

## Agenda for a meeting of the Area Planning Panel (Bradford) to be held on Wednesday, 20 July 2016 at 10.00 am in Committee Room 1 - City Hall, Bradford

### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Rickard Shaw	Lee Wainwright Amran Azam	Stelling

### Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis Whiteley	Duffy Farley Lal M Slater	Stubbs

### Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0930 in Committee Room 1 on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.

### From:

Parveen Akhtar  
City Solicitor  
Agenda Contact: Claire Tomenson  
Phone: 01274 432457  
E-Mail: [claire.tomenson@bradford.gov.uk](mailto:claire.tomenson@bradford.gov.uk)

### To:



## A. PROCEDURAL ITEMS

### 1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

### 2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

*Notes:*

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

### 3. MINUTES

**Recommended –**

**That the minutes of the meeting held on 9 March 2016 be signed as a correct record.**

(Claire Tomenson – 01274 432457)



#### 4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Claire Tomenson - 01274 432457)

#### 5. PUBLIC QUESTION TIME

(Access to Information Procedure Rules – Part 3B of the Constitution)

To hear questions from electors within the District on any matter which is the responsibility of the Panel.

**Questions must be received in writing by the City Solicitor in Room 112, City Hall, Bradford, by mid-day on Monday 18 July 2016.**

(Claire Tomenson - 01274 432457)

### B. BUSINESS ITEMS

#### 6. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

The Panel is asked to consider the planning applications which are set out in **Document “A”** relating to items recommended for approval or refusal:

The sites concerned are:

- |     |   |                                       |
|-----|---|---------------------------------------|
| (a) | 11 Rudding Avenue, Bradford (Approve)                     | <b><u>Thornton &amp; Allerton</u></b> |
| (b) | 14 Crow Tree Lane, Bradford (Approve)                     | <b><u>Toller</u></b>                  |
| (c) | 14 Crow Tree Lane, Bradford (Approve)                     | <b><u>Toller</u></b>                  |
| (d) | 28 Escroft Close, Wyke, Bradford (Approve)                | <b><u>Wyke</u></b>                    |
| (e) | 387 Little Horton Lane, Bradford (Approve)                | <b><u>Little Horton</u></b>           |
| (f) | Land South of Hill Top Road, Thornton, Bradford (Approve) | <b><u>Thornton &amp; Allerton</u></b> |



- |     |  |                                       |
|-----|--|---------------------------------------|
| (g) | Queensbury Reservoir, Glazier Road,<br>Queensbury, Bradford (Approve)    | <b><u>Queensbury</u></b>              |
| (h) | The Village Public House, High Street,<br>Queensbury, Bradford (Approve) | <b><u>Queensbury</u></b>              |
| (i) | Wellington Hotel, 395 Thornton Road,<br>Thornton, Bradford (Approve)     | <b><u>Thornton &amp; Allerton</u></b> |
| (j) | 81 Girlington Road, Bradford (Refuse)                                    | <b><u>Toller</u></b>                  |

(Mohammed Yousuf – 01274 434605)

## 7. MISCELLANEOUS ITEMS

The Panel is asked to consider other matters which are set out in **Document “B”** relating to miscellaneous items:

- (a)- (p) Requests for Enforcement/Prosecution Action
- (q) Decision made by the Secretary of State – Allowed
- (r)-(u) Decisions made by the Secretary of State – Dismissed

(Mohammed Yousuf – 01274 434605)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



## Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (BRADFORD) to be held on 20 July 2016

A

### 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)	11 Ridding Avenue Bradford West Yorkshire BD15 7DS - 16/02699/HOU [Approve]	Thornton And Allerton
(b)	14 Crow Tree Lane Bradford West Yorkshire BD8 0AN - 16/03494/LBC [Approve]	Toller
(c)	14 Crow Tree Lane Bradford West Yorkshire BD8 0AN - 16/03496/HOU [Approve]	Toller
(d)	28 Escroft Close Wyke Bradford West Yorkshire BD12 9DN - 16/02499/FUL [Approve]	Wyke
(e)	387 Little Horton Lane Bradford West Yorkshire BD5 0LG - 16/01575/FUL [Approve]	Little Horton
(f)	Land South Of Hill Top Road Thornton Bradford West Yorkshire - 16/00468/OUT [Approve]	Thornton And Allerton
(g)	Queensbury Reservoir Glazier Road Queensbury Bradford West Yorkshire - 16/02041/FUL [Approve]	Queensbury
(h)	The Village Public House High Street Queensbury Bradford West Yorkshire BD13 2PD - 16/03218/FUL [Approve]	Queensbury
(i)	Wellington Hotel 395 Thornton Road Thornton Bradford West Yorkshire BD13 3JN - 16/03428/FUL [Approve]	Thornton And Allerton
(j)	81 Girlington Road Bradford West Yorkshire BD8 9NN - 16/02035/FUL [Refuse]	Toller

Julian Jackson  
Assistant Director (Planning, Transportation and  
Highways)

Report Contact: Mohammed Yousuf  
Phone: 01274 434605  
Email: mohammed.yousuf@bradford.gov.uk

**Portfolio:**  
Regeneration, Planning and  
Transport

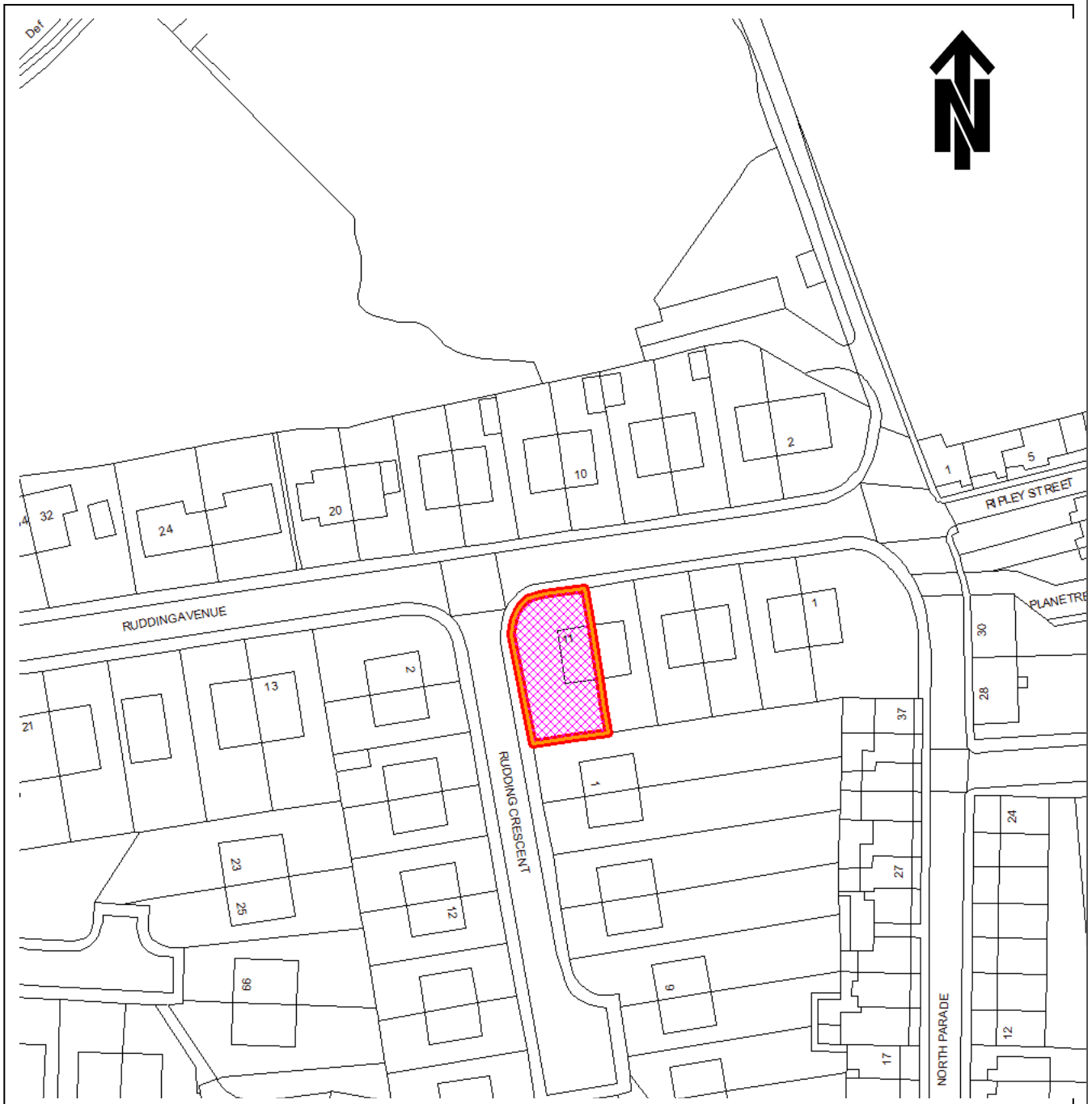
**Overview & Scrutiny Committee  
Area:**  
Regeneration and Economy



**Area Planning Panel (Bradford)**

**16/02699/HOU**

20 July 2016



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ITEM NO. : (a)	LOCATION: <b>11 Ridding Avenue Bradford BD15 7DS</b>
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**20 July 2016**

**Item Number:** (a)  
**Ward:** THORNTON AND ALLERTON  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/02699/HOU

**Type of Application/Proposal and Address:**  
Two-storey side and single-storey rear extension, 11 Rudding Avenue, Allerton, Bradford.

**Applicant:**  
Mr M Hussain

**Agent:**  
A A Planning Services

**Site Description:**  
The site is comprised of a two-storey semi-detached dwelling occupying a corner plot at the junction of Rudding Avenue and Rudding Crescent. The property is constructed of brickwork beneath a tile roof. The surrounding area consists of semi-detached dwellings constructed of similar materials.

**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***

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***

UR3 The Local Impact of Development  
TM12 Parking Standards for Residential Developments  
TM19A Traffic Management and Road Safety  
D1 General Design Considerations  
NE10 Protection of Natural Features and Species  
NR16 Surface Water Run Off and Sustainable Drainage Systems  
P7 Noise

Householder Supplementary Planning Document (HSPD)

**Parish Council:**

Not in a parish

**Publicity and Number of Representations:**

Receipt of the application was publicised by neighbour notification letters. The expiry date was 10 May 2016. 16 letters of objection were received.

**Summary of Representations Received:**

Insufficient parking provision  
Prevent access for bin lorry on Rudding Avenue  
Rooms within the extension would be small  
Overlooking  
Overshadowing  
The extension would damage the open nature of the estate  
Indiscriminate parking already occurs outside the property  
The extension would set a precedent  
Loss of views  
The property may be turned into bedsits

**Consultations:**

Drainage - Building Control: No comments received.  
Minerals: No objection.  
Highways Development Control: No comments received.

**Summary of Main Issues:**

Visual Amenity  
Residential Amenity  
Highway Safety  
Other Issues Raised by Representations

**Appraisal:**

Visual Amenity



The proposed extension would be constructed of materials to match the host dwelling and therefore no adverse visual amenity implications are foreseen in this regard.

The two-storey side extension would not exceed two-thirds of the width of the host dwelling and it would incorporate a uniform setback of 1 metre at the ground floor and first floor levels with a corresponding set-down in the roofline. The extension would also be surmounted by a gabled roof in keeping with the roof design of the existing property. The rear aspect of the extension would be part two-storey and part single-storey. The two-storey aspect of the rear extension would have a depth of 3 metres and it would also be surmounted by a gabled roof, the ridgeline of which would be positioned perpendicular with the ridgeline of the side extension. The single-storey aspect of the rear extension would have a depth of 3 metres and would be surmounted by a mono-pitch roof. In conclusion the proposed extension would be of an acceptable design and subordinate appearance in relation to the host property. The proposal is therefore considered to accord with policies UR3 and D1 of the RUDP and the HSPD.

It is accepted that the proposed extension would project beyond the building line of the semi-detached dwellings on Rudding Crescent. However the proposed extension would be adequately separated from the side elevation of 1 Rudding Crescent to ensure that it would not have an adverse impact on the visual amenity of the street scene.

### **Residential Amenity**

The proposed side extension is adequately separated from neighbouring dwellings on the adjacent side of Rudding Crescent to ensure that no adverse overbearing or overshadowing implications would be incurred.

The rear aspect of the proposed extension would be part single-storey and part two-storey. The single-storey aspect of the extension would have a depth of 3 metres adjacent to the boundary of 9 Rudding Avenue and therefore would not result in any adverse overbearing or overshadowing implications. The two-storey aspect of the extension would be offset from the common boundary of 9 Rudding Avenue and it would not intersect a 45-degree line as measured from the nearest habitable room window of the adjoining property, or any other neighbouring dwelling. As such no adverse overbearing or overshadowing implications are foreseen.

The proposed side and rear extension would not include any habitable room windows with an unrestricted view within 7 metres of the rear boundary of any neighbouring dwelling, or within 14 metres of the habitable room windows of any neighbouring dwelling. In the event that planning permission is granted a condition will be imposed removing permitted development rights for the installation of side windows in the East facing elevation. Subject to the aforementioned condition no adverse overlooking implications are foreseen and so the proposal accords with policies UR3 and D1 of the RUDP and the HSPD.

### **Highway Safety**

The application property is currently comprised of a 3 bedroom semi-detached dwelling with two off street car parking spaces. The proposed extension would result in a 6 bedroom property and parking provision would remain at two off-street spaces which accords with advice in Appendix C of the RUDP.

Some of the representations raise concerns with the level of on-street car parking that currently occurs at the application property. In this regard it should be noted that on-street parking is unrestricted on both Rudding Avenue and Rudding Crescent. Although it is a commonly held courtesy for residents to park adjacent to their own property boundary this is not a matter of law and therefore the extents of both Rudding Avenue and Rudding Crescent must be viewed as capable of providing general on-street parking. In this context the proposed extension would not result in a sufficient increase in the level of on-street car parking such as would be detrimental to the free-flow of traffic or highway and pedestrian safety. This proposal therefore accords with policies TM2 and TM19A of the RUDP.

#### **Other Issues Raised by Representations**

A representation has raised concern that on-street parking resulting from the extension of the dwelling would prevent bin lorry access on Rudding Avenue.

Comment: Local roads are unaffected by parking restrictions so, if vehicles are parked in a manner that obstructs access, this should be referred to the police.

A representation has raised concern that rooms within the extension would be small.

Comment: The rooms proposed are of a sufficient size to ensure that the occupants would benefit from an acceptable level of residential amenity.

A representation has raised concern that the proposed extension would damage the open nature of the estate.

Comment: Rudding Avenue and Rudding Crescent can be described as open in so far as the front boundary treatments of properties are relatively low. The proposed extension would not alter the aforementioned characteristic and the siting of the extension is not detrimental to the layout of the housing estate.

A representation has raised concern that the proposed extension would result in a loss of views from neighbouring dwellings.

Comment: The view from a property is not a material planning consideration.

A representation has raised concern that the extended property will be used as a bedsit.

Comment: The application is for a domestic extension and has been appraised as such. Any other use would be a matter for separate consideration based on its own facts and merits and/or enforcement action as necessary.

#### **Community Safety Implications:**

None

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

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

#### **Reason for Granting Planning Permission:**

The proposal would have no adverse impact on visual or residential amenity, highway safety or any other material planning matters, including those raised by objectors. The proposal therefore accords with the above noted planning policies.

**Conditions of Approval/Reasons for Refusal:**

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

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

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

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.

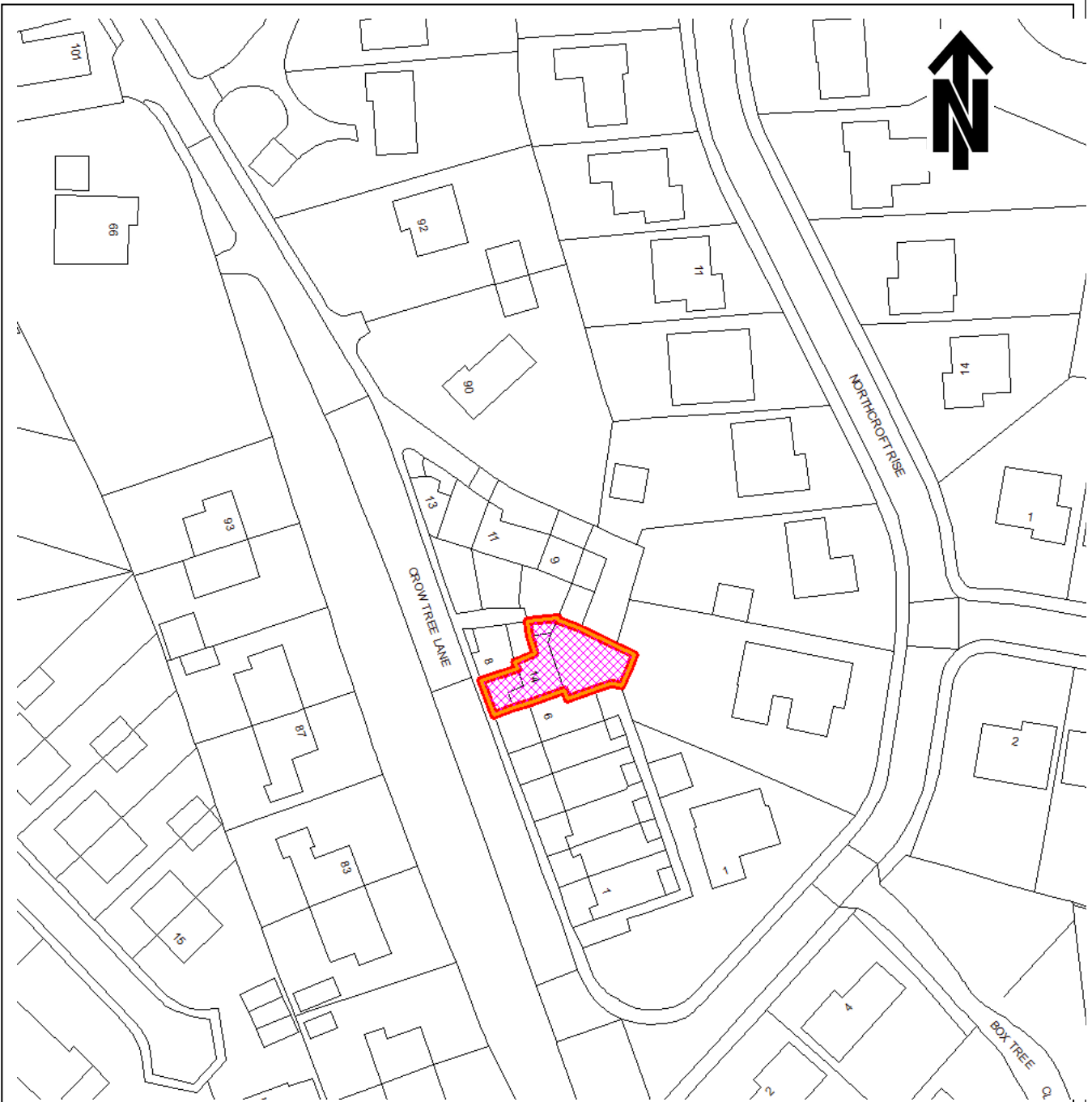
3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the East elevation of the extension without prior written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

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

**Area Planning Panel (Bradford)**

**16/03494/LBC**

20 July 2016



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ITEM NO. : (b)	LOCATION: <b>14 Crow Tree Lane Bradford BD8 0AN</b>
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**20 July 2016**

**Item Number:** (b)  
**Ward:** TOLLER  
**Recommendation:**  
**TO GRANT LISTED BUILDING CONSENT**

**Application Number:**  
16/03494/LBC

**Type of Application/Proposal and Address:**  
This is a retrospective application seeking listed building consent for the installation of security gates and related equipment at 14 Crow Tree Lane, Daisy Hill, Bradford.

