street scene images are not fully representative of current site conditions as they include trees which no longer exist.

2. Impact upon Trees

The main area of concern is the impact of the development on protected trees. Aside from the wholesale clearance of the roadside woodland trees and planting to Shann Lane, it is apparent that trees have also been cleared to the western site boundary along the private access road, on the approach to High Fell. These trees are protected by way of a Tree Preservation Order (TPO 0506) and protect 10 Sycamores, 1 Ash tree and 4 Chestnut trees within G1.

The Council's Tree Officers advise that there is an open enforcement case pending full investigation. From an initial assessment on site, it would appear that whilst 1 No of the chestnut trees is present outside High Fell, 3 No protected chestnut trees are missing, at least one of which is in the location of the proposed new access. Historical aerial and street imagery shows the access to High Fell to be heavily tree lined. There is now a large gap in the tree line in the location of the planned vehicular access and stumps evident on site. For this reason, Officers cannot share the conviction of Ward Members that no protected trees were removed. Depending on the outcome of further investigations, the applicant could be required to replace the trees removed without consent with new trees to be planted in the same place as the original trees – this would preclude the installation of the driveway.

The applicant has supplied indicative engineering details for the new access however it does not show how these will work in practice. Para 5.6 of the Arboricultural Report notes that it has not been prepared in conjunction with input from structural engineers. It is proposed to use stone filled membrane to raise ground levels to accommodate the access. It is acknowledged that the Driveway / Access Impact Plan shows an example of this however the example quoted is not directly comparable to the situation here. There is approximately a 2m level difference between the private drive and the garden level to Cedarcroft. No section

drawings have been provided to establish the impact of the proposed levels/ engineering on retained trees, particularly the protected sycamore trees identified as T3 and T4, set either side of the proposed drive. The arboricultural information is also generic in places and vague with the tree protection methodology inconclusive and insufficient to support appropriate planning conditions. The use of terms such as 'temporary ground protection *may* be required' offers little confidence. There is no guarantee that conditions could be imposed to satisfactory address matters of concern in respect of on-site trees.

Officers acknowledge the views of local residents that the submitted tree report is of little value given that it was produced after the removal of the established woodland to the Shann Lane frontage. Whilst the applicant is proposing a replanting schedule, this comprises ornamental species, such as a line of laurel hedging to the roadside frontage and would be a poor substitute for the mixed woodland lost.

For this reason, the proposal is contrary to Policy EN5 of the Core Strategy Development Plan which aims to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district. There is evidence that at least 1 No protected tree has been felled without authorisation and, from a legal standpoint, developers should not be seen to benefit from a potentially unlawful act.

3. Impact upon Neighbouring Occupiers

The achievable facing distances to the front and rear of the new build dwelling are consistent with the guidance contained within the Homes and Neighbourhoods Supplementary Planning Document. Officers are satisfied that adjacent occupants will not suffer any loss of privacy or outlook from the construction of the replacement dwelling.

The main area for concern however is the impact of the planned garage on the amenities of the neighbouring bungalows given its close proximity and two storey height. The garage stands at c 5.9m in height, taller than the adjacent bungalows on Shann Lane. Based on the observed site conditions, the floor level of the proposed garage is also likely to be at a higher level than neighbouring land. It is acknowledged that the position of the garage has been moved so that it is no longer directly obstructs the rear facing habitable rooms, nevertheless it will dominate the outlook from the rear of the bungalow and garden areas to the detriment of amenity. The garage also contains dormer windows to the front and rear. Although the first floor is identified as being used for storage, the proximity of the garage would nevertheless result in a perception of being overlooked which is unwelcome.

For this reason, the proposal would fail to accord with Policy DS5 of the Core Strategy Development Plan Document which seeks to ensure that development proposals will not harm the amenity of existing or prospective users and residents.

Officers share the concerns of the objectors in that the garage is not essential. There is adequate vehicular parking is provided to the lower ground floor of the building, as well as along the existing driveway, to meet the needs of a family dwelling of this size.

