

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 16 July 2020**

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**Subject:**

This is a full planning application for the construction of a two-storey dwelling on land at 30 Longacre Lane, Haworth.

**Summary statement:**

The application site is part of the curtilage of 30 Longacre Lane which is a modern detached house on a residential estate in the Cross Roads/Lees area of Haworth. The estate was built under planning permission 97/00406/FUL in the late 1990's and no. 30 is one of 5 houses grouped around a mews court de-sac. A number of objections have been received which are addressed in the Appendix 1 report. Although the site was not developed when the rest of the estate was built, the plot is not protected from development by any open space or recreation designation. It is understood from objectors that trees once occupied the site, but these have now been lawfully removed and there are no planning conditions which would require replanting of trees. The proposed house would form an infill within the built up area and Officers consider that the loss of the garden would not significantly affect the overall spatial qualities of the neighbourhood. The proposed design and scale of the proposed dwelling closely reflect the surrounding houses and it has been sited and designed so that no adverse effects on the amenity of adjoining neighbours would be caused. The house makes adequate provision for on-site car parking and existing vehicular access and turning facilities are unaffected.

Subject to the suggested conditions, the application is recommended for approval.

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**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**



## **1. SUMMARY**

This is a planning application 20/01415/FUL for construction of a detached two storey dwelling with associated parking on land at 30 Longacre Lane Haworth Keighley BD22 0TE

## **2. BACKGROUND**

Attached as Appendix 1 is a copy of the Officer's Report which identifies the material considerations of the proposal.

## **3. OTHER CONSIDERATIONS**

N/A

## **4. OPTIONS**

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application then reasons for refusal will need to be given.

## **5. FINANCIAL & RESOURCE APPRAISAL**

There are no financial implications for the Council arising from this application.

## **6. RISK MANAGEMENT & GOVERNANCE ISSUES**

No implications.

## **7. LEGAL APPRAISAL**

The determination of the application is within the Council's powers as the Local Planning Authority.

## **8. OTHER IMPLICATIONS**

N/A

### **8.1 EQUALITY & DIVERSITY**

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

### **8.2 SUSTAINABILITY IMPLICATIONS**

The property is located in an established residential area in a sustainable location. The dwelling would add in a modest way to the supply of land for housing and there are no sustainability implications for the Council.

### **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There will be no significant greenhouse gas emissions impacts caused by the proposed development.

### **8.4 COMMUNITY SAFETY IMPLICATIONS**

There are no Community Safety Implications

### **8.5 HUMAN RIGHTS ACT**

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

### **8.6 TRADE UNION**

None.

### **8.7 WARD IMPLICATIONS**

There no Ward implications posed by this development.

### **9. NOT FOR PUBLICATION DOCUMENTS**

There are no 'not for publication' documents.

### **10. RECOMMENDATIONS**

It is recommended that the Committee accept the recommendation of approval within the report attached as Appendix 1.