**Applicant:**  
Ms Naseem Shah

**Agent:**  
Mr Ibrar Hussain

**Site Description:**  
This is a stone built end-terraced cottage which is accessed via a drive running to the rear of 9-13 Crow Tree Lane which are grade II listed buildings. The drive exits out onto Crow Tree Lane and the surrounding land slopes steeply to the south.

**Relevant Site History:**  
16/03496/FUL: Retrospective application for installation of security gates, concurrent full planning application also pending decision

**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 unallocated on the RUDP.

***Proposals and Policies***

Policy BH4A            The Setting of Listed Buildings

**Parish Council:**

The site is not within a Parish.

**Publicity and Number of Representations:**

The application was publicised with a site notice and a press advertisement. The publicity period expired on 10 June 2016. No representations have been received.

**Summary of Representations Received:**

No representations have been received.

**Consultations:**

Design and Conservation: Numbers 9-13 Crow Tree Lane form a row of grade II listed buildings. No objections to the proposed gates however have concerns about the placement of ancillary equipment and wiring which appears cluttered and visually jarring against the stonework on which it is mounted. This equipment should be repositioned.

**Appraisal:**

This is a retrospective application for the installation of metal security gates at the end of the drive to this property. The gates are attached to piers and have a black coloured finish. The gate piers are not connected to the rear of the listed building at 13 Crow Tree Lane and they are not mentioned within the listed description. The proposed gates and the control panels fixed to it are therefore unlikely to require listed building consent.

The associated wiring is fixed within a cabinet to the rear wall of 13 Crow Tree Lane, which is not considered to be appropriate given the listed status of these buildings. The application has been revised to relocate this equipment to a position on the ground within the site. The revised location is not considered to be harmful to the character or setting of the listed buildings and would also not require listed building consent.

On the basis of the revised drawing the proposal is not considered to be harmful to the character or setting of the listed buildings and would comply with Policy BH4A of the RUDP and the NPPF.

**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 as amended would not be harmful to the character, appearance or setting of the adjacent listed buildings and would therefore comply with Policy BH4A of the RUDP and the NPPF.

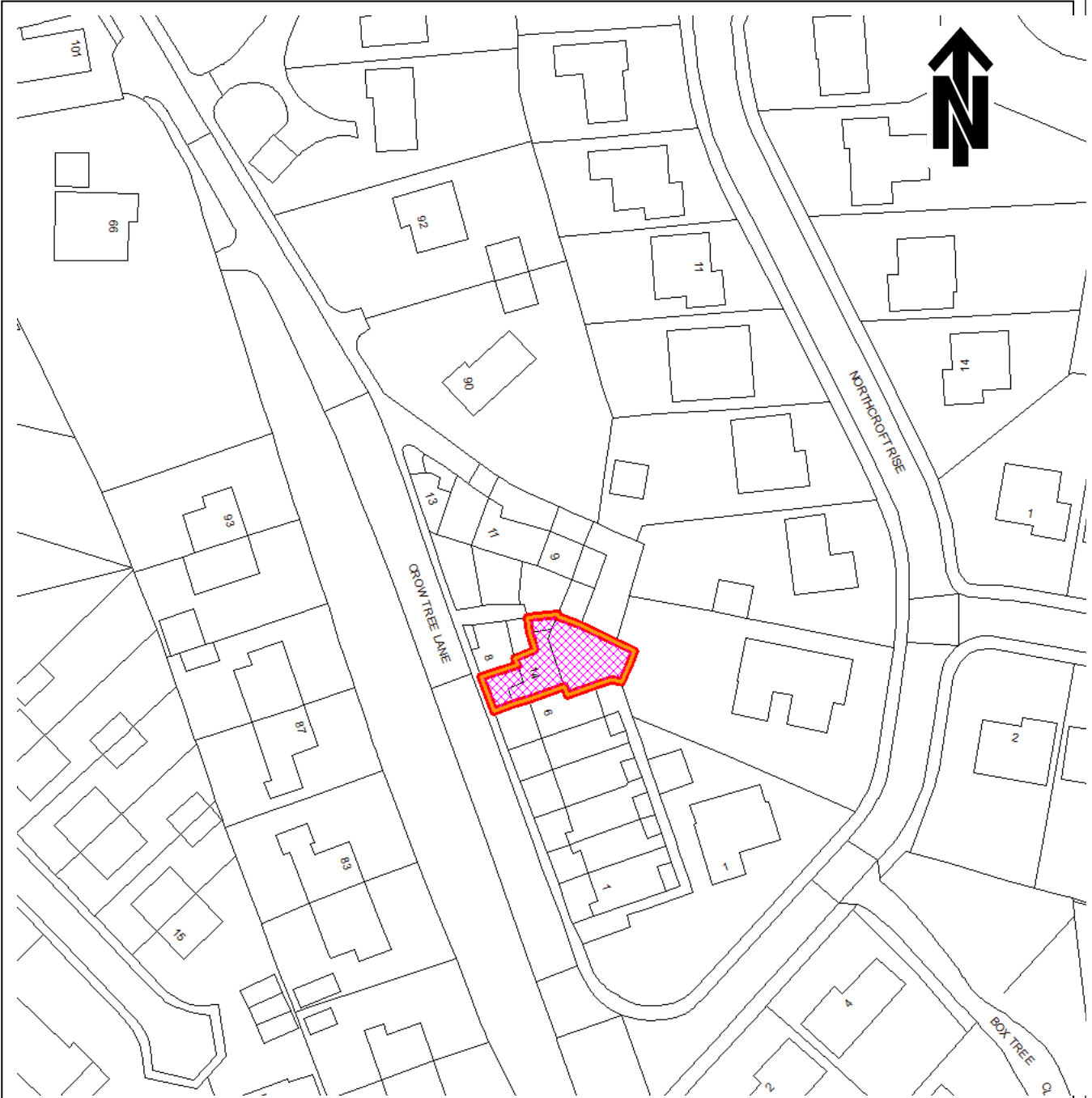
**Conditions of Approval:**

No conditions are required.

**Area Planning Panel (Bradford)**

**16/03496/HOU**

20 July 2016



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ITEM NO. : (c)	LOCATION: <b>14 Crow Tree Lane Bradford BD8 0AN</b>
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**20 July 2016**

**Item Number:** (c)  
**Ward:** TOLLER  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/03496/HOU

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

This is a retrospective planning application for the installation of security gates and related equipment to the access of 14 Crow Tree Lane, Daisy Hill, Bradford.

**Applicant:**

Ms Naseem Shah

**Agent:**

Mr Ibrar Hussain

**Site Description:**

This is a stone built end-terraced cottage which is accessed via a drive running to the rear of 9-13 Crow Tree Lane which are grade II listed buildings. The drive exits out onto Crow Tree Lane and the surrounding land slopes steeply to the south.

**Relevant Site History:**

16/03494/LBC - Retrospective application for installation of security gates - concurrent application for listed building consent also pending decision

**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 unallocated on the RUDP.

***Proposals and Policies***

Policy UR3	The Local Impact of Development;
Policy D1	General Design Considerations
Policy BH4A	The Setting of Listed Buildings

**Parish Council:**

The site is not within a Parish.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters and a site notice. This publicity period expired on 10 June 2016. Following receipt of amended drawings the application was re-publicised for a 14 day period with neighbour notification letters. This second round of publicity expires on 12 July 2016. At the time of report preparation one representation had been received, any additional representations will be verbally reported to Members.

**Summary of Representations Received:**

- Security gates exclude access to the rear of 12 Crow Tree Lane
- Heavy electrical wiring including lighting, service boxes and cabling have been attached to the rear of 12 Crow Tree Lane without consent.
- Lighting beacons have been attached to the rear of these properties which face other neighbours and area always on.
- Right of way for maintenance should be maintained for the neighbouring properties.

**Consultations:**

Design and Conservation: Numbers 9-13 Crow Tree Lane form a row of grade II listed buildings. No objections to the proposed gates however have concerns about the placement of ancillary equipment and wiring which appears cluttered and visually jarring against the stonework on which it is mounted. This equipment should be repositioned.

**Summary of Main Issues:**

1. Visual Amenity and Listed Building Issues
2. Other Issues Raised in Representations

**Appraisal:**

**1. Visual Amenity and Listed Building Issues**

This is a retrospective application for the installation of metal security gates at the end of the drive to this property. The gates are attached to gate piers and have a black coloured finish. The gate piers are not physically connected to the rear of the listed building at 13 Crow Tree Lane. The proposed gates in terms of their design, materials and finish are considered to be acceptable, as is the position of the control panel fixed to the face of the gate pier.

The associated wiring is fixed within a cabinet to the rear wall of 13 Crow Tree Lane, which is not considered to be appropriate given the listed status of these buildings. The application has been revised to relocate this equipment to a position on the ground within the site. The

revised location is not considered to be harmful to the character or setting of the listed buildings.

On the basis of the revised drawing the proposal complies with policies UR3, D1 and BH4A of the RUDP.

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

- Security gates exclude access to the rear of 12 Crow Tree Lane for neighbours.

- Right of way for maintenance should be maintained for the neighbouring properties.

*Response - This is a private matter over which the Local Planning Authority has no control. The applicant's agent advises that the right of access through the gates will be retained for the neighbouring residents.*

- Lighting beacons have been attached to the rear of these properties which face other neighbours and are always on.

*Response - The lighting beacons do not form part of this application however the issue of them always being turned on would be a private matter which would need to be resolved between the applicants and the affected properties.*

### **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 as amended would not be harmful to visual amenity, the setting of the adjacent listed buildings, residential amenity or highway safety. It would therefore comply with policies UR3, D1 and BH4A of the RUDP and the NPPF.

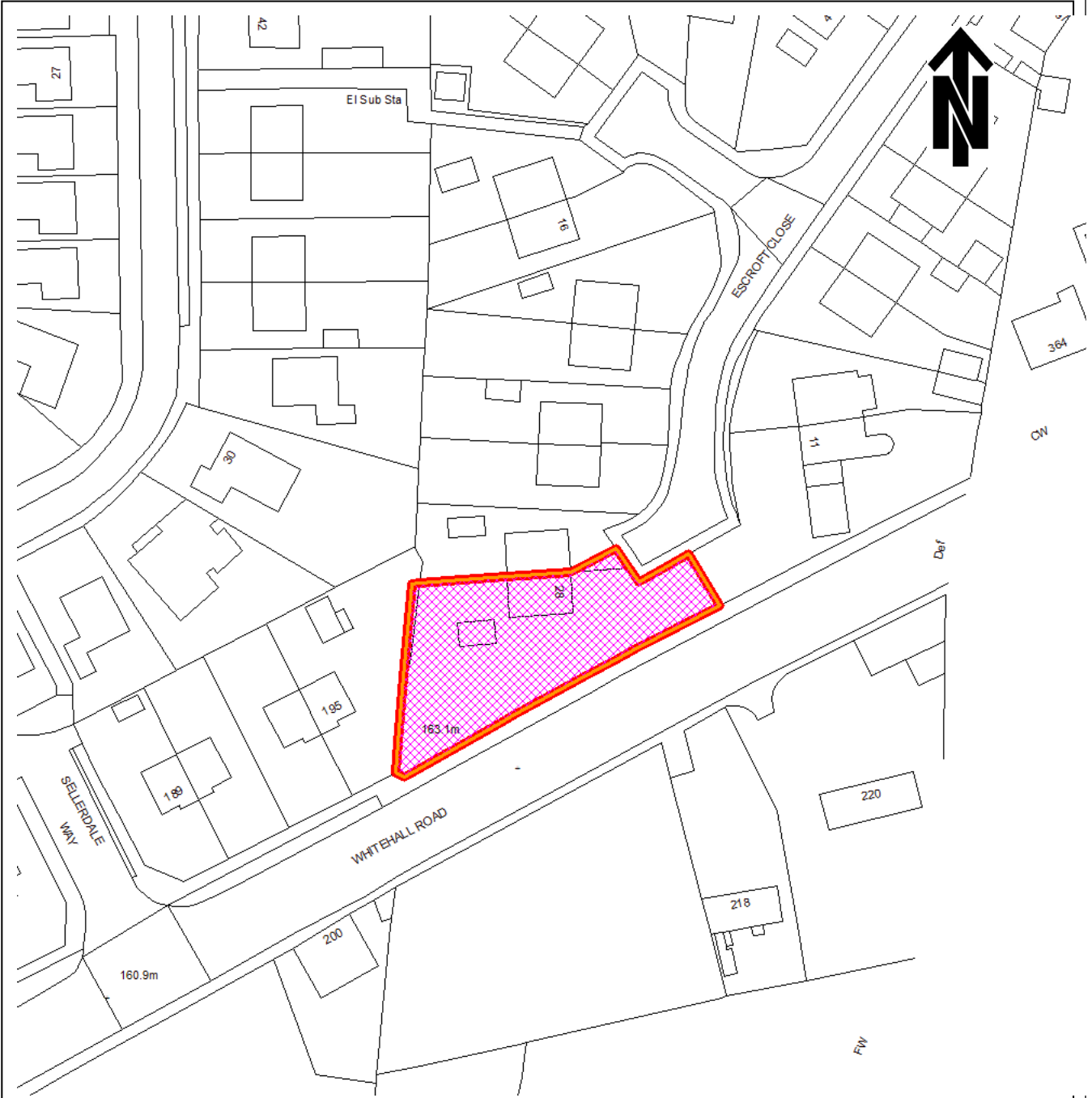
### **Conditions of Approval:**

No conditions are required.

Area Planning Panel (Bradford)

16/02499/FUL

8 July 2016



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ITEM NO. : (d)	LOCATION: <b>28 Escroft Close Wyke BD12 9DN</b>
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**20 July 2016**

**Item Number:** (d)

**Ward:** WYKE

**Recommendation:**

**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

**Application Number:**

16/02499/FUL

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

A full application for the construction of a detached bungalow at land to the side of No.28 Escroft Close, Wyke, Bradford, BD12 9DN.

**Applicant:**

Mr & Mrs Marshall

**Agent:**

Mr David Bottomore

**Site Description:**

The site comprises a large garden to the side of the host property and is bordered by Whitehall Road to the south and a residential dwelling to the west. The site is accessed via Escroft Close which is a small cul-de-sac of around 20 single-storey properties.

**Relevant Site History:**

92/01416/OUT: Construction of detached bungalow Refused

15/01635/FUL: Construction of new dwelling house adjacent to existing dwelling refused for the following reason:

The proposed development of a dormer bungalow in the form proposed is an overdevelopment of the site, having regard to the size and siting of the proposal and the impact on Escroft Close and Whitehall Road. The development is considered to be harmful in terms of visual amenity and as such is contrary to policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan and guidance contained within the National Planning Policy Framework.

**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 unallocated.

***Proposals and Policies***

UDP1 Promoting Sustainable Patterns of Development  
UDP2 Restraining Development  
UDP3 Quality of Built and Natural Environment  
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  
D4 Community Safety  
D5 Landscaping  
NR16 Surface water run-off and sustainable drainage techniques

**Additional Guidance**

Adopted Householder Supplementary Planning Document

**Parish Council:**

N/A

**Publicity and Number of Representations:**

The application was advertised by way of individual neighbour notification letter and site notice, the publicity date expired on the 19<sup>th</sup> of May 2016. At the time of the report being written there were 5 letters of objection to, one petition with 5 signatures against the development and a request from a Wyke Ward Councillor that if officers are minded to approve the application it is referred to the Bradford Area Planning Panel for determination.

**Summary of Representations Received:**

Escroft Close is fully developed of 1- and 2-bedroom bungalows which neither requires nor needs further development.

Response: The development of the site as proposed would have minimal impact on the street in terms of visual amenity and residential amenity.

On-street parking causing problems in the turning area and this proposal will increase the problem.

Response: The property would provide adequate off-street parking and turning facility within the site.

Parking in the turning circle causing problems for refuse vehicles, ambulances, fire engines, access bus and deliveries.

Response: It is not considered the proposed development would add to the situation.

Disruption during construction

Response: This will be short lived and expected in any development.

An additional dwelling will spoil the symmetry of the estate

Response: The visual impact on the street scene is considered below.

Concern about the boundary wall along Whitehall Road

Response: This is a Building Control issue.

Concern about safety on Whitehall Road during construction

Response: This would be a temporary situation and in any case would be dealt with through highway legislation.

Concern regarding the proximity of the building to existing structures.

Response: The siting is considered to be acceptable in relation to existing buildings

Concern with flooding as a result of the development

Response: The development of one single dwelling on this site does not raise any flooding concerns. Details of foul and surface water drainage are to be provided.

**Consultations:**

Kirklees Council: No comment

Drainage: No objection conditions recommended

Highway Safety: No objection subject to conditions

**Summary of Main Issues:**

Principle

Visual amenity

Residential amenity

Highway safety

Drainage

**Appraisal:**

This unallocated site currently forms the garden to the property and is therefore classified as greenfield. The site is located within a residential area and close to existing infrastructure as such the residential use would be appropriate given the sustainable location.

There is also an urgent need for the Council to provide appropriate housing land. 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, 2014 (SHLAA) indicates that there is a substantial shortfall in housing land relative to these requirements. Whilst the Council is updating the SHLAA, it anticipates that the five-year housing land supply position will remain

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, albeit modest, towards meeting that need. These factors weigh significantly in favour of the scheme and the principle of residential development is therefore considered to be acceptable. The principle of development is considered to be acceptable. In terms of the density the site could only accommodate one dwelling therefore policies H7 and H8 are considered to be complied with.

### **Visual amenity**

The application relates to a detached dormer bungalow to the side of a semi-detached bungalow. The proposed dwelling would be set back to the rear of No.28 Escroft Close and as such the impact on that street scene would be less than a development in line with the existing properties. The height and scale of the development has been reduced from the previous scheme that was refused on design grounds due to the siting and size. The dormer windows have been removed from the design and the proposed scheme therefore does not have the same impact on the street scene than the previously refused design. The proposed dwelling would encroach into a building line along Whitehall Road but it is not considered it would result in any harm to the street scene. The splayed section previously proposed has now been removed and the development reduced in size. The proposal is now in keeping with the existing properties within the street scene. The development is acceptable in terms of visual amenity and policies UR3, D1 and UDP3 of the RUDP.

### **Residential Amenity**

The proposed development is for a two-bedroom bungalow with no windows at first floor level. The scheme does not result in any overlooking concerns, a boundary fence is located to the rear of the site to avoid overlooking and no windows are proposed in the side facing No.28 Escroft Close. The development being single storey will not result in a significant level of overshadowing to the property to the north of the site and which is still within the red site outline. Furthermore there will be no significant overshadowing to the adjacent dwelling on Whitehall Road which is located to the west of the site. Both the host dwelling and proposed dwelling would have a sufficient garden size for the size of the property. The development is considered to be acceptable in terms of residential amenity and policies UR3 and D1 of the RUDP. Conditions removing permitted development rights are recommended to avoid dormer windows being added in the future which would increase overlooking.