4. Impact upon Natural Habitats and Protected Species

The Preliminary Ecological Appraisal (PEA) notes that there is potential for habitats on site to support protected species such as bats, great crested newts and badgers. The bat survey report (August 2023) noted that there is a single common pipistrelle day roost on the northern side of the building and that there is potential for an additional day roost under the roof ridge tiles on this elevation. The report notes that alternative bat roosting sites in adjacent trees could be provided whilst Cedarcroft is demolished, and the new build should incorporate bat boxes. The Council's Biodiversity Officer would agree that such an approach would be appropriate and notes that a European Protected Species Mitigation Licence (CL21) will be required prior to the demolition from Natural England. However, there is insufficient information supplied as to the impact of the development on great crested newts and badgers to enable the Local Planning Authority to determine the application.

The application is also not supported by a Biodiversity Net Gain (BNG) Assessment. A Net Gain would need to be demonstrated.

The PEA does include a baseline assessment of the habitat value of the site. It is understood that this has been done on the best assessment of the wooded habitats present prior to the tree felling that has taken place. However, this study is incomplete since no post development assessment has been made available. It is not possible to identify what the overall Biodiversity Unit loss of the scheme will be, although it is self-evident that there has been a material loss of habitat here. The landscape plan provided is not adequate to support such an evaluation. It also includes non-native species, such as cherry laurel, and other ornamental shrubs which have limited ecological value and which may have adverse effects on native wildlife. For this reason, the proposal fails to comply with the requirement for Biodiversity Net Gain set out in the Environment Act, 2021 and Policy EN2 of the Core Strategy Development Plan Document which states that development proposals should contribute positively to the overall enhancement of the Districts biodiversity resource.

5. Outstanding Issues Raised by Representations

Officers are satisfied that drainage issues can be dealt with by way of conditions. The amended site plan states that a permeable surface is now proposed instead of the initially proposed tarmac which would be beneficial to mitigate against surface water flooding.

The concern of the objectors that the garage could be converted into an annex/ separate dwelling is noted, but this can be afforded very little weight. The LPA has a duty to consider the proposal in its submitted form. Planning consent would however, be required to establish a separate planning unit on the site.

As to the arguments in support, the proposal will not result in an increase in housing, simply a replacement of the existing property, albeit with a larger structure. It is acknowledged that the site is not presently in a tidy state however that is down to the actions of the householder / applicant. At the time of inspection, Cedarcroft was occupied and there would be little risk of the property being subjected to fly tipping. In any event this would not fall within the remit of the Local Planning Authority

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 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.

Planning Balance and Reasons for Recommendation

The replacement of the existing bungalow with a larger detached property would be acceptable in principle however this scheme fails to address several points of concern which means that the application cannot be supported.

Firstly, the provision of the access drive would have an unacceptable impact upon protected trees. The proposed engineering solution is unproven and it would appear that unauthorised tree removal has occurred to facilitate such development. Developers should not be seen to benefit from a potentially unlawful act. Permitting this access would not only put other trees at risk but would prevent the reinstatement of the tree line by replacement planting. The site is already served by an existing access off Shann Lane and this additional access point is unnecessary.

Secondly, the large detached two storey garage would have an unacceptable impact upon the outlook from adjacent residential properties to the detriment of the amenities of existing and future occupants. Again, there is alternative garaging provision available within the planned house and a detached structure is not essential.

Thirdly, the development is not supported by a Biodiversity Net Gain Assessment. All developments should demonstrate a net gain in order to satisfy national and local planning requirements. This is important on this site because it supports protected and notable species habitats. There has been a substantial loss of vegetation and potential habitats prior to the submission of this application with the wholesale clearance of the wooded area to the south of the existing bungalow which is not acceptable and would need to be mitigated against. The proposal contains insufficient measures to deal with this.

The representations made in support of and against the proposal have been duly considered. However, the proposal fails to accord with the provisions of Policies DS5 EN2 and EN5 of the Core Strategy Development Plan Document and the guidance set out in the Homes and Neighbourhoods: A Guide to Designing in Bradford Supplementary Planning Document. Refusal is therefore recommended.

