

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 19 March 2025

G

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	32 Bank Crest Baildon West Yorkshire BD17 5EZ - 24/03986/HOU [Approve]	Baildon
B.	Land Off Pasture Avenue Oakworth Keighley West Yorkshire - 24/04167/FUL [Approve]	Worth Valley

Richard Hollinson
Assistant Director (Planning, Transportation and Highways)

Report Contact: Amin Ibrar
Phone: 01274 434605

Email: amin.ibrar@bradford.gov.uk

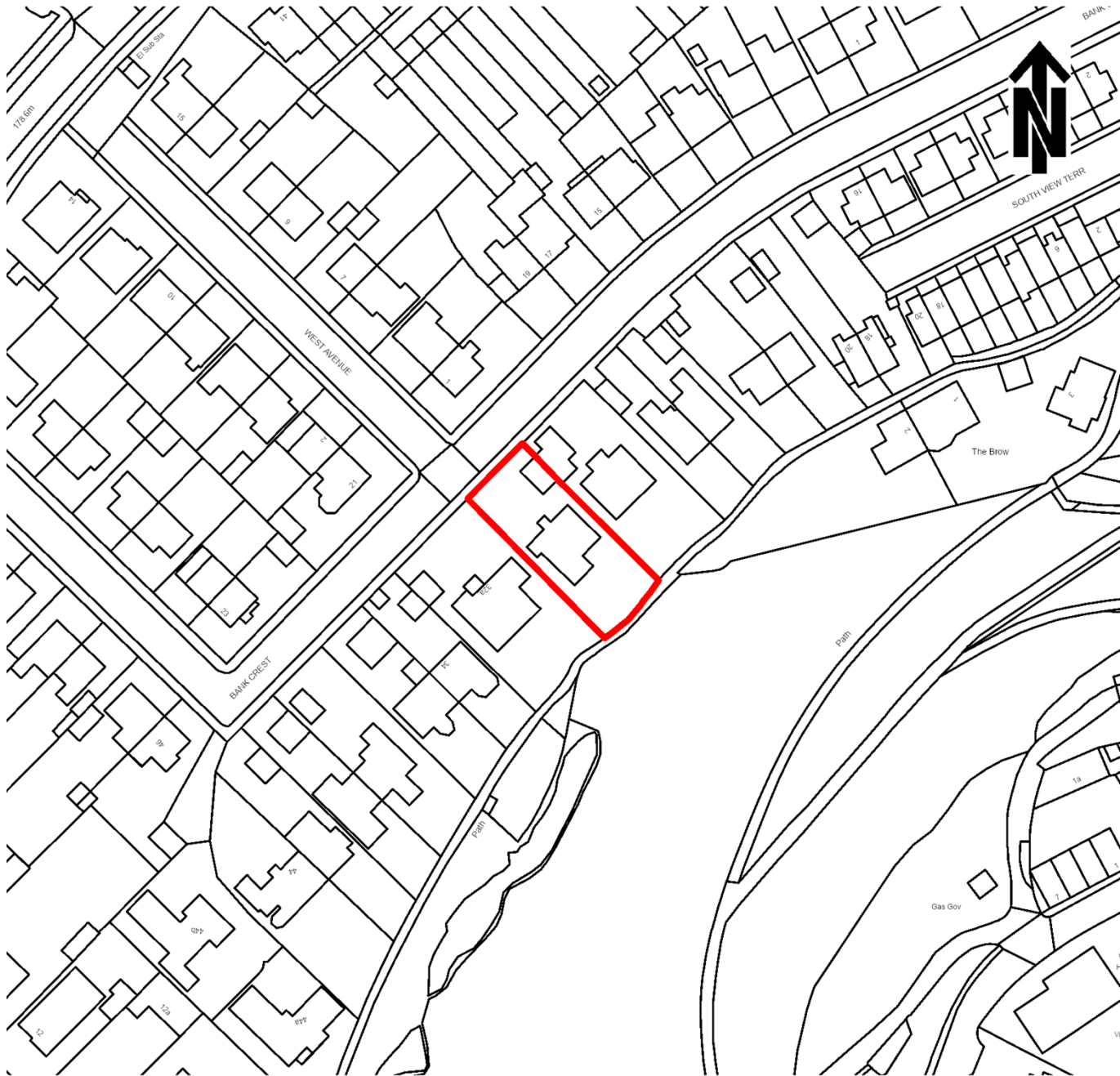
Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

24/03986/HOU



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2023 Ordnance Survey AC0000813459

32 Bank Crest
Baildon
BD17 5EZ

19 March 2025

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

Application Number:
24/03986/HOU

Type of Application/Proposal and Address:

A householder application for the demolition of existing garage and single storey side extensions. Construction of attached garage to the front and single storey side/ rear extension. Remodelling of the property comprising the refacing of the elevations in natural stone, reconfiguration of windows and doors, change to the design and materials of the roof, including a lift in height, and the insertion of solar panels to the south-east, rear elevation. Construction of a raised deck to the rear garden at 32 Bank Crest, Baildon.

Applicant:
Craig Leake

Agent:
N/A

Site Description:

32 Bank Crest is an individually designed detached, rendered property with a rosemary tiled roof dating from the early C20 situated on the south-eastern side of the highway. The property has a detached garage to the front and has been previously extended to the side and rear.

Aside from the application property, dwellings on this side of Bank Crest are largely orientated so that their principal elevations face onto the rear garden side to take advantage of the commanding south-easterly views out over Baildon Bank. The secondary, front, elevations face onto Bank Crest and garages are prominent features here. In the main, properties along Bank Crest are not uniform in terms of their appearance, however their orientation, palette of materials (stone and blue slate) and age lend a sense of cohesiveness to the street. A public right of way (Baildon 29) is adjacent to the rear of the site.

