

# Report of the Strategic Director, Regeneration to the meeting of the Area Planning Panel (BRADFORD) to be held on 07 September 2016

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## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
A.	364 Whitehall Road Wyke Bradford BD12 9LN - 16/03890/FUL [Approve]	Wyke
B.	536 - 538 Little Horton Lane Bradford BD5 0PA - 16/04006/ADV [Approve]	Little Horton
C.	60 Idle Road Bradford - 15/02075/FUL [Approve]	Bolton And Undercliffe
D.	Broadway Avenue Unitarian Church Hall Broadway Avenue Bradford BD5 9NX - 16/05002/REM [Approve]	Little Horton
E.	Land Adj 13 Ford Hill Queensbury Bradford - 16/04017/FUL [Approve]	Queensbury
F.	Land At Apperley Lane Apperley Bridge Bradford - 16/04213/FUL [Approve]	Idle And Thackley
G.	Land At Valentine Court Off Back Lane Thornton Bradford - 16/05388/OUT [Approve]	Thornton And Allerton
H.	99 Cumberland Road Bradford BD7 2JP - 16/04491/HOU [Refuse]	Great Horton

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#### Portfolio:

Regeneration, Planning and Transport

#### Overview and Scrutiny

#### Committee Area:

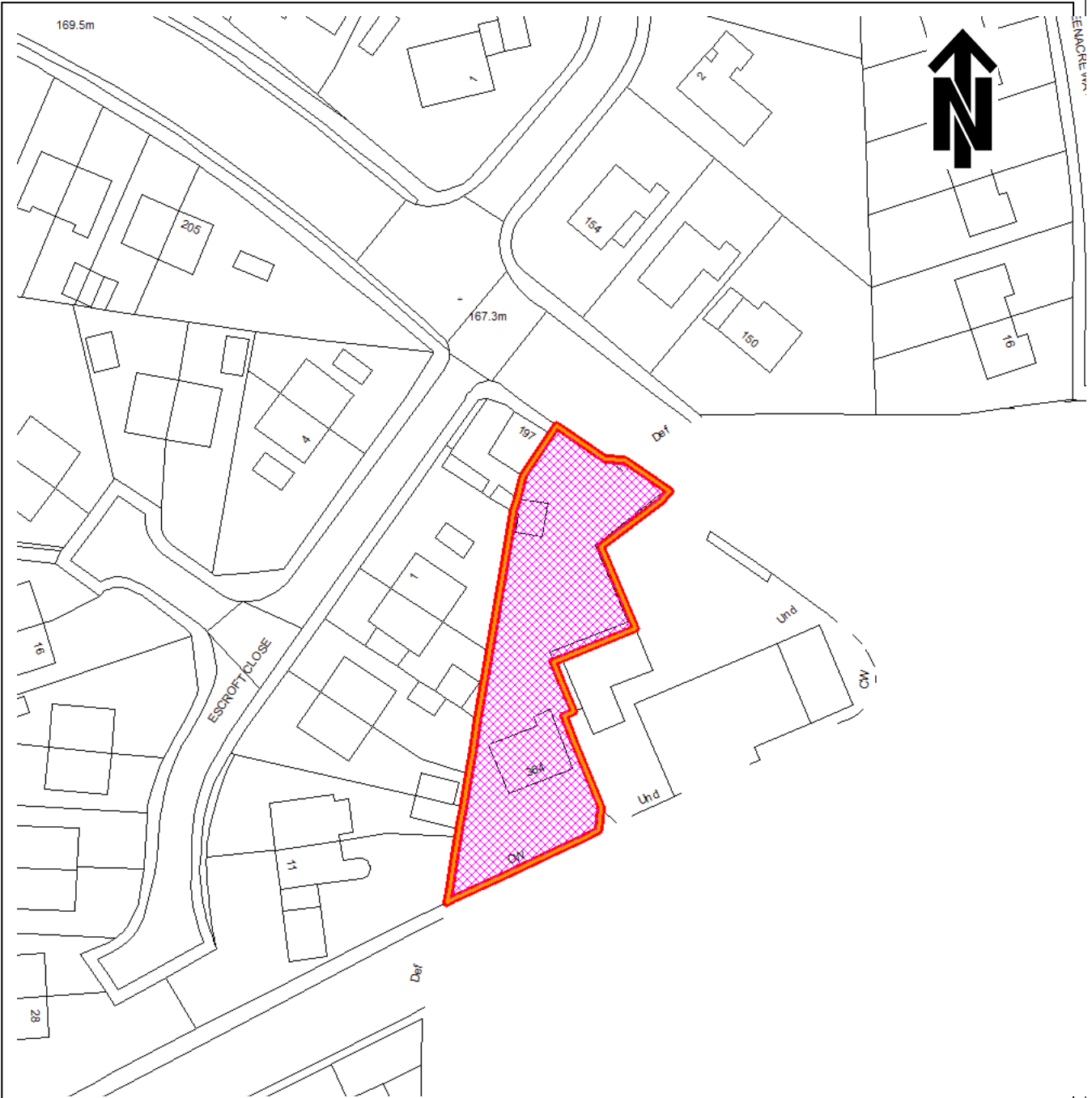
Regeneration and Economy



**Area Planning Panel (Bradford)**

**16/03890/FUL**

7 September 2016



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ITEM NO. : <b>A</b>	LOCATION: <b>364 Whitehall Road Wyke</b>
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**7 September 2016**

**Item Number: A**  
**Ward: WYKE**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSIOON**

**Application Number:**  
16/03890/FUL

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

A full planning application for the construction of a pair of semi-detached dwellings within the rear garden of 364 Whitehall Road, Wyke, Bradford.

**Applicant:**

Mr James Firth

**Agent:**

Mr Jonathan Holmes

**Site Description:**

364 Whitehall Road is a detached bungalow to the north of the highway. The property has a sizeable curtilage with a good sized front garden and a generous rear garden which extends to Westfield Lane. The property is in close proximity to the petrol filling station, set at the junction with between the two roads. Where the garden meets Westfield Lane it is between the petrol station and 197 Westfield Lane. There is an existing vehicular access at this point. The curtilage is mainly enclosed by an existing boundary wall approximately 1.8m in height, lower to the Whitehall Road frontage.

The wider locality is predominantly residential with a variety of housing designs present. Wyke local centre is within walking distance.

**Relevant Site History:**

Not applicable.

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

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

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

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

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

**Allocation**

Unallocated.

**Proposals and Policies**

UDP1	Promoting Sustainable Patterns of Development
UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
TM2	Impact of traffic and its mitigation
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
D1	General Design Considerations
D4	Community Safety
NR16	Surface Water Run Off and Sustainable Drainage

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application has been publicised by individual neighbour notification letters and a site notice. The publicity period expired on 28 June 2016. Twelve representations, including one from the local Ward Councillor, have been received.

**Summary of Representations Received:**

The representations received are all in objection to the proposed development. The following concerns have been raised:

Highway safety.  
Overshadowing.  
Noise.  
Overlooking.

**Consultations:**

**Highways Development Control** – Following initial objections the highway officer considers the highway arrangements acceptable subject to conditions.

**Kirklees Council** – No response.

**Trees** – No protected trees are likely to be affected by the proposals; therefore the trees team has no objections.

**Drainage** – Condition suggested.

**Minerals** – No response.

**The Coal Authority** – The site does not fall within the defined high risk area.

**Summary of Main Issues:**

Principle.

Residential Amenity.

Visual Amenity.

Highway Safety.

**Appraisal:**

The application is for a pair of semi-detached dwellings within the rear garden of 364 Whitehall Road. A new access from Whitehall Road is proposed to serve the existing bungalow. The new dwellings will be accessed via Westfield Lane.

**Principle**

This land is unallocated, but there is an urgent need for the Council to provide appropriate land for housing, and the NPPF indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against the Council's housing targets. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%. The Council's Strategic Housing Land Availability Assessment 2011, (SHLAA) indicated a substantial shortfall in housing land relative to these requirements. The Council SHLAA update report 2015 notes that the five-year housing land supply position will remain below the level required by the NPPF.

There is therefore an urgent need to increase the supply of housing land in the District, and this scheme would make a contribution, albeit modest, towards meeting that need and represents a more efficient use of the site than the previously approved scheme.

The NPPF also observes that housing applications should be considered in the context of the presumption in favour of sustainable development, and local planning authorities should encourage the effective use of land. The site is situated in an established residential area sustainably located close to existing infrastructure such as shops, other facilities and public transport. These factors also weigh significantly in favour of the scheme and the principle of residential development is therefore considered to be acceptable.

**Residential Amenity**

The NPPF stipulates that planning should seek to secure a high standard of design and a good standard of amenity for all existing and future occupants of land and buildings.

The proposed dwellings are considered to relate satisfactorily with neighbouring dwellings and each other. The nearest neighbouring dwelling, no.197 Westfield Lane, has a blank elevation alongside the shared boundary, the petrol filling station is to the other side. Given the shape of the site, the rear elevation of plot 2 has some potential for an increase in overlooking of the rear garden of no.1 Escroft Close, however, in order to address this concern the internal layout has been amended, leaving the closest first floor window serving a bathroom. This window would therefore be obscure glazed and a related condition is suggested. The presence of the existing boundary wall and outbuilding in the rear of no.1 Escroft Close will also help mitigate any potential impact. The remaining first floor window exceeds the required 7m spacing distance to the shared boundary.

The proposed properties are also divided by an angled boundary line, leaving a similar situation to that noted above. The internal layout has again been adjusted to allow the closest first floor window to the shared boundary to be obscured without compromising the occupant's amenity. In any event the patio area, and likely most used external amenity space, will offer private amenity space.

The proposed properties extend beyond the rear elevation of no.197 by approximately 2m, but at the closest point the dwelling at plot 2 will be around 2m from the shared boundary. This is not considered to be unduly overbearing, or to result in an unacceptable increase in overshadowing. Any overshadowing will be limited to the morning as no.197 is positioned to the west of the development site.

The development is therefore considered acceptable when measured against the requirements of the NPPF and Policies UR3 and D1 of the Replacement Unitary Development Plan.

### **Visual Amenity**

The site is situated between a petrol filling station and an individually designed detached dwelling. The wider locality includes a variety of housing designs with, bungalows, detached and semi-detached dwellings all present.

The dwellings proposed have taken inspiration from the semi-detached dwellings further down Westfield Lane, and with the exception of the apex-roof replicate their design and appearance. The proposed dwellings have been revised from the original submission, with the overall height being reduced in order to produce a more sympathetic relationship with the nearest neighbouring property.

The dwellings will be constructed using course natural stone for the main front elevation, with a rendered finish to the remaining less prominent elevations. Grey concrete tiles are proposed for the roof. These materials are considered acceptable, and are reflective of those used on neighbouring dwellings. A submission of samples remains a recommendation of any planning approval.

It is therefore concluded that it has been satisfactorily demonstrated that the development can be accommodated within the site whilst maintaining the amenity of the locality. The proposal therefore meets the requirements of the NPPF and policies UR3 and D1 of the Replacement Unitary development Plan.

### **Highway Safety**

The proposal provides a new drive and turning area for 364 Whitehall Road and two off street parking spaces each for the new dwellings accessed off Westfield Lane. This level of off street parking accords with appendix C of the RUDP.

The highway officer raised some initial objections to the proposal, but has subsequently revised his comments following the receipt of amended plans and a further examination of the site. The revised plans show the access points with visibility splays for each access detailed. The visibility splays for the new access of Whitehall Road and plot 2 meet the required distances. Plot 1 has a restricted visibility to one side, but this access is almost in the same position as the existing access, so is no worse than the existing situation. Whilst the proposed layout for new properties does not allow for on-site turning, given the likely traffic speeds and vehicle activity level the arrangement is considered acceptable.

The proposed access off Whitehall Road is similar to other access points within the locality in terms of its proximity to the junction and relationship with the existing road markings. The proposed layout allows for vehicles to enter and exit in a forward gear. It is also noteworthy that on street parking is not restricted to the front of this property, and given the size of the rear garden and the position of the existing vehicle access point the occupants are likely to use Whitehall Road for parking given the proximity to the properties main entrance. The proposed layout therefore has the potential to reduce demand for on any street parking.