### **Highway Safety**

The proposed development for a single dwelling would provide 2 off-street parking spaces within the site in addition to a turning area and long driveway. The level of off-street parking proposed is greater than the minimum requirement of 1.5 spaces per dwelling. Once occupied it is not considered the proposed dwelling would have a significant impact in terms of on-street parking within the turning area as sufficient space is available within the site for vehicles to park in connection with the dwelling and visitor parking. The proposed development would not result in a highway safety concern and accords with policies TM2, TM12 and TM19A of the RUDP.



#### Drainage

The development does not raise any insurmountable drainage considerations, policy NR16 of the RUDP is considered to be satisfied. Details of drainage will be conditioned to be provided prior to development beginning.

#### **Community Safety Implications:**

The proposed development does not raise any community safety implications, policy D4 of the RUDP is satisfied.

#### **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 dwelling is considered to acceptable in terms of visual and residential amenity and does not raise any highway safety concerns or drainage issues. The proposed development accords with policies UR3, D1, NR16, TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

#### **Conditions of Approval/Reasons for Refusal:**

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. 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 1506-01 rev a and 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.

4. Before the development is brought into use, the off-street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where 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.

5. Before first occupation of the dwelling hereby approved, a solid boundary fence to a minimum height of 1.8 metres shall be erected along the northern boundary of the site to divide the existing property and the proposed property. The fence shall be maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

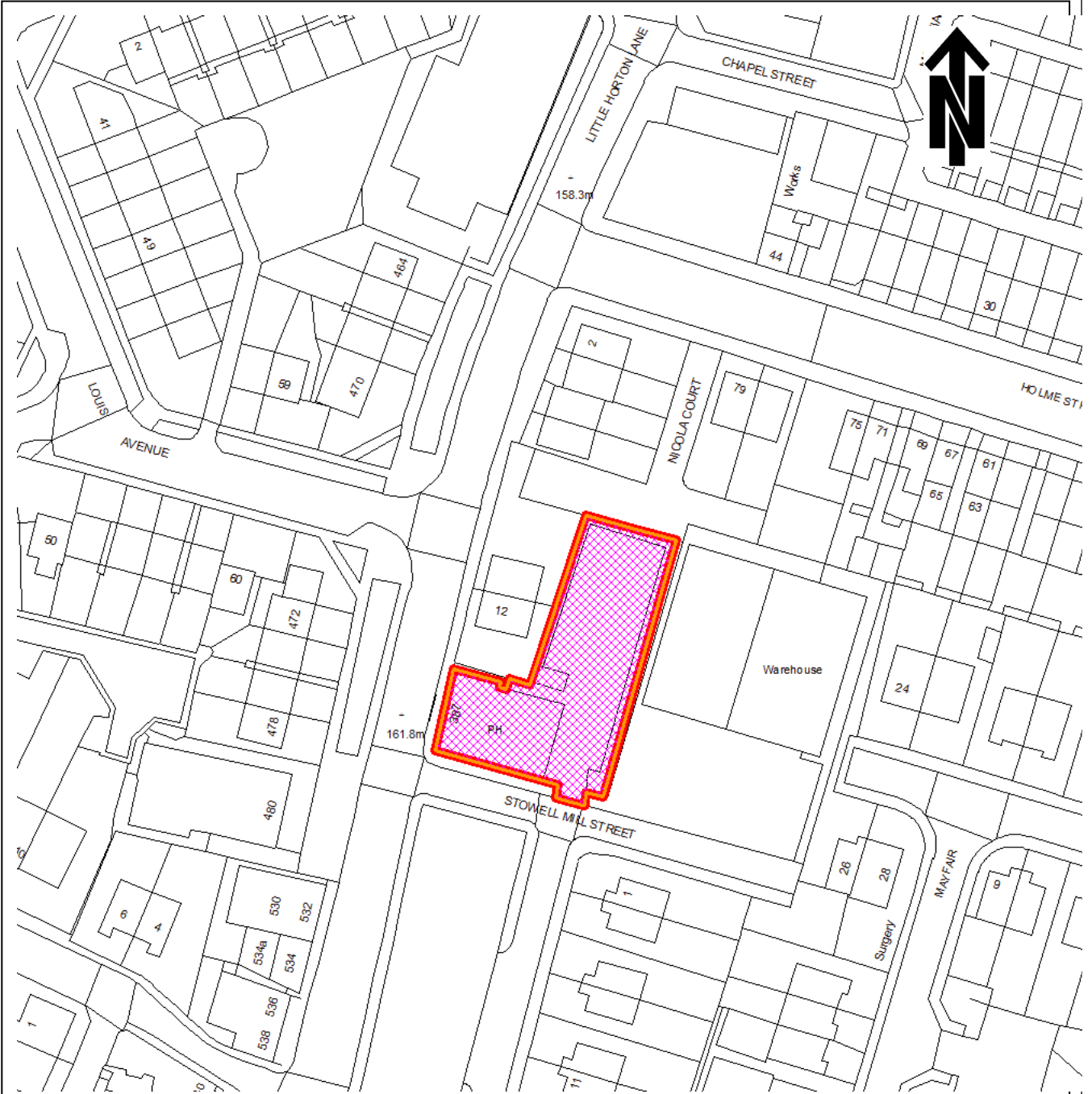
6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A, B or E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission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

Reason: To ensure the Local Planning Authority retains control of development and to accord with policies D1 and UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Bradford)

16/01575/FUL

20 July 2016



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ITEM NO. : (e)	LOCATION: <b>387 Little Horton Lane Bradford BD5 0LG</b>
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**20 July 2016**

**Item Number:** (e)  
**Ward:** LITTLE HORTON  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION WITH CONDITIONS**

**Application Number:**  
16/01575/FUL

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

This is a retrospective planning application for the construction of a two storey side and rear extension to an existing A1 retail unit at 387 Little Horton Lane, Bradford.

The application initially proposed the sale of 'warmed food' and the layout appeared to show a hot food takeaway. This aspect of the proposal has now been removed.

**Applicant:**  
Mr Matloob

**Agent:**  
Mr Stephen Fisher, SR Design

**Site Description:**

This is a former public house at the junction of Stowell Mill Street and Little Horton Lane currently falls within A1 retail use. Vehicular access is from Stowell Mill Street and there is a marked car park to the north. There are residential properties to the north and west and B1 industrial units to the east. There are all residential properties to the south on Parkinson Street.

**Relevant Site History:**

08/06781/COU - Change of use from public house to retail furniture sales side extension and approval in retrospect of rear delivery door - Granted  
08/06988/FUL - Installation of security shutters and rear delivery door - Refused  
09/04552/FUL - Installation of security shutters - Refused  
10/00390/FUL - Removal of shutters and installation of new security shutters over 3 no doors - Refused  
11/04414/FUL - Change of use of part retail/car park to class B8 builders storage and distribution including car parking retained - Refused  
13/00406/FUL - Retrospective change of use of car park to Class B8 builders storage and distribution, including retention of car parking and alterations to form shop fronts for subdividing retail area into two shops - Withdrawn  
13/04839/ADV - Installation of three fascia signs and one projecting sign - Refused  
13/05351/FUL - Rebuild rear storage building unit to rear car park with new storage building and retention of chiller units to side - Refused  
14/01798/FUL - Rebuild rear storage building unit to rear car park with new storage building and retention of chiller units to side (retrospective) - Refused  
15/02171/FUL - Retrospective application for rear extension and inclusion of A5 takeaway within existing retail unit - Withdrawn  
15/03358/FUL - Retention of storage/garage building to rear car park - Granted

**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 unallocated on the RUDP.

***Proposals and Policies***

Policy UR3	The Local Impact of Development
Policy D1	General Design Considerations
Policy TM2	Impact of Traffic and its Mitigation
Policy TM12	Parking Standards for Residential Developments
Policy TM19A	Traffic Management and Road Safety

**Parish Council:**

Bradford Trident Community Council - Object to the application due the increased noise, odour, litter, food waste, pest control and waste disposal issues the proposal would create. There are already too many takeaways in the area and this would exasperate the problem. The proposal will also increase parking, traffic and highways problems and could subject nearby residents to activity at unsociable hours and create a risk of more anti-social behaviour. A new takeaway will impact on the health of people living in the area.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters and a site notice. This publicity period expired on 28 March 2016. Following receipt of amended drawings the application was re-publicised for a 14 day period with neighbour notification letters which expired on 10 May 2016. A total of 8 representations have been received.

**Summary of Representations Received:**

- The existing extension has been built without planning permission and it is time to show people cannot 'illegally' make an extension and then also ask to open a takeaway.
- The neighbours will suffer from more smell, rats, rubbish, cars and crime.
- The proposal is close to residential properties and will affect the privacy of these properties.
- The proposal will affect property prices.

- The extension is being used as a clothes shop without permission.
- There is insufficient on-street parking in the area.
- The car park to the rear of the building has never been used as a car park.
- Litter has been burnt in the car park and a takeaway would add to this problem.

**Consultations:**

Highways Development Control - Previous applications on this site have not been supported and there is no reason to change this viewpoint. The consultation response refers to three applications which were for different proposals on the site.

**Summary of Main Issues:**

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

**Appraisal:**

**1. Principle of the Development**

The site is unallocated on the RUDP and so is not protected for any particular uses other than those which accord with the general policies of the Plan. The application initially proposed to create a takeaway within the ground floor of the extension but following discussions this has now been omitted from the proposal. The ground floor of the side extension is now to be an extension to the existing retail unit with the area above will form a storage area.

The existing building was originally a public house but was then converted to A1 retail use. Currently there is a mini-market to the ground floor and hair and beauty products shop to the upper floor. It is permitted to change from an A4 Public House to A1 Retail and also to then subdivide the building to form more than one unit without the need for planning permission.

The current proposal adds around 64 square metres of retail floor space to the existing 220sqm ground floor retail unit and the same amount of storage space at first floor level. The proposed development does not create a large retail unit which would affect the vitality or viability of designated centres. As a consequence the principle of the development is acceptable subject to its local impact.

**2. Visual Amenity**

The extension as constructed is set very slightly back from the front wall at ground floor level and further back at first floor level. This results in a very awkward relationship with the existing building. The current proposal is to set the front wall of the wall of the extension 1metre behind the front wall of the existing building, a revision that would be visually acceptable. The roof arrangement to the rear is also awkward due to the extension projecting slightly behind the rear wall of the main building and wrapping around its rear elevation. Although this is not ideal this aspect of the proposal is not readily visible from public viewpoints and so a refusal on these grounds is not advised. Consequently subject to the use of matching materials in altering the face of the extension the proposal would not be harmful to visual amenity. A footnote which clarifies that external security shutters do not form part of this application should also be attached to any approval as the existing shutter is shown to be removed and a lattice type shutter fitted internally.

### **3. Residential Amenity**

There are residential properties on Parkinson Street to the front of the site and to the side and rear fronting Little Horton Lane and Holme Street. The application initially proposed a hot food takeaway within the extension however this aspect of the proposal has now been removed from the proposal. The majority of the objections that have been received referred to this aspect of the initial proposal. The revised proposal is for an extension to the existing retail use which is unlikely to significantly increase activity at the site. It is noted that the adjacent unit does not have any restriction on opening times as there was no requirement for planning permission for the current use. It would be unreasonable to restrict the use of the wider A1 retail unit on this application which is for a modest increase in floor space. A condition should however be attached to any approval of this application which requires the new floor space to be ancillary to the existing A1 retail unit.

The main bulk of the extension sits to the side of the existing building and though it steps out very slightly to the rear this does not affect the rear of the properties fronting Little Horton Lane. There is a small industrial unit to the east of the site and the properties on Parking Street are considered to be sufficiently distant from the proposal to not be affected. Overall the proposal is not harmful to neighbouring amenities.

### **4. Highway Safety**

Access is gained to the site from Stowell Mill Street and Parkinson Street. The former is a very narrow road with a poor junction arrangement with Little Horton Lane. It is noted that this building has historically been used as a public house. Previous applications on this site have secured an 11-space car park to the rear of the site from which deliveries can also be obtained. Although the floor area is increased by this proposal it is not of a level which would significantly increase vehicular movements to and from the site. Some representations refer to the lack of use of this car park however it is not possible for the Local Planning Authority (LPA) to make people use this area. If vehicles are parking inconsiderately in the surrounding streets the Police or the Highways Authority may have powers to penalise drivers. From a planning perspective however application reference 15/03358/FUL carries a condition which requires these spaces to be kept available for use by customers. For the purposes of clarity this condition can also be carried forward to the current proposal.

It is noted that the Highways Department has objected to the proposal by referring to previous applications on this site to which they objected. It is noted that the applications to which they refer were for different proposals than what is presented here. These applications proposed new uses to the building whereas the current proposal is for an increase in the floor space available to the existing building. For the reasons given above the proposal is not considered to be harmful to highway safety.

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

- The existing extension has been built without planning permission and it is time to show people cannot 'illegally' make an extension and then also ask to open a takeaway.

*Response - The LPA is required to consider all applications that are submitted to it. There is a long history of unauthorised development on this site and the LPA has pursued these cases and resolved a large number of issues. The current application is the result of enforcement action taken by the LPA.*

- The proposal will affect property prices.

*Response - The effect of development proposals on property prices is not a material planning consideration and so a refusal of consent on these grounds cannot be justified.*

- The extension is being used as a clothes shop without permission.

*Response - The current application seeks to rectify the current issues at the site. If this application is approved the LPA will continue to pursue enforcement action on this site as considered necessary.*

- Litter has been burnt in the car park and a takeaway would add to this problem.

*Response - The application includes a dedicated bin store to the rear of the site. The burning of litter is not an issue over which the LPA has influence. Powers may exist within Environmental Health legislation which can resolve this issue.*

**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 as amended would not be harmful to visual amenity, residential amenity or highway safety. It would therefore comply with Policies UR3, D1, TM2, TM11 and TM19A of the RUDP and the NPPF.

**Conditions of Approval:**

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

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

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

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 car parking spaces shown on approved plan numbered SR-1690-2 shall be kept available for use by customers whilst ever the approved use subsists.

Reason: In the interest of highway safety and to comply with Policies TM2 and TM11 of the Replacement Unitary Development Plan.



4. The development hereby permitted shall only be occupied or used in connection with and ancillary to the occupation of the existing A1 retail use and shall at no time be severed and occupied as a separate independent unit.

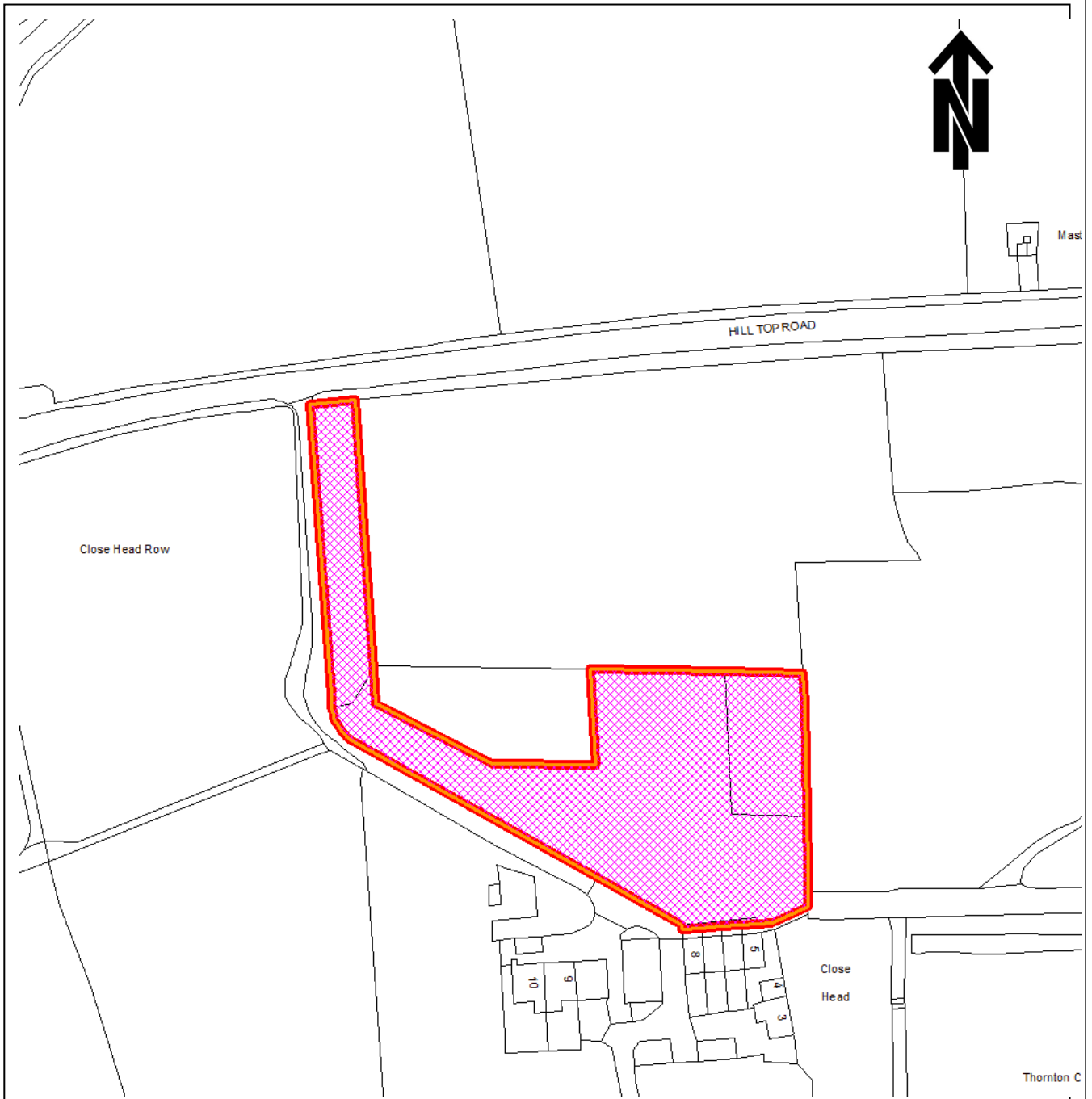
Reason: To prevent the undesirable establishment of a separate independent unit and in the interests of amenity and highway safety and to accord with Policies UR3 and TM2 of the Replacement Unitary Development Plan.

Footnote: Please note that the permission hereby granted is does not relate to external shutters which would require the benefit of a separate permission.

**Area Planning Panel (Bradford)**

**16/00468/OUT**

20 July 2016



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ITEM NO. : (f)	LOCATION: <b>Land South Of Hill Top Road Thornton Bradford</b>
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**20 July 2016**

**Item Number:** (f)  
**Ward:** THORNTON & ALLERTON  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

**Application Number:**  
16/00468/OUT

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

This is an outline application for the construction of 5 residential units on land to the south of Hill Top Road, Thornton. The application reserves all matters save access for later approval.

**Applicant:**

Bradford Metropolitan District Council

**Agent:**

Paul Glover, Acanthus WSM Architects

**Site Description:**

This is a triangular undeveloped site located to the north of a small group of residential properties at the end of the section of Close Head Lane that can be accessed by vehicles via Thornton Road. Thornton Cemetery is to the east and open Green Belt land is to the north and east. Close Head Lane is a public footpath to its northern section which runs along the southern and western boundaries of the site up to its junction with Hill Top Road to the north. The land slopes very steeply down to the south. Other than a band of protected trees on the eastern boundary the site is an open green field.