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
EN7 Flood Risk

Other Relevant Legislation

Householder Supplementary Planning Document

Parish Council:

Baildon Town Council - No comments

Publicity and Number of Representations:

The application was advertised by individual neighbour letters with an expiry date of 16 December 2024. 12 No objections have been received including an objection from a Ward Councillor with a request for a Panel determination if Officers are minded to recommend an approval.

Summary of Representations Received:

Comments

1. The existing property is characterful and adds to the quality of the street. The resulting building would not be in keeping with neighbouring properties along Bank Crest.
2. The front extension gives a perception of being overlooked.
3. The extension is too close to neighbouring properties and could impact on the intervening stone boundary wall during construction and its future maintenance.
4. The decking will overlook adjacent gardens to the detriment of amenity and privacy. A privacy screen should be provided.
5. Decking would be visually intrusive and spoil the appearance and character of Baildon Bank and the well-used public right of way.
6. The decking could potentially impact upon the setting of the World Heritage Site at Saltaire.
7. The decking should be set down to avoid the need for the unsightly void, as other neighbours have done.
8. Structural implications for the bank if the decking is constructed.
9. Detrimental impact on wildlife.
10. Request that the building works are carried out considerately with regards to working hours and construction vehicles parking.
11. Lack of direct communication with the applicant.

Consultations:

Rights of Way

The decking must be set entirely within the boundary line, so it does not directly physically impact on the footpath. As it is higher than the boundary wall it will be visible from the path and could feel imposing to path users. The applicant must ensure that the installation of the sub-structure of the decking does not adversely impact on the boundary wall and cause any instability. An informative is suggested.

Summary of Main Issues:

1. Impact of the Development on the Built Environment
2. Impact on Residential Amenity
3. Highway and Parking Issues
4. Other Matters Raised in Representations

Appraisal:

The proposal seeks approval for a comprehensive refurbishment of the property together with works within the rear garden, as per the following schedule:

1. Demolition of the existing garage and single storey extensions.
2. Construction of a new double garage is to the north-west frontage to the roadside. This will be connected to the house by way of a flat roofed link extension which contains the new point of entry to the house.
3. Construction of a further flat-roofed, wrap-around extension is proposed to the side and rear elevation, providing an ensuite bedroom to the ground floor and seating area for the enlarged family dining/kitchen.
4. Externally, the render and rosemary clay tiles will be replaced with natural stone throughout and blue slate to the main house roof.
5. The roof design will be modified and lifted by a maximum of 1.5m with solar panels introduced to south-east elevation. Chimney removed.
6. Windows replaced throughout.
7. Deck area constructed within the rear garden built to the level of the current lawned area out over the sloping part of the end section of the garden.

1. Impact of the Development on the Built Environment

It is acknowledged that the resulting building would appear significantly different to the original property with particular reference to the change in materials throughout and the roof design. The current building is distinctive with its rendered walls and red tiled roof, and contrasts markedly with the Victorian natural stone and blue slate roofs of all other properties on this side of Bank Crest. It is likely that No 32 Bank Crest was built after its neighbours. Whilst the comments of neighbours as to the visual impact of the build are noted, the property is not a recognised heritage asset and the proposed changes would result in a property that is more in line with the underlying character of the street – in terms of external materials, window proportions and roof profile. Likewise, the demolition of the existing garage and extensions would not be resisted.

As noted above, garages are common features of the street scene to Bank Crest. Indeed, the existing dwelling has a detached garage to the front. The construction of a replacement, larger garage, with a connecting link to the house is therefore acceptable in terms of its design and appearance.

The single storey wrap around extension to the side/ rear represents a proportionate addition

to the property and will not be overly prominent when viewed from public vantage points i.e. the adjacent public footpath. Its design and materials are acceptable – the rear section will mostly replicate the footprint of an existing extension. The side extension is within c 0.5 of an intervening stone boundary wall, shared with No 32A Bank Crest. It is acknowledged that the wall is of some age, likely as being commensurate with the age of the properties on Bank Crest. For a single storey side extension, there is no requirement within the Householder Supplementary Planning Document (SPD) to provide a minimum gap to the side boundary. Any issues relating to access for maintenance and construction would therefore be a private matter between the concerned parties. An informative is however proposed to alert the developer to their obligations under the provisions of the Party Wall Act 1996.

The installation of the solar panels raises no amenity concerns and would be a welcome addition and support the Council's commitment towards green energy.

The proposed deck will be located to the rear of the garden. Due to the topography of the site the sloping garden extends to the public footpath directly below. Although raised above the level of the footpath the decking will be constructed on the same level as the existing grassed garden area, confined within the curtilage of the host dwelling with no encroachment onto the right of way. The deck has a projection of c 3.2m. A timber balustrade to a height of 1.1m is proposed to secure the platform, which is not dissimilar to neighbouring structures, when seen from the adjacent footpath. It is acknowledged that the void area beneath the deck will be visible, since the deck is set c 0.5m -1.5m above the level of the existing rear boundary wall, however the visual impact of this is not so substantial to warrant a refusal of planning permission in the context of the length of the deck and that the fact that other neighbours also have raised platforms / patios in similar positions. It is acknowledged that Bank Crest occupies an elevated position in the landscape however the deck is unlikely to be readily apparent from long ranging views, given its position and colour, as it will be seen against the backdrop of the existing built form. Notwithstanding objectors' concerns, the site sits outside the World Heritage Site Buffer Zone and key views will not be affected.