Reasons for Refusal:

1. It is evident that at least one protected tree (TPO 0506) has been removed to facilitate the construction of the proposed access drive. The position of the access would prevent replacement planting of the unauthorised tree. Notwithstanding this, the submitted Arboricultural Impact Assessment and Driveway /Access Impact Plan provides insufficient information to demonstrate that the access and associated engineering operations can be implemented

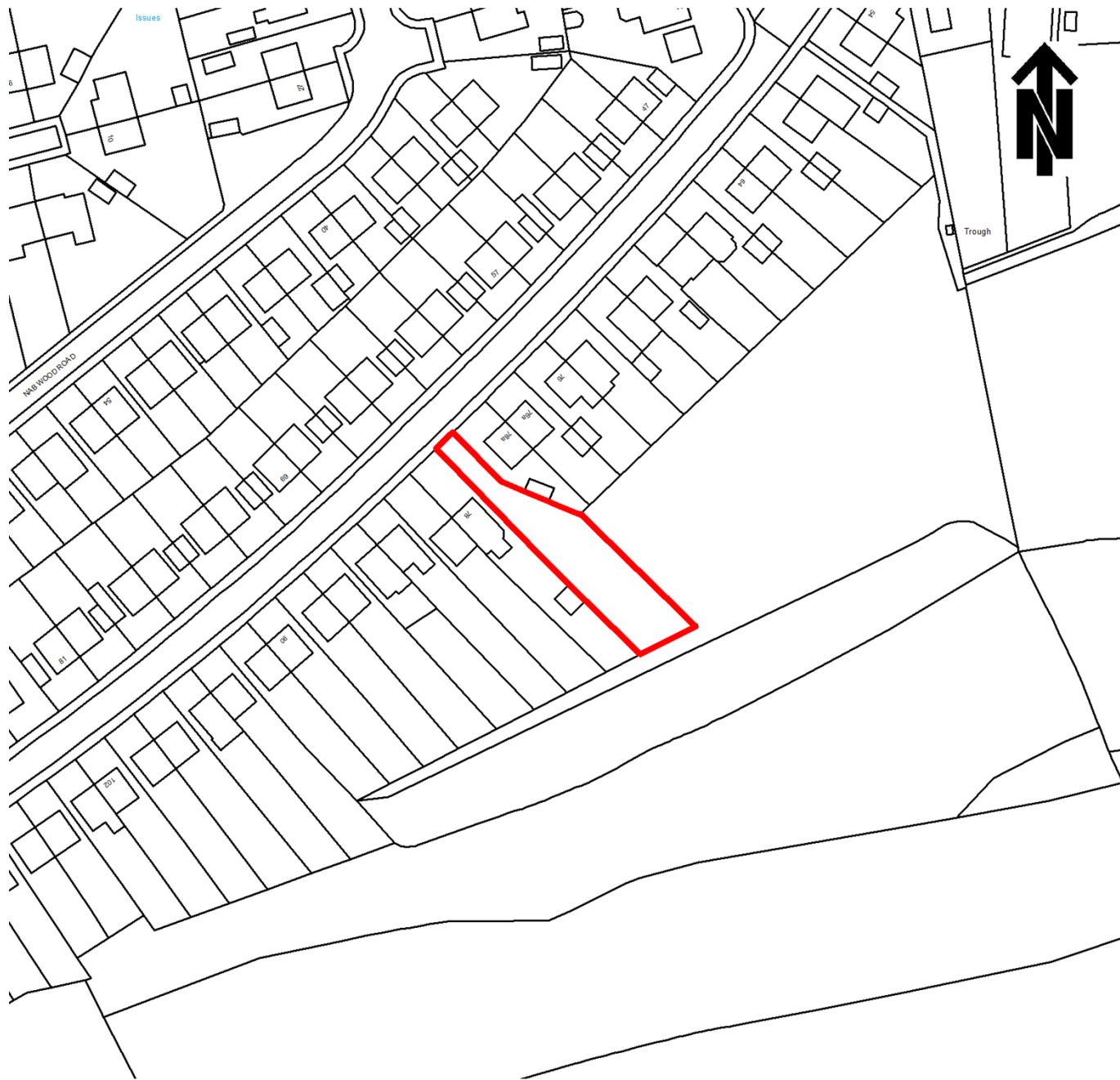
without causing substantial harm to protected trees. For this reason, the proposal is contrary to Policy EN5 of the Core Strategy Development Plan which aims to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

2. The proposed garage building would, by virtue of its excessive height, position and proximity to the eastern site boundary, dominate and have a detrimental impact upon the outlook from the rear facing windows and private garden areas of the adjacent bungalow, Oaklea, to the detriment of the amenities of existing and future occupants. The introduction of dormer windows to the upper floor would also introduce a perception of being overlooking which is unwelcome. For this reason, the proposal would be in breach of Policy DS5 of the Core Strategy Development Plan which seeks to ensure that development proposals will not harm the amenity of existing or prospective users and residents.
3. The Preliminary Ecological Appraisal is insufficient to enable the Local Planning Authority to assess the impact of the development on biodiversity and species habitats. In particular, a comprehensive Biodiversity Net Gain Assessment has not been provided and there is a lack of information as to the impact of the development on the potential great crested newt and badger habitats.