The locality is also well served by public transport and within close proximity to local amenities which should serve to reduce the reliance of private modes of transport. The proposal is therefore considered to meet the requirements of policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

**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. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

**Reason for Granting Planning Permission:**

The proposed development is considered to represent a sustainable form of development. The plans demonstrate that the site can be developed in a manner which relates satisfactorily to the character of adjacent properties and the wider locality, without resulting in a significant detrimental impact on the amenity of existing and future residents. As such this proposal is considered to be in accordance with the requirements of the National Planning Policy Framework and Policies UDP1, UR2, UR3, TM2, TM12, TM19A, D1 and NR16 of the Replacement Unitary Development Plan.

**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 commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. 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 UR3 and D1 of the Replacement Unitary Development Plan.

3. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details of which must be submitted to the Local Planning Authority for approval in writing before the expiration of 1 month from the date on which the contamination was found. If remediation is found to be necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing; following completion of measures identified in the approved remediation scheme and prior to the commencement of the use of the approved development a verification report must be prepared and submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination are minimised, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

4. The first floor window(s) in the rear elevation(s) of the new dwellings hereby permitted, as shown on plan number 1311/05 A shall be glazed in obscure glass prior to the first occupation of the building/extension and thereafter retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policy UR3 of the Replacement Unitary Development Plan.

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

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

6. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered 1311/05 A shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.



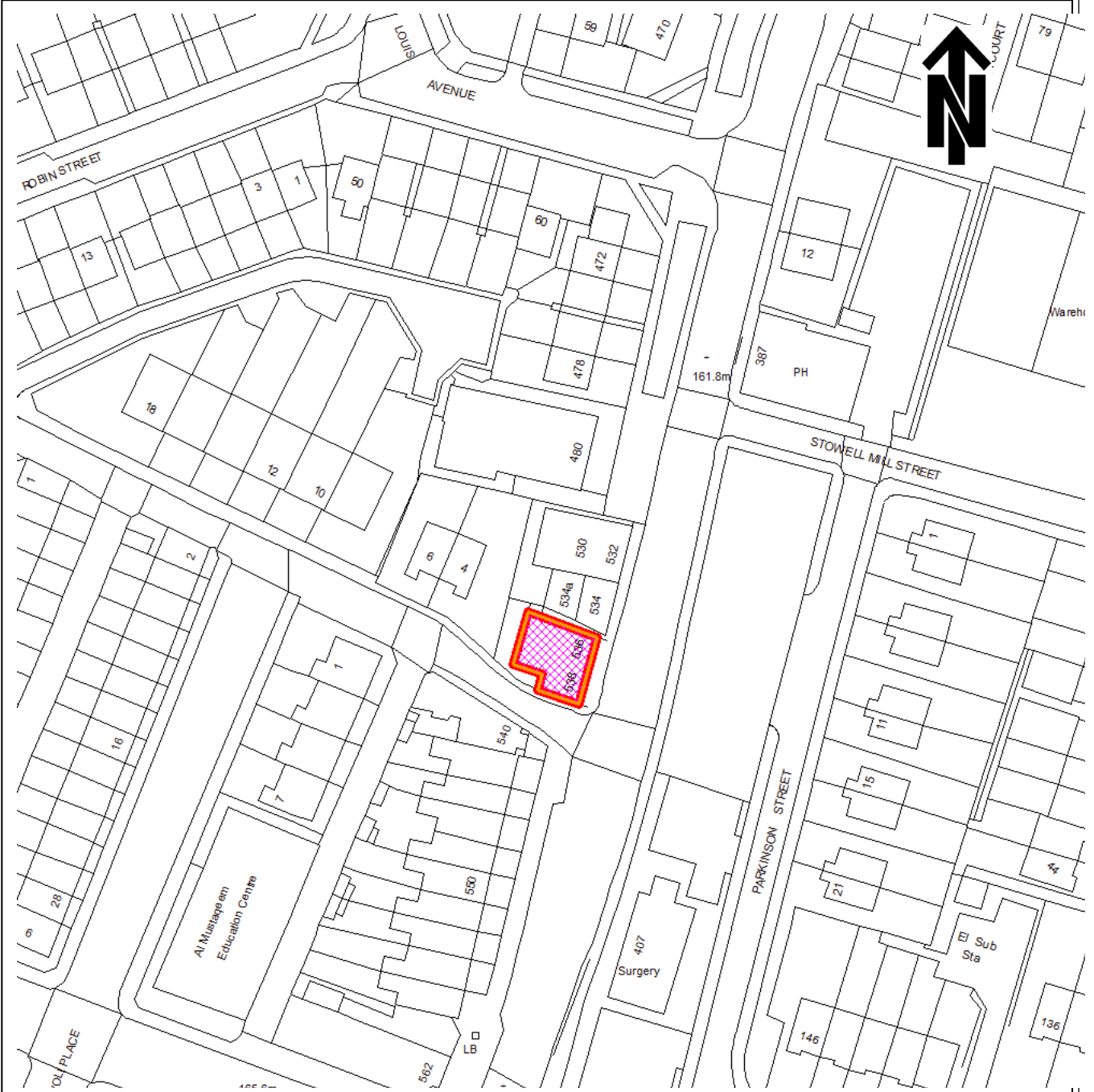
7. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme would also be required to demonstrate that there is no resultant unacceptable risk to controlled waters. The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

Area Planning Panel (Bradford)

16/04006/ADV

7 September 2016



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ITEM NO. : <b>B</b>	LOCATION: <b>536 - 538 Little Horton Lane Bradford</b>
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**7 September 2016**

**Item Number: B**  
**Ward: LITTLE HORTON**  
**Recommendation:**  
**TO GRANT RETROSPECTIVE ADVERTISEMENT CONSENT**

**Application Number:**  
16/04006/ADV

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

A retrospective application for advertisement consent for an illuminated shop fascia sign and projecting sign at the premises at 536-538 Little Horton Lane, Bradford. The side elevation digital printed sign does not form part of this application.

**Applicant:**  
Mr Chia Asmand

**Agent:**  
Not applicable.

**Site Description:**

The site is in use as a retail property (food market). The surrounding area is mainly residential; however, other similar retail properties exist in this section of Little Horton Road. The signage is in place on the property, as is a printed sign to the side elevation (this does not form part of this application).

**Relevant Site History:**

15/07118/ADV: Installation of illuminated two fascia signs, one projecting sign and digital printed sign to side elevation (refused 08.04.2016; visual amenity and cluttered appearance).

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

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

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

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

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

***Allocation***

Unallocated.

***Proposals and Policies***

UR3 The Local Impact of Development

D15 Advertisements

D1 General Design Considerations

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

No statutory publicity was carried out in relation to the application as it not a planning application. At the time of report preparation, the following representations had been received:

Ten objections received.

**Summary of Representations Received:**

1. The illumination on the shop sign is too bright.
2. Problems associated with the retail use of the premises – noise, vehicle movements etc.
3. Visual impact of the advertisements.
4. The sign is a danger to road users.

**Consultations:**

None.

**Summary of Main Issues:**

Public safety.

Amenity.

Outstanding issues raised by representations received.

**Appraisal:**

**Public safety**

The existing fascia sign and projecting sign are not considered to pose a significant threat to public safety. Although illuminated, the signs are static and not located close to a road junction or have the potential to interfere with traffic signals. Furthermore, the signs do not impeded pedestrian flow on the footway or affect visibility lines on the highway. It is not considered therefore that the signage affects highway safety or causes any significant distraction to drivers.

### **Amenity**

The signage is prominent within the street scene, but it appears quite typical of other advertisements in this area of Little Horton Lane. The sign is not unduly large and is confined to the width of the shop front. Although it is illuminated, it is not considered to be significantly overbearing in the street scene. The application is submitted for the front element of the fascia sign only and therefore the side element would need to be removed which would reduce the overall impact of the signage. It is considered, given the character of the street scene, that the signage will not be unacceptable in its visual impact and with the relevant elements removed, will not result in an unduly cluttered appearance.

Outstanding issues raised by representations received:

1. The illumination on the shop sign is too bright.

The signage is illuminated internally but it is not considered to directly affect residential properties given that it faces directly onto Little Horton Lane, limited light spill to surrounding properties.

2. Problems associated with the retail use of the premises – noise, vehicle movements etc.

These issues are as a result of the retail use of the property and are not under consideration as part of this application

### **Community Safety Implications:**

None.

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

In writing this report, regard has been given to the need to eliminate unlawful discrimination, harassment and victimisation, advance 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.

### **Conditions of Approval:**

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: To accord with the requirements of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

2. Any hoarding or structure, erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: To accord with the requirements of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

3. Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: To accord with the requirements of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with the requirements of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

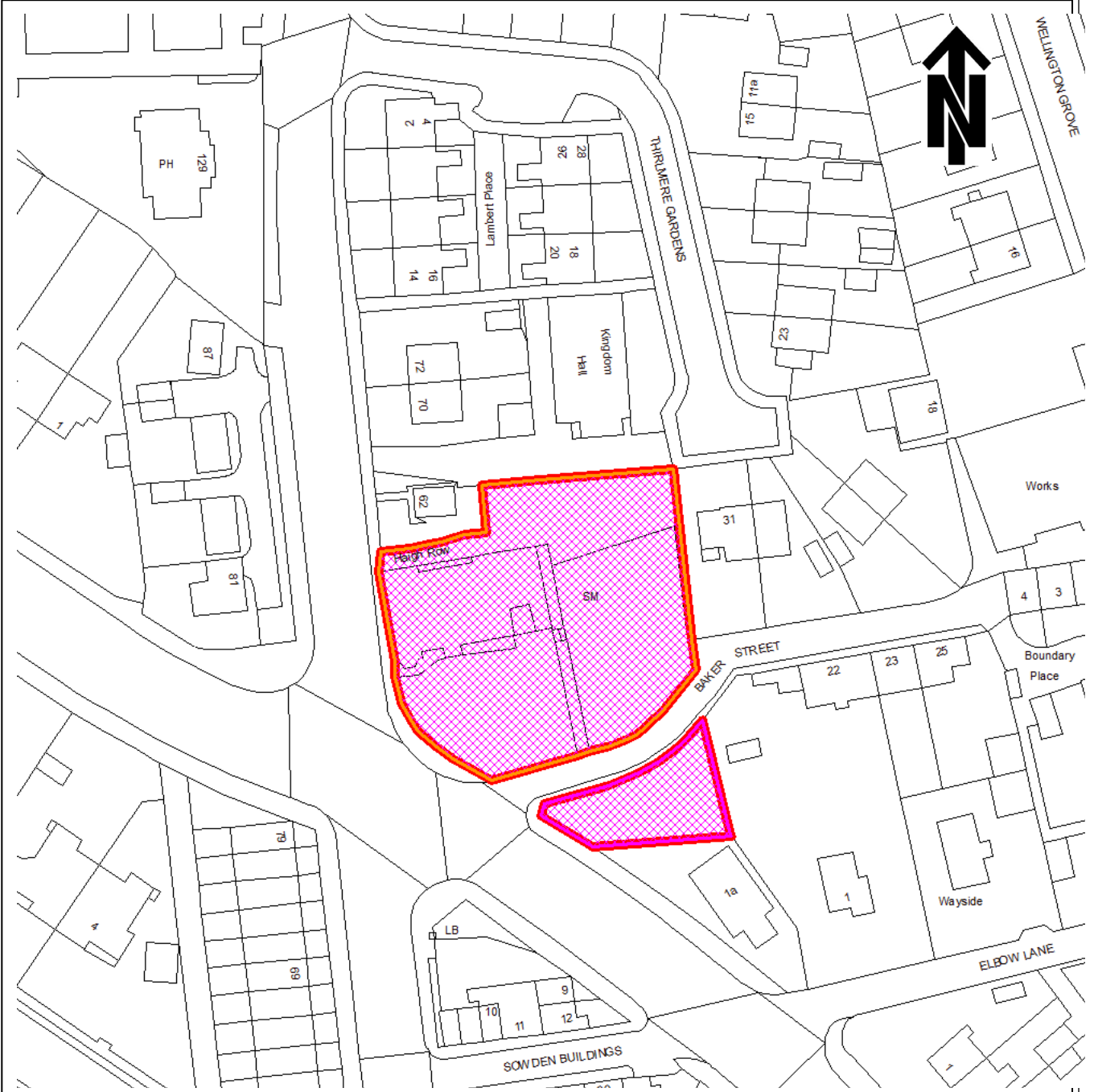
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Reason: To accord with the requirements of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

Area Planning Panel (Bradford)

15/02075/FUL

7 September 2016



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ITEM NO. : <b>C</b>	LOCATION: <b>60 Idle Road Bradford</b>
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**7 September 2016**

**Item Number: C**  
**Ward: BOLTON AND UNDERCLIFFE**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION WITH CONDITIONS**  
**SUBJECT TO A SECTION 106 AGREEMENT**

**Application Number:**  
15/02075/FUL

**Type of Application/Proposal and Address:**  
This is an application for temporary planning permission, for a period of 24 months, for the operation of a hand car wash and the siting of a welfare cabin on land at 60 Idle Road.