Overall, whilst the works to the dwelling are extensive, the proposal would appear concordant with the prevailing character of the surrounding area and thus accord with policies DS1 and DS3 of the Core Strategy which collectively seek to reinforce the existing character of the settlement and to ensure that developments integrate with their surroundings and Design Principle 1 of the Householder SPD.

2. Impact on Residential Amenity

The proposed garage raises no amenity concerns given its position, set alongside a neighbouring garage to No 30 and some distance from the adjacent boundary with No 32A, a minimum of 8.3m. Neighbours' concerns as to overlooking are noted, however the window serves a garage, a non-habitable room and the entrance door/ hallway. There is confidence that a loss of privacy through overlooking will not occur.

The single storey side/rear extension raises no amenity concerns. The rear extension complies with the Householder SPD guidance in terms of its projection at 2.9m and it is noted that this will broadly replace the existing extension in terms of its massing and form. The single storey side extension will come closer to the side elevation of No 32A, and it is acknowledged that there is a side facing window to the ground floor of this neighbour. However, due to the limited height of the extension and degree of separation, c 5m, the outlook at this point will not be materially impacted upon. A small window within the side

elevation of the extension is shown, however this will serve a 'walk through' wardrobe area to a bedroom. Fitting obscure glass is therefore recommended here and this can be adequately controlled by way of an appropriate condition. The extensions accord with Design Principles 2 and 3 of the Householder SPD.

Based upon the content of representations, a particular area of concern appears to be the impact of the decked area on the amenities of neighbouring properties. As mentioned previously, the deck will be built out at the same level as the existing lawned area, over the sloping section at the bottom of the garden, to maximise useable garden space. A condition is recommended to install screening to a height of 1.8m above the surface of the deck to both sides to guard against oblique views across the rear sections of neighbouring gardens to prevent a mutual loss of privacy through overlooking. All views to the rear will be out over Baildon Bank. There may be some perception of overlooking to and from, users of the footpath but this is likely to be fleeting and of short duration.

With the suggested conditions in place, there is confidence that this element of the proposal will accord with Design Principle 2 of the Householder SPD and satisfy 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. Highway and Parking Issues

The proposal includes sufficient parking to meet the needs of this family dwellinghouse. The dropped kerb will need to be widened but this element will not require planning permission. It is recommended that any new hard surface is permeable in the interests of sustainable drainage. There is confidence that the proposal will accord with Policies DS4, EN7 and TR2 of the Core Strategy Development Plan Document.

4. Other Matters Raised in Representations

Some localised disruption during building works is inevitable however this is likely to be of a relatively short duration. The LPA does not seek to impose working hours conditions on small scale projects as this can unnecessarily extend the duration of build time and inconvenience to the detriment of both neighbours and the applicants alike. There is other legislation in place, outside of the planning system to regulate against noise nuisance, inconsiderate working practices and highway obstructions.

All work will take place within the domestic curtilage of the dwellinghouse. The wildlife on the adjacent Baildon Bank would not be affected.

Applicants are not obliged to discuss proposals with near neighbours, although it is acknowledged to be good practice. Adjoining neighbours were however consulted through the application process in line with the Council's code of publicity.

Community Safety Implications:

There are no apparent community safety implications.

Planning Balance and Reason for Grant of Planning Permission:

The proposal represents a significant change to the design of the original property, but the resulting built form is consistent with the underlying character and appearance of the existing properties along Bank Crest, with particular reference to the siting of the garage, materials, height and roof form. The extensions to the side / rear represent a proportionate addition and raise no amenity concerns. Decks are not uncommon features in this locality with residents benefitting from the open views from their gardens. As such, the formation of a raised deck here need not be inconsistent with local character. The LPA agrees with the views concerns of the objectors that a privacy screen is required and a condition is suggested to that effect.

As such the proposal demonstrates compliance with Policies DS1, DS3, DS4, DS5, EN7 and TR2 of the Councils Core Strategy Development Plan Document. Approval is recommended.

Conditions of Approval

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

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

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

Plan Type	Plan Reference	Date received
Location Plan		16 October 2024
Existing Site Plan	100	16 October 2024
Proposed Site Plan	101	16 October 2024
Proposed Sections	102	16 October 2024
Existing Floor Plans	105	16 October 2024
Proposed Floor Plans	106	16 October 2024
Existing Elevations	107	16 October 2024
Proposed Elevations	108	16 October 2024
Deck Plan and Elevations	110	20 November 2024
Boundary Section	111	20 November 2024

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

3. The development hereby permitted shall be constructed using external facing and roofing materials as specified on the hereby approved proposed elevation drawing 108 received by the Council on 16.10.2024.

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.

4. Before the decking hereby permitted is brought into use, a fixed and permanent solid screen at least 1.8 metres in height shall be installed along the side elevations for the length of the deck to prevent overlooking of adjacent residential properties. Once affixed, the screen shall thereafter be retained in that position.

Reason: In the interest of privacy and residential amenity and to accord with Policy DS5 of the Core Strategy Development Plan Document.

5. The 'wardrobe area' window in the side elevation facing 32A Bank Crest, of the single storey side extension hereby approved shall be glazed in obscure glass. Thereafter, this window shall be retained with obscure glazing to a minimum opacity rating of Pilkington 3.

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

6. Before any part of the development hereby permitted is brought into use, the off-street car parking facility shown on the approved plan shall be constructed of porous materials or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site.