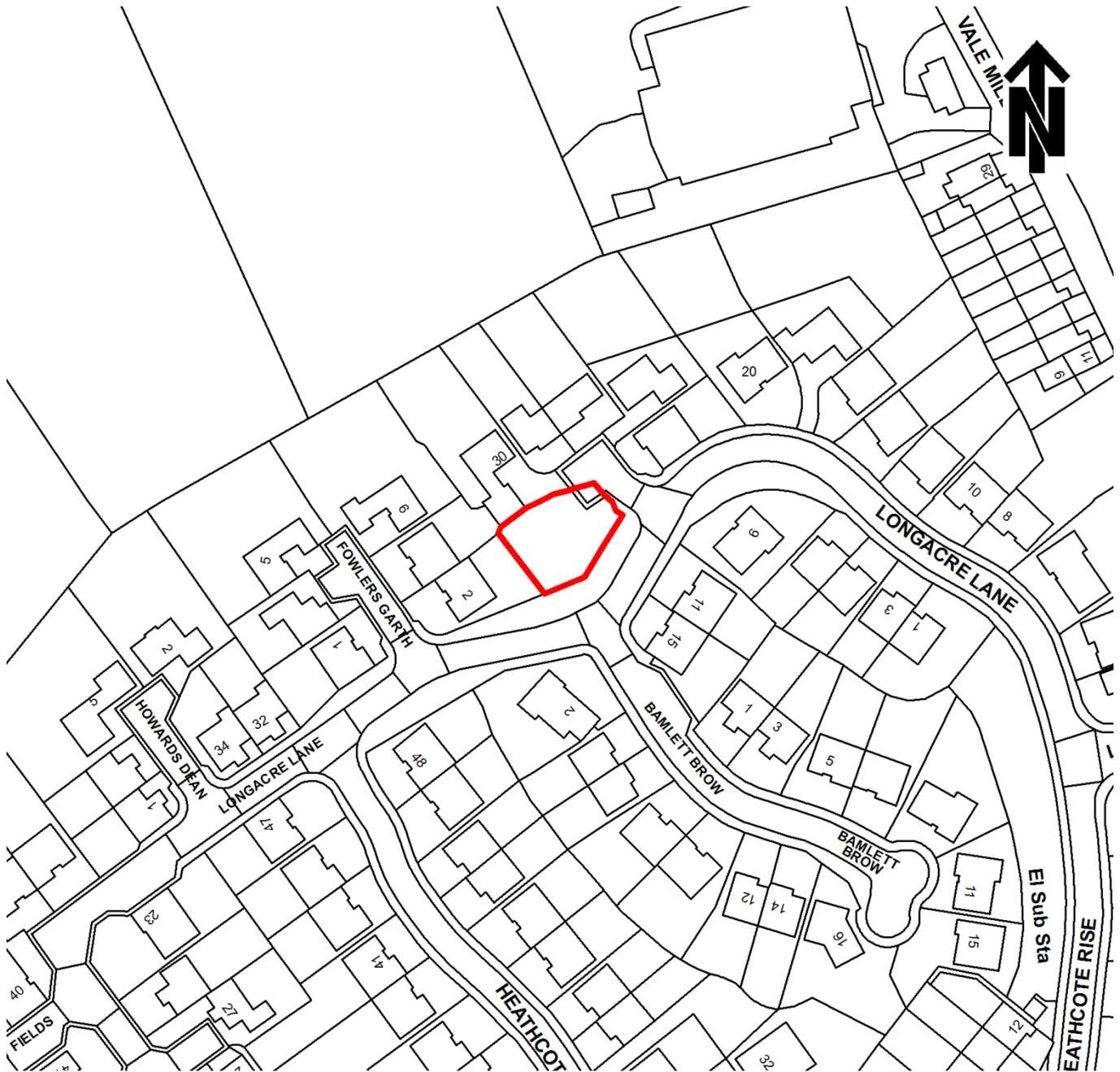
### **11. APPENDICES**

Appendix 1: Report of the Strategic Director of Place.

### **12. BACKGROUND DOCUMENTS**

The Replacement Unitary Development Plan for Bradford District  
National Planning Policy Framework  
The Core Strategy Development Plan Document

20/01415/FUL



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**30 Longacre Lane**  
**Haworth**  
**Keighley BD22 0TE**

## Appendix 1

**Ward:** Worth Valley (29)  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
20/01415/FUL

**Type of Application/Proposal and Address:**  
Construction of detached two storey dwelling with associated parking.

30 Longacre Lane Haworth Keighley BD22 0TE

**Applicant:**  
Mr Craig

**Agent:**  
Mr Michael Ainsworth

**Site Description:**

The application site is part of the curtilage of 30 Longacre Lane which is a modern detached house on a residential estate of similar houses located off Vale Mill Lane in the Cross Roads/Lees area of Haworth. The estate was built under planning permission 97/00406/FUL in the late 1990's. No 30 is one of 5 houses grouped around a mews court cul de sac off Longacre Lane - the main estate road. The land is open but it is garden land and is not part of public open space or a grass verge. A stone wall forms the south/south east boundary with Longacre Lane. To the south west of the garden are the gardens and rear elevations of houses on Fowler's Garth. The proposed dwelling would be positioned on lower ground than the closest property at No. 2 Fowlers Garth and there is vegetation along that boundary.

**Relevant Site History:**

97/00406/FUL - Residential development- Granted 19.06.1997.

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

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

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

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

### **Local Plan for Bradford:**

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

### **Core Strategy Policies**

DS1- Achieving Good Design  
DS3- Urban character  
DS4 - Streets and Movement  
DS5- Safe and Inclusive Places  
EN1- Open Space, Sports and Recreational  
EN5- Trees and woodlands  
EN7- Flood Risk  
EN8- Environmental Protection Policy  
SC9- Making Great Places  
TR2- Parking Policy

### **Parish Council:**

Haworth, Cross Roads & Stanbury Parish Council - There are concerns that this application will set a precedent and lead to over development in the area.