23/04297/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**Land At
Nab Wood Drive
Shipley
BD18 4EW**

14 February 2024

Item: C
Ward: SHIPLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
23/04297/FUL

Type of Application/Proposal and Address:
Construction of one detached house on land at Nab Wood Drive, Shipley.

Applicant:
Mr Arshad Hussain

Agent:
Mr John Steel

Site Description:
The application site comprises a roughly rectangular, narrow strip of land between 78A and 78 Nab Wood Drive, a pair of semi-detached dwellings which date from the 1970's and are located on the south-west side of the highway. Levels rise steadily when travelling along Nab Wood Drive in a south-westerly direction. When viewed from the street, the site has the appearance of being part of the side garden to No 78A although it is clearly overgrown and somewhat neglected. The application site extends to south-east to include a coppiced woodland area. This is steeply sloping, rising up towards further woodland areas to the south, beyond the site boundary. The wooded, rear section of the site is located within an area of green belt.

Relevant Site History:
23/00915/FUL - Construction of detached dwelling. Withdrawn 2.6.2023.

The following entries relate to the current site plus a larger parcel of land, identified as land to the south of 58-78A Nab Wood Drive. (This adjacent land is owned by the applicant but does not form part of the current application site).

20/01327/OUT - Outline application for residential development of land for maximum of four houses (site area 0.42 ha) requesting consideration of access and layout.
Refused 2.6.2020.

19/00288/OUT - Outline application for residential development of land for maximum of four houses (site area 0.42 ha) requesting consideration of access and layout.
Refused 26.4.2019.

The National Planning Policy Framework (NPPF):

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

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is part unallocated, and part located within the green belt. The site also falls within the Saltaire World Heritage Site (WHS) Buffer Zone.

Core Strategy Policies

DS1 Achieving Good Design
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
HO5 Density of Housing Schemes
HO9 Housing Quality
TR2 Parking Policy
EN2 Biodiversity and Geodiversity
EN3 Historic Environment
EN5 Trees and Woodlands
EN7 Flood Risk
EN8 Environmental Protection

Saved RUDP Policies

GB1 Green Belt

Other Relevant Legislation

The Council's adopted Supplementary Planning Document 'Homes and Neighbourhoods: A Guide to Designing in Bradford' is also relevant.

Publicity and Number of Representations:

The application was advertised by neighbour notification letters. The deadline for comments was 12.01.2024.

The application received 11 letters of objection together with 10 representations in support.

Summary of Representations Received:

Grounds of objection:

- Planning permission for residential development has been applied for here in the past with no success. This latest application fails to address the reasons for refusal/ points of concern and is worse in some respects.
- Visually, the proposed dwelling is poor and will not be in keeping with the character and appearance of the area. The elongated, narrow form has been shoe -horned into the site and is ugly.
- Neighbouring properties would experience overshadowing.
- Potential for subsidence due to construction undermining adjacent retaining walls.
- Potential for disruption from construction traffic.
- The plot is narrow and vehicles parking / manoeuvring could come into conflict with neighbouring vehicles.
- Nab Wood Drive is a well-used route which is not suitable for additional traffic due to its alignment and experienced traffic speeds.
- The loss of scrubland and trees would have a negative effect on local ecology and species habitats.
- Land is in a poor condition due to neglect by the owner.
- Public services are stretched locally and an additional dwelling will create further pressures.
- Formation of areas of hard surfacing would have drainage implications.
- The submission pays little reference to local sewers.
- The site, and the adjacent land should be sold back to neighbouring residents on Nab Wood Drive as its development potential is nil.

Grounds of support:

None stated.

Parish Council:

Shipley Town Council objects to the development on the basis that:

- There is insufficient space to allow for an acceptable standard of residential amenity for existing and proposed residents.
- It will have a negative impact upon the conservation of mature and semi-mature woodland.
- Access to the woodland area to the rear is restricted.
- The site includes land which is in the green belt and would result in the partial enclosure and a change in the intensity of the use of this land.
- The parking provision is questionable.