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

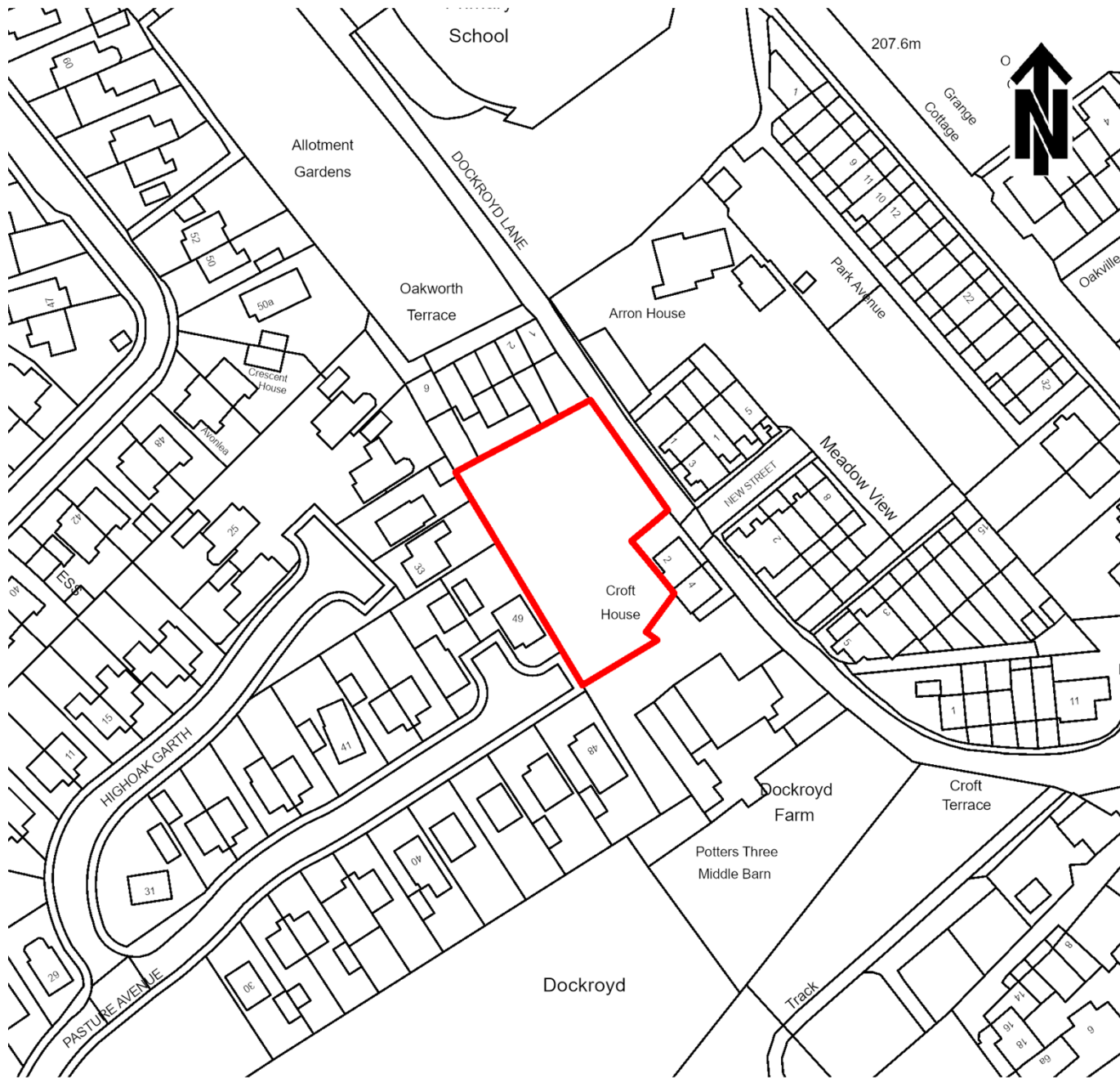
Informatives

1. If work alongside the public footpath presents a danger to path users, the affected section should be fenced off with safety netting.
2. The developer's attention is drawn to the need to ensure that the development hereby approved occurs wholly on land in the ownership of the applicant. The granting of planning permission does not override civil law rights and consent will be required to carry out works on or via neighbouring property, unless subject to the provisions of an agreement under the Party Wall Act 1996.

24/04167/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2023 Ordnance Survey AC0000813459

**Land Off
Pasture Avenue
Oakworth**

19 March 2025

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

Application Number:
24/04167/FUL

Type of Application/Proposal and Address:

This is a full planning application for the construction of a terrace of three dwellings and associated car parking, garages, gardens, emergency vehicle turning, bin storage and landscaping at Land Off Pasture Avenue, Oakworth, Keighley, West Yorkshire.

Applicant:

Mr W J Poole

Agent:

David Hill LLP

Site Description:

The site is a rectangular open field which gains access from Pasture Avenue but is primarily viewed from Dockroyd Lane within the Oakworth Conservation Area. The site is steeply sloping down from north to south and is identified as making a positive contribution to conservation area character. The site is surrounded, and enclosed, by a mix of property types both older to the north east (within the CA) and more modern to the west (outside the CA). To the south sits Dockroyd Farm which is in the ownership of the applicants.

Relevant Site History:

1. 24/00116/FUL Residential development of terrace of three dwellings and associated car parking, garages, gardens, emergency vehicle turning, bin storage and landscaping - REFUSED 10.04.2024. Dismissed on appeal 19.7.2024 (APP/W4705/W/24/3344401).
2. 02/01913/OUT Construction of two dwellings and garages - REFUSED 02 September 2002.
3. 00/03648/OUT Residential development - REFUSED 20 April 2001.