**Applicant:**  
Mr Shokhulah Mashmoni

**Agent:**  
Mr David Cook

**Site Description:**  
The application site is comprised of a hard surfaced car park and grassed land. The land was previously used as a beer garden and overspill car parking serving a public house at 60 Idle Road. The public house has undergone a change of use and now operates as a carpet shop and warehouse. The application site was most recently identified as providing car parking to serve the carpet showroom. The surrounding area is predominantly residential with the exception of a taxi booking office and place of worship immediately to the North of the site.

**Relevant Site History:**  
13/02212/FUL-Change of use from A4 Drinking Establishment to A1 Shop and B8 Storage and Distribution use and construction of single storey extension to side-Granted- 30.07.2013.

13/03232/FUL-Change of use of former public house overspill car park to used car sales display area, construction of sales cabin and installation of tubular barriers-Refused-30.09.2013.

13/04464/FUL-Change of use of former public house overspill car park to used car sales display area-Refused-12.12.2013.

14/02059/FUL Retrospective planning application for front wall partially built with different material and removal of one window-Granted- 30.07.2014.

14/04977/FUL Temporary car wash-Refused-15.01.2015.



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

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

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

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

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

***Allocation***

Unallocated.

***Proposals and Policies***

UR3 – Local Impact of Development

D1 - General Design Considerations

D14-Lighting

P7-Noise

TM2-Impact of Traffic and its Mitigation

TM11-Parking Standards for Non-Residential Developments

TM19A-Traffic Management and Road Safety

NR16-Surface Water Run Off and Sustainable Drainage Systems

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was publicised by the Council through a site notice and neighbour notification letters. The expiry date for comments in connection with the application was 19 July 2015. 77 letters of representation were received in connection with this application including 62 letters of support and 14 letters of objection.

**Summary of Representations Received:**

**Objection:**

- Harm to visual amenity.
- Harm to residential amenity.
- Harm to highway and pedestrian safety.
- The submitted Section 106 is not valid.
- The development will block access to Boundary Place.

- Noise nuisance.
- Neighbouring residents have not been notified.
- Waste water would result in harm to highway safety.
- A car wash is not beneficial to the economy.
- letters of support have not been submitted by immediate neighbours.
- The site should be used as an allotment.

**Support:**

- The car wash would create 4 jobs.
- The development will not result in any adverse highway or pedestrian safety implications.
- The development will not impact on neighbouring amenity.

**Consultations:**

**Highways** - Following the initial submission concerns were raised that the proposal would result in adverse highway safety implications. Specifically it was considered that the intensification of the use of a sub-standard access and a reduction in the level of available parking and turning space at 60 Idle Road would result in conditions prejudicial to highway safety. An amended plan was subsequently provided indicating that improvement works would be carried out on the Baker Street access road, with specific details to be agreed in writing before commencement of the use. Subject to the access works and a section 106 agreement ensuring that adequate parking is made available on site, Highways Development Control do not raise any objections to the proposed development.

**Environmental Health** - The sound impact level of the proposed development should not exceed the existing background noise levels by more than 10 decibels. If a noise nuisance was to be established from the work activities at the car wash, formal action may be considered in line with the Environmental Health Departments Enforcement Policy.

**Drainage** - Drainage must discharge to sewer, via a suitable car wash silt trap. No development shall take place until details of the proposed means of disposal of surface water have been submitted to and approved by the local planning authority.

**Rights of Way** - No objection. The applicant should be made aware of the standard Rights of Way requirements in the event that planning permission

**Summary of Main Issues:**

Visual Amenity.

Residential Amenity.

Highway and Pedestrian Safety.

Drainage.

Further Issues Raised by Representations.

### **Appraisal:**

An application for the operation of a hand car wash at this site was previously refused for the following reasons:

1. The introduction of the car wash would intensify the use of the existing sub-standard access and would unacceptably reduce the available level of parking and turning space at 60 Idle Road. The proposal is therefore considered likely to result in increased vehicle manoeuvring and the parking of vehicles on both the un-adopted access road and on Northcote Road, to the detriment of the safe and free flow of traffic on the highway. The proposal is therefore considered to be contrary to policies TM2, TM11 and TM19A of the Replacement Unitary Development Plan.
2. The proposed use of the site as a car wash would have a detrimental impact on the residential amenity of the occupants of 31 Thirlmere Gardens by reason of noise and disturbances caused by car engines, car doors and radios as well as noise generated by staff and customers. As such the proposed development is considered to be contrary to policies UR3 and P7 of the Replacement Unitary Development Plan.

The current application differs from the previous refusal in that a unilateral undertaking has been put forward which would limit the retail use of 60 Idle Road to non-food retail for the period in which the temporary car wash is in operation. The intention of the legal agreement is to limit the parking requirement of 60 Idle Road to the lower requirement of 1 space per 25 square metres of floorspace, rather than 1 space per 14 square metres of floorspace, as required by Appendix-C of the RUDP.

The current application proposes to upgrade the development access by resurfacing Baker Street to a specification to be agreed in writing by the council.

A Noise Impact Assessment has been submitted in support of this application and noise attenuation measures are proposed in the form of a vacuum housing specification. The agent has also agreed to the imposition of a planning condition requiring that the noise level generated by the proposed use will not exceed the background noise level by 10dB, as measured from any of the site boundaries.

### **Principle of Development**

The application site is unallocated within the Replacement Unitary Development Plan. As such there is no policy presumption against the proposed use of the site as a hand car wash, subject to the local impact of the development.

### **Visual Amenity**

The submitted plan indicates that a storage container would be positioned towards the Northern end of the site which would act as a welfare cabin for employees of the car wash. The container is of limited design merit consisting of corrugated metal sheeting and an area of glazing with a flat roof. The use of an orange finish would also do little to soften the appearance of the container. However the container would be positioned at the back of the site and it would not be largely visible from the main public vantage point of Idle Road.

As such although the proposed container is of little design merit it is not considered that the temporary siting of the container in the specified location for a period of 24 months would be sufficiently harmful to visual amenity to warrant refusal of the application. Consequently this aspect of the proposal is considered to accord with policy D1 of the Replacement Unitary Development Plan.

The South boundary of the site is enclosed by a 2 metre high paladin fence. The fence is only 200 millimetres higher than a fence which was previously approved under application reference 14/02059/FUL and therefore the negligible height increase in height is considered to be acceptable. The transparent design of the paladin fencing is also considered sufficient to ensure that it does not appear visually intrusive. As such the fencing is considered to accord with policy D1 of the Replacement Unitary Development Plan.

### **Residential Amenity**

An application for a hand car wash at this site was previously refused as it was considered that the use would have a detrimental impact on the residential amenity of the occupants of 31 Thirlmere Gardens by reason of noise and disturbances caused by car engines, car doors and radios as well as noise generated by staff and customers.

A noise impact assessment (S&D Garrett Ltd) has been submitted in support of this application which concludes that the noise levels generated by the hand car wash would not exceed background noise levels at the nearest noise sensitive receptors. Specifically, the residential properties at 1A Northcote Road, 70 Idle Road and 31 Thirlmere Gardens (incorrectly identified as 31 Baker Street within the report). The noise impact assessment has been undertaken on the basis that all washing operations will be carried out by hand with no use of high pressure washing lances. A planning condition specifically precluding the use of high pressure washing lances would be difficult to enforce. However it is considered that this issue can be reasonably controlled by the imposition of a planning condition requiring that noise levels emitted from the site do not exceed 10 dB above the existing background noise levels at any time, at any point on the North, South and east boundaries. Planning Circular 11/95 provides a similar model condition and the fact that such a condition is included in national guidance is a clear indication that the condition is reasonable and capable of being enforced.

The proposed hours of operation are 09:00-18:00, Monday-Saturday and this could be ensured by the imposition of a planning condition in the event that planning permission is granted. Such a condition would ensure that any noise generated by the site would not occur during unsociable hours when it would be most likely to impact neighbouring occupants.

The fact that permission is sought for a temporary period of 24 months is also a relevant consideration. A temporary permission will provide a monitoring period to ensure that the use is operated in line with the aforementioned conditions. This should act as a motivating factor for the site operator as failure to accord with the conditions of the permission is likely to result in the permanent cessation of the use after the temporary period. During the temporary period of operation any statutory noise nuisance could also be controlled by the Council under Environmental Health legislation if necessary.

In conclusion it is considered that subject to planning conditions the approval of a hand car wash for a temporary period would not result in any adverse residential amenity implications. The proposal is therefore considered to accord with policies UR3 and P7 of the Replacement Unitary Development Plan.

### **Highway and Pedestrian Safety**

The application site was originally an overspill car park serving a public house at 60 Idle Road. In 2013 an application (13/02212/FUL) was approved to change the use of the public house to a mixed use of retail and storage and distribution. Under this application the overspill car park was identified as providing parking for the aforementioned uses, with a total of 32 car parking spaces across the site.

This proposal is for the operation of a hand car wash on what was the overspill parking area. The proposed development would reduce parking provision to a total of 13 spaces to serve both 60 Idle Road and the proposed hand car wash. The uses at 60 Idle Road require 5 off street car parking spaces in order to accord with the maximum requirements of the parking standards set out in Appendix C of the Replacement Unitary Development Plan. The submitted site plan indicates that 60 Idle Road would be served by 4 off street car parking spaces. It is considered that a deficiency of one space would not be sufficient to result in any significant adverse highway or pedestrian safety implications.

At present the retail use of 60 Idle Road is unrestricted and food retailing could commence without further intervention. This type of retail use would generate a requirement for 6 off street car parking spaces, which in the context of this proposal would result in an unacceptable deficit which would be likely to cause adverse highway and pedestrian safety implications. In order to deal with this matter a unilateral undertaking is proposed which would restrict the retail use at 60 Idle Road to non-food only, during the temporary period that the car wash is in operation. Subject to the aforementioned unilateral agreement the level of parking provision at 60 Idle Road is considered to be acceptable.

The proposed hand car wash would benefit from the provision of 9 off street car parking spaces located on the adjacent side of Baker Street. The applicant does not own this area of land, but a section 106 agreement is proposed in order to ensure that the land is made available whilst ever the proposed car wash is in operation. It is considered that the number of parking spaces proposed would be sufficient to cater for the staff and customers of the car wash, ensuring that the proposal would not result in the indiscriminate parking of vehicles on Baker Street or Northcote Road.

The hand car wash would take access from Baker Street which is currently sub-standard in terms of its surfacing. The submitted site plan indicates that the access road would be planned and resurfaced to a specification agreed in writing by the Local Highway Authority. In the event that planning permission is granted the aforementioned details and works will be required prior to the first use of the car wash. Subject to the aforementioned works it is considered that the site access is of a sufficient standard to serve the proposed hand car wash.

Baker Street provides access to 60 Idle Road and to six residential properties as well as a small scale engineering works. On this basis it is considered that the existing number of vehicle trips on Baker Street is relatively low. It is accepted that the introduction of a hand car wash would increase vehicular activity on Baker Street, but given the current low level of vehicle movements the car wash is not anticipated to intensify the use of Baker Street to a level that would result in adverse highway or pedestrian safety implications.

There is adequate circulation space within the car wash site and an appropriate level of parking provision on the adjacent side of Baker Street. It is therefore considered that the proposed development would accord with the requirements of policies TM2, TM11 and TM19A of the Replacement Unitary Development Plan.

### **Drainage**

The Council's Drainage Officer has indicated that surface water should discharge to a sewer via a suitable car wash silt trap. In the event that planning permission is granted the aforementioned requirement can be ensured by imposing a planning condition. Subject to the aforementioned condition no adverse drainage implications are foreseen and the proposal is considered to accord with policy NR16 of the Replacement Unitary Development Plan.