**Relevant Site History:**

15/00247/MAO - Erection of 16 dwellings - Withdrawn

The following applications include a larger parcel of land which extends to the south and links to Thornton Road:

12/00943/OUT - Renewal of permission 07/05813/OUT dated 24/04/2009: Outline application for residential development - Granted Subject to a Section 106 Agreement

07/05813/OUT - Outline application for residential development - Granted Subject to a Section 106 Agreement

**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 main portion of the site on which the dwellings and part of the access road would be constructed is an allocated Housing Site however most of the access road linking the site to Hill Top Road falls within Green Belt on the RUDP.

#### ***Proposals and Policies***

Policy GB1 - New Buildings in the Green Belt

Policy GB2 - Siting of New Buildings in the Green Belt

Policy UR3 - The Local Impact of Development

Policy D1 - General Design Considerations

Policy H1 - Phase 1 Housing Sites

Policy H7 - Housing Density - Expectations

Policy H8 - Housing Density - Efficient Use of Land

Policy TM2 - Impact of Traffic and Its Mitigation

Policy TM12 - Parking Standards for Residential Developments

Policy TM19A - Traffic Management and Road Safety

Policy NE3 and NE3A - Landscape Character Areas

Policy NE4 - Trees and Woodland

Policy NE5 and NE6 - Retention and Protection of Trees on Development Sites

Policy NR16 - Surface Water Run Off and Sustainable Drainage Systems

Policy P6 - Unstable Land

#### **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 on receipt. This publicity period expired on 18 March 2016. Upon receipt of amended drawings the application was re-publicised with neighbour notification letters to all those initially notified and also to those who made representations to the original proposal. This second round of publicity expires on 30 June 2016. Twelve representations had been received at the time of report preparation. Members will be verbally updated of any additional representations received after this date.

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

- Have significant concerns regarding the drainage. Flooding is a serious concern and one which potentially leaves many properties on Close Head Lane vulnerable.
- Consideration should be given to the use of Sustainable Urban Drainage systems in accordance with the Water Environment (Controlled Activities)(Scotland) Regulations 2005.

- The site is greenfield and there are a number of brownfield sites in the locality which should be utilised first.
- Local schools are currently overcrowded and cannot meet the demand for places due to the growing population. The capability of providing satisfactory education is being compromised by increased classroom sizes.
- Local infrastructure is struggling with current capacity, increased road congestion through Thornton village.
- Local services including doctors and dentists are already operating above their capacity to provide a satisfactory service.
- There is significant potential for slope instability with relatively small changes in ground conditions.
- Concerned about the state of the wall between Close Head Lane and the fields above it where the proposed development is taking place.
- Who is responsible if there was to be a landslip because of the building work? Who would be liable and who would enforce its repair?
- Close Head Lane is used frequently by horse riders, ramblers and walkers. Hope this proposal is not the first of many that would see this area become a housing estate.
- Properties in this area should be of a cottage-like appearance.
- The area is part of a Tree Preservation Order, so it is imperative that the trees in the area are not harmed.
- Request windows of the new properties are west, north and east facing so the privacy of the residents of Close Head Lane is protected.
- The allocations both in the RUDP and the Strategic Housing Land Availability Assessment (SHLAA) do not show any access from Hill Top Road. Access to the site should be from Thornton Road.
- This application seeks to separate the northern part of the housing site from the rest, with access across Green Belt land and would fall foul of RUDP policies regarding greenfield sites, incursions into the Green Belt and sustainability.
- The proposed road would adversely affect the character of the Green Belt contrary to Policies GB1 and GB5 of the RUDP.
- Access from Hill Top Road would bring residents out to an area where there is only 1 bus an hour compared with 6 an hour on Thornton Road.
- Hill Top Road is a much greater distance away from Thornton Primary School and shops in Thornton. This is contrary to Policy UDP1 of the RUDP.
- If the applicant wishes to use the Housing Allocation in the RUDP to justify the development then the whole of the site should be developed in order to ensure that it is developed comprehensively.
- Have any monies been set aside to pay for any increased usage and damage the proposal may cost to local roads?
- Concern about the steepness of the new road within the development plans. The only vehicles that can navigate this road in snowy conditions are ones with four wheel drive.
- Concerned about the increase in the number of heavy goods vehicles that use this particular section of Thornton Road.

**Consultations:**

Highways Development Control - Whilst the access road would be steeper than normally allowed a 1/7.5 gradient for the proposed access road is acceptable.

Building Control/Structures - No objections subject to conditions which require an intrusive site investigation to confirm there will be no future issues regarding landslides where the land

his to be re-graded or retained and which require details of the retaining structures to be approved.

Building Control/Drainage - No objections subject to conditions requiring the approval of foul and surface water drainage to be approved. Note that sustainable drainage techniques involving infiltration into the site are not appropriate on this site due to its topography.

Environmental Health - No objections subject to a condition which limits the hours of construction.

Rights of Way - Public Footpath Bradford Western 24, known as Close Head Lane, runs alongside the proposed access. No objections are raised to the proposal but note that integrity of the retaining walls should be maintained. The future liability of the wall will lie with the landowner adjacent to the footpath.

Trees Section - No comments received.

Biodiversity Team - No comments received.

British Horse Society - No comments received.

**Summary of Main Issues:**

1. Principle of the Development
2. Density
3. Highway Safety
4. Residential Amenity
5. Visual Amenity
6. Land Stability
7. Drainage
8. Other Issues Raised in Representations

**Appraisal:**

**1. Principle of the Development**

The main portion of the site forms the northern part of a much larger Phase 1 Allocated Housing Site on the RUDP. The principle of residential development of this part of the site is clearly established by this allocation. The main issue relates to the path of the access road which runs to the north alongside an existing footpath through land allocated as Green Belt. Paragraph 90 of the 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 original intentions when allocating this site for housing purposes was that access would be taken from Thornton Road. The land is within three separate ownerships with only the land included within this application being within the Council's ownership. Planning permission was acquired for the development of the whole of the housing site in 1995 and renewed in 1998 and then again acquired in 2007 and renewed once again in 2012. The site has been extensively but unsuccessfully marketed in this time. The previous application for the construction of 16 dwellings sought to create an adoptable access which would have resulted in a much more significant intrusion into the green belt with a wider access and of a much shallower gradient than shown here. There is a significant and very steep drop in levels

from Hill Top Road to the site and so significant retaining works would have been required and this would have resulted in a significant intrusion into the Green Belt and also would have caused significant harm to visual amenity. Consequently whilst the principle of running a road through the Green Belt (i.e. an engineering operation) is established by the NPPF, the detail of the previous proposal was not acceptable.

The current access falls at a gradient of 1 in 7.5 for its main section which necessitates the creation of retaining structures up to a maximum height of 2.15m. This amended proposal is not considered to result in a significant harm to the openness of the Green Belt or the purposes of included within it. It is therefore considered to be justified by Paragraph 89 of the RUDP and Policy GB1 of the RUDP. The impact of the access road will be further reduced by its position alongside an existing footpath and by landscaping running alongside it.

It is also well publicised that Bradford has experienced a sizeable and persistent under delivery of housing for many years and also does not have a five-year supply of deliverable sites as required by the NPPF. The approval of this application would make a contribution towards meeting this housing need on an allocated housing site. The principle of this development is therefore acceptable subject to its local impact.

## **2. Density**

Policy H7 of the RUDP requires housing developments to achieve a housing density of at least 30 dwellings per hectare and Policy H8 requires the efficient use of land. This development would achieve a housing density of around 16 dwellings per hectare. It is not possible to create an adoptable road to this site from Hill Top Lane due to the topography of the land and access from the south has also been investigated. A maximum of five residential units are permitted to take access from a private access road such as that proposed. As a consequence there is sufficient justification to allow a lower density of development in this location.

## **3. Highway Safety**

Whilst the application reserves all matters for later approval save for access to the site. The amended plans propose a gradient of 1 in 40 for the first 10m which then drops away to 1 in 7.5 for most of the length before curving into the site of the proposed dwellings which has a gradient of 1 in 19. Ideally the maximum desirable gradient would be 1 in 12 for the main length of the road and 1 in 15 within the site where there is direct drive access. Given the steep gradients in this area this is not achievable without significant engineering works and retaining structure which would have clashed with Green Belt policy and resulted in an unsightly retaining structure. Following extensive discussions the current proposal represents a reasonable compromise between the highway safety issues, openness of the Green Belt and the visual impact of the proposals. It is noted that this would be a private drive and whilst very steep it would be similar to the gradients of roads within Thornton nearby and other parts of the District. Overall subject to conditions the proposal is considered to be acceptable from a highway safety perspective.

## **4. Residential Amenity**

There are residential properties immediately to the south which face towards this site. Whilst it is noted that this application reserves the layout and scale of the development for later approval the indicative plans retain a separation distance of around 24metres between the proposed development and these properties. This is sufficient to avoid any significant

overlooking between these properties and to avoid the proposed dwellings being over-dominant.

A retaining structure of around 1.8metres in height above the existing ground level is proposed around 8.9metres from the rear wall of these properties. It is noted currently there is a tall wall on the southern boundary of the site retaining land behind it at a higher level. There is a band of mature trees along this boundary which tower above the houses on Close Head Lane and the plans indicate that these will remain. There do appear to some habitable room windows in the rear of these properties but given the presence of the existing trees and the relatively low height of the retaining structure there is sufficient distance to avoid overbearing to these properties. The submitted drawings demonstrate that this site can be developed without causing any significant harm to neighbouring amenities.

The proposed development will necessitate significant excavations within the site. In order to retain some control over the number and frequency of heavy goods vehicle (HGV) movements in the area a condition which requires the submission of a method statement relating to the preparation of the site for development should be attached to any approval of this application. This would secure details of the amount of material to be removed, the number of associated HGV movements and mitigation measures to deal with noise, dust and vibration.

#### **4. Visual Amenity**

The application reserves all matters save access for later approval but indicative plans of the layout and scale of the development have been provided.

The proposed access point would run alongside an existing footpath and the plans indicate that it is bound on both sides by dry stone retaining walls with landscaping being planted to soften its impact. Whilst the proposed access road will run across currently open land subject to the use of appropriate materials for the walls and a good landscaping scheme this aspect of the proposal is not harmful to visual amenity. The layout, scale, appearance and landscaping of the site are all reserved for later approval however the indicative plans showing a potential site layout and scale of development are provided. A further application for approval of reserved matters will be required and so an appropriately designed development could be achieved on this site without causing any significant harm to visual amenity. Subject to conditions to secure details of the materials for the dry-stone wall and a landscaping scheme the proposal is not harmful to visual amenity.

#### **6. Land Stability**

The site slopes very steeply to the south and in order to accommodate the development significant retaining works will be required. Paragraphs 120 and 121 of the NPPF note that the responsibility for securing a safe development rests with the developer and landowner. It does however require sufficient site investigation information, prepared by a competent person, to demonstrate that the site is suitable for the new development. The application includes information which indicates that the risk of landslide and instability issues is low though some issues are possible to the northern edge of the site. The Council's Structural Engineer has advised that whilst the risk is low, conditions should be attached to any approval of this application, which require intrusive site investigations to establish the future risk of instability issues and secure structural details of all retaining structures. Subject to these conditions the proposal would comply with the NPPF.



## 7. Drainage

The site is on land identified as Flood Zone 1 which is at the lowest risk of flooding. The Council's Drainage Officers have noted that due to the topography of the site it is not possible to employ sustainable urban drainage systems to drain surface water from the site. Conditions requiring the approval of foul and surface water drainage should be attached to any approval of this application.

## 8. Other Issues Raised in Representations

- Local schools are currently overcrowded to meet the demand for places due to the growing population. The capability of providing satisfactory education is being compromised by increased classroom sizes.

*Response - The proposed development falls below the 10-dwelling threshold at which the Council would normally require contributions towards educational infrastructure in the area. The proposed development is relatively small scale and is unlikely to place significant additional pressure on school places in the area.*

- Local infrastructure is struggling with current capacity, increased road congestion through Thornton village.

*Response - The Highways Officers have not raised any objections to this aspect of the development. The proposal is relatively small scale and is unlikely to significantly increase congestion in the area.*

- Local services including doctors and dentists are already operating above their capacity to provide a satisfactory service.

*Response - The proposed development is only for five residential units and so it is unlikely to place significant additional pressure for such services in this area. Also it would not be possible to refuse a planning application solely on these grounds.*

- There is significant potential for slope instability with relatively small changes in ground conditions.

- Concerned about the state of the wall between Close Head Lane and the fields above it where the proposed development is taking place.

- Who is responsible if there was to be a landslip because of the building work? Who would be liable and who would enforce its repair?

*Response - The Council's Structural Engineer advises that the risk of landslides is low however any approval of this application will carry conditions which secure structural details of the retaining structures within the site and a site survey to establish the likelihood of landslides. The responsibility for repairs if there is a landslide would depend on the circumstances however it is not an issue on which a planning could be refused as this would be a private matter.*

- Close Head Lane is used frequently by horse riders, ramblers and walkers. Hope this proposal is not the first of many that would see this area become a housing estate.

*Response - The site is part of a larger area of land allocated for housing on the RUDP and so it is possible that the remainder of this site may be developed in the future. The land to the north and west is currently allocated as Green Belt.*

- Properties in this area should be of a cottage-like appearance.

*Response - The appearance of the properties is a reserved matter and will be the subject of a further application in the future.*

- The area is part of a Tree Preservation Order, so it is imperative that the trees in the area are not harmed.

*Response - The indicative site plan positions properties some distance away from the trees on the eastern boundary. An application for reserved matters would finalise the siting of the properties and their relationship with these trees.*

- Request windows of the new properties are west, north and east facing so the privacy of the residents of Close Head Lane is protected.

*Response - The appearance of the buildings is reserved for later approval however if adequate separation distances are achieved between the existing and proposed dwellings the proposal could include windows facing the existing dwellings.*

- Access from Hill Top Road would bring residents out to an area where there is only 1 bus an hour compared with 6 an hour on Thornton Road.

- Hill Top Road is a much greater distance away from Thornton Primary School and shops in Thornton. This is contrary to Policy UDP1 of the RUDP.

*Response - Vehicular access is from Hill Top Road and this road is relatively remote from services in Thornton. However, pedestrian access is created from the new access road to Close Head Lane which allows pedestrians to walk to Thornton Road where there is a frequent bus service.*

- If the applicant wishes to use the Housing Allocation in the RUDP to justify the development then the whole of the site should be developed in order to ensure that it is developed comprehensively.

*Response - Ideally this would be the case however the Council is required to consider all applications on their merits. The current proposal does not prejudice the development of the remainder of the site and so it is not considered to be a piecemeal development of the land.*

- Have any monies been set aside to pay for any increased usage and the damage the proposal may cost to local roads?

*Response - The proposed development is only for five dwellings which are unlikely to result in significant harm to local roads. It would not be reasonable to request a monetary contribution for this purpose in this case due to the small scale of the development.*

- Concerned about the increase in the number of heavy goods vehicles that use this particular section of Thornton Road.

*Response - There will be an increase in heavy goods vehicles on the surrounding roads however this would be for a temporary period during construction.*

### **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 an appropriate use for this site and would not be harmful to the openness of the Green Belt. The application demonstrates that the site can be developed without causing any significant harm to highway safety, residential amenity or visual amenity. It is therefore considered to comply with policies GB1, GB2, UR3, H1, H7, H8, TM2, TM12, TM19A, NE3, NE3A, NE4, NE5, NE6, NR16 and P6 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
- iii) 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 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

4. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

5. 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.

6. Before any works towards the site preparation and construction of the development commence on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site to base course level in accordance with the approved plan numbered 1549.59.50B and 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 Replacement Unitary Development Plan.

7. Before any part of the development is brought into use, the adoptable visibility splays shall be laid out, hard surfaced, sealed and drained within the highway in accordance with the approved plan numbered 1549.59.50B.

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

8. Before any work begins on site, full structural details, including all necessary calculation of all temporary and permanent retaining structures shall be submitted to and approved in writing by the Local Planning Authority. This should include an investigation of the integrity of the existing retaining wall adjacent to Close Head Lane. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: To ensure the site is adequately retained and to comply with Policy P6 of the Replacement Unitary Development Plan and the National Planning Policy Framework.

9. Before any work begins on site, a report detailing the findings of an intrusive site investigation to establish the likelihood future issues regarding landslides where the land is to be re-graded and retained shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the recommendations of this report.

Reason: To ensure the site is adequately retained and to comply with Policy P6 of the Replacement Unitary Development Plan and the National Planning Policy Framework.

10. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

11. The development shall not begin until a scheme of hard and soft landscaping for the land adjacent to the proposed access road has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:-

i) Numbers of trees and shrubs in each position with size of stock, species and variety.

- ii) Proposed topsoil depths for grass and shrub areas.
- iii) Types of enclosure (fences, railings, walls).
- iv) Re-graded contours and details of changes in level.

The landscaping shall then be provided in accordance with the approved details before the first occupation of any of the dwellings approved on this site.

Reason: In the interests of visual amenity and to accord with Policy D5 of the Replacement Unitary Development Plan.