The National Planning Policy Framework (NPPF):

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

Local Plan for Bradford:

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

Core Strategy Policies

DS1 Achieving Good Design

DS3 Urban character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

EN2 Biodiversity

EN3 Historic Environment

TR2 Parking Policy

SC8 Protecting the South Pennine Moors and their Zone of Influence

Supplementary Planning Guidance Documents

Homes and Neighbourhoods: A Guide to Designing in Bradford

Parish Council:

Keighley Town Council – Recommends refusal on the grounds that the scheme would have a negative impact the development.

Publicity and Number of Representations:

The application was publicised with a site notice, press advertisement and neighbour notification letters with an expiry date of 12 February 2025.

22 representations have been received objecting to the proposal.

Councillor correspondence has also been received requesting a panel decision.

Summary of Representations Received:

Objections

1. This is very similar to a previous refused application.
2. Local services and infrastructure cannot cope with additional demands.
3. The development would have a negative impact on the conservation area.
4. Design and appearance of the properties is out of keeping with local architecture.
5. Additional dwellings here will lead to traffic problems.
6. Green field should be retained.
7. The loss of the field would have a detrimental impact on wildlife.
8. Loss of privacy to adjacent properties.
9. Increase in pollution.
10. Disruption during construction.

Consultations:

Biodiversity

Satisfied the application can be approved, conditions recommended.

Conservation

Mindful of the recent appeal decision which found that the harm to the CA was less than substantial. Conditions suggested.

Drainage

Conditions recommended.

Highways

No objections, conditions recommended.

Housing Standards

No comments received.

West Yorkshire Police

No objection, standard recommended security advised.

Summary of Main Issues:

1. Background and Previous Appeal Decision
2. Principle of Development
3. Impact on Conservation Area
4. Highway Safety and Parking
5. Impact on Residential Amenity
6. Biodiversity
7. Outstanding Matters Raised by Representations

Appraisal:

The proposal seeks approval for the construction of 3No, two storey, three bedroomed dwellings on the site. The properties are located in a short terraced at the north-western part of the site, parallel with the existing terraced row of Oakworth Terrace. The properties are traditional in form and appearance being constructed from natural stone with slate roofs. All three houses will have garages and parking to the front at a lower level. There are 2No single garages and a double garage, for the slightly larger unit at eastern end of the row. Vehicular access is achieved off Pasture Avenue.

The proposal is a resubmission of a recently refused scheme, 24/00166/FUL for a similar form of development. The main changes relate to i) the parking and garaging provision and ii) that the applicant has completed a Unilateral Undertaking to ensure that the necessary habitat mitigation payment is made – this was lacking with the previous submission.

1. Background and Previous Appeal Decision

The most recent application for the construction of 3No dwellings on the site was refused by the Council on the grounds that the development would result in harm to the Oakworth Conservation Area and result in parking arrangements that were impractical to use (24/00116/FUL refers).

The decision of the Council was subsequently appealed to the Planning Inspectorate (PINS). During the course of the appeal, the applicants submitted an alternative parking arrangement which addressed the highway reason for refusal to the satisfaction of PINS. This layout has been repeated with this current application. PINS found that the proposal resulted in some harm to the character and appearance of the CA as a result of the reduction in the open and undeveloped character of the site generally, and in turn, to the contribution it makes to the significance of the CA in this regard.

Ultimately, the level of harm was found to be *less than substantial* and offset by the need for new housing, given the inability of the Council to demonstrate a five-year housing land supply. Collectively, taking account of the amended parking arrangements, PINS considered these benefits outweighed the identified harm significantly in favour of the scheme.

However, the appeal was dismissed for procedural reasons – a lack of a signed Unilateral Undertaking to provide a financial contribution towards mitigation measures to preserve the integrity of the South Pennine Moors SPA/SAC. There is no mechanism within the appeal process to secure such payment. In their summing up PINS stated that this meant that, for this reason, *and this reason alone*, the proposal conflicted with the policies in the National Planning Policy Framework (NPPF) relating to habitat sites and the appeal failed. If this agreement was in place at the time, Officers are confident that the appeal would have been successful.

The current scheme is identical to the informal layout reviewed by PINS at the appeal. The relevant habitat mitigation payment has been paid. Despite the previous decision of the LPA, and observations by objectors that the Council has refused a similar scheme before, there are no reasonable grounds on which to resist this current application. Members should be advised that any refusal is likely to result in a full costs award against the Local Planning Authority. A copy of the PINS judgement can be found at Annex A.

2. Principle of Development

The NPPF is particularly focused on the delivery of a sufficient supply of homes, stating in paragraph 73 that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and accordingly such development would help to support the Government's objective of significantly boosting the supply of homes. PINS in considering the recent appeal, attached significant weight to this, noting that future occupiers would help to maintain and or support the vitality of services in Oakworth in the long term, and there would be some short-term economic benefits from construction activities.

Despite being within the Oakworth CA, the site is unallocated on the Replacement Unitary Development Plan. The outcome of the recent appeal decision here is afforded significant material weight. In view of the fact that the Council has a deficit of housing land, that the Inspector concluded that the level of any harm to the CA as a result of the redevelopment of this site with a small-scale housing scheme is less than substantial here and noting that signed Unilateral Undertaking has now been received, paragraph 11(d) is engaged. The principle of development here is therefore acceptable.

3. Impact on Conservation Area

The scale, design and siting of the proposed dwellings is very similar to that as considered by PINS with the recent appeal. To that end the assessment of the Inspector is a significant material consideration. They concluded that any level of harm to the CA is less than substantial and offset by the need for additional housing. The Council's Conservation Team have acknowledged this outcome and have suggested a range of conditions to ensure that the materials used are appropriately controlled.