No publicity noted around the site.

Request for this application to be referred to planning committee

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

12 objection comments have been received

12 support comments have been received

1 general comment has been received

A local ward councillor objects and requests that the application be referred to the panel.

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

#### **Objections-**

Opposition to garden-grabbing.

The area was left open and planted with native trees as a condition of the granting of the planning permission 97/00406/FUL, for the development of the estate.

Another house would be considered over-development i.e. cramped development

The proposed site is a designated 'green area'

As open space, this area is important in that it provides for a sense of place and contributes significantly to the character of the estate.

Loss of the garden would impact on wildlife

Lack of parking

It will exacerbate traffic and parking issues which in turn could jeopardise child safety, in what is already a crowded cul-de-sac

Development will exacerbate existing issues of drainage and flooding

Access onto main road

Trees should be planting on the proposed site

Trees have been removed from the site

Construction traffic and noise/dust

Visual impact

## Loss of light/Overlooking

### **Support-**

Would be better to build here rather than greenbelt

It is in keeping with the surrounding area

No parking issues

Good use of unused land

Small developments are appreciated

Good provision of housing

The proposed dwelling will appear similar to existing properties

There is a high demand for housing within the area

### **Consultations:**

Drainage- Raise no objections but standard conditions suggested.

Environmental Health - Records indicate that a historic landfill site, Vale Mills (03nw09) is situated approximately 219 Metre(s) from the site. Based on the past history of the site the probability of contamination being present sufficient to affect future site users is considered to be a low risk. Conditions suggested.

### **Summary of Main Issues:**

The Principle of Development

Removal of trees from the site

Loss of garden - Impact on local character

Design

Amenities of Occupiers of Adjacent Land

Highways/Public Safety

Drainage

Other Issues

### **Appraisal:**

#### **The Principle of Development**

The housing estate around Longacre Lane was developed in the late 1990's in accordance with planning permission 97/00406/FUL. This permission included a S.106 agreement requiring, amongst other things, provision of a recreation area which was delivered elsewhere in the estate and is now adopted by the Council.

Several objectors suggest that the site is designated as a 'green area' on the original plans for the housing estate and that there were trees on the land.

However, whatever the intentions were back in 1997, the application land was not formally protected by any subsequent planning designations, or by the S.106 agreement. Since the estate was built it has formed part of a private garden and it has no recreation or open space designations. As will be explained below, any trees that once stood on it have been removed, and this has apparently been done lawfully. There are no Tree Preservation Orders affecting it.

Today the garden is simply an open gap. With regard to garden development, the NPPF says that "Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area".

However, Officers do not agree that this land is essential to the spatial character or qualities of the surrounding residential estate. There are now no trees of any note, nor are any detrimental impacts on wildlife foreseen as a result of the development.

The proposal would make a modest contribution to housing land supply which is a priority of the NPPF and the Core Strategy. There are no considerations of principle that would prevent approval of an additional, suitably designed dwelling.

### **Removal of Trees from the site**

Objectors say the application land was left open by the original developer of the estate who then planted it with native trees (silver birch and rowan) as a condition of the granting of planning permission 97/00406/FUL. Apparently, over the years those trees have been steadily removed and now the land is left as an open area of garden containing only minor shrubs and boundary hedges.

In response to comments from objectors and the Ward Councillor, officers have reviewed the original planning permission for the estate and confirm that the layout showed the land as incidental landscaping - with trees indicated on it. However, the land was conveyed to the applicant's property rather than being adopted by the Council as a communal open space area.

A Tree Preservation Order was never imposed on the land and so if the trees have been removed or have died over the course of the last 20 years that has not been unlawful.

Furthermore, 20 years after the estate was built there is now no planning condition that could be used to insist it is kept open.

The standard condition relating to landscaping normally requires replacement of any new planting undertaken by the developer if any of that landscaping is removed or dies within 5 years of the date of planting. At this point in time, 23 years on from the planning permission, such a standard condition would no longer be enforceable.

However, Condition 2 which was imposed on planning permission 97/00406/FUL merely requires the agreement of a landscaping scheme. The condition makes no provision, at all, for subsequent retention of that landscaping. There is therefore no effective mechanism whereby the Council could secure the replanting of trees on this garden.

As requested by the Ward Councillor, Officers have looked at the circumstances of the 1997 permission but, whatever the intentions of the planners who oversaw the development of the estate, there is now no sound reason to oppose development on grounds of loss of trees. Trees that seem to have previously stood on the land have now been removed, and there is no legal mechanism whereby the Council could insist on replacement planting taking place.