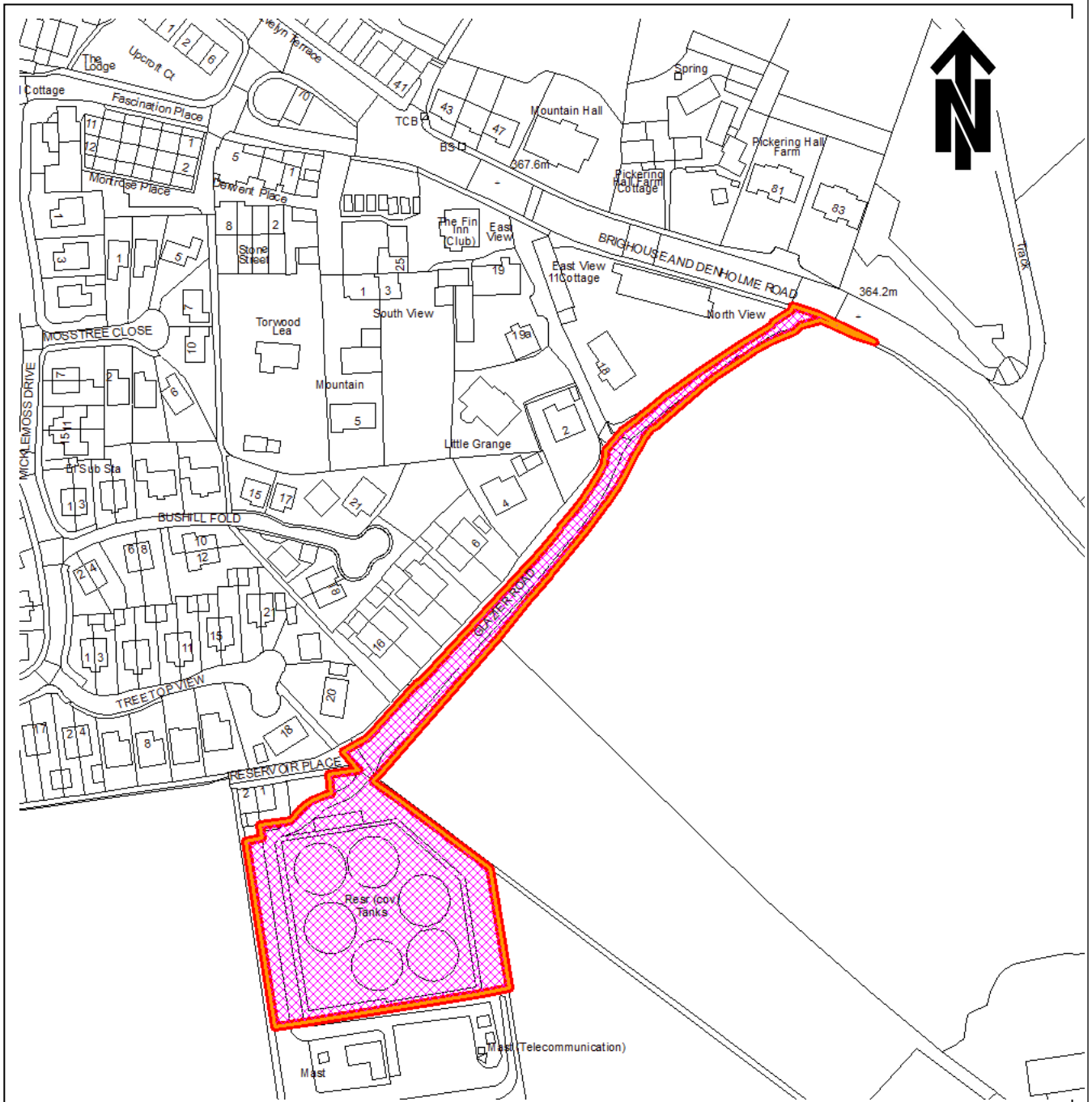
12. Prior to the commencement of the development hereby permitted full details of the proposed stone walls adjacent to the access road shall be submitted to and approved in writing by the Local Planning Authority. This should include the submission of a sample of stone to be used in the construction of the walls. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to comply with Policy UR3 and D1 of the Replacement Unitary Development Plan.

**Area Planning Panel (Bradford)**

**16/02041/FUL**

20 July 2016



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ITEM NO. : (g)	LOCATION: <b>Queensbury Reservoir Glazier Road Queensbury</b>
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**20 July 2016**

**Item Number:** (g)  
**Ward:** QUEENSBURY  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

**Application Number:**  
16/02041/FUL

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

A full application for the demolition of derelict water storage tanks and construction of five four-bed dwellings and associated access at Queensbury Reservoir, Glazier Road, Queensbury, Bradford.

**Applicant:**

Mr and Mrs Culpan

**Agent:**

Martin Walsh Residential

**Site Description:**

The proposal site is located off Glazier Road, Queensbury which in turn gains access from Brighouse and Denholme Road. The site is located to the south of a residential area, with open agricultural fields to the east, south and western boundaries. To the immediate south of the site is a 40-metre high wireless mast and associated equipment. The site is surrounded by a mesh security fence and occupied by large storage tanks. There are two public footpaths adjacent to the site along both the eastern and western boundaries, running in a north south direction.

**Relevant Site History:**

15/03553/FUL: Demolition of derelict water storage tanks and construction of five four-bed dwellings, withdrawn 09.10.2015

13/04536/MAO: Residential development, withdrawn 06.02.2014

**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***

The site is located within the designated Green Belt and is also within the Thornton and Queensbury Landscape Character Area.

***Proposals and Policies***

UDP1 Promoting Sustainable Patterns of Development  
UDP2 Restraining Development  
UDP3 Quality of Built and Natural Environment  
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  
D2 Energy Efficiency and Sustainable Design  
D4 Community Safety  
D5 Landscaping  
GB1 New Buildings in the Green Belt  
GB2 Siting of New Buildings in the Green Belt  
GB5 Extension and Alterations of Dwellings in the Green Belt  
NE3 and NE3A Landscape Character Area  
NE4 Trees and Woodlands  
NE5 Retention of Trees on Development Sites  
NE6 Protection of Trees during Development  
NE12 Landscape and Wildlife Enhancement  
NR16 Surface Water Run-Off and Sustainable Drainage Techniques  
NR17 Groundwater Protection  
NR17A Water Courses and Water Bodies

**Additional Guidance**

Adopted Householder Supplementary Planning Document (HSPD)

**Parish Council:**

N/A

**Publicity and Number of Representations:**

The application was publicised by way of a site notice, press notice and individual neighbour notification letter. The statutory publicity date expired on the 29<sup>th</sup> of April 2016. The application generated a petition against the development signed by 20 people and a further seven individual objection letters. Four letters of support were also received.

**Summary of Representations Received:**

In Objection:-

Glazier Road is also a footpath.



Additional traffic.

Access onto Brighthouse road.

The applicants do not have full ownership of Glazier Road and therefore cannot alter or amend without full agreement of the residents.

Damage to the road.

Concern that the road is being widened onto private land.

Numerous trees on Glazier Road are subject to tree preservation orders (TPOs).

Safety.

Education as schools are full.

In Support:-

Well-designed houses.

Much better to look at than the old reservoir.

More suitable than what is there already.

**Consultations:**

Rights of Way: The paths around the site are well used by Mountain residents as a quiet alternative to walking along the A644. There is no objection in principal however there is concern the current access to the site is inadequate for further housing. Glazier Road is a public footpath running concurrently with private vehicular access. Suitable segregated pedestrian facilities should be provided to enable continued safe use of this route by current and future pedestrian users when vehicle use is increased by the development. Alternatively a separate vehicular access should be built to the reservoir site.

Paths Queensbury 8, 10, the continuation of path 83 to Reservoir place and path 214 to Tree Top View all meet and cross Glazier Road very close to the proposed entrance to the development site. I note that the gateway is to be widened and the south eastern gate pier is to be reduced in height. This will improve sight lines for pedestrians and vehicles at the point where these footpaths meet and cross Glazier Road. To ensure a continued clear view to the path, the first six metres of path from Glazier Road to Fleet Lane should not have a hedge planted alongside.

Highways Development Control: The development is generally acceptable subject to changes being made to the access. The road will remain unadopted highway but the first 5 metres from the junction with Brighthouse and Denholme Road will have to be constructed to an adoptable standard similar to that of the major road. Also works will be required to the adopted highway at this junction. In order to carry out these works the developer will be required to enter into a Section 278 Agreement with the Council prior to starting any works on Glazier Road.

Drainage: No objection, drainage details required.

Landscape Design and Conservation: The scheme will be an improvement over the current installation. The alterations to the road will change the character but this is not considered to be a negative.

Minerals and Waste: No objection however conditions are required to ensure a phase II site investigation is undertaken following demolition of the storage tanks and details of the type of material to be imported onto the site and the number of HGV movements.

Trees: No comments received.

**Summary of Main Issues:**

Principle

Visual amenity

Residential amenity

Highway and pedestrian safety

Drainage

Trees

Minerals

Biodiversity

**Appraisal:**

Principle

The application relates to the demolition of existing water storage tanks and the construction of five detached dwellings. There will be an element of landscaping and infilling at the site to integrate the development into its setting and the removal of the existing boundary fencing. Access to the site is proposed from Glazier Road which is unadopted; it is proposed to make improvements to the road with the first five metres being made to an adoptable standard but the road would remain unadopted.

Previous applications for ten dwellings, then five dwellings, on the site have previously been submitted but withdrawn due to issues with access. The site is previously developed and within the designated Green Belt. The proposal is for five dwellings, which would result in a similar impact on openness as the existing water tanks and infrastructure at the site. The NPPF states that local authorities should regard the construction of new buildings as inappropriate in Green Belt, however there are five exceptions to this, one of which is the limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In view of this the application has been submitted with cross sections showing the height and massing of the existing structures and that of the proposed housing.

The NPPF also states that other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land in Green Belt. These include engineering operations and as such the alterations to the access to the site are also considered to be acceptable in terms of the impact on the Green Belt.

The proposal makes efficient use of the site and whilst a higher density of housing at the site would be desirable, it is unachievable due to the highway requirements associated with a larger number of dwellings accessed from Glazier Road. In addition the proposal of five dwelling is sustainable and in character with the surrounding housing. The proposed development is acceptable in principle and complies with the NPPF and satisfies the aims of policies GB1, GB2, H7 and H8 of the RUDP which are given less weight if not in accordance with the NPPF.

### Visual Amenity

The existing site is located within the Green Belt and has a utilitarian appearance with six large black storage tanks with white roofs set within a concrete base and surrounded by a metal mesh fence. The proposal for five two-storey detached dwellings would be a significant improvement on the current appearance of the site. The proposal would retain the banking around the site and set the dwellings into the existing site to limit the impact on openness in line with the existing water tanks. In addition works also include regrading the embankment and tree planting, which will enable the proposal to integrate into the landscape and again this will result in an improvement to the character of the Green Belt. The layout consists of five dwellings, three to the north of the site and two to the west of the site all facing into a central courtyard and turning area. Each property would have a private drive and large garden area. The properties are set within their own enclave and have been designed with a modern appearance with the use of render and coursed stone under a zinc metal roof being proposed. The boundary treatments at the site would also include post and rails fencing around the outside of the site replacing the existing wire fencing and also within the site there would be timber fencing and trellis with the retaining walls being constructed of stone or a criblock structure 2.5 metres in height. The proposed development is considered to be of a high quality and will improve the character of the area with no adverse impacts on the surrounding Green Belt. The proposal accords with policies UDP2, UDP3, UR3, D1, D2, D5, GB2, NE3 and NE3A of the RUDP.

### Residential Amenity

The proposed dwellings are set within their own estate and facing distances to the existing properties in the area are all in excess of the minimum requirements set out in the HSPD. The layout proposed does not result in any harmful impacts in terms of overlooking, overshadowing and overbearing impacts. The properties would all have large gardens and the occupants would not be affected by the presence of the mast and infrastructure to the south of the site. The proposed land levels and boundary treatments are acceptable and do not result in any harm to the appearance of the area. The additional traffic along Glazier Road would not be significant in terms of noise and disturbance to existing residents. The proposed scheme is considered to be acceptable in terms of residential amenity and policies UR3 and D1 of the RUDP.

### Highway and Pedestrian Safety

Glazier Road is a public footpath running concurrently with private vehicular access which serves the existing dwellings and also the current reservoir site and the adjacent site which is occupied by telecommunication equipment. The proposal would see an increase of five dwellings served off an unadopted road. Generally only five dwellings should be served via a road of this nature however given there a significant number of dwellings already served off Glazier Road and an existing use at the site, albeit now redundant, the proposed improvements would benefit existing residents and those pedestrians who use Glazier Road and other paths in the area. The plans show that the visibility onto Denholme and Brighouse Road would be increased by lowering the field walls, which would benefit all users of the access. In addition to this the road will be widened on the field side and a two-metre wide footpath will be added, which will be a significant improvement for pedestrians. Whilst the footpath is not proposed to run the full extent of Glazier Road it would be unrealistic to insist on this for five dwellings and what is proposed is a vast improvement both to pedestrians and vehicle users.

The plans also show the pillars currently at the access into the site to be amended, one will be removed and the other reduced in height to 900mm to allow visibility adjacent to the public footpaths. The proposed development provides a turning area and adequate parking for 2 vehicles per dwelling which in this case would likely be the minimum number per household. The proposed development is considered to be acceptable in terms of highway safety and accords with policies TM2, TM12 and TM19A of the RUDP.

#### Drainage

It is intended to connect the dwellings to the main sewer for foul surface water with a pump taking foul water up to the connection on Glazier Road. Surface water would go to a soakaway within the site. These details would be agreed with the Council prior to development beginning but there are no insurmountable drainage concerns with the proposal. The development accords with Policy NR16 of the RUDP.

#### Trees

A group of protected trees grow adjacent to the site entrance. Given the width of Glazier Road and the surfacing it is unlikely the site could be developed using large heavy goods vehicles therefore it is unlikely the trees would be terminally affected by construction traffic. Addition movement of vehicles also would not result in a significant harm over and above the current situation. Additional tree planting is proposed within the site to enable the development to integrate into the surrounding agricultural fields. The development is considered to accord with policies D5, NE4, NE5, NE6 and NE12 of the RUDP.

#### Minerals and Waste

Given there is to be some back filling to the original reservoir once the water tanks are demolished a phase II site investigation should be undertaken and the appropriate remediation carried out, all of which should be reported to the Council; a condition to this effect is recommended. In addition to this the developer intends to backfill the void where the water tanks currently are and the number of vehicle movements and quality and quantity of the back fill material needs to be submitted in a detailed report prior to the works being undertaken.

#### Biodiversity

A habitat survey and bat scoping survey was undertaken and submitted with the application and these concluded that no protected species would be affected by the proposal and that the site was low in terms of its ecological importance.

#### **Community Safety Implications:**

There are no foreseen community safety implications, Policy D4 of the RUDP is satisfied.

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

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

#### **Reason for Granting Planning Permission:**

The proposed development of five dwellings on this brownfield site within the Green Belt is considered to be appropriate in principle given there is no increased impact on the openness

of the Green Belt and forms a sustainable form of development in this largely residential area on the edge of the urban environment. The development is acceptable in terms of visual and residential amenity and does not raise any concerns in terms of highway safety, contamination and drainage. The impact on trees and biodiversity are considered to be acceptable. The development accords with the above policies of the RUDP and guidance contained within the NPPF.

**Conditions of Approval/Reasons for Refusal:**

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. 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 Drg 01 Rev C and 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 and to accord with policies TM2 and TM19A of the Replacement Unitary Development Plan.

4. 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.

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

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

Reason: To ensure the Local Planning Authority retains reasonable control of development within the Green Belt and to accord with policies GB5 and UR3 of the Replacement Unitary Development Plan.

6. Before development begins a report, setting out the findings of an investigation and risk assessment to assess the nature and extent of any contamination and land stability risks affecting the site, shall be submitted to and approved in writing by the Local Planning Authority. The report should include:-
- (i) a survey of the extent, scale and nature of any contamination and land stability problems affecting the site,
  - (ii) an assessment of the potential risks to all significant receptors including human health and controlled waters,
  - (iii) an appraisal of remedial options, and
  - (iv) identification of the preferred remedial option.

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

7. The dwellings to which this decision notice relates shall not be brought into occupation until either the Local Planning Authority has approved a contamination/ land stability risk assessment report, which concludes that no site remediation works are necessary, or a remediation verification report has been submitted to and approved in writing by the Local Planning Authority. A remediation verification report must include:-
- (i) a description of the remediation works which have been carried out,
  - (ii) evidence to demonstrate that the site has been brought to a condition suitable for the intended use, and
  - (iii) any necessary provisions for future contamination monitoring and maintenance of remediation works.

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

8. Before first occupation of the dwellings hereby approved the boundary treatments shall be installed as detailed on the submitted plans and retained as such thereafter.

Reason: In the interests of visual and residential amenity and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

9. In the first planting season following the completion of the development or as otherwise specified by the Local Planning Authority the trees shall be planted in accordance with the approved tree planting scheme. Any trees becoming diseased or dying within the first five years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree. No other tree shall be removed from the site except with the written consent of the Local

Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

Reason: For the maintenance of tree cover and in the interests of visual amenity and to accord policies D5 and NE12 of the Replacement Unitary Development Plan.

10. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any 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.

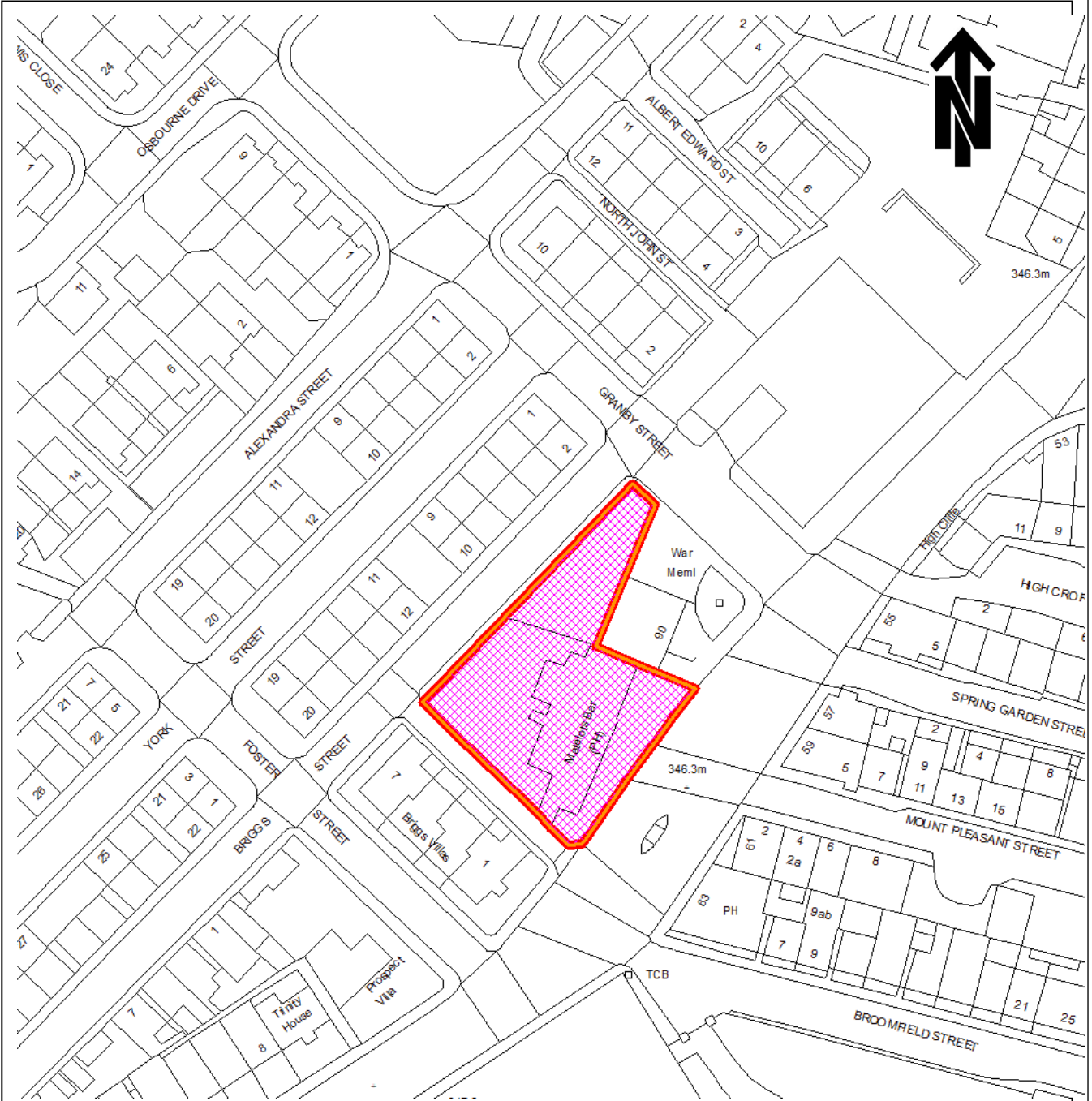
11. No fill material shall be deposited in connection with the development hereby approved other than in accordance with details of the quantity, type, location and depth of material to be deposited, which shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall also include quality control procedures to ensure that any imported fill is suitable for use and free from contamination which shall be implemented in full.