The proposed dwellings would be confined to the upper part of the site where they would be well contained by surrounding development. Their design would reflect the local vernacular in scale, style, and materials, particularly the traditional terraced housing to the north and east along Dockroyd Lane. It is acknowledged that the proposal would constitute a noticeable

change in the appearance of the site, particularly when viewed from Dockroyd Lane and the properties that overlook the site. However, the effect would be very localised and further moderated by the positive design of the scheme. The development would not appear visually dominant, and no key views into or out of the CA would be significantly harmed.

Existing boundary walls would be retained, while new garden boundaries would be in a similar style and appearance. New vehicular hardstandings would be located at the lower part of the site, which is already domestic in character, noting the presence of the ornamental gates which secure the site and area of tarmac to the front of the adjacent Dockroyd Farm. In these respects, the development would integrate well with its surroundings.

With appropriate conditions in place, there is confidence that the proposal will accord with the provisions of Policy EN3 of the Core Strategy Development Plan Document.

4. Highway Safety and Parking

The current layout provides attractive and usable residential parking and turning facilities which will not restrict access to the development nor increase pressure for on street parking in the locality. Previously, parking spaces/ garaging were provided closer to the dwellings, on a steep incline, which rendered them impractical to use. Highway Officers are satisfied that the current layout overcomes previous concerns and are fully supportive of the scheme. Notwithstanding the concerns of residents, compliance with Policies DS4 and TR2 of the Core Strategy Development Plan is therefore achieved.

5. Impact on Residential Amenity

No concerns envisaged. Despite being surrounded by existing properties on all sides, the siting of the new terraced row has been carefully thought out to avoid impacting upon existing occupants. The resulting spacing distances accord with the requirements of the Homes and Neighbourhoods: A Guide to Designing in Bradford Supplementary Planning Document (SPD). The fall in levels across the site helps to ensure that the resulting development will not overbear or have a material impact on outlook from existing dwellings. Future residents will benefit from a good standard of accommodation and amenity space.

For this reason, the proposal demonstrates compliance 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 as well as the guidance set out in the Homes and Neighbourhoods SPD.

6. Biodiversity

The site lies within Zone C (7 km) of the South Pennine Moors SPA/SAC and would provide three dwellings on land which has previously been undeveloped. It is a requirement under Policy SC8 of the Bradford Local Plan Core Strategy that all proposals for new residential dwellings in Zone C, including changes of use, must be accompanied by either a tariff payment of £375.61 or a standardised unilateral undertaking form (UU) to provide mitigation of the additional recreation pressures which additional housing will bring to the South Pennine Moors SPA/SAC.

In this case, that Zone C requirement is satisfied as the applicant has provided a standardised unilateral undertaking form. This satisfactorily addresses the reason for dismissal on the recent appeal.

Since the previous determination, the requirement for a statutory Biodiversity Net Gain (BNG) of 10% has been introduced for development proposals. Despite the comments made by objectors, the site contains no irreplaceable habitats and contains modified grassland and areas of hard surfacing. The submitted BNG report notes that c46% of the existing site will be retained as garden with the remainder lost to developed land (sealed surface). It is expected that the mandatory net gain requirement can be achieved through the purchase of offsite habitat units (estimated at 0.13 habitat units) post decision. An appropriate informative is suggested to address this. Overall, the Council's Biodiversity Team have raised no objections to the proposal and have recommended conditions and an informative to deal with the provision of bird/bat boxes and the need to avoid disruption of vegetation during the bird nesting season, respectively.

With these measures in place, there is confidence that the proposal will accord with Policy EN2 of the Core Strategy Development Plan Document.

7. Outstanding Matters Raised by Representations

Conditions are recommended to deal with drainage issues to ensure that the impact of the development on local infrastructure is acceptable. The scale of the development is modest, an additional 3no units. Any additional demands on schools and public services is unlikely to be significant, overall.

Some localised disruption during building works is inevitable however this is likely to be of a relatively short duration.

Community Safety Implications:

There are no apparent community safety implications.

Planning Balance and Reason for Grant of Planning Permission

The application is almost identical to a recent scheme that, whilst refused by the Local Planning Authority, was found to be acceptable by the Planning Inspectorate in so far as its impact upon the character and appearance of Oakworth Conservation area and parking provision. Whilst the appeal was dismissed, it was not dismissed on either heritage or highway grounds, in accordance with the reasons on the decision notice, but purely on a technicality as to the lack of an appropriate mechanism for securing the necessary habitat mitigation payment. This matter has been addressed with this submission. The level of local opposition is noted and acknowledged however there are no sound planning reasons to warrant the Local Planning Authority from taking an alternative stance to that as set out by PINS in their judgement from July 2024. Doing so could have significant financial consequences for the Council.

The proposal would represent a sustainable form of development in that it would address an unmet housing need at a time when the Council is unable to demonstrate a 5 year supply. The scheme has been sensitively designed so as to ensure that it would not have a detrimental impact upon the amenities of local residents, the built environment or highway safety. The impact on the character and appearance of the Oakworth Conservation Area is also acceptable. As such this proposal accords with the above-noted Core Strategy Policies and the provisions of the National Planning Policy Framework. Approval is recommended.

Conditions of Approval:

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

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

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

Plan Type	Plan Reference	Date Received
Location Plan	P2250-005	29thOct 2024
Composite drawing	3107.1B	29th Oct 2024
Proposed plans and elevations	3107.2A	29th Oct 2024
Drainage	P4135-SK01 P01	29th Oct 2024

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

3. Before the development is brought into use, the associated off street car parking facility shall be laid out, surfaced with a permeable material constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: To support the effective regulation of car parking serving the development, in the interests of amenity, highway safety and sustainable drainage and to accord with policies TR2, DS4, EN7 and Appendix 4 of the Core Strategy Development Plan Document.