### **Impact on Local Character from loss of garden land**

It is noted that objectors say this development also goes against the emerging Neighbourhood Plan which identifies the need to protect green spaces of local community value and focus housing development on brownfield sites. However, the Neighbourhood Plan is yet to be examined, and the final wording of such a policy is as yet unknown and can be given only modest weight.



Whilst objectors say the openness of the garden provides welcome space within an otherwise densely developed and close knit modern residential estate, Officers do not agree that loss of the space would be unduly detrimental to local character. The land is not a communal recreation space and nor is it considered essential to the spatial character or qualities of the surrounding housing estate. The land forms a gap within the estate and building another property in this cul-de-sac would form infill that would reflect the prevailing close knit character of the estate. Officers do not agree that the proposal could not be described as overdevelopment.

The proposal is considered to be acceptable in terms of its impacts on the character and visual amenity of the area and accords with Policies SC9, DS1, DS2 and DS3 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

### **Design**

Although the dwelling would be positioned in a prominent position, the complementary design features and use of matching natural stone would enable the new property to blend well and it would not appear to be 'stark' as some comments say. The new dwelling is of conventional height and would not be especially imposing. It would retain an amount of garden space around it. It would not appear cramped. The built form – in matching natural stone - would complete and complement the enclosure of the mews court by the stone houses.

The surrounding area consists of similarly designed properties and roof forms adopting a vernacular approach to design and using natural stone as the main walling material. The design and scale of the proposed two storey dwelling would be in keeping with the surrounding properties. Its scale, massing, height, materials roof form and design style all reflect the character and appearance of the existing houses around the site. The dwelling would be constructed using natural stone and concrete interlocking tiles, which will also match the adjacent properties.

Although the footprint of the proposed dwelling is slightly larger than some surrounding properties, it does not differ significantly and would harmonise with the existing houses around the mews court cul de sac.

The proposal is considered to be acceptable in terms of its design and its impact on the character and visual amenity of the area and accords with Policies SC9, DS1, DS2 and DS3 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

### **Impact on wildlife**

As described above, there are no trees of any note remaining on the land and there is no evidence of any protected species. Objectors have commented about birds having slowly moved back into the estate. However, these bird species will enjoy plentiful habitat within all the other gardens on the estate and will not be solely dependent on the garden at 30 Longacre Lane for foraging. The hedge to the rear is shown retained and there would be opportunities for some new shrub planting in the remaining curtilage. There is no evidence that biodiversity would be directly impacted by construction of an additional dwelling on what is presently a cultivated garden plot.

### **Amenities of Occupiers of Adjacent Land**

The key considerations in respect to residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of properties and whether oppression would occur from the size, scale and massing of the development.

The proposed dwelling would be in closest proximity to the rear of No. 2 Fowlers Garth, although it would be positioned on significantly lower ground, around 1.5 metres lower, and the boundary is screened by tall shrubbery and trees. The first storey of the new dwelling would be largely below the level of the ground floor of 2 Fowler's Garth. The second storey of the proposed dwelling would retain a separation distance of approximately 13 metres from the rear wall of No. 2 Fowlers Garth, and comfortably clears a 25 degree angle line taken from the middle of the habitable room window on the ground floor of No.2. Therefore, there is no significant threat of overlooking, overshadowing and overbearing impact on 2 Fowlers Garth as a result of the proposal.

Also, the agent has designed the new dwelling so that there would be no habitable room windows facing towards 2 Fowlers Garth thus preventing any privacy/overlooking issues for occupiers of that nearest adjoining dwelling.

The existing hedge along the boundary is also shown to be retained and a condition to secure its protection during construction is suggested in the list of conditions at the end of this report.

The proposed elevation drawings show that the property comfortably clears a 25-degree angle and retains 21 metres from the facing properties across the mews court at No. 22 and No. 26 Longacre Lane. It is noted that the plans refer to No. 22 as being No. 26, although from the location plan and site plan it is clear that the drawing makes reference to No. 22. Nevertheless, no adverse impact is anticipated by the proposed dwelling in relation to No. 22 or No 26 Longacre Lane. The proposed dwelling will retain 26 metres separation from No.24 Longacre Lane. All these separations are adequate.

The applicant's house at 30 Longacre Lane would be directly adjacent to the property, but a 15.5 metre separation distance will be retained from the side elevation of the proposed dwelling. There would be no windows to the side elevation of the proposal except a small landing window which does not contribute to negative residential impact. The ground floor window of No. 30 facing on to the side elevation of the proposed dwelling is not deemed to be significantly impacted.