Reason: To ensure that any filling associated with the development is not excessive and is appropriately controlled, in accordance with saved policies NE3, UR3, NR17 and NR17A of the Replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

Area Planning Panel (Bradford)

16/03218/FUL

20 July 2016



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ITEM NO. : (h)	LOCATION: <b>The Village Public House</b> <b>High Street Queensbury BD13 2PD</b>
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**20 July 2016**

**Item Number:** (h)  
**Ward:** QUEENSBURY  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
**16/03218/FUL**

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

A full planning application for the change of use of the former Village public house, High Street Queensbury from a drinking establishment to a day nursery. The application is accompanied with two modest rear extensions, new windows, a new roof and new boundary treatment.

**Applicant:**

Mr & Mrs Palmer

**Agent:**

Mr Richard Smith

**Site Description:**

The currently vacant Village public house sits to the west of High Street within both the Queensbury local centre and conservation area. The building fronts High Street at a slight angle, Brigg Street runs to the north west side and rear, and Granby Street to the south east side of the curtilage. High Street is commercial in character, but the surrounding streets are predominantly residential, characterised by rows of terraced dwellings. The building itself is stone-built throughout and adjoins an estate agency. The property has the advantage of small external area to the front, and a larger area to the rear. The rear space runs the entirety of both properties, and has access to both Brigg Street and Granby Street. It previously formed the car park for the public house.

The presence of the grade II listed war memorial to the front of the adjoining property is notable, as is the presence of a bus stop with associated parking restrictions to the front of the property.

**Relevant Site History:**

01/03154/FUL: Internal/external refurbishment to property with minor alterations, withdrawn 21.09.2001

01/04075/ADV: Externally-illuminated brewery signage, refused 19.02.2002

07/09985/FUL: Electric retractable canopy to front elevation, refused 25.01.2008

16/01556/FUL: Change of use from (closed) public house to a day nursery, withdrawn 18.03.2016

**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***

Queensbury Local Centre  
Queensbury Conservation Area

***Proposals and Policies***

UR2 Promoting Sustainable Development  
UR3 The Local Impact of Development  
TM2 Impact of Traffic and its Mitigation  
TM11 Parking Standards for Non-Residential Developments  
TM19A Traffic Management and Road Safety  
D1 General Design Considerations  
BH4A Setting of Listed Buildings  
BH7 New Development in Conservation Areas

**Parish Council:**

Not In A Parish

**Publicity and Number of Representations:**

The application was publicised via an advertisement in the local press, a site notice and individual neighbour notification letters. 24 letters of objections and 50 in support, including from three Queensbury Ward councillors, have been received.

**Summary of Representations Received:**

In Objection:

Neighbouring amenity  
Highway safety  
Traffic congestion  
Loss of a community asset  
Design and appearance  
Requirement

In Support:

The proposal will improve the condition of the building  
Provides a much needed community facility  
Contributes to regeneration of the building  
Good location

Ample parking at the rear  
Job creation

**Consultations:**

Highways Development Control – Following initial reservations, the site layout has been amended, which has addressed the Engineer’s concerns.

Design and Conservation - No objections in principle to this application as the proposed use would not harm the character of the conservation area and will bring the building back into use. Some reservations are retained, with the design and conservation officer seeking the retention of the chimney stacks, the original roofing material and the timber sliding windows, especially to the buildings frontage. Further details are also requested in respect of the proposed boundary treatment.

Minerals and Waste – There are no apparent mineral or waste legacy that would impact this proposal.

**Summary of Main Issues:**

Principle  
Residential Amenity  
Visual Amenity  
Highway Safety  
Other Issues Raised in the Representations

**Appraisal:**

Principle

There are no policies contained within the RUDP that would seek to resist the principle of this development, and a local centre would represent a sustainable location for a community-orientated facility such as a day nursery. The proposal remains subject to an assessment of the local impact of the development and the main issues are considered below.

Residential Amenity

The premises could be brought back into use as a public house or a variety of other uses without planning approval, such as those falling within Use Class A1 (Shops), A2 (Professional and Financial Services) or A3 (Restaurants and Cafes) and would be subject to no restrictions in respect of the hours of operation. The proposal for a day nursery is likely to be notably less harmful to neighbouring amenity than a number of these uses, which could include uses that result in a high turnover of customers, or operate at times when any noise and disturbance will be more keenly felt.

The hours proposed for the day nursery are between 07:30 - 18:30 Monday to Friday, which would generally be considered to be when noise and disturbance would have a less harmful impact on neighbouring amenity. The activities associated with a day nursery are also unlikely to generate a significant level of noise and disturbance, with any impact likely to be limited to outdoor play and any associated with parents dropping off and picking up. A parking survey has been submitted in support of the proposal, based on a comparable establishment, suggesting that this is likely to be 5 in and out within a 15 minute period. The proposal is therefore considered to be acceptable in terms of residential amenity, and in accordance with the requirements of policies UR3 and D1 of the RUDP.

### Visual Amenity

The application is accompanied with external alterations including two rear extensions, a replacement of the roof, removal of chimney stacks, new windows and new boundary screening.

The site is within the Queensbury Conservation Area and the setting of the grade II listed war memorial to the front of the adjoining estate agency is also noteworthy. The building is considered to have a neutral impact on the conservation area with the rear car parking area deemed to make a negative contribution. The building, whilst occupying a prominent position alongside High Street, is also not considered to be part of a key view or vista. It is noteworthy that the adjoining estate agency is indicated as making a positive contribution to the conservation area.

The extensions proposed are both to the rear, and take the form of a two-storey addition which will enclose an existing external stair case, and a porch style addition which will create a new lobby area. Both extensions are modest in scale and sympathetic to the form and appearance of the building, and will have a negligible impact on the overall appearance of the building and wider conservation area.

A number of the alterations could be carried out without formal planning approval, namely the removal of the chimney stacks and the replacement roof and windows. The latter would need to preserve the appearance of the building to be considered permitted development. Details of both the new roof material (Bradstone lichen old quarried green roof slates) and a drawing of the window design have been provided and these details are acceptable and preserve the appearance of the building and wider conservation area. The roof slate is a high quality alternative and the windows, whilst UPVC, are comparable in style to what would be expected. It is noteworthy that whilst retention of the building in its current form and materials would be the ideal situation, the reality is that the building is vacant and in a state of disrepair, and in order to be a viable development these concessions are necessary. Furthermore, getting the building back in an active use will serve to secure the buildings future maintenance.

The new boundary treatment comprises of a low stone wall to the front and the addition of green mesh fencing to the rear. To the rear the new fencing will be positioned behind the existing stone wall. The low boundary wall, constructed of matching stone will be an appropriate addition that will be sympathetic to the appearance of the building and wider conservation area. The fencing to the rear, whilst less sympathetic in appearance is required to secure the site and is a common site within the grounds of schools and nursery's throughout the district. The mesh style and powder coated green finish is also less intrusive than many of the alternatives.

In conclusion the proposal is considered to preserve the appearance of the building and wider conservation area satisfying the requirements of policies D1, BH4A and BH7 of the RUDP.

### Highway Safety

The layout of the site has been revised following initial concerns regarding the sites capabilities of providing suitable highway arrangements and sufficient parking for the use. Following the revisions to the layout the access is now via Granby Street and 11 off street parking spaces are provided. As noted above, details of a parking survey taken at comparable establishment have also been provided which indicates turnover during drop offs and pick-ups to be a maximum of 5 in and out in a 15 minute period. The staggered nature of the drop offs and pick-ups, coupled with the increase in parking provision and sustainable location, whereby a proportion of the staff and customers will not be reliant on private transport, is considered sufficient to address the previous highway concerns. There are also existing on-street restrictions in place which will serve to prevent indiscriminate parking. Therefore, whilst the content of the majority of representations in objection to the proposal are noted, the proposal is considered acceptable in highway terms and found to be in accordance with the requirements of policies TM2, TM11 and TM19A of the RUDP. It is also worthy of note that the permitted uses outlined above could result in a more intensive use of the site than the one proposed and in conditioning the new use the Local Planning Authority can gain some control over any future changes.

### Other issues raised in the representations

The loss of a community facility is unsubstantiated, the public house is not a registered asset of community value, and there are other public houses within a short distance of the site, including on the opposite side of High Street.

### **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 that any issues with regard thereto are raised in relation to consideration of this application.

### **Reason for Granting Planning Permission:**

The proposal is considered to be an acceptable form of development that will not result in harm to neighbouring amenity, or conditions prejudicial to highway safety. The physical alterations are considered to preserve the appearance of the building and wider conservation area. The proposal as such is considered to satisfy the requirements of the NPPF and policies UR3, TM2, TM11, TM19A, D1, BH4A and BH7 of the RUDP.

### **Conditions of Approval:**

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

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

2. The development hereby permitted shall be constructed of natural stone and 'Bradstone Litchen old quarried green roof slates.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3, BH7 and D1 of the Replacement Unitary Development Plan.

3. The premises shall not be used outside the hours of 07:30 to 18:30 Mondays to Fridays and not at all on Saturdays Sunday or Bank/Public Holidays.

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

4. Before the approved use commences, the proposed car parking spaces shall be laid out, marked out into bays and drained within the curtilage of the site in accordance with the approved plan. 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 Policies TM2, TM11 and TM19A of the Replacement Unitary Development Plan.

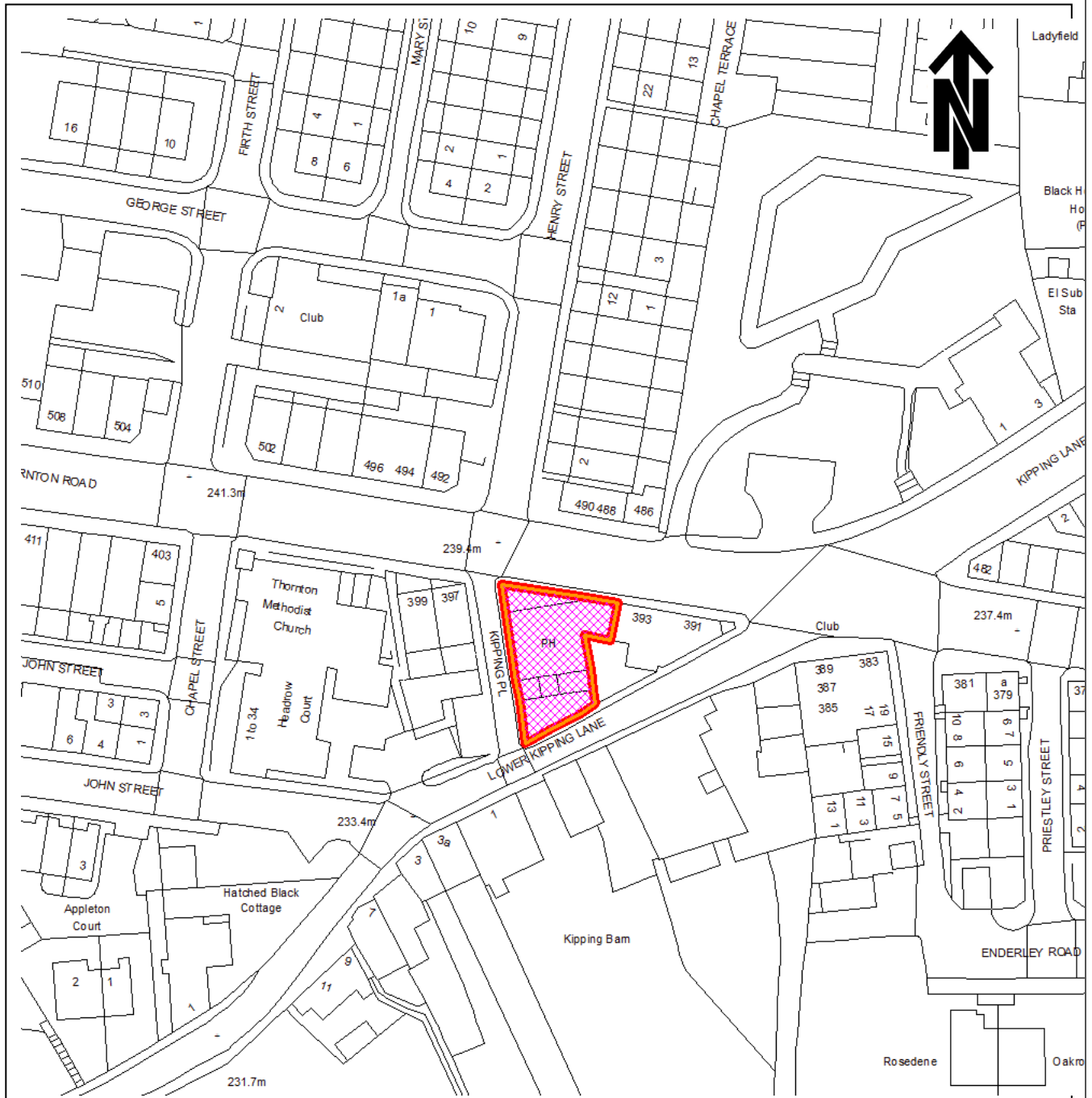
5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any subsequent equivalent legislation, the premises shall be used for a day nursery only and for no other purpose including any other activity within Class D1 of the Order.

Reason: In order that the Local Planning Authority retains control over future changes of use with particular regard to neighbouring amenity and highway safety and to accord with Policies UR3, TM2, TM11 and TM19A of the Replacement Unitary Development Plan.

**Area Planning Panel (Bradford)**

**16/03428/FUL**

20 July 2016



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ITEM NO. : (i)	LOCATION: <b>Wellington Hotel 395 Thornton Road Thornton BD13 3JN</b>
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**20 July 2016**

**Item Number:** (i)  
**Ward:** THORNTON & ALLERTON  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

**Application Number:**  
16/03428/FUL

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

A full application for the change of use of an existing public house with accommodation to a single dwelling at The Wellington Hotel, 395 Thornton Road, Thornton, Bradford.

**Applicant:**

Mr Aftab Ali

**Agent:**

PN Bakes Architectural Consultancy

**Site Description:**

The building is a stone built property dating from the early 1900s and is within the Thornton Conservation Area. The site slopes from north to south resulting in a building two-storey to its Thornton Road frontage and three-storeys at the rear. The building has a rear paved yard with high stone boundary walls. There is no off-street parking associated with the property. There is a mixture of uses in the area including both commercial and residential.

**Relevant Site History:**

02/01522/FUL Extension to rear of premises also alterations to frontage and incorporation of garage into licensed area GRANT 07.08.2002

03/00251/FUL Alterations to frontage of property with incorporation of garage into licensed area also alterations to rear comprising of two metal fire escape stairways which are not to be used for sitting out GRANT 25.04.2003

04/00266/FUL Relocation of two air conditioning external units and two satellite TV dishes GRANT 13.04.2004

**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 located within the Thornton Conservation Area and the Thornton Local Centre.

***Proposals and Policies***

CR1A: Retail Development within Local Centres  
BH7: New Development in Conservation Area  
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

**Parish Council:**

N/A

**Publicity and Number of Representations:**

The application was advertised by way of site notice, press notice and individual neighbour notification letter. The publicity on the application expired on 10 June 2016. 13 objections and 49 letters of support have been received.

**Summary of Representations Received:**

**Objections**

Loss of the public house which should remain a facility in the village  
Loss of historic public house  
Beautiful building should be of commercial use  
Current owner has no respect for the building by the shot blasting of the patina to the façade and the stripping of the stone roof  
History with the Brontës  
The public house could thrive again with good management and staff  
Other empty buildings could be developed  
Schools won't cope with more housing  
People supporting the application are not from Thornton  
Disaster to change building to flats, who will want to live in them  
No parking for a 4 bedroom dwelling, maybe the extension to rear and fire escape could be removed to provide off-street parking

**Support**

The old property was an eyesore  
Remaining empty adds no value to Thornton  
The property was on the market for 2 years, if it was such a good public house why wasn't it bought and run as such?

**Consultations:**

Highways Development Control: Although the site has no off-street parking it is likely that its use as a dwelling will generate less demand for parking and servicing than the former use as a public house with living space above. No objection.

Drainage: No comments

Conservation: The proposal will secure the future of the building and will have a neutral impact on the character of the conservation area and accord with BH7 of the RUDP.

**Summary of Main Issues:**

Principle

Visual amenity

Residential amenity

Highway Safety

Other issues raised

**Appraisal:**

Principle

The public house itself is within the A4 Use Class and could be changed into a variety of uses under permitted development rights without the need for planning permission, including retail, offices and restaurant/cafes. The change of use of the public house to a large family home in this area is considered to be acceptable given the property is not an asset of community value or a listed building and therefore subject to other material planning considerations which shall be discussed below the development is acceptable in principle.

Visual Amenity

There are no external alterations proposed to the building, the current windows are UPVC and whilst timber windows would be preferred the existing windows will remain as they suit a residential property. The sandblasting to the front elevation has already occurred and it is not considered it has resulting in significant harm to the appearance of the building. The roof materials were changed approximately 12-18 months ago. Roofing materials can be changed without the need for a formal application provided there is no material change in appearance. The development is acceptable in terms of visual amenity and policies UR3, D1 and BH7 of the RUDP are satisfied.

Residential Amenity

There are no new windows being added or any extensions. The existing windows at first floor will serve similar habitable rooms to the existing use as a public house with residential space above therefore there is no increase in overlooking. A condition is recommended removing permitted development rights for windows to prevent additional overlooking issues in the future. The development is acceptable in terms of residential amenity and complies with policies UR3 and D1 of the RUDP.

Highway Safety

As noted above, the current use of the property is that of a public house with residential above but other uses such as retail and restaurant could be possible with the flat above. Therefore the use of the premises as a single dwelling would likely generate the least parking requirement and would also have the least impact on highway safety and general parking in

the area. The existing situation is that there is no off-street parking and the surrounding junctions are protected with double yellow lines already. Vehicles associated with the premises would need to find on-street parking which would be the case with any use of the premises. The property is well served with local amenities and also a bus stop is located outside the premises. The development is acceptable in terms of highway safety and policies TM2, TM12 and TM19A of the RUDP are satisfied.

#### Other Issues Raised

Objections have suggested that the property should remain as a public house for the people of Thornton and questioned its commercial operation, however these are matters for market forces rather than the planning system, particularly as it is not a registered asset of community value.

With regards its historic background, the public house is not a listed building and therefore has no additional statutory protection than any other property within a conservation area.

The scheme will not see an increase in the number of dwellings in Thornton as the building will remain as one residential unit, i.e. the use of the upper floor of the building, and so will not increase strain on existing infrastructure.

Changes to the building have occurred including sandblasting and re-roofing but they are not considered to have resulted in any harm to the character and appearance of the conservation area.

Points of representation are considered on the planning issues raised rather than the proximity of the objector/supporter to the site.

#### **Community Safety Implications:**

There are no foreseen community safety implications with the proposed development. Policy D4 of the RUDP is satisfied.