### **Further Issues Raised by Representations**

A representation has raised concern that the submitted Section 106 agreement is not a valid means of enabling development. It is considered that the use of planning obligations is a long established principle of the planning system, as enshrined in section 106 of the Town and Country Planning Act 1990.

A representation has raised concern that neighbours have not been notified of the proposed development. The development has been publicised by a site notice and neighbour notification letters to properties directly adjoining the development site. It is considered that the level of publicity undertaken accords with the statutory legislative requirements.

A representation has raised concern that waste water would result in adverse highway safety implications. It is considered that the provision of adequate drainage will be ensured by the imposition of a planning condition requiring that the site is drained to the sewer via a silt trap.

A representation has raised concern that the submitted letters of support are not from people in the immediate area. It is noted that a large number of the letters of support are not from people in the immediate locality, but such representations must still be given due consideration as part of the application assessment.

A representation has suggested that the application site would be better used as an allotment. The application under consideration is for the use of the site as a hand car wash.

### **Community Safety Implications:**

The application does not present any community safety implications.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposed development is considered to be acceptable in principle and would accord with the requirements of the National Planning Policy Framework (NPPF) and policies UR3, D1, P7, TM2, TM11, TM19A and NR16 of the Replacement Unitary Development Plan.

**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 proposed use shall cease, all associated structures and equipment shall be removed and the site shall be restored to its former condition on or before the day 2 years from the date of this decision unless the Local Planning Authority has previously permitted their retention for a further period.

Reason: The Local Planning Authority is prepared only to grant planning permission for this proposal on a temporary basis in view of the nature of the use in what is a predominantly residential area and to accord with policies UR3 and P7 of the Replacement Unitary Development Plan.

3. The use of the premises shall be restricted to the hours from 09:00 to 18:00, Monday to Saturday.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.

4. Between the hours of 09:00 and 18:00 the maximum noise levels (LAFmax) from the guidance document, BS4142: 2014, shall not exceed the current background noise level, LA90, by more than 10 dB at the north, south and east boundaries of the site.

Reason: To minimise the impact of noise emitted from the site on neighbouring noise sensitive locations and to accord with Policies UR3 and P7 of the Replacement Unitary Development Plan.

5. Before use of the car wash commences on site, full details and specifications of the works associated with Baker Street, as shown indicatively on Dwg No 2052-03 Rev C, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then not be brought into use until the works have been completed on site to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

6. No external lighting shall be installed at the proposed development site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the occupants of neighbouring residential dwellings and to accord with policies UR3 and D14 of the Replacement Unitary Development Plan.

7. Surface water from the vehicle parking and/or manoeuvring areas shall be drained to the sewer via a car wash silt trap which shall be installed before the development is brought into use.

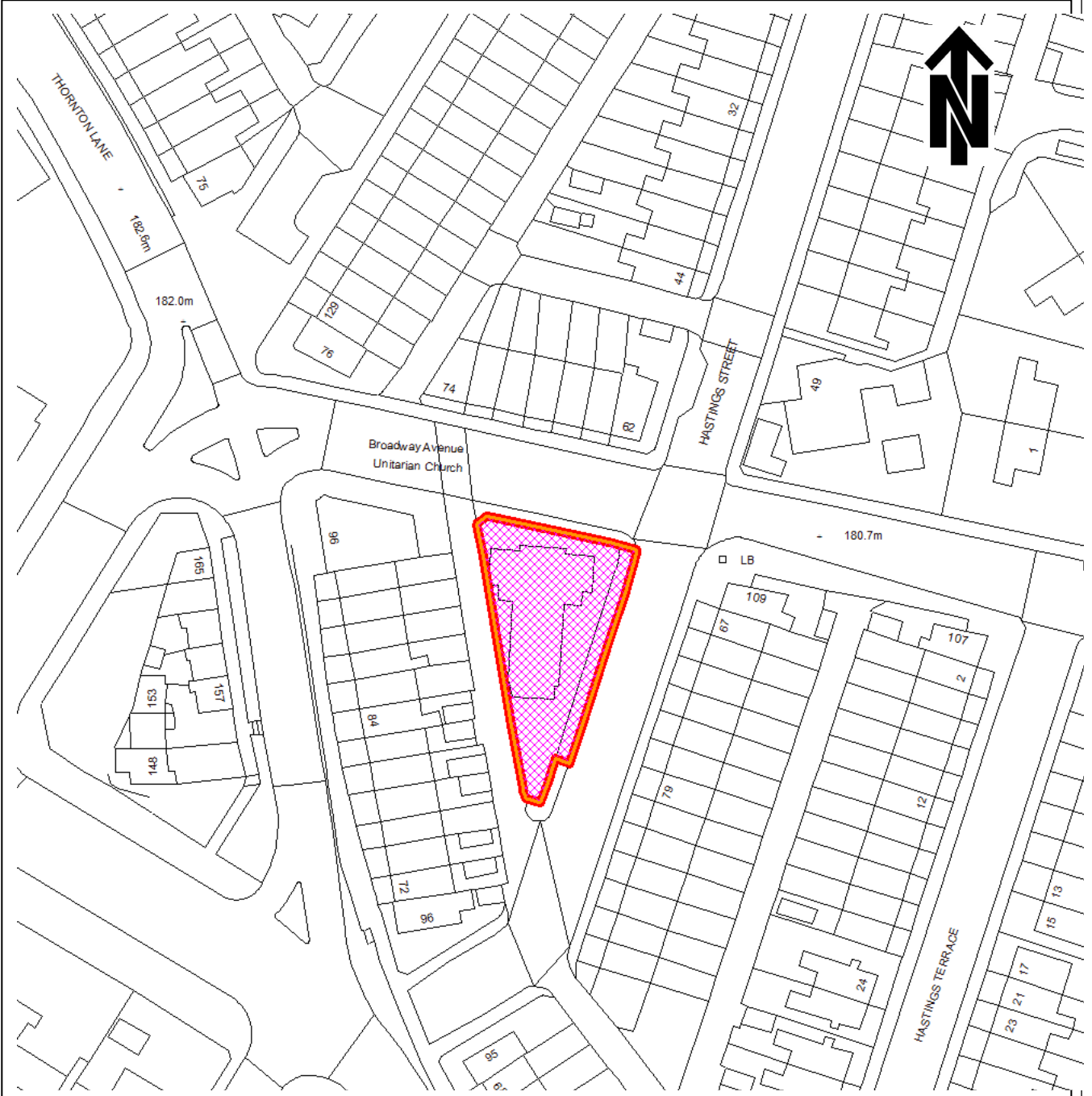
Reason: To ensure proper drainage of the site in the interests of pollution prevention and to accord with policy UR3 of the adopted Replacement Unitary Development Plan.



**Area Planning Panel (Bradford)**

**16/05002/REM**

7 September 2016



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ITEM NO. : <b>D</b>	LOCATION: <b>Broadway Avenue Unitarian Church Hall</b> <b>Broadway Avenue Bradford</b>
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**7 September 2016**

**Item Number: D**  
**Ward: LITTLE HORTON**  
**Recommendation:**  
**TO GRANT APPROVAL OF RESERVED MATTERS**  
**APPLICATION WITH A PETITION**

**Application Number:**  
16/05002/REM

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

This is a reserved matters application for the consideration of landscaping details on land at Broadway Avenue, Bradford, BD4 8RD. Outline planning permission was granted at this site in 2015 for the demolition of the church hall and the construction of five dwellings, with only landscaping reserved for later approval. This application seeks approval of the necessary details.

**Applicant:**  
Mr Nadeem Butt

**Agent:**  
Mr Zeshan Khawaja

**Site Description:**

The application site is comprised of a vacant church hall building and its surrounding land. The church hall is in a state of disrepair and the land is overgrown with some evidence of fly tipping. The area surrounding the site is predominantly residential consisting of terrace dwellings constructed of natural stone.

**Relevant Site History:**

06/09549/OUT-Demolish church and construction seven 4 bed houses-Refused-12.02.2007.

14/02599/OUT-Demolition of church hall and construction of six three-storey dwellings- Withdrawn-13.01.2015.

15/00903/OUT- Demolition of church hall and construction of five, three-storey dwellings in two blocks-Granted- 17.12.2015.

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

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

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

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

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

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

***Allocation***

Unallocated.

***Proposals and Policies***

UR3 – Local Impact of Development

D1 - General Design Considerations

D5- Landscaping

**Parish Council:**

Bradford Trident Community Council

**Publicity and Number of Representations:**

The application was publicised by the Council through a site notice and neighbour notification letters. The expiry date for comments in connection with the application was 18 February 2016. A petition was received in objection to the proposal containing 85 signatures.

**Summary of Representations Received:**

**Objection:**

- Inadequate parking provision.
- High levels of existing traffic congestion.

**Consultations:**

**Bradford Trident Community Council** - No comments received.

**Police Architectural Liaison Officer** - No objections subject to the inclusion of secure by design measures. Specifically the segregation of front garden areas, the use of screen fencing to rear garden boundaries and the provision of lockable pedestrian access gates at each property.

**Summary of Main Issues:**

Visual Amenity.

Amenities of Occupiers of Adjacent Land.

Further Issues Raised by Representations.

**Appraisal:**

Following the initial submission an updated site plan has been provided which incorporates the suggestions made by the Police Architectural Liaison Officer.

**Visual Amenity**

The proposed landscaping scheme of lawns, paved patios and tarmac driveways enclosed by 1 metre high stone walling and 2 metre high close-boarded timber fencing would provide domestic planting, surfacing and boundary treatments commensurate with the character of the approved residential development. The site is relatively unobtrusive and so the landscaping will have little wider impact on the appearance of the surrounding area. The submitted landscaping proposals are considered to be acceptable and are considered to accord with policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

**Amenities of Occupiers of Adjacent Land**

The domestic scale of the landscaping would not overshadow or over-dominate neighbouring property. The fencing proposed would adequately screen the site from adjoining housing thus preventing overlooking.

**Further Issues Raised by Representations**

A petition containing 85 signatures has been received in objection to this application. The petition raises concerns that the development does not benefit from adequate parking provision and that it will contribute towards existing congestion on surrounding roads. This application has been submitted for the consideration of landscaping details only. All other material considerations were made in the assessment of application 15/00903/OUT which was approved by the planning committee on 16 December 2015.

**Community Safety Implications:**

The application does not present any community safety implications.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposed development is considered to be acceptable and accords with the requirements of the National Planning Policy Framework (NPPF) and policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