In order to safeguard the habitable room windows on the ground floor of No.30 which face the side elevation of the proposed dwelling, it is suggested that permitted development rights will be removed so that new openings cannot be formed that would potentially overlook the neighbouring property.

Although there is somewhat limited outlook from the dining kitchen room to the rear of the proposed dwelling, the large window, bi-fold doors and roof lights provide sufficient natural light to the open plan room. It is not deemed that the occupants of the property would be subject to limited natural light, and there would be outlook to the rear paved amenity space.

Having had regard to the above, it is considered that the proposal would not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with policies Policy DS5 of the Core Strategy and the NPPF.

### **Highway Safety**

The proposed development has raised several concerns from local residents and the Ward Councillor on grounds of highway safety. These concerns focus on its reliance on the short cul-de-sac for servicing and turning and that two visitor parking spaces would be removed to locate the new driveway.

However, the NPPF says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The roads serving the estate are spacious and designed to modern standards. The addition of a single family dwelling to the estate would not result in any significant intensification of traffic using Longacre Lane and its junction with Vale Mill Lane. Impacts on the road network would be negligible.

The short Mews Court access currently provides for five dwellings, and the proposed dwelling would be the sixth. It would incorporate a block paved parking area for two cars which would meet the Core Strategy parking standard and alleviate parking pressures to the road.

Although visitor spaces would be displaced, Longacre Lane is a reasonably wide street capable of incorporating additional visitor parking that might be associated with an additional dwelling. The turning circle will remain within the mews court and will continue to allow access for emergency vehicles and bin lorries.

With regard to the NPPF, the proposed development would only add a modest amount of traffic to the network and it would not prejudice the safety and operation of the adjacent highway. The proposals would comply with Policy DS4.

### **Drainage**

The Council's Drainage team has raised no objections to the principle of development on the plot. It would require that the development be drained via a separate surface and foul water systems within the site boundary with full details of foul and surface water proposals being required to be approved in writing.

Objectors report issues with drainage in this area of the estate but reserving details of surface water proposals would ensure that appropriate balancing features are incorporated if this proves necessary.

In response to the flood risk concerns mentioned in the objection comments, the Local Authority Drainage Team have not objected to the principle of development on the grounds of flood risk, subject to appropriately worded conditions. It is not deemed that flood risk implications would cause significant impact and therefore on this basis would not warrant refusal of the application. The scheme therefore accords with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

### **Other Issues**

There are no Tree Protection Orders on the proposed site, past removal of trees has not been in contravention of planning legislation and therefore would not be enforceable by the Local Planning Authority.

It is noted that the Parish Council say no publicity notice was apparent at the site. However, this type of application did not require publicity by site notice. Instead direct letters were sent to near neighbours and it is apparent from the number of representations received that this publicity has been adequate in terms of making local people aware of the application.

**Community Safety Implications:**

None foreseen

**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

**Reason for Granting Planning Permission:**

The proposal would make a modest contribution to housing land supply on a site within the built up area and in a reasonably sustainable location. The site is not protected from development and the scale and design of the proposed dwelling is respectful of the surrounding area. The land is not a communal recreation space and nor is it considered essential to prevent development to safeguard the spatial character or qualities of the surrounding housing estate. Subject to the suggested conditions, the proposal is not considered to raise any significant planning concerns. The proposal is considered to accord with Policies DS1, DS3, DS4, DS5, EN7, EN8 and TR2 of the Core Strategy Development Plan Document.

**Conditions of Approval:**

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

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

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

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

3. The development hereby permitted shall be drained using separate foul and surface water drainage systems on and off site.

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.

4. No piped discharge of foul or surface water shall take place from the development until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

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.

5. If, during the course of development, contamination is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

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

6. The development shall not begin until protection fencing has been installed around the hedges to be retained on the boundary of the plot with 2 Fowlers Garth. Any parts of the hedges which are removed or damaged during the course of the development shall be replaced/replanted using similar plant species prior to the dwelling being occupied.

Reason: To ensure that the boundary shrubbery and hedges are adequately protected prior to development activity beginning on the site in the interests of amenity, to safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy DS5 and DS2 of the Core Strategy Development Plan Document.

7. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the northwest elevation facing No.30 Longacre Lane of the hereby permitted dwelling without the prior written permission of the Local Planning Authority.

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