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

5. The pointing to the external walls of the building shall be flush with or slightly recessed from the face of the stone. "Ribbon" or "strap" pointing shall not be used.

Reason: To ensure the use of visually appropriate pointing details to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

6. All new windows and doors installed in the approved development shall have timber frames which shall have a painted finish and be recessed into the reveals by approximately 100-125mm and shall subsequently be retained in in this form thereafter.

Reason: In the interests of preserving the character and appearance of the conservation area and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

7. All gutters, down pipes and other external plumbing to be installed on the building shall have a black finish and shall be retained in this form thereafter.

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

8. All garage doors installed in the approved development shall be timber which shall have a dark colour finish and shall subsequently be retained in in this form thereafter.

Reason: In the interests of preserving the character and appearance of the conservation area and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

9. Notwithstanding any details shown on the approved drawings, all new roof lights or roof windows to be installed in the building(s) shall be conservation-style roof lights that are fitted flush with the roof slates, and these shall be retained in that form thereafter.

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

10. Before the development is brought into use, details of the bin storage including elevations, materials and finish should be submitted and approved by the local planning authority. The development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the conservation area and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

11. The development hereby permitted shall be drained using separate foul and surface water drainage systems.

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

12. No drainage works shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

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

13. Notwithstanding details contained in the supporting information, the drainage works for the development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage have been submitted to and approved by the local planning authority.

These details shall be based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce the development's effect on the water environment. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be restricted to a rate to be agreed with the Local Authority.

The development shall thereafter only proceed in strict accordance with the approved drainage details.

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

14. Development above damp proof course level of any buildings on the site shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:
- Details of proposed new trees and details of new shrub and grass areas - including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety.
 - The extent, types and heights of the means of enclosure to all curtilages.
 - Details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved details.

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

Reason: In the interests of visual amenity and to maintain the character and appearance of the heritage asset and to accord Policies EN3, EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

16. The development hereby permitted shall not be occupied until bat and bird bricks have been installed/constructed in accordance with details shown on suitable plans and agreed in advance by the LPA.

Reason: To ensure the development provides species specific enhancements in accordance with the NPPF and Core Strategy Policy EN2

Informatives

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that Planning permission granted for the development of land in England is deemed to have been granted subject to the biodiversity gain condition that development may not begin unless a Biodiversity Gain Plan has been submitted to the Local Planning Authority and the Local Planning Authority has approved the plan.

The Local Planning Authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission, would be the City of Bradford Metropolitan District Council. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

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



Appeal Decision

Site visit made on 2 July 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal Ref: APP/W4705/W/24/3344401

Land off Pasture Avenue, Oakworth, Keighley BD22 7QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr W J Poole against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/00116/FUL.
 - The development proposed is a terrace of three dwellings and associated car parking, garages, gardens, emergency vehicle turning, bin storage and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was accompanied by an amended 'highway sketch' together with correspondence from the local highway authority which confirms that the revisions would address its concerns over the driveway gradients. The Council did not raise any objection to submission of the amended plan and no further comments were made on this matter. Given this, and the very minor nature of the changes, I am satisfied that no party would be prejudiced by accepting the amended plan. Furthermore, as it appears that this is no longer a contested issue, I have not considered the matter any further in this decision.
3. A number of objections refer to the appeal site as Green Belt land. For the avoidance of any doubt, the appeal site does not lie within the Green Belt.

Main Issues

4. In light of the above, and based on the evidence before me, I consider that the main issues in this appeal are:
 - whether the development would preserve or enhance the character or appearance of the Oakworth Conservation Area, and
 - the effect on the integrity of designated sites of nature conservation.

Reasons

Integrity of designated sites of nature conservation

5. The evidence indicates that the proposal would be within the zone of influence (Zone C) of the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC), which are European Sites afforded protection under the Conservation of Habitats and Species Regulations 2017

Appeal Decision APP/W4705/W/24/3344401

(the Regulations). The features of interest for which these sites are designated include breeding populations of bird species and their habitat.

6. The Regulations require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone or in combination with other plans and projects. While the Council did not object on these grounds, the responsibility to carry out an appropriate assessment now falls to me in the context of this appeal.
7. The Council has been working in partnership with Natural England to develop a strategy for protecting the habitats and birds from recreational activities associated with occupants of new dwellings. The research underpinning this strategy has identified that any additional dwellings within Zone C would be likely to result in significant effects on the protected habitats and species.
8. Policy SC8 of Bradford's Core Strategy 2017 (the CS) states that a potential mitigation for the impact could be a financial contribution towards various habitat and access management measures to preserve the integrity of the SPA and SAC. The South Pennine Moors SPA/SAC Supplementary Planning Document (SPD) sets out further detail on how the mitigation strategy will be operated, and the measures upon which any contributions will be spent. It further explains that the appropriate mechanism to secure the tariff will be via a completed planning obligation pursuant to Section 106 of the Town and Country planning Act 1990.
9. A Unilateral Undertaking (UU) to provide a financial contribution towards mitigation measures was submitted with the appeal. However, the UU has not been signed and dated. The Procedural Guide to Planning Appeals makes clear that for appeals following the written representations procedure, the appellant must ensure that an executed and certified copy of the planning obligation is received at the time of the making of their appeal.
10. I have considered whether the matter could be resolved by planning conditions. However, the Planning Practice Guidance advises that positively worded conditions cannot be used to secure payment of money, and that negatively worded conditions to require a planning obligation should only be used in exceptional circumstances. This may be where there is clear evidence that the delivery of the development would otherwise be at serious risk, such as in particularly complex development schemes. There is no such clear evidence before me, nor does the proposal appear to be particularly complex.
11. I therefore do not have an appropriate mechanism before me which would secure the mitigation expected by Policies SC8 and the SPD. In these circumstances, I am unable to undertake the appropriate assessment or address the matter further.
12. Consequently, I conclude that the development proposal would adversely affect the integrity of the SPA and SAC, contrary to Policy SC8 of the CS, the SPD, and Chapter 15 of the National Planning Policy Framework (the Framework). Moreover, section 63(5) of the Regulations precludes the proposal from proceeding as it can only be agreed if it has been ascertained that it will not adversely affect the integrity of the SPA and SAC.