**Conditions of Approval:**

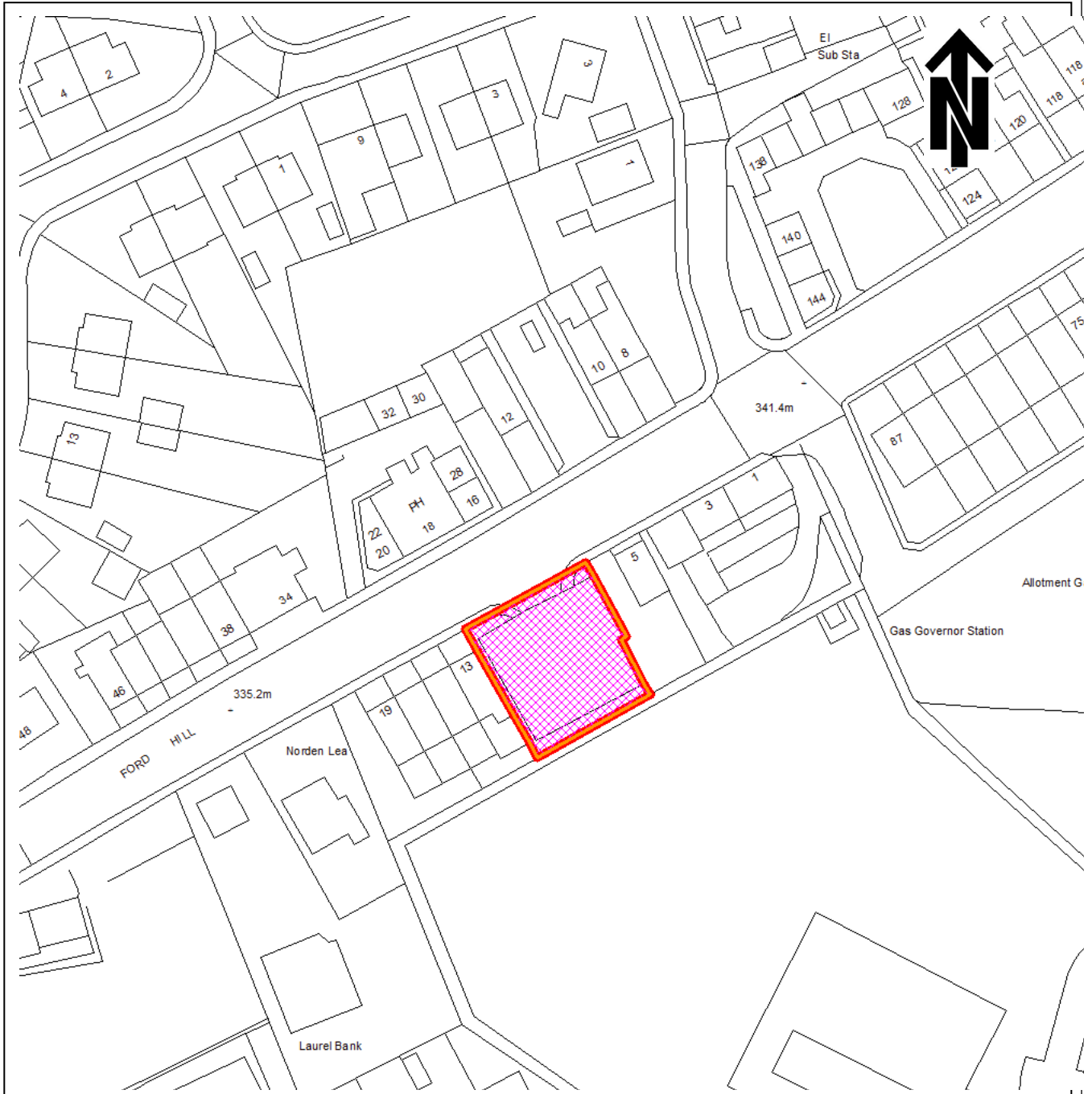
1. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policy D5 of the Replacement Unitary Development Plan.

**Area Planning Panel (Bradford)**

**16/04017/FUL**

7 September 2016



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**ITEM NO. : E**

**LOCATION:**

**Land Adj 13 Ford Hill  
Queensbury Bradford**

**7 September 2016**

**Item Number: E**  
**Ward: QUEENSBURY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/04017/FUL

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

A full planning application for the construction of three terraced properties on land adjacent to 13 Ford Hill, Queensbury.

**Applicant:**

Mr Steele

**Agent:**

Mr Grant Stott

**Site Description:**

The site is a former public house car parking area and is located on the main road (A647) link Queensbury, Bradford and other centres. Access to the site is from the main road. The surrounding area is mainly residential, with the former public house served by the car park being converted into residential use.

**Relevant Site History:**

None.

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

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

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

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

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

***Allocation***

Unallocated.

***Proposals and Policies***

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

H7 Housing Density – Expectation

H8 Housing Density – Efficient Use of Land

TM2 Impact of traffic and its mitigation

TM12 Parking standards for residential developments

TM19A Traffic management and road safety

D1 General Design Considerations

NR16 Surface Water Run Off and Sustainable Drainage Systems

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised by site notice and individual notification letters. Expiry date of the publicity period was 24 June 2016. At the time of report preparation, the following representations had been received:

Eight objections have been received.

**Summary of Representations Received:**

There is no requirement for new housing in Queensbury.

The local infrastructure cannot cope with additional residential development.

Parking problems in the area.

The existing car park should be retained to aid parking in the area.

Location of the bins is inappropriate.

Excavations to implement the development could cause instability of the surrounding walls.

Loss of residential amenity due to overshadowing.

**Consultations:**

Highways - No objections subject to conditions.

Drainage - No objections subject to conditions.

Rights of way: - No objection subject to confirmation of type of boundary treatments proposed.

Minerals and waste: - No objections subject to conditions.

**Summary of Main Issues:**

Principle of development.

Residential amenity.

Visual impact.

Highway safety.

Public right of way.

Outstanding issues raised by representations received.



## **Appraisal:**

### **Principle of development**

The site is unallocated land and is located within a reasonably sustainable location, on a public transport route and close to access to a range of services. It is considered that the development of the site for residential purposes would be acceptable in line with guidance contained within the National Planning Policy Framework (NPPF). This is particularly relevant as there is no five year housing land supply in the Bradford district. In terms of the number of units proposed, it is considered that this would be acceptable given the small scale of the site and a higher density is unlikely to be achievable without adverse impacts.

### **Residential amenity**

The proposed units are located close to existing residential properties on Ford Hill. The two properties affected most are no. 5 and no.13. The property at no.5 presents a largely blank elevation to the development site, but there is a large side elevation first floor window facing the proposed development. However, the proposed development will be set back from this property towards the rear of the site and will not result in direct loss of outlook from this window. The proposed units are also set in from the site boundary to no.5 to reduce impacts in terms of loss of outlook and overshadowing to an acceptable degree. The impact on no.13 is considered acceptable due to the limited projection of the units beyond the rear of this property. The proposed units do not feature any habitable room side elevation windows and so overlooking is not considered to be a major issue. Overall, the proposed scheme is not considered to result in significant harm to residential amenity.

### **Visual impact**

The overall design, scale and materials of the proposed units are considered to be sympathetic to the street scene. The scale and design reflects broadly the character of those properties in the street scene and will enhance the appearance of the street scene by closing up the large gap of the open site. The properties reach a total height of 10 metres but this is not considered to overbear the street scene or surrounding properties significantly.

### **Highway safety**

The proposed scheme will feature 6 off-street parking spaces to the front of the site accessed off the main road. There is also to be provided a turning area within the site which is considered sufficiently wide to allow vehicles to turn and leave the site in a forward direct. The level of parking provision is considered sufficient in this location and for the size of the units proposed and it is considered that the proposed scheme will not result in any significant implications for highway safety.

### **Public right of way**

A public footpath run across the rear boundary of the site and is not likely to be affected by the development in terms of obstruction or diversion. However, the type of boundary treatment is important to prevent enclosure to the path and thus increased potential for anti-social behaviour and crime due to loss of natural surveillance. It is considered that a condition requiring details of all proposed boundary treatments would assist in assessing this issue and preventing future problems in regard to the path.

**Outstanding issues raised by representations received**

There is no requirement for new housing in Queensbury.

The Bradford district has a persistent under delivery of housing land and therefore applications for residential development on unallocated sites such as this should be considered favourably.

Excavations to implement the development could cause instability of the surrounding walls. This would be a matter for the relevant building control regulations where applicable.

**Community Safety Implications:**

None.

**Equality Act 2010, Section 149:**

In writing this report, regard has been given to the need to eliminate unlawful discrimination, harassment and victimisation, advance 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 principle of development of the site for residential development is considered acceptable in this sustainable location and in view of the lack of a 5 year housing land supply in the Bradford district. The proposal is not considered to result in any significant implications for highway safety, residential amenity, visual impact and effect on the public right of way close to the site. The proposal is therefore in compliance with policies UR2, UR3, D1, H7, H8, TM2, TM12, and TM19A of the replacement Unitary Development Plan.

**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 commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. 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 UR3 and D1 of the Replacement Unitary Development Plan.

3. The development shall not begin 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: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

4. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 88304/05/LPSK01 and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

5. Prior to commencement of development on the site, full details of the location and type of boundary treatments proposed shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall then be installed in accordance with the details approved.

Reason: In the interests of visual amenity and natural surveillance of the public right of way and to accord with policies UR3 and D4 of the replacement Unitary Development Plan.

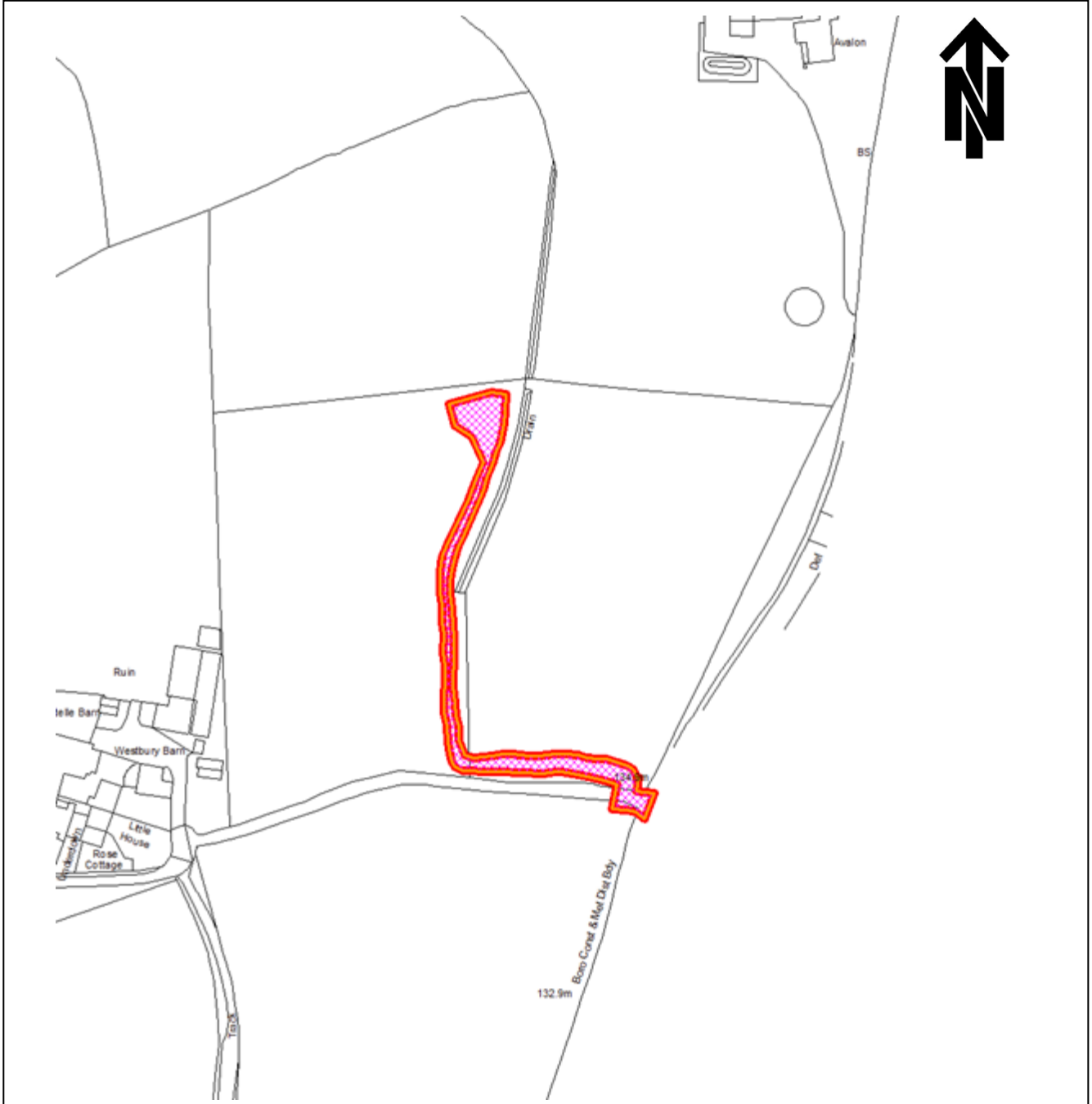
6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side elevations of the dwellings without prior written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

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Bradford)

16/04213/FUL

7 September 2016



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<p>ITEM NO. : F</p>	<p>LOCATION: <b>Land At Apperley Lane Apperley Bridge Bradford</b></p>
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**7 September 2016**

**Item Number:** F  
**Ward:** IDLE AND THACKLEY  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/04213/FUL

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

This is a full retrospective planning application for the retention of a farm track and area of hard-standing on land off Apperley Lane, Apperley Bridge, Bradford.

**Applicant:**

Yorkshire Tree Contractors Ltd

**Agent:**

Craig Ross, George F White

**Site Description:**

The site is open land off Apperley Lane to the west of Little London. There is a group of residential properties to the west of the site and vehicular access is taken via a private track which joins with Apperley Lane. The site is relatively level.