Consultations:

Public Rights of Way

A public footpath (Shipley 50) abuts the site. On the assumption that no boundary treatments encroach on to the existing path, no objection to the development is made.

Conservation

No objection. The development of the site will not impact on the character of the WHS or any of WHS Management Plan identified Key Views and will not detract from its UNESCO ascribed Outstanding Universal Value.

Summary of Main Issues:

1. Site History
2. Principle of Development within the Green Belt
3. Very Special Circumstances
4. Impact on the Built Environment
5. Impact upon Residential Amenity
6. Impact upon Trees
7. Impact on Ecology
8. Land Stability
9. Highway Safety
10. Housing Need
11. Outstanding Matters Raised by Representations

Appraisal:

In accordance with Section 8 of the Development Management Officer Scheme of Delegation, this application is being referred to the Area Planning Panel as the applicant is a Councillor.

1. Site History

This application is a resubmission of a similar application for a detached dwelling on the site following the withdrawal of 23/00915/FUL in June of last year. That dwelling, was more conventional in appearance but positioned further back into the plot, set behind, rather than alongside, the adjacent semi-detached dwellings. The building itself fell within the defined green belt and therefore represented an inappropriate form of development. The proposal also raised concerns as to its impact upon the amenities of neighbouring occupiers and the adjacent woodland. In addition, coal mining legacy issues had not been satisfactorily addressed. The Coal Authority, on considering the previously refused outline applications, on the larger adjacent site, raised a "Substantive Concern" about the proposed redevelopment of this land for residential purposes. The land falls within a defined Development High Risk Area. Records indicate that there is evidence that coal mining at shallow depth has occurred beneath the application site. There is a very real risk that these workings could collapse and cause instability problems at the surface of the application site. Development activities or vehicle movements could provide the trigger for these potential problems to occur.

In response to these concerns, the current proposal shows the dwelling pulled forward so that it sits outside of the green belt boundary. The rear garden would, however, still fall within the greenbelt. The design of the dwelling has been adjusted to take account of the narrowness of the plot with a more contemporary approach taken.

2. Principle of Development within the Green Belt

The site is partly located within an area of Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belts serves five purposes as set out in the NPPF.

Saved Policy GB1 of the RUDP reflects the approach of the NPPF insofar as it states that permission will not be given within the Green Belt other than for certain specified purposes. However, it is not fully consistent with the NPPF due to differences in wording and the more limited exceptions to inappropriate development listed in GB1.

Policy SC7 of the Core Strategy relates to the Green Belt but is concerned with the release of Green Belt land and review of its boundaries, rather than individual applications for development in the Green Belt. As such, this policy is of limited relevance.

The determination of the application has therefore given weight to the provisions of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

It is acknowledged that the dwelling itself falls outside the green belt boundary, being more closely related to the line of established dwellings to Nab Wood Drive. However, the rear garden would represent a significant incursion into the green belt and would effectively involve a change of use of the land to residential curtilage.

Paragraph 155 of the NPPF states that "Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One such exception is the material change of use of land (e) where the use will preserve openness such as a use for outdoor sport or recreation, or for cemeteries and burial grounds.

The change of use of the land to a private residential curtilage would not preserve its open character. The formation of the patio area and associated domestic paraphernalia such as sheds, decking, washing lines, garden lighting, play equipment and fencing would appear as urbanising features and encroach into the countryside. This would undermine the purposes of the green belt designation and for this reason the proposal would fail to accord with the provisions of the NPPF.

3. Very Special Circumstances

No evidence has been put forward to show that these exist. The evidential harm to the green belt is therefore afforded substantial weight.

4. Impact on the Built Environment

The design and appearance of the dwelling is essentially dictated by the narrowness of the plot. It provides accommodation across three floors and resembles an elongated modular form with each floor stepped above the other. Windows are arranged irregularly. The rear section of the building is more triangular in plan form, to the ground floor, given the splayed nature of the plot at this point.

The resulting property would be unlike any other dwelling on Nab Wood Drive, which is characterised by semi-detached properties, causing it to appear incongruous. Furthermore, there would be very little space between the dwelling and its neighbours when viewed from the street, giving an impression of development which has been uncomfortably shoehorned into the site. The entire area to the front of the dwelling would be hard surfaced and given over to vehicular parking. The overall result would be a development which appears unduly cramped in its plot and does not relate appropriately to the existing pattern of development and character of the street scene.