Appeal Decision APP/W4705/W/24/3344401

Conservation Area

13. The appeal site is a rectangular parcel of land within the development limits of Oakworth, and is also within the Oakworth Conservation Area (the CA). It is bordered to the west by a late 20th century housing estate. To the north, east, and south are more traditional stone terraces, cottages, and farm buildings along Dockroyd Lane. The gradient falls quite steeply to the south and at the bottom end of the site is an existing gated access from Pasture Avenue and a driveway which serves buildings at Dockroyd Farm. The site boundaries are mostly formed by low stone walls.
14. The Oakworth Conservation Area Assessment 2005 (CA Assessment) explains that the village previously consisted of several agricultural hamlets which expanded and developed into a busy mill village during the 18th and 19th centuries. In addition to its diverse range of stone and slate buildings, the CA includes several small areas of open space which are considered to make an exceptional contribution to the setting and character of the CA. Thus, for the purposes of this appeal, I consider that the significance of the CA is partly derived from the architectural interest and aesthetic appeal of its stone and slate vernacular buildings, and the relationships of these to each other and the open spaces of the settlement.
15. The Council describes the site as enclosed grazing land and consider that it helps to maintain the separation of the former farming hamlet of Dockroyd from the main settlement in Oakworth. The appellant acknowledges that the site would have been part of the former field system associated with Dockroyd Farm, but contends that it is now part of a residential curtilage and that the separation between the areas has been eroded due to recent housing developments and planning permissions. I saw that the existing gates and driveway give the lower part of the site a very domestic character, while the rest of the site is mainly maintained grass, which is neither strongly rural nor strongly domestic. Either way, the largely undeveloped character of the site makes a positive contribution to the significance of the CA as a whole, notwithstanding that it is not one of the 'Key Open Spaces' identified in the CA Assessment.
16. The proposed dwellings would be confined to the upper part of the site where they would be well contained by surrounding development. Their design would reflect the local vernacular in scale, style, and materials, particularly the traditional terraced housing to the north and east along Dockroyd Lane. Existing boundary walls would be retained, while new garden boundaries would be in a similar style and appearance. Although there would be an increase in vehicular hardstandings and gardens within the lower part of the site, this part of the site already has a domestic character and would remain largely free of buildings. In these respects, the development would integrate well with its surroundings and would not appear overdeveloped.
17. Notwithstanding these factors, the change from mostly undeveloped to more developed land would constitute a noticeable change in the appearance of the site, particularly when viewed from Dockroyd Lane and the properties that overlook the site. However, the effect would be very localised and further moderated by the positive design credentials of the scheme. The development would not appear visually dominant, and I am satisfied that no key views into or out of the CA would be significantly harmed. Nonetheless, there would be

Appeal Decision APP/W4705/W/24/3344401

some harm from the reduction in the open and undeveloped character of the site generally, and in turn, to the contribution it makes to the significance of the CA in this regard. This is contrary to Policy EN3 of the CS which seeks to conserve and where appropriate enhance the heritage significance of Bradford's heritage assets.

18. In the terms of the Framework, the level of harm would be classed as less than substantial and I attach considerable importance and weight to the harm, even though it would be minor in degree. On the other hand, the proposal would bring forward three dwellings in a context where it appears that the Council is unable to demonstrate a five-year housing land supply (5YHLS) as required by national policy. As a small development, it is likely that the dwellings could be built relatively quickly. Future occupiers would also help to maintain and or support the vitality of services and facilities in Oakworth in the long term, and there would be some short-term economic benefits from the construction activities. Collectively, these benefits weigh significantly in favour of the scheme. On balance, I find that the benefits of the scheme are sufficient to outweigh the less than substantial harm to the significance of the CA in this instance.

Other Matters

19. In addition to matters already addressed above, local residents have raised a variety of other concerns, including in relation to traffic, wildlife at the site, pressure on local infrastructure, and construction effects. However, these matters did not feature in the Council's refusal reasons, and on the evidence before me, I have no reason to disagree with the Council's assessment in these respects.

Planning Balance and Conclusion

20. As it appears that the Council has a deficient 5YHLS, paragraph 11 d) of the Framework is relevant. In this regard, I have found that there would be less than substantial harm to the significance of the CA, but the benefits of the scheme would outweigh the harm.
21. However, in the absence of an appropriate mechanism to secure mitigation in respect of the effects of the proposal on the integrity of the SPA and SAC, the proposal conflicts with policies in the Framework relating to habitat sites. This provides a clear reason for refusing the development proposed. Consequently, paragraph 11 d) of the Framework is disengaged and the presumption in favour of sustainable development does not apply.
22. Notwithstanding the benefits which have already been identified, the adverse effect on the integrity of the SPA and SAC is an overriding consideration and means that the proposed development would be contrary to statutory provisions, the Framework, and the development plan when taken as a whole. For this reason, the appeal fails.

A Caines

INSPECTOR