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

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

#### **Reason for Granting Planning Permission:**

The proposed change of use from public house with residential above to a single dwelling is acceptable in terms of visual and residential amenity and does not raise any highway safety concerns. The proposal complies with policies CR1A, UR3, D1, D4, BH7, 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. 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

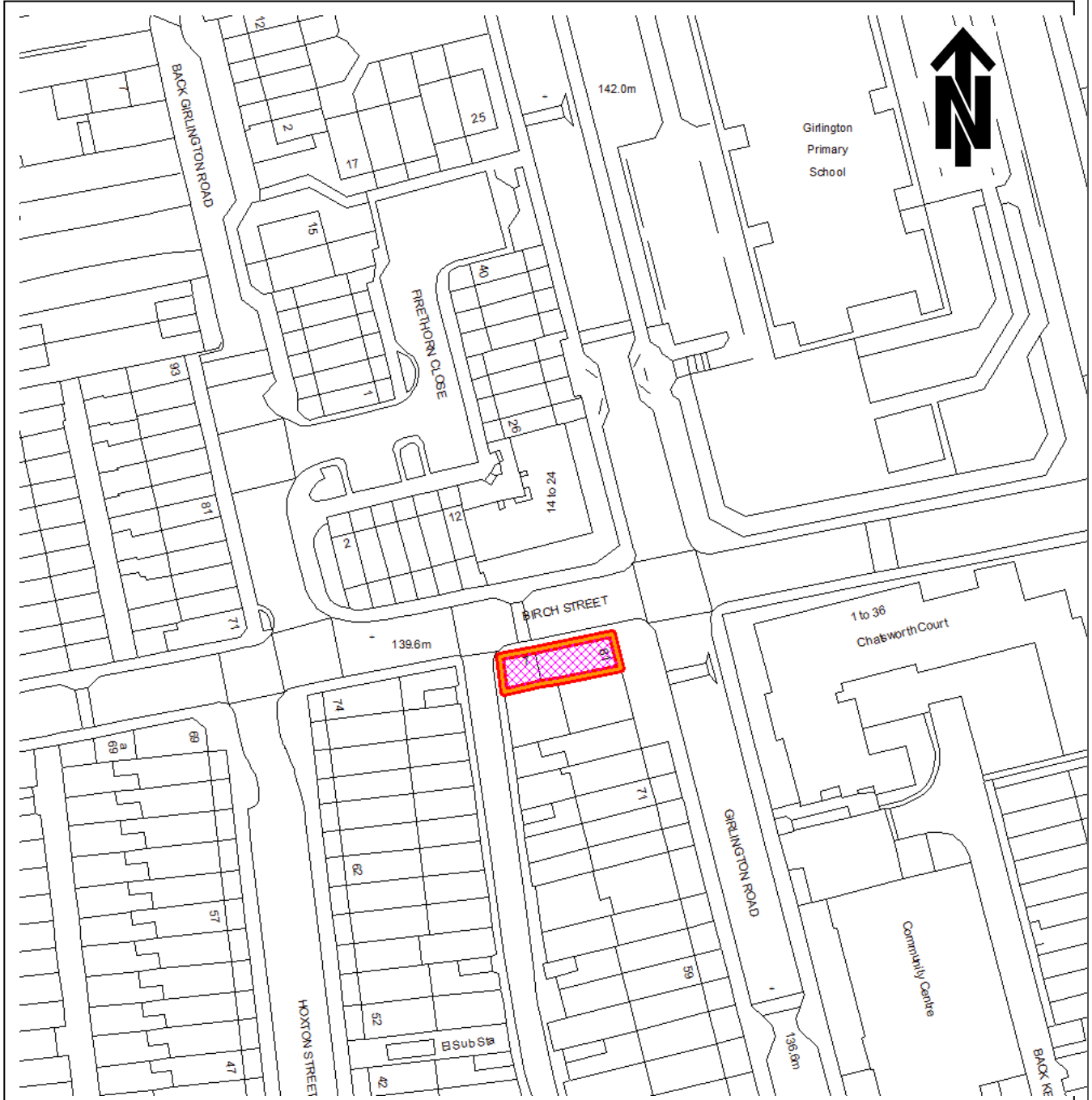
be formed in the dwelling hereby approved without prior written permission of the Local Planning Authority.

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)

16/02035/FUL

20 July 2016



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ITEM NO. : (j)	LOCATION: <b>81 Girlington Road Bradford</b>
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**20 July 2016**

**Item Number:** (j)  
**Ward:** TOLLER  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
16/02035/FUL

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

Permission is sought for a new single storey extension to the front, a new shopfront in the side elevation and the addition of external roller shutters at 81 Girlington Road, Girlington, Bradford.

**Applicant:**

Mr Nazir

**Agent:**

Tractus AD Limited - Mr Asif Munir

**Site Description:**

81 Girlington Road is an end terrace property situated at the junction with Birch Street. The property has been merged with the adjoining building which solely faces Birch Street. It would appear, from the fenestration and openings, that when the properties were in a solely residential use, Birch Street would have been the main frontage. The subsequent installation of a shopfront facing Girlington Road has effectively made this the main frontage. When viewed from Girlington Road the property forms part of a small parade of shops at the end of a residential terrace row. The shops all have open frontages and 81 and 75 have unattractive canopies projecting from the front elevation.

The immediate locality is predominantly residential comprising traditional terrace properties in a uniform layout typical of large parts of the Bradford district.

**Relevant Site History:**

91/00267/COU: Change of use of living room to shop plus relocation of rear door GRANT 23.04.1991

09/01982/FUL: Change of use from residential (C3) to Shop (A1) GRANT 22.06.2009

**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 the development

D1 – General design

TM2 – Impact of traffic and its mitigation

TM11 – parking standards for non-residential developments

TM19A – Traffic management and road safety

**Supplementary Planning Documents:**

Shop Front Design Guide

A Shop Keepers Guide to Securing their Premises

**Parish Council:**

Not in a parish

**Publicity and Number of Representations:**

The application has been publicised via a site notice and individual neighbour notification letters. The publicity period expired on 30<sup>th</sup> April 2016. Supporting comment has been received from a Toller Ward Councillor.

**Summary of Representations Received:**

The proposal represents a visual benefit to the area and tidying the appearance of the parade of shops

Small businesses should be encouraged and supported

**Consultations:**

Drainage – No comments

Highways Development Control – No objections

**Summary of Main Issues:**

Principle

Residential Amenity

Visual Amenity

Highway Safety

**Appraisal:**

Principle

Permission is sought for a single storey extension, new shop front and the addition of external roller shutters. There are no policies contained in the RUDP that would seek to resist the principle of this development. The proposal remains subject to an assessment of

the local impact of the development. The Council has adopted supplementary planning documents, the Shop Front Design Guide and A Shop Keepers Guide to Securing their Premises, to provide guidance on this type of development.

The main issues are considered below.

#### Residential Amenity

It is not considered that the proposal represents a significant threat to neighbouring amenity. The use of the property does not change and the proposed extension is alongside a further retail property. Whilst the proposal introduces a new shop front/access from Birch Street, the nearest neighbouring property is separated by an access road, and the level of activity for a unit this size is not anticipated to represent a threat to the occupants amenity. There are also no planning restrictions that would prevent the use of the existing doorways in the Birch Street elevation for access.

#### Visual Amenity

The most significant issue with the proposal is the impact on visual amenity, whilst it is apparent the appearance of the street scene is currently compromised by the existing canopies, these are unauthorised and subject to on-going enforcement action. The roller shutters, installed at the property and neighbouring properties, are likely to be exempt from action at this time, but any new or replacement shutters would be subject to the requirements outlined in A Shopkeepers Guide to Securing their Premises and Shopfront Design Guide, whereby external shutters would be expected to be a lattice or brick bond design, with a powder coated finish and an internal shutter box.

81 Girlington Road, currently forms part of a traditional terrace row, and although the end properties have been converted into retail units, creating a small parade of shops, the uniform layout and strong building line remains a key characteristic of the row. This characteristic is also reflected in the wider locality where other uniform terrace rows form part of the area's identity. The addition of front extensions is resisted on these terrace style properties, with the exception of small porches, in order to preserve this character and identity. The open fronted lean-to extension will subsequently form a prominent and unwelcome feature within the street scene that will appear at odds with the local pattern of development.

It is also apparent that the new front extension will be poorly related to the host property obscuring the shop window and entrance and resulting in the requirement for a large roller shutter. This will create a harsh and dead frontage irrespective of the style of shutter, given its relationship with the shopfront.

The new shop front to Birch Street is considered an acceptable addition to the property that would satisfy the requirements of shop front design guide and maintain the appearance of the property. This is subject to the use of appropriate style roller shutters. This however does not outweigh the concerns raised above in respect of the front extension and the proposal is still therefore considered to fail to meet the requirements of policies UR3 and D1 of the RUDP, and those of the supplementary planning documents, Shopfront Design Guide and A Shopkeepers Guide to Securing Their Premises.



### Highway Safety

As the use of the property will not change, and the proposal only results in a modest increase in floor space, the Council's Highway Engineer has raised no objections to this proposal. Furthermore, the site is close to residential properties which will likely reduce the need for customers to travel by private transport, some on-street parking is available and existing traffic calming will ensure vehicles within the locality are travelling at slow speeds. The proposal is therefore not anticipated to prejudice highway safety and as such accords with policies TM2 and TM19A of the RUDP.

### **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 that any issues with regard thereto are raised in relation to consideration of this application.

### **Reasons for Refusal:**

The proposed extension forms a prominent and incongruous addition to the front elevation of the property, poorly related to the host property and wider terraced row. The design of the extension will exacerbate the visual harm creating a dead frontage, particularly when the roller shutter is closed. The extension is therefore harmful to visual amenity and contrary to policies D1 and UR3 of the Replacement Unitary Development Plan, as well as to the principles and guidance contained in the Council's adopted supplementary planning documents, Shop Front Design Guide and A Shopkeepers Guide to Securing Their Premises.

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**Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (BRADFORD) to be held on 20 July 2016**

**B**

**Summary Statement - Part Two**

**Miscellaneous Items**

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	<b>(16)</b>
Decisions made by the Secretary of State - Allowed	<b>(1)</b>
Decisions made by the Secretary of State - Dismissed	<b>(4)</b>

Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

**Portfolio:**  
Regeneration, Planning & Transport

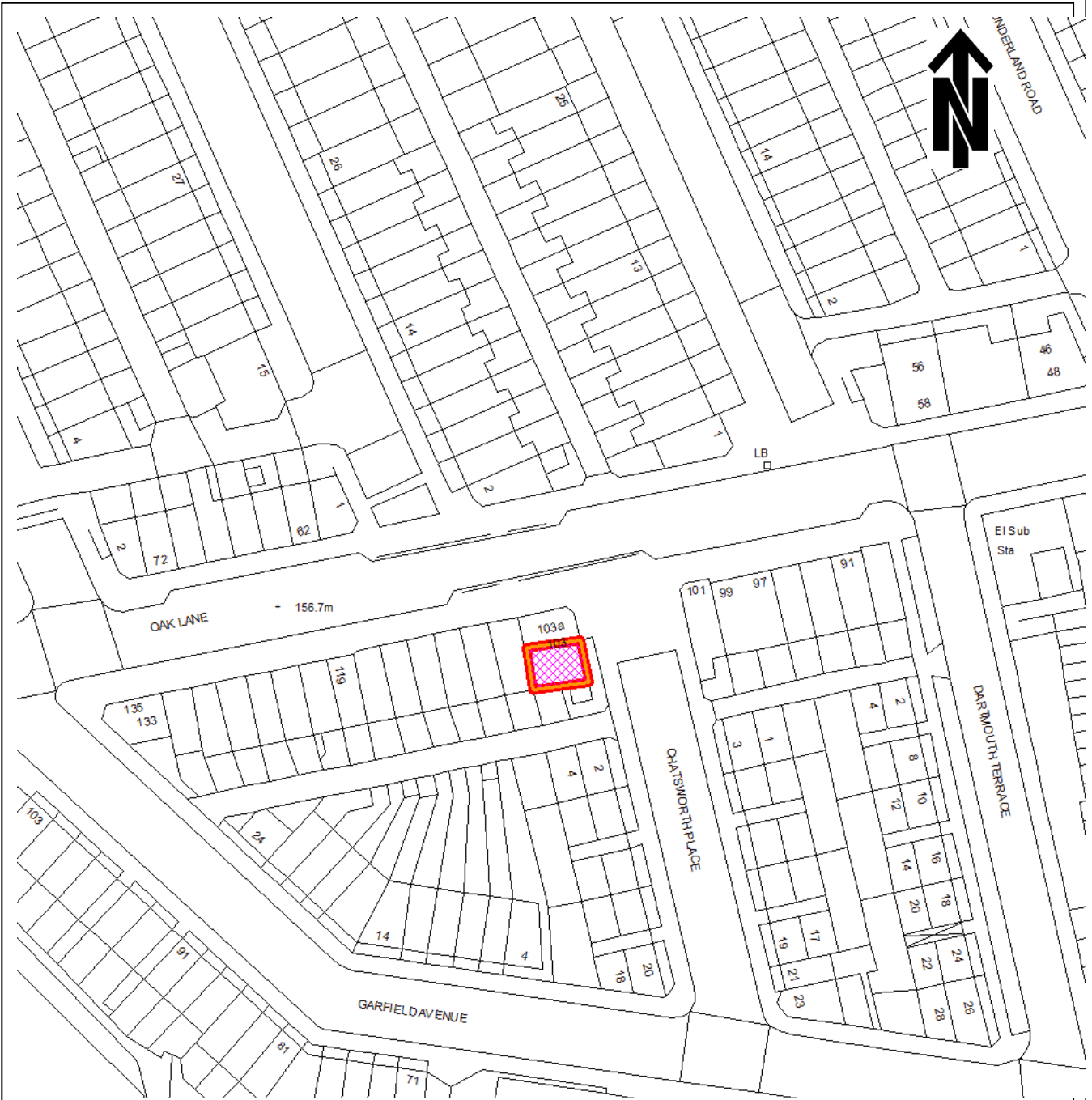
**Overview & Scrutiny Committee Area:**  
Regeneration and Economy



Area Planning Panel (Bradford)

15/01094/ENFUNA

20 July 2016



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ITEM NO. : (a)	LOCATION: <b>103 Oak Lane Bradford BD9 4QU</b>
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**20 July 2016**

**Item Number:** (a)  
**Ward:** MANNINGHAM  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/01094/ENFUNA

**Site Location:**  
103 Oak Lane, Bradford, BD9 4QU.

**Breach of Planning Control:**  
Unauthorised extractor unit.

**Circumstances:**  
In October 2015 it was noted that an extractor unit has been installed to the side elevation of the property, for which the Council had no record of planning permission having been granted. The property stands within a designated Conservation Area.

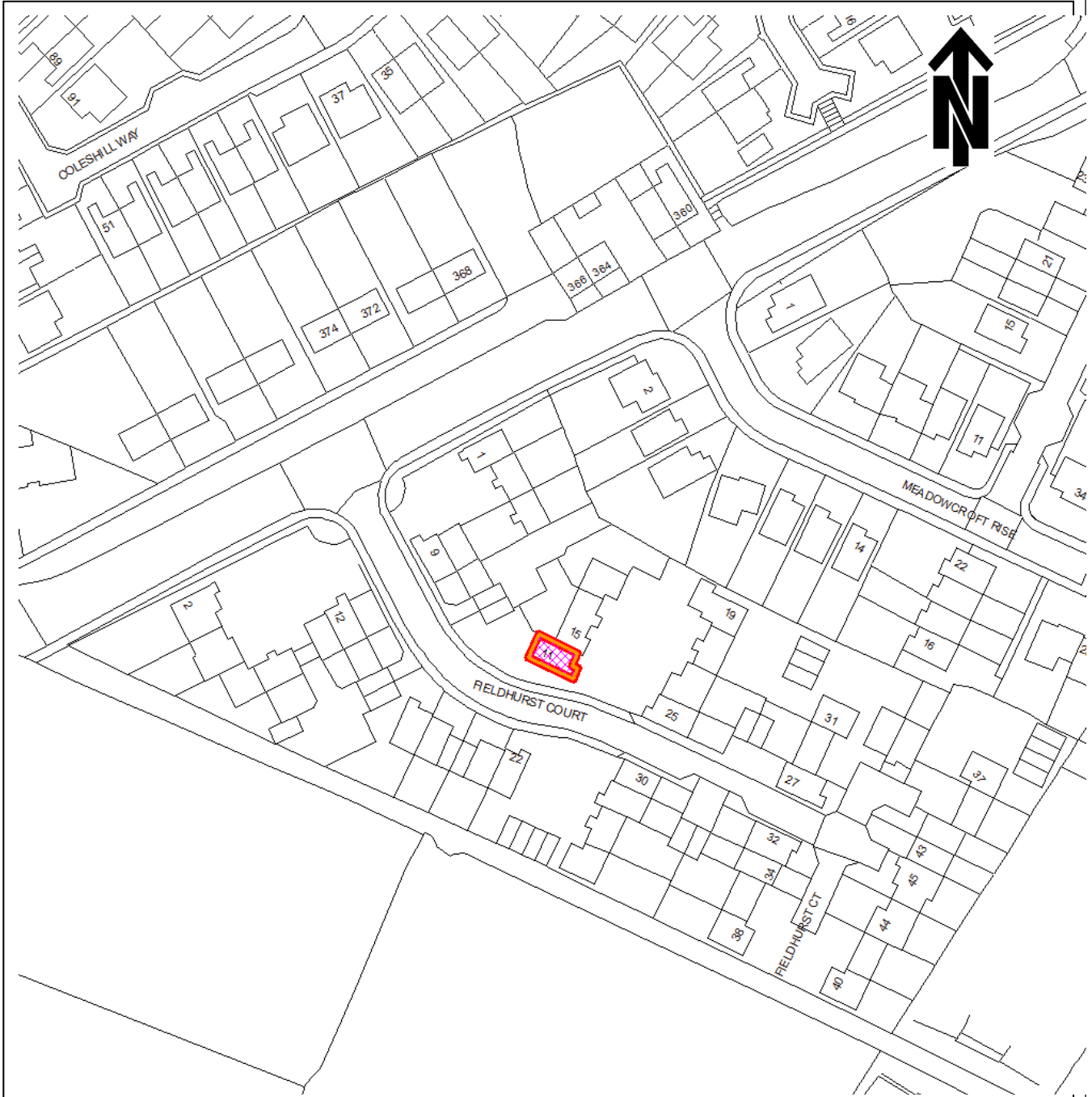
The owner of the property was requested to take action to rectify the breach of planning control, however no action has been taken to date.

On 27 April 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised extractor unit is detrimental to visual amenity by virtue of its design and appearance, contrary to Policies BH7, D1, D10, UDP3 and UR3 of the adopted Replacement Unitary Development Plan.

**Area Planning Panel (Bradford)**

**15/00645/ENFUNA**

20 July 2016



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ITEM NO. : (b)	LOCATION: <b>11 Fieldhurst Court Bradford BD4 6DZ</b>
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**20 July 2016**

**Item Number:** (b)  
**Ward:** TONG  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/00645/ENFUNA

**Site Location:**  
11 Fieldhurst Court Bradford BD4 6DZ

**Breach of Planning Control:**  
Unauthorised fencing and gates

**Circumstances:**  
In June 2015 the Local Planning Authority received an enquiry regarding the erection of timber fencing at the property.

An inspection showed that timber fencing and gates had been erected along the side boundary of the property, for which the Local Planning Authority had no record of planning permission having been granted.