**Relevant Site History:**

13/04501/PN - Construction of agricultural building - Planning permission required.

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

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

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

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

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

***Allocation***

The site is within the Green Belt and the Esholt Landscape Character Area on the RUDP.

***Proposals and Policies***

Policy GB1 - Green Belt

Policy UR3 - The Local Impact of Development

Policy D1 - General Design Considerations

Policy NE3 & NE3A - Landscape Character Areas

Policy TM2 - Impact of Traffic and Its Mitigation

Policy TM19A - Traffic Management and Road Safety

**Parish Council:**

The site is not within a Parish.

**Publicity and Number of Representations:**

The application was advertised with a site notice, press advertisement and neighbour notification letters. This publicity period expired on 16 July 2016 and 7 objections have been received to the proposal.

**Summary of Representations Received:**

- Historically this field has never had a farm track and it has been constructed without permission from the Council or informing local residents. This application is therefore retrospective.
- In allowing this application a new usage is granted without further planning permission requirements for a classified agricultural field.
- The agricultural field has never had areas of hard standing or business building works of any type. It has been used for grazing cattle as per its classification. The identification of the current development as existing is misleading.
- There are no details in the application to confirm where and what this track will lead to.
- Understand that this will ultimately be to relocate the company headquarters from its current location.
- The application must demonstrate that the track is 'reasonably necessary for the purposes of agriculture within the holding'. There is no evidence of this within the application.
- The site is valuable green belt but is also adjacent to the Conservation Area of Little London.
- If development was to take place they would block the valley views of the premises opposite within the Conservation Area.
- What is meant by 'associated works' in the description of the development?
- Hardstandings and associated works do not constitute 'forestry purposes and agricultural operations'. The development would be inappropriate and would conflict with the purposes of including land within it.
- The 'track' is 6.5m wide and this is categorised as road width and so its description as a track is misleading.
- There are mature trees and hedgerows in the site area and the application form does not acknowledge their presence.
- Had the applicant applied for this prior to carrying out the work it would have been rejected on the basis that the land is being potentially changed in status.
- Object to the rushing through of applications on green belt.

**Consultations:**

**Highways Development Control** - No objections to raise as long as the access track and hard standing are used for agricultural purposes.

**Summary of Main Issues:**

1. Principle of the Development.
2. Visual Amenity.
3. Highway Safety.
4. Residential Amenity.
5. Other Issues Raised in Representations.

**Appraisal:**

**1. Principle of the Development**

The site is within the Green Belt on the RUDP in which there is a presumption against inappropriate development. In such areas, Policy GB1 of the RUDP and paragraph 89 of the NPPF allow for agriculture, forestry, essential facilities for outdoor sport and recreation and cemeteries, as long they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Furthermore, paragraph 90 of the National Planning Policy Framework (NPPF) allows for engineering options to be carried out within the Green Belt where they preserve its openness and do not conflict with the purposes of including land within it.

The access road constructed on this site is an engineering operation and it has not significantly altered the levels within the site. It has also not involved the creation of a new vehicular access points. As a consequence it is not considered to be harmful to the openness of the Green Belt. The second requirement is that the proposal does not conflict with the purposes of including within the Green Belt. Currently the land is set to grass for silage however part of the area around the application site is to be ploughed out and the prepared for cultivation of Christmas trees and the track is required to access the site. The use of the site or the surrounding fields will not be changed and any activity will be either be related to agricultural or forestry activity.

It is noted that concerns have been raised about future development on this site. Any further development including the erection of new buildings or the introduction of new uses would require either planning permission or the prior approval of the Local Planning Authority (LPA). As a consequence sufficient control remains over future developments on this site.

The principle of the development is therefore considered to be acceptable subject to its local impact.

## **2. Visual Amenity**

The access track joins with a private access to a group of residential properties, via an existing field gate, close to its junction with Apperley Lane. The track runs along the southern boundary of the field before turning north alongside an existing field boundary. The track was constructed about a year ago and whilst the hard-core surface remains, vegetation has grown through it which has softened its impact. The works that have been carried out on site are not considered to be harmful to visual amenity and the LPA retains sufficient control over any future works that may be proposed. It is acknowledged that the Little London Conservation Area is to the east of the site however the nature of the development is considered to be sufficiently low key and sufficiently distant to avoid any harm to the setting of this Conservation Area.

## **3. Residential Amenity**

There are residential dwellings around 50m to the west of the site and a greater distance away in Little London to the east of the site. The proposal does not change the use of the field or involve the construction of any new buildings on this site. As a consequence the proposal is not considered to be harmful to residential amenity.

## **4. Highway Safety**

Vehicular access is taken from an existing field gate which joins with a private road pretty much at its junction with Apperley Lane. The private road leads to a group of residential properties to the west of the site. The Highways Officer has not objected to the development provided the access track and hard standing are used for agricultural purposes. The proposal does not involve the change of use of this land and further consent would be required from the LPA for any alternative uses of the site. No harm to highway safety is therefore anticipated.

## **5. Other Issues Raised in Representations**

- In allowing this application a new usage is granted without further planning permission requirements for a classified agricultural field.
- The agricultural field has never had areas of hard standing or business building works of any type. It has been used for grazing cattle as per its classification. The identification of the current development as existing is misleading.

Response - It is understood that this application is made retrospectively. The proposal does not change the use of the land.

- Understand that this will ultimately be to relocate the company headquarters from its current location.

Response - This proposal does not relate to any proposals for the construction of new headquarters building. If any such works are proposed the consent of the LPA will be required.



- If development was to take place they would block the valley views of the premises opposite within the Conservation Area.

Response - The protection of views is not a material planning consideration however it is noted that the current application relates only to the access track. Any structures which might be constructed on this site would require either the prior approval or planning consent of the LPA.

- What is meant by 'associated works' in the description of the development?

Response - The application initially referred to associated works and this was understood to relate to the re-grading of land associated with the development. For the avoidance of confusion these words have been removed from the description of the development with the agreement of the agent.

- Hard-standings and associated works do not constitute 'forestry purposes and agricultural operations'. The development would be inappropriate and would conflict with the purposes of including land within the Green Belt.

Response - The provision of hard-standings and access tracks can be appropriate development reasonably related to agricultural or forestry operations. Indeed Part 6, Schedule 2 of the General Permitted Development Order 2015 grants permitted development rights for 'Agricultural and Forestry' development subject to certain caveats. These rights include the excavation and engineering operations which include the formation of access tracks.

- The 'track' is 6.5m wide and this is categorised as road width and so its description as a track is misleading.

Response - It is clear from the constructional specification of the track/road that this is not a road in the sense of the normal definition.

- There are mature trees and hedgerows in the site area and the application form does not acknowledge their presence.

Response - There are mature trees within the site however the proposal does not involve any work to them and does not involve any works which will cause them harm in the future. Any further development on this site will be considered on its merits.

- Had the applicant applied for this prior to carrying out the work, it would have been rejected on the basis that the land is being potentially changed in status.

Response - All applications need to be judged on their merits. A retrospective application needs to be assessed on the same basis as a one which is submitted before works are carried out.

- Object to the rushing through of applications on green belt.

Response - This assertion is not accurate. All applications are assessed on their merits and the determination period depends on the individual circumstances of applications.

**Community Safety Implications:**

The proposed development does not present any community safety implications.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission**

The proposed development is not considered to be harmful to the openness of the Green Belt or the purposes of including land within it. It is also not considered to be harmful to visual amenity, residential amenity or highway safety and is therefore considered to comply with policies GB1, UR3, NE3, NE3A, TM2 and TM19A of the RUDP and the NPPF.

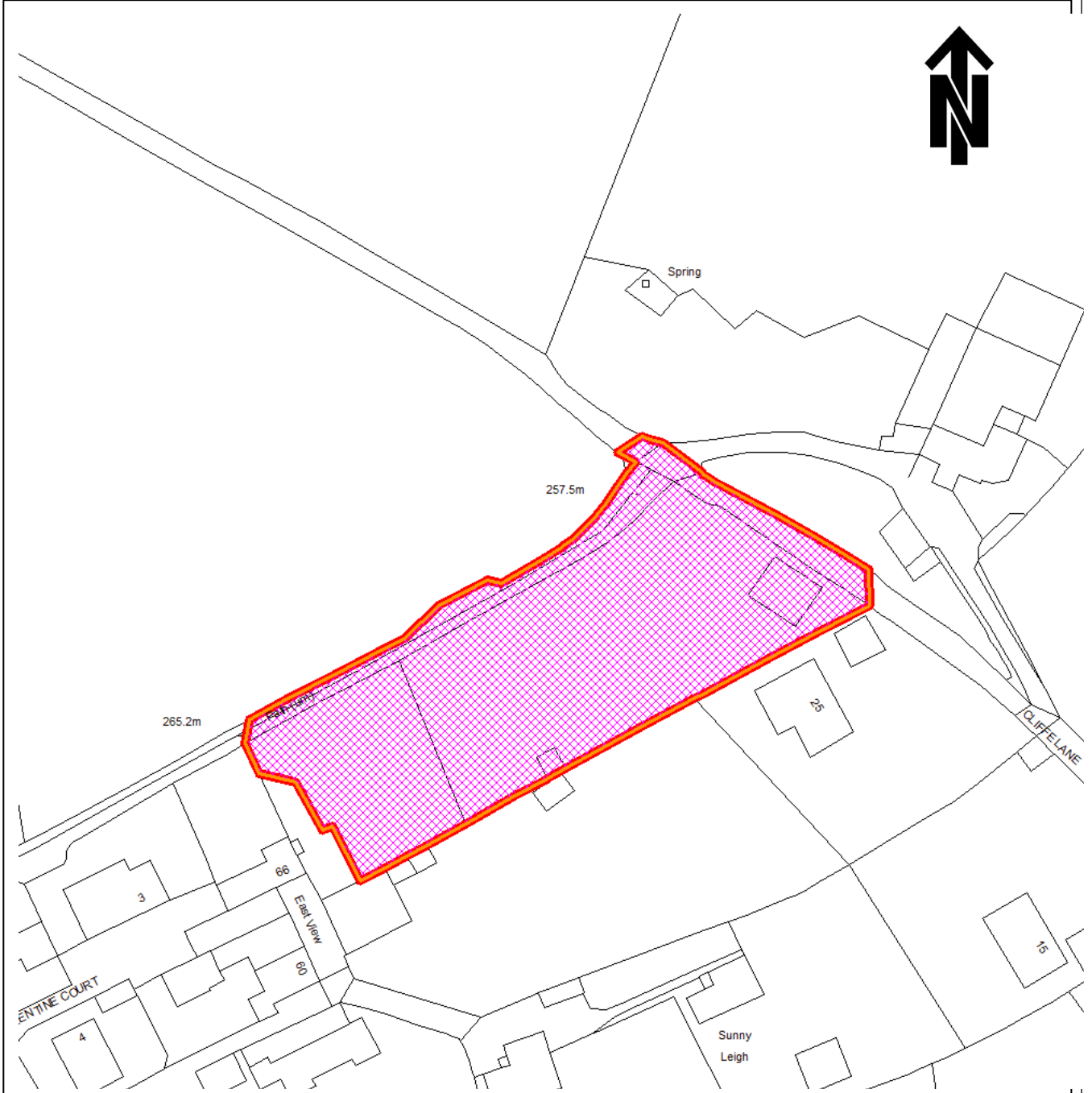
**Conditions of Approval:**

None required.

**Area Planning Panel (Bradford)**

**16/05388/OUT**

7 September 2016



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**ITEM NO. : G**

**LOCATION:**

**Land At Valentine Court  
Off Back Lane Thornton**

**7 September 2016**

**Item Number: G**  
**Ward: THORNTON AND ALLERTON**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/05388/OUT

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

An outline planning application for residential development at land at Valentine Court off Back Lane (west of 25 Cliffe Lane), Thornton, Bradford.

**Applicant:**

David Dixon and Terry Daynes

**Agent:**

Mark Johnson

**Site Description:**

This roughly rectangular site of about 0.27 hectares sloping progressively more steeply down to the north-east, is unused and overgrown, enclosed to the most part by low dry-stone walling and post and wire fencing. A small group of traditional dwellings and more recently constructed houses, plus further unused land, stand to the south with fields of the open countryside to the north. Access is taken off Back Lane via a shared private drive that has been extended into the site and substantially made up, and which serves one of the dwellings at 'East View'. This access is also a bridleway connecting through bollards to other routes at Cliffe Lane.