Consequently, the proposal will fail to accord with Policy DS1 of the Core Strategy Development Plan Document which states that planning decisions should contribute to achieving good design and high-quality places and Policy DS3 which seeks to ensure that developments are appropriate to their context and reinforce a distinctive character with attractive streetscapes and buildings which offer variety and interest. The scheme also fails to accord with Policies HO5 and HO9 which are concerned with housing densities and quality, respectively. The proposal also fails to follow the best practice principles as set out in the guidance contained in the Homes and Neighbourhoods SPD. The LPA would therefore share the objectors concerns as to the detracting visual impact of the development, its scale and overall appearance.

5. Impact upon Residential Amenity

The dwelling would, by virtue of its mass, bulk, height and position, over dominate, overshadow and have a detrimental impact upon the outlook from the adjacent dwelling at No 78A Nab Wood Drive. This impact would be exacerbated by the fact that the new dwelling would occupy a slightly higher level relative to this existing property. The outlook from the side facing kitchen window to No 76 Nab Wood Drive would also be negatively impacted by the sheer mass and bulk of proposed development.

No issues of overlooking are however anticipated given the position of the window openings and achievable facing distances to the front and rear.

The rear garden and outlook from the new unit is also likely to be dominated by trees, given the wooded nature of this part of the site. This impact will be compounded by rising levels towards the rear boundary. The availability of natural daylight to penetrate into the narrow living spaces is therefore limited and would result in unwelcome living conditions.

For this reason, the proposal fails to accord with Policy DS5 which seeks to ensure that development proposals will not harm the amenity of existing or prospective users and residents and the guidance set out in the Homes and Neighbourhoods SPD.

6. Impact upon Trees

The application is not supported by an accurate tree survey or an arboricultural impact assessment. Nevertheless, it is evident from the submission that the scheme will result in a loss of tree cover. Collectively these trees have a local amenity value, and the scrub /coppiced woodland is clearly valued by local residents, as evidenced from the representations received. No replacement planting scheme has been put forward to mitigate against this removal.

Given the proximity of the proposed dwelling to the retained trees it is likely that the retained trees will come under future pressure for removal due to issues of shading and perceived threats to property damage.

For this reason, the proposal is contrary to Policy EN5 of the Core Strategy Development Plan which aims to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

7. Impact on Ecology

The removal of trees and other vegetation from the site has the potential to impact on biodiversity in and around the site. However, no ecological evidence has been submitted to demonstrate that no harm would arise to biodiversity or that appropriate mitigation and an overall net gain in biodiversity could be achieved at the site. It would not be appropriate to seek to address this issue by planning condition until such potential effects are identified. Therefore, in the absence of sufficient evidence to the contrary, it is appropriate to take a precautionary approach and find that the proposal could harm biodiversity in and around the site. Thus, the proposal will conflict with the aim of Core Strategy Policy EN2 which requires that proposals should contribute positively towards the overall enhancement of the district's biodiversity resource.

8. Land Stability

It is acknowledged that land stability in the area of Nab Wood Drive is a material planning consideration due to potential coal mining legacy issues. The Coal Authority has advised that the application site falls within a defined High Risk Area. Any development proposals would need to be accompanied by a Coal Mining Risk Assessment. This has not been provided. It is acknowledged that some supporting material by way of a Coal Mining Report has been supplied however this provides only basic coal mining information in relation to the application site and does not provide a detailed assessment of the risks to any proposed new development on the site either during or after construction. For this reason, the proposal fails to accord with Policy EN8 of the Core Strategy Development Plan Document.

9. Highway Safety

It is acknowledged that Nab Wood Drive is a busy thoroughfare, being on a bus route. The concerns of local residents are noted however there is sufficient space forward of the dwelling to accommodate parked vehicles clear of the highway. The additional traffic movements resulting from this additional generation are not likely to have a notable impact upon highway safety. It is acknowledged that construction traffic can be disruptive, but this would usually be only for a relatively short duration. The scheme therefore meets with the requirements of Policies DS4 and TR2 of the Core Strategy Development Plan Document.

10. Housing Need

It is acknowledged that the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites as indicated in the latest Housing Delivery Test results published on 14 January 2022. This needs to be given significant weight.