**Relevant Site History:**

13/02030/OUT: Residential development, granted 4 July 2013.

10/01142/OUT: Renewal of planning permission 07/02437/OUT dated 20 July 2007 for a residential development, granted 1 June 2010.

07/02437/OUT: Residential development, granted 20 July 2007.

05/08106/OUT: Application for renewal of outline planning permission for residential development, refused 22 December 2005.

98/00125/OUT: Residential development consisting of four detached dwellings, granted 17 June 1998.

94/01626/VOC: Modification of condition number 3 from 'any development works commence on site' to 'the house is first occupied', granted 11 August 1994.

93/04256/OUT: Residential development comprising of four dwellings, granted 17 January 1995.

92/1/03044: Construction of detached house and garage with access and landscaping, full permission granted 1 February 1993.

91/1/00515: Residential development of four dwellings, outline permission granted 19 November 1991.

Adjacent land to the south-east is subject to the following planning history:-

10/00872/FUL: Construction of two detached bungalows, granted 21 April 2010.

08/03683/FUL: Construction of 3 dwellings, granted 12 December 2008.

03/02320/FUL: Residential development of three detached houses, refused 8 September 2003 due to development of a greenfield site. The subsequent appeal (ref.

APP/W4705/A/04/1143839) was dismissed 17 September 2004.

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

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

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

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

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

***Allocation***

The site is not allocated for any specific land-use in the RUDP. Taking account of policies saved for the purposes of formulating the Local plan for Bradford, the following RUDP policies are applicable to the proposal.

***Proposals and Policies***

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

H7 Housing Density - Expectation

H8 Housing Density - Efficient Use of Land

TM2 Impact of Traffic and its Mitigation

TM10A Other Road Users

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

D1 General Design Considerations

D2 Energy Efficiency and Sustainable Design

D4 Community Safety

D5 Landscaping

NR16 Surface Water Run Off and Sustainable Drainage Systems

NE10 Protection of Natural Features and Species

P5 Development Close to Former Landfill Sites

P7 Noise

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was advertised by individual neighbour notification letters a site notice and a press advertisement. The publicity period expired on 26 August 2016.

At the time of preparation of this report six objections from local residents had been received; any additional representations will be verbally reported to the Panel.

**Summary of Representations Received:**

1. No provision for surface water drainage along Valentine Court, particularly its lower end. Consequently, large volumes of surface water run off the hard surface, down the bridleway and collect in deep puddles on Cliffe Lane. The Local Planning Authority (LPA) assured conditions on any planning permission would resolve this issue - that did not happen.
2. Inadequate foul drainage in the area, which will be exacerbated by the proposed use of a private sewer in Cliffe Lane. This sewer was not widened and updated by the previous developers.
3. The LPA also assured that a condition of the development would be that bollards would be placed to stop vehicles using the bridleway and entering Cliffe Lane both illegally and dangerously - again that did not happen.
4. The road network around the development cannot support additional traffic, particularly Back Lane, Cliffe Lane, Sapgate Lane and Northcliffe Lane, which include dangerous bends and junctions, and worn road markings.

**Consultations:**

**British Horse Society:** No comments received.

**Building Control - Drainage:** No objections raised subject to three conditions to provide separate foul and surface water drainage, investigation of sustainable urban drainage techniques and confirmation of connection to the existing public sewer network.

**Environmental Protection Team** (from previous consultation with 13/02030/OUT): The former Storr Heights Quarry lies to the north-east and there is a former landfill site to the south-west. Aerial photographs of the site indicate that it has been used for storage of materials. Given the sensitive end use proposed it is recommended that the application is refused until a Phase 1 Desktop Study is submitted in support of an outline application. A proportional Phase 2 Intrusive Site Investigation may be required by planning condition.

**Highways Development Control:** There are no material changes to the previous Planning permissions so no objections are raised subject to three conditions to ensure provision of access, parking and a construction plan.

**Minerals and Waste Team:** No objections or suggested conditions.

**Rights of Way Team:** No objections subject to conditions relating to inter-visibility, provision of bollards and surfacing of the bridleway. A six-point standard footnote is also suggested.

**Summary of Main Issues:**

Background, principle of development and density.

Highway safety.

Rights of way.

Drainage.

Other planning matters.

Outstanding issues raised by objectors.

**Appraisal:**

**Background, Principle of Development and Density**

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

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

The site is not previously developed and is on the fringe of the suburban form of Thornton, which identifies it as lower down the order of most preferable location in the Council's sequential approach to the location of development in terms of being well-located for ready access to shops, employment opportunities, local facilities and high-frequency public transport offering a realistic opportunity for travel other than by private car. Nevertheless, the site is identified in the SHLAA for residential development; it is also noted that the adjacent built form is predominantly residential in character.

As noted above, this site has an extensive history of planning decisions dating back to the early 1990s that are generally based on the same plans as those now submitted. Once again the application is made in outline with access as the only matter for consideration; consequently matters relating to layout, scale, landscaping and appearance are all reserved for a later stage in the planning process therefore all such details on the plans are indicative only. Since the last approval (in 2013) there have been no significant changes to the particular circumstances of the site or the planning policy background such that the principle of development remains acceptable.

With regards the density, the NPPF puts less emphasis on this aspect of development than previous advice, however RUDP policies H7 and H8 remain germane. The indicative four houses equate to 15 dwellings/hectare (d/ha), which is significantly below the 30 to 50 d/ha sought by Policy H7 to make efficient use of land. Improvements to density could be the subject of a revised layout for consideration as a reserved matter later in the planning process.

### **Highway Safety**

This relatively small site would not generate a volume of traffic that would overwhelm the local highway network. The access from Back Lane has been constructed to base-course level and it is the intention of the applicant to complete the road by providing the wearing course and street lighting. The previous approvals established the acceptability of this access and, given that there has been no significant change in highway-related policy or the site circumstances, the proposal remains acceptable in terms of its impact on highway safety. Provision of a suitably made-up access and off-street car parking can be the subject of conditions. It is not considered necessary to include the third suggested condition for a construction plan for a development of this relatively small scale. It is noted that the service margin shown on plan has been included within the curtilage of the dwellings; this should be reinstated as service margin before the proposed development commences, which can be the subject of a footnote.

### **Rights of Way**

Public bridleway 'Bradford West 293' (known as High Storr Lane) crosses the site linking Cliffe Lane to Back Lane and signs are present at each end of the route indicating its status. Though a number of properties have driveways onto this route, private accesses and public rights of way do not always readily co-exist, particularly in suburban areas. Accordingly, the visibility for vehicle users from the driveways onto the bridleway must allow a clear view of any pedestrian, horse rider or cyclist using the path and afford the path users priority. This matter should be the subject of a suitably worded condition.

Two bollards at the eastern end of the access road towards Cliffe Lane prevents the bridleway being used as a cut through by vehicles (as does existing local topography) although the applicant must ensure that this will not obstruct any private right of access.

There is a detail on the plans stating 'steps and ramp down to existing access level not exceed 1:10', which is also a section of the bridleway. Though they currently exist, steps would not be permitted on this section as they present an obstacle to full access by disabled users, horses and cycles. Proper treatment of this part of the bridleway, including provision of appropriate resurfacing and drainage, should therefore be the subject of a condition. It is noted that the surface should be in similar materials to those currently present with no large stones visible. It is essential that stone mastic asphalt is not used at all on the access road/bridleway as horse riders find this surface extremely slippery and, for the same reason, any asphalt containing limestone would not be appropriate. Consideration should also be given to installing some surface drainage to prevent the scouring of the bridleway surface occurring.

### **Drainage**

The plans indicate existing foul and surface water drainage exists on site, which appears to have been installed to drain future development and is shown terminating within land owned by the developer. Records indicate that no public sewers exist in Cliffe Lane adjacent to the site, the closest public combined sewer being situated in East View or in third party land to the south. Therefore, the developer must clarify the proposed foul and surface water outfalls to a public sewer prior to development works commencing on site. The developer will also need to refer to the sewerage undertaker (Yorkshire Water) for confirmation that a public sewer is accessible from this site in the position indicated on the proposed site layout drawing. It is noted that consultation with Yorkshire Water as part of previous applications raised no objections subject to four conditions.



Notwithstanding the drainage details shown on the 'Proposed Site Layout' drawing (ref A updated 16 December 1994) changes to the treatment of drainage in the intervening twenty years require the site to be investigated for potential use of sustainable drainage techniques in disposing of surface water from the development. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. As with the previous planning permission, it is again reasonable to condition such drainage requirements.

### **Other Planning Matters**

**Visual and Residential Amenity:** Whilst the indicative plans demonstrate that the site can be developed for housing, any issues arising with regards to the appearance of the scheme and its impact on neighbours would be considered in detail as part of a subsequent application for reserved matters.

**Contamination:** Whilst there are no apparent minerals or waste legacy issues relevant to the proposed development, the site is just within a 250-metre buffer zone for two landfill sites off Back Lane thus the developer should be made aware of this by a footnote. Requirement of a desk study or intrusive ground investigation is considered to be disproportionate in light of the site's previous planning history.

**Other Matters:** The proposal raises no other matters, such as biodiversity, trees, etc., that cannot be controlled through conditions if needs be.

### **Outstanding Issues Raised by Objectors**

No provision for surface water drainage along Valentine Court, particularly its lower end. Consequently, large volumes of surface water run off the hard surface, down the bridleway and collects in deep puddles on Cliffe Lane. The LPA assured conditions on any planning permission would resolve this issue - that did not happen.

**Comment:** Provision of adequate drainage is dealt with in detail above and, as with previous planning permissions, this will be controlled through a suitably worded condition. It must be noted that the trigger point for compliance with this condition is prior to commencement of development, which is predicated on an intention to start the works, a point that has not been reached to date.

The LPA also assured that a condition of the development would be that bollards would be placed to stop vehicles using the bridleway and entering Cliffe Lane both illegally and dangerously - again that did not happen.

**Comment:** The submitted drawing show the presence of bollards to the bridleway and compliance with this plan is subject of a condition, as was the case with previous planning permissions. It must be noted that the trigger point for compliance with this condition would be prior to first occupation of the dwellings; notwithstanding this, bollards are already in situ in the position indicated.

The road network around the development cannot support additional traffic, particularly Back Lane, Cliffe Lane, Sapgate Lane and Northcliffe Lane, which include dangerous bends and junctions, and worn road markings.

Comment: Highway safety matters have been dealt with in detail above. Rectification of worn road markings on the wider highway network as part of this proposal would be unreasonable.

**Community Safety Implications:**

The proposal raises no community safety implications.

**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. 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.

**Conclusion:**

The proposed residential development continues to be acceptable in principle and would comply with the NPPF and the relevant RUDP policies subject to conditions to address reserved matters and other details. The points raised in objection, though mainly valid, are not considered to be of sufficient weight to go against these policies and so the proposal is recommended for approval.

**Reason for Granting Planning Permission:**

There has been no material change in the policy context or the site circumstances to warrant a change in the Council's position from the previous approval thus the development continues to be acceptable in principle in compliance with policies UR2, UR3, H7, H8, TM2, TM10A, TM12, TM19A, D1, D2, D4, D5, NR16, NE10, P5 and P7 of the RUDP and the NPPF.

**Conditions of Approval:**

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

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

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

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

3. Before any development is begun plans showing the:-

- i) appearance,
- ii) landscaping,
- ii) layout, and
- iv) scale

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

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

4. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 2536/2. Notwithstanding any details indicated relating to the bridleway link to Cliffe Lane, the access shall be completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

5. Before any part of the development hereby permitted is brought into use, the off-street car parking facility shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15. The parking so formed shall be retained whilst ever the use hereby permitted subsists.

Reason: In the interests of highway safety, drainage and to accord with policies UR3, TM12 and NR16 of the Replacement Unitary Development Plan.

6. Before any part of the development is brought into use, the visibility splays from all private driveways onto the access/bridleway shall be laid out and there shall be no obstruction to visibility within the splays so formed exceeding 900mm in height above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with policies TM10A and TM19A of the Replacement Unitary Development Plan.

7. Before any part of the development is brought into use and notwithstanding any details shown on the approved plans, full details of the proposed treatment of the bridleway link to Cliffe Lane shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the proposed bollards, surfacing, treatment of gradient/level change to Cliffe Lane, surface drainage and the approved works shall be implemented prior to the dwellings comprised within the development being brought into use.

Reason: To maintain an established form of access in the interests of highway and pedestrian safety and to accord with policies TM10A and TM19A of the Replacement Unitary Development Plan.

8. Notwithstanding any details shown on the approved plans, the development shall not begin until details of a scheme for separate foul and surface water drainage, including existing water courses, culverts, land drains and any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

**Footnotes:**

Footnote: The developer is advised to clarify the proposed foul water outfall by reference to the sewerage undertaker (Yorkshire Water) for confirmation that a public sewer is accessible from this site.

Footnote: (i) Public bridleway 'Bradford West 293' (known as High Storr Lane) crosses the site linking Cliffe Lane to Back Lane, the route of which must not be obstructed by any plant, materials or equipment. Any obstruction of this route constitutes an offence under the Highways Act 1980 and will be pursued accordingly.

(ii) If essential works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. Please contact David Greenwood on 01274 432046 for details.

(iii) Though planning permission has been granted, no new stiles, gates, barriers or other structures can be erected on or across the public right of way without prior approval from the Council's Rights of Way Section. The requirements of the Equality Act 2010 must also be considered.

(iv) If works along the public footpath present a danger to path users the affected section(s) should be fenced off with safety netting.

(v) The surface of the footpath should not be disturbed, however if damage to the public footpath is caused by development works it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way these must be approved in advance by the Rights of Way Section.

(vi) If building works remove features that would enable users to find the footpath the line of the footpath must be clearly indicated by some other means, as this will help to minimise conflict and difficulties on site.

Footnote: Though they currently exist, the developer's attention is drawn to the fact that steps would not be permitted on the bridleway as they present an obstacle to full access by disabled users, horses and cycles. Furthermore, the surface of the bridleway should be in similar materials to those currently present with no large stones visible. It is essential that stone mastic asphalt is not used at all on the access road/bridleway as horse riders find this surface extremely slippery and, for the same reason, any asphalt containing limestone would not be appropriate. Drainage should be provided to prevent the scouring of the bridleway surface.

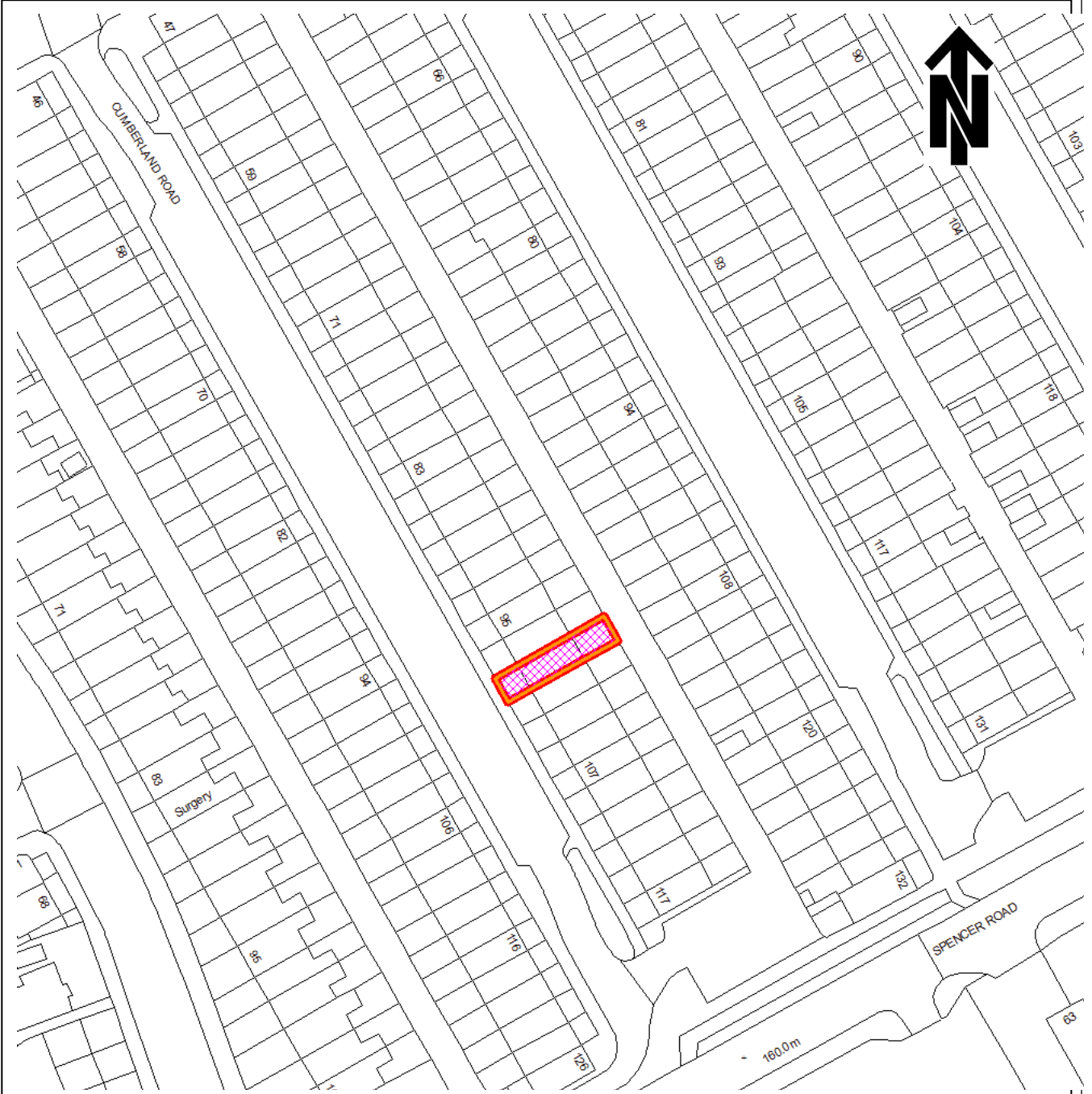
Footnote: The service margin shown on plan has been included within the curtilage of the dwellings; the developer's attention is drawn to the need for this to be reinstated as service margin as part of the highway before the proposed development commences.

Footnote: The site lies within 250metres of a landfill site known to the Local Planning Authority and may be subject to problems of landfill gas. The developer/land occupant should make further enquiries in order to be satisfied that any necessary preventive measures are incorporated within the development in order to prevent any problems occurring during or after the construction period.

**Area Planning Panel (Bradford)**

**16/04491/HOU**

7 September 2016



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ITEM NO. : H	LOCATION: <b>99 Cumberland Road Bradford</b>
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**7 September 2016**

**Item Number: H**  
**Ward: GREAT HORTON**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**  
**APPLICATION WITH A PETITION**

**Application Number:**  
16/04491/HOU

**Type of Application/Proposal and Address:**  
This is a retrospective application for a single storey rear extension at 99 Cumberland Road, Bradford, BD7 2JP.

**Applicant:**  
Mr M Amin

**Site Description:**  
The application dwelling is a terraced dwelling constructed of natural stone and surmounted by a slate roof. The surrounding area is predominantly residential consisting of terraced dwellings. It is notable that a number of properties benefit from single storey rear extensions.

**Relevant Site History:**  
94/03541/FUL - Construction of rear dormer window – Granted - 19.12.1994.

13/04758/PNH - Construction of single storey rear extension of the following dimensions:  
Depth of extension from original rear wall: 4.5 metres  
Maximum height of extension: 4.0 metres  
Height to eaves of extension: 3.0 metres - Not PD - Planning Required - 18.12.2013.

14/00024/PNH - Single storey rear extension with the following dimensions:  
Extend beyond original rear wall of dwelling 4.5m  
Maximum height of extension 4m  
Height from the eaves 3m - Prior Approval Not required - 04.02.2014.

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

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

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

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

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

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

***Allocation***

Unallocated.

***Proposals and Policies***

UR3- Local Impact of Development;

D1- General Design Considerations

TM19A- Traffic Management and Road Safety

Householder Supplementary Planning Document

**Parish Council:**

Not In a Parish.

**Publicity and Number of Representations:**

The application was publicised by neighbour notification letters. The expiry date for comments in connection with the application was 11 July 2016. A petition containing seven signatures has been received in support of this application.

**Summary of Representations Received:**

A petition containing seven signatures was submitted in support of this application at the time the application was made. The petition does not include any material planning reasons for supporting the proposal.

**Consultations:**

Occupational Therapy - This application cannot be formally supported. It is however acknowledged that the extension would be of benefit to the disabled occupant.

**Summary of Main Issues:**

Visual Amenity.

Residential Amenity.

Highway and Pedestrian Safety.



### **Appraisal:**

The application site was granted prior approval for a larger single storey rear extension on 4 February 2014 under application reference 14/00024/PNH. The aforementioned application did not include detailed plans as they are not required for such a submission. However the application form is clear in stating the dimensions of the extension that were sought by applicant. In this case the application was for an extension with a depth of 4.5 metres, a maximum height of 4 metres and an eaves height of 3 metres. Unfortunately the extension was not constructed in accordance with the approved application. Instead the extension has been constructed with a maximum depth of 5.6 metres, an eaves height of 3 metres and a maximum height of 4.6 metres. As such the extension as built on site requires planning permission which is sought by this application.

### **Visual Amenity**

The application dwelling is a mid-terrace property constructed of natural stone and surmounted by a slate roof. The extension has been constructed of stone however the colour of the stone the block sizes and the coursing are poorly related to the host dwelling.

The extension is significant in size with a depth of 5.6 metres, an eaves height of 3 metres and a maximum height of 4.6 metres. It is noted that many neighbouring properties benefit from single storey rear extensions. However this proposal is significantly and noticeably larger. The design of the extension incorporating a pitched roof and an unconventional overhanging canopy further add to the conspicuous nature of the extension.

In conclusion it is considered that the single storey rear extension by reason of its poor quality construction material, excessive size and inappropriate design would form an obtrusive feature which detracts from the appearance of the host dwelling and the surrounding street scene, contrary to policy D1 of the Replacement Unitary Development Plan and the Householder Supplementary Planning Document.

### **Residential Amenity**

The extension has a depth of 5.6 metres, an eaves height of 3 metres and a maximum height of 4.6 metres. The extension abuts the common boundaries of both 97 and 101 Cumberland Road. It is considered that the extension by reason of its size and siting has an adverse overbearing and overshadowing impact on the rear habitable room windows and rear private amenity space of both 97 and 101 Cumberland Road, to the detriment of the residential amenity of the occupants of the aforementioned properties. The extension is therefore considered to be contrary to policy UR3 of the Replacement Unitary Development Plan and the Householder Supplementary Planning Document.

### **Other Issues for Consideration**

Disability information has been submitted in support of this application consisting of a doctor's letter and proof of disability living allowance. The Councils Occupational Therapy Department have confirmed that there is a disabled person residing at the property. The Occupational Therapy consultation response advises that the extension is beneficial to the disabled resident, but the extension cannot be formally supported as a scheme of internal adaptations would be sufficient to meet their specific needs. As such it is considered that the retention of the extension cannot be justified on this basis.

**Highway and Pedestrian Safety**

The extension is not considered to result in any adverse highway or pedestrian safety implications and accords with policy TM19A of the Replacement Unitary Development Plan.

**Community Safety Implications:**

The proposed development is not considered to result in any adverse community safety implications and accords with policy D4 of the Replacement Unitary Development Plan

**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

**Reasons for Refusal:**

1. The single storey rear extension by reason of its poor quality construction material, excessive size and inappropriate design forms an obtrusive feature which detracts from the appearance of the host dwelling and the surrounding street scene, contrary to policy D1 of the Replacement Unitary Development Plan and the Householder Supplementary Planning Document.
2. The extension by reason of its size and siting is considered to have an adverse overbearing and overshadowing impact on the rear private amenity space and habitable room windows of 97 and 101 Cumberland Road to the detriment of the residential amenity of the present and future occupants of the aforementioned properties, contrary to policy UR3 of the Replacement Unitary Development Plan and the Householder Supplementary Planning Document.