Paragraph 11 of the National Planning Policy Framework requires that planning decision-takers should apply a presumption in favour of sustainable development - approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

As the site is partly located within the green belt, it would constitute an area of particular importance. The contribution of the site to overall housing land supply of the district would be minimal. With reference to NPPF Paragraph 11, the benefits of such a modest contribution seem to be far outweighed by the conflict with other policies of the NPPF taken as a whole, particularly those concerning the need to guard the designated green belt against inappropriate developments, resist unacceptable harm to local character, prevent tree and biodiversity loss, negatively impact upon the living conditions of future occupiers and result in harm to public safety.

11. Outstanding Matters Raised by Representations

Officers agree that the latest application fails to address the previous reasons for refusal and is worse in some respects, particularly the design and appearance of the property and its relationship to the existing pattern of development along Nab Wood Drive. The construction of a single dwelling here is unlikely to have a notable impact upon local services. Issues concerning drainage are generally dealt with through the Building Regulations regime. Conditions could however be imposed to ensure that areas of hard surfacing are permeable, in the interests of flood risk management. The proposed alternative use of the site is noted; however this would be a private matter for the applicant to investigate and cannot form part of this assessment.

Reason for Refusing Planning Permission

Previous planning applications to develop this, and the adjacent site have been previously unsuccessful. The site is very constrained by its size, topography, and evident historic mining legacy issues. This latest attempt to fit a dwelling onto the site has resulted in a form of development that not only causes harm to the immediate street scene but will also be detrimental to the amenities of existing and future residents and result in tree and habitat loss. The formation of the rear garden would also represent an unacceptable incursion into the greenbelt and there is insufficient evidence to demonstrate that land stability issues have been adequately addressed.

For these reasons the proposal fails to accord with Policies DS1, DS3, DS5, EN2, EN5, EN8, HO5 and HO9 of the Core Strategy Development Plan, the guidance contained in the Council's adopted Homes and Neighbourhoods Supplementary Planning Document and the approach to safeguarding the Green Belt from inappropriate development as set out in the National Planning Policy Framework.

Reasons for Refusal:

1. The site is partly located in the Green Belt where the Local Planning Authority must regard the change of use of land to residential curtilage for the proposed dwelling as inappropriate development in the Green Belt. The National Planning Policy Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such very special circumstances sufficient to clearly outweigh the harm identified have not been demonstrated in this submission and the use of the part of the site as garden land does not fall into any of the exceptions listed in paragraph 155 of the National Planning Policy Framework. The change of use of land to residential curtilage for the proposed dwelling, together with associated domestic paraphernalia, would represent

an urbanising influence and encroach into prominent, elevated land beyond the present limits of the built-up area. It would harm the openness of the Green Belt and present clear conflict with its purposes, including to check the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment.

2. The proposed detached dwelling would, by virtue of its height, irregular proportions, design and close proximity to the neighbouring semi-detached dwellings, represent a cramped and incongruous form of development that would be at odds with the existing pattern of development in this locality to the detriment of visual amenity. The scheme would be contrary to Policies DS1, DS3, HO5 and HO9 of the Core Strategy Development Plan Document and fails to follow the guidance contained in the adopted Homes and Neighbourhoods Supplement Planning Document.
3. The proposed dwelling would, by reason of its height, siting, and close proximity to existing property boundaries, overshadow, severely restrict the outlook from, and have a dominating impact upon neighbouring properties, particularly Nos 78A and 78 Nab Wood Drive to the detriment of residential amenity. For this reason, the proposal fails to accord with Policy DS5 of the Core Strategy Development Plan Document.
4. Notwithstanding the lack of accurate supporting arboricultural material, the proposal would result in the removal of a significant number of trees to the detriment of the character of the local landscape. The development is also likely to result in future pressure for tree removal due to the close proximity of the rear facing windows and garden area of the planned dwelling to these trees. For this reason, the proposal fails to accord with Policy EN5 which aims to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.
5. The application is not supported by either a Biodiversity Net Gain Assessment or a Coal Mining Risk Assessment. Without these documents, the Local Planning Authority is unable to assess the ecological impact assessment of the development nor establish whether the coal mining legacy issues have been adequately addressed. For this reason, there is no confidence that the development can satisfy the requirements of Policies EN2 and EN8 of the Core Strategy Development Plan Document.