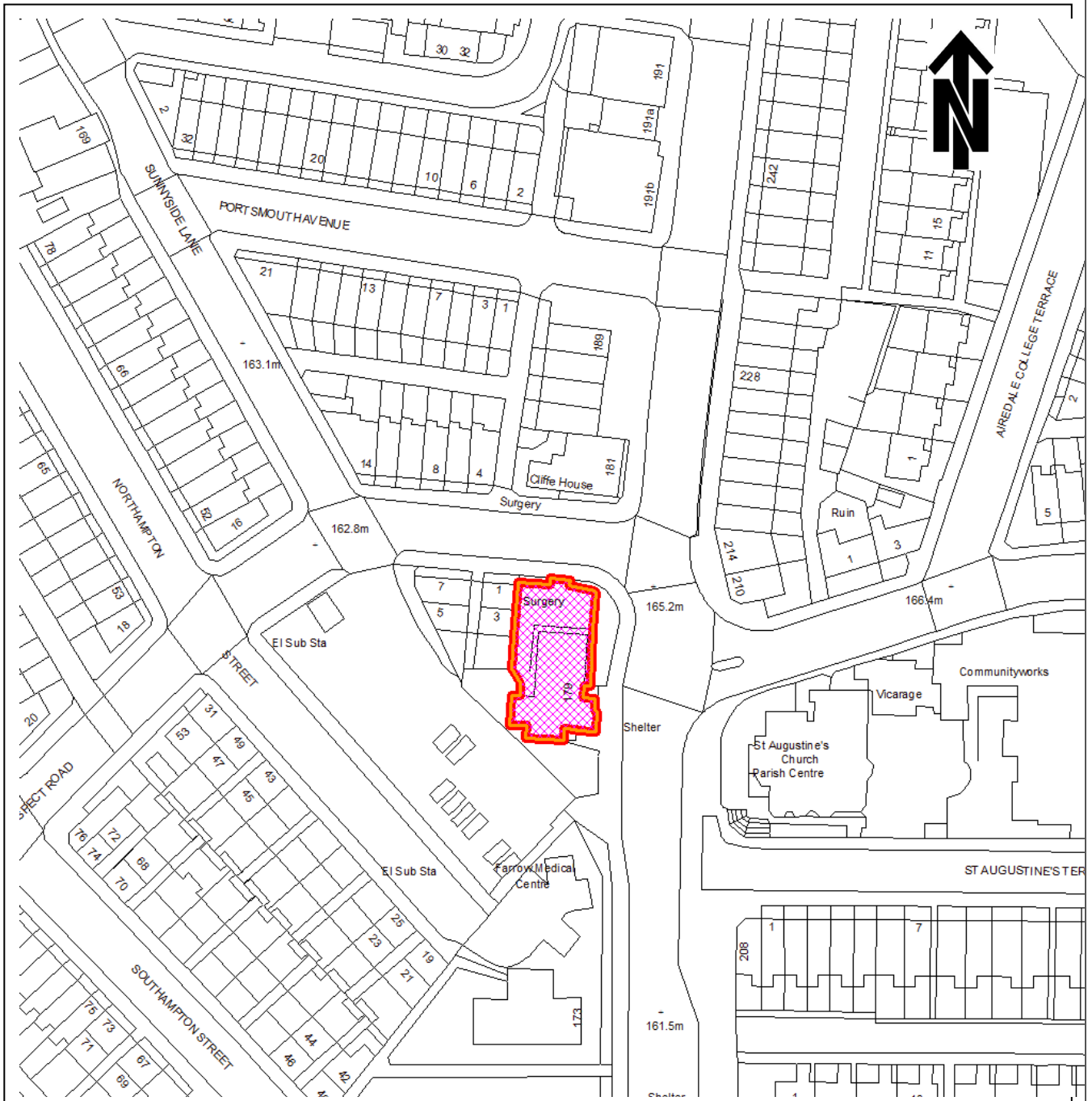
The owner/occupier of the property was subsequently requested to take action to rectify the breach of planning control.

No action has been taken and on 2<sup>nd</sup> June 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised fencing and gates are detrimental to visual amenity and highway safety by virtue of their height and appearance, contrary to Policies UDP3, TM2, D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.

**Area Planning Panel (Bradford)**

**15/01162/ENFUNA**

20 July 2016



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ITEM NO. : (c)	LOCATION: <b>179 Otley Road Bradford BD3 0HX</b>
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**20 July 2016**

**Item Number:** (c)  
**Ward:** BOWLING AND BARKEREND  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/01162/ENFUNA

**Site Location:**  
179 Otley Road Bradford BD3 0HX

**Breach of Planning Control:**  
Unauthorised siting of a static caravan

**Circumstances:**  
In November 2015 the Local Planning Authority received an enquiry regarding the siting of a caravan at the property.

An inspection showed that a static caravan had been sited on land within the curtilage of the property, for which the Council had no record of planning permission having been granted.

The owner/occupier of the property has been requested to take action to rectify the breach of planning control, however no action has been taken to date.

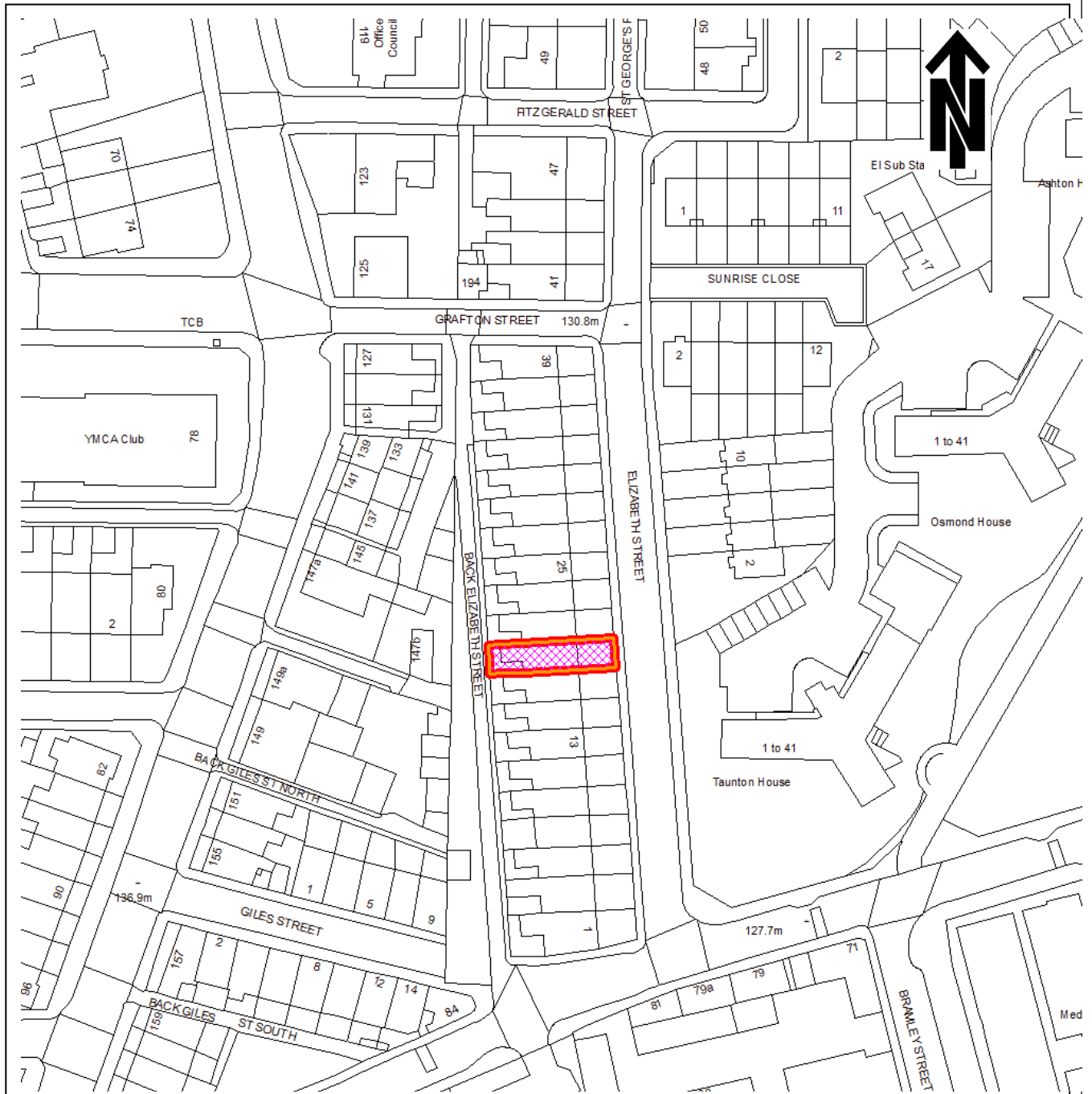
The unauthorised caravan remains in place and on 22<sup>nd</sup> June 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised caravan is detrimental to residential and visual amenity by virtue of its position and appearance, contrary to Policies D1, D10 and UR3 of the Council's adopted Replacement Unitary Development Plan.

Area Planning Panel (Bradford)

14/00411/ENFLBC

20 July 2016



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ITEM NO. : (d)	LOCATION: <b>19 Elizabeth Street Little Horton Bradford BD5 0SD</b>
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**20 July 2016**

**Item Number:** (d)  
**Ward:** CITY  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
14/00411/ENFLBC

**Site Location:**  
19 Elizabeth Street Bradford BD5 0SD

**Breach of Planning Control:**  
Unauthorised single storey rear extensions

**Circumstances:**  
In May 2014 the Local Planning Authority received an enquiry regarding extensions to the property, which is a Grade II Listed Building.

An inspection was made and it was noted that two single storey rear extensions had been built, for which the Local Planning Authority had no record of Listed Building Consent or planning permission having been granted.

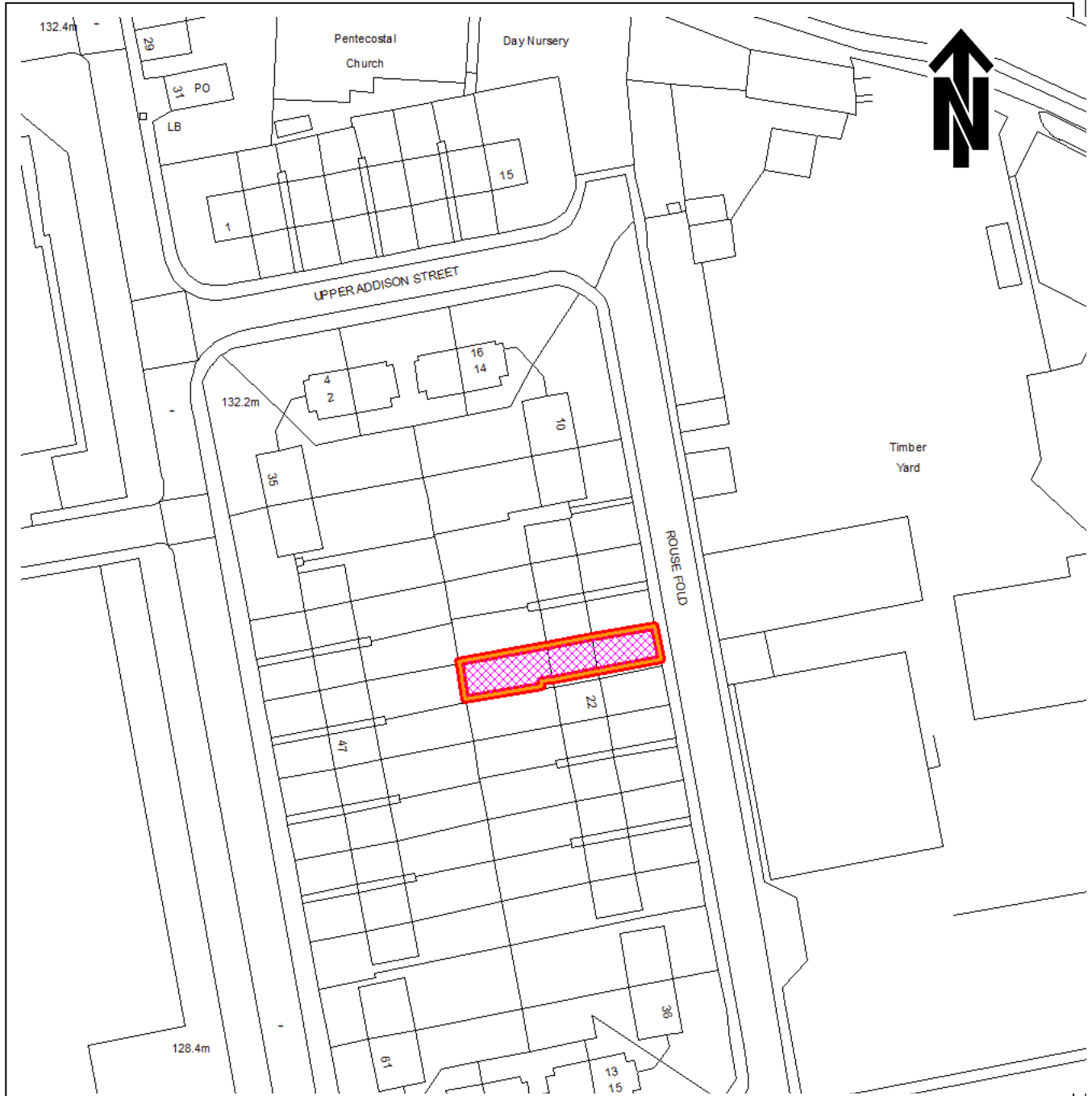
Listed Building Consent and planning applications were subsequently refused by the Council in June 2015. No appeals were made against the Council's decisions.

Whilst Listed Building Consent and planning permission was granted by the Council in November 2015 for replacement rear extensions, the unauthorised rear extensions remain in place. On 22<sup>nd</sup> June 2016 the Planning Manager (Enforcement & Trees) authorised the issue of a Listed Building Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised single storey rear extensions are inappropriate to the Listed Building, contrary to Policies BH4, D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.

**Area Planning Panel (Bradford)**

**16/00011/ENFCOU**

20 July 2016



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ITEM NO. : (e)	LOCATION: <b>20 Rouse Fold Bradford BD4 7AE</b>
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**20 July 2016**

**Item Number:** (e)  
**Ward:** BOWLING AND BARKEREND  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
16/00011/ENFCOU

**Site Location:**  
20 Rouse Fold, Bradford, BD4 7AE.

**Breach of Planning Control:**  
Unauthorised vehicle repairs and storage.

**Circumstances:**  
In January 2016 the Local Planning Authority received enquiries regarding the use of the property and adjacent highway for vehicle repairs and storage.

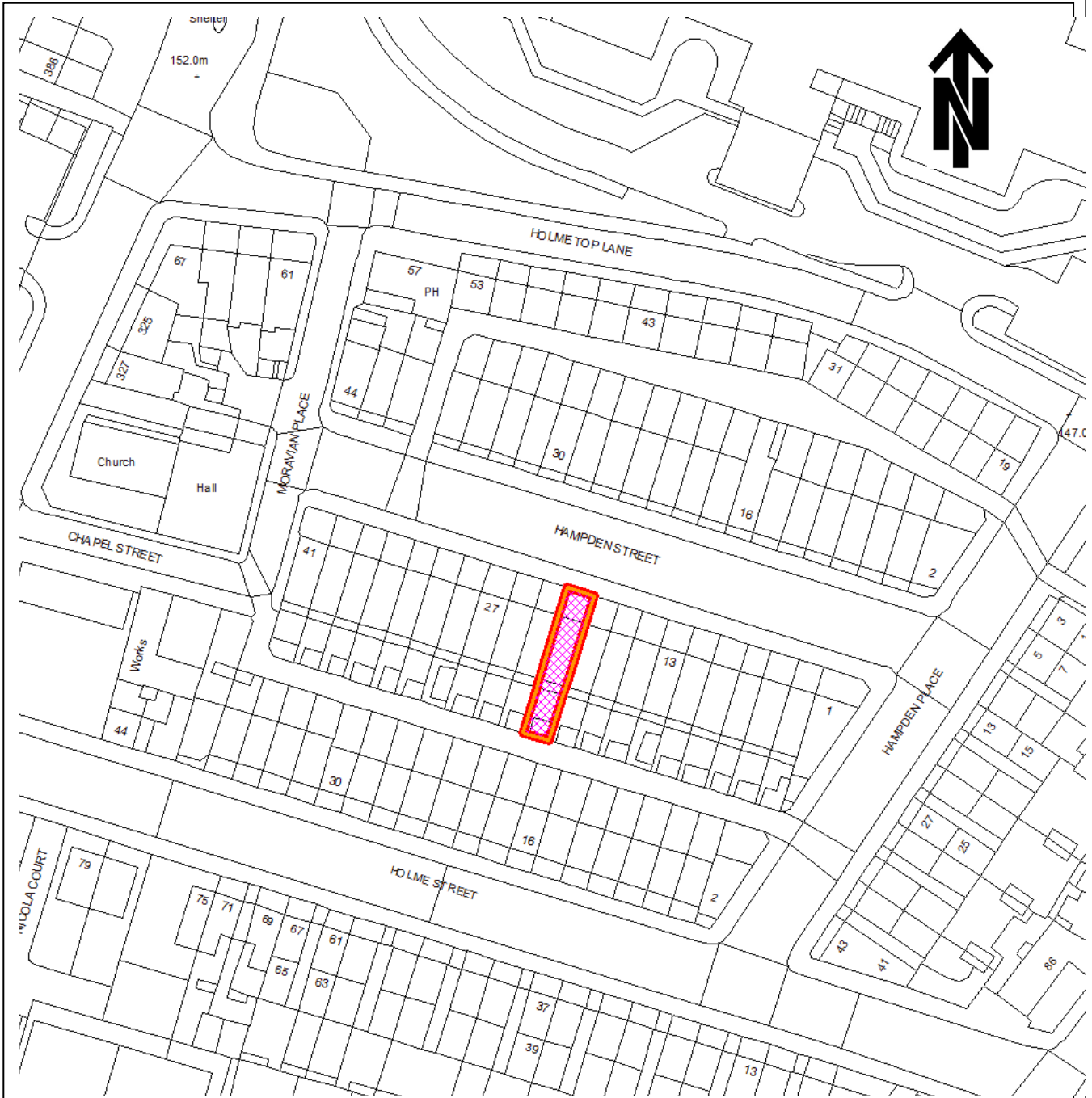
The owner/occupier of the property has been requested to cease the unauthorised vehicle repairs and storage activity, however the unauthorised use is continuing.

On 17 May 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised vehicle repairs and storage use of the property is detrimental to residential amenity, contrary to Policies D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.

Area Planning Panel (Bradford)

15/00801/ENFUNA

20 July 2016



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ITEM NO. : (f)	LOCATION: <b>21 Hampden Street</b> <b>Bradford BD5 0LB</b>
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**20 July 2016**

**Item Number:** (f)  
**Ward:** LITTLE HORTON  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/00801/ENFUNA

**Site Location:**  
21 Hampden Street, Bradford, BD5 0LB.

**Breach of Planning Control:**  
Construction of rear extension.

**Circumstances:**

It was brought to the attention of the Local Planning Authority that the occupier of the above property had constructed a new rear extension for which planning permission was required and had not been obtained. A retrospective planning application for the extension was refused and appeal dismissed however the owner has failed to take any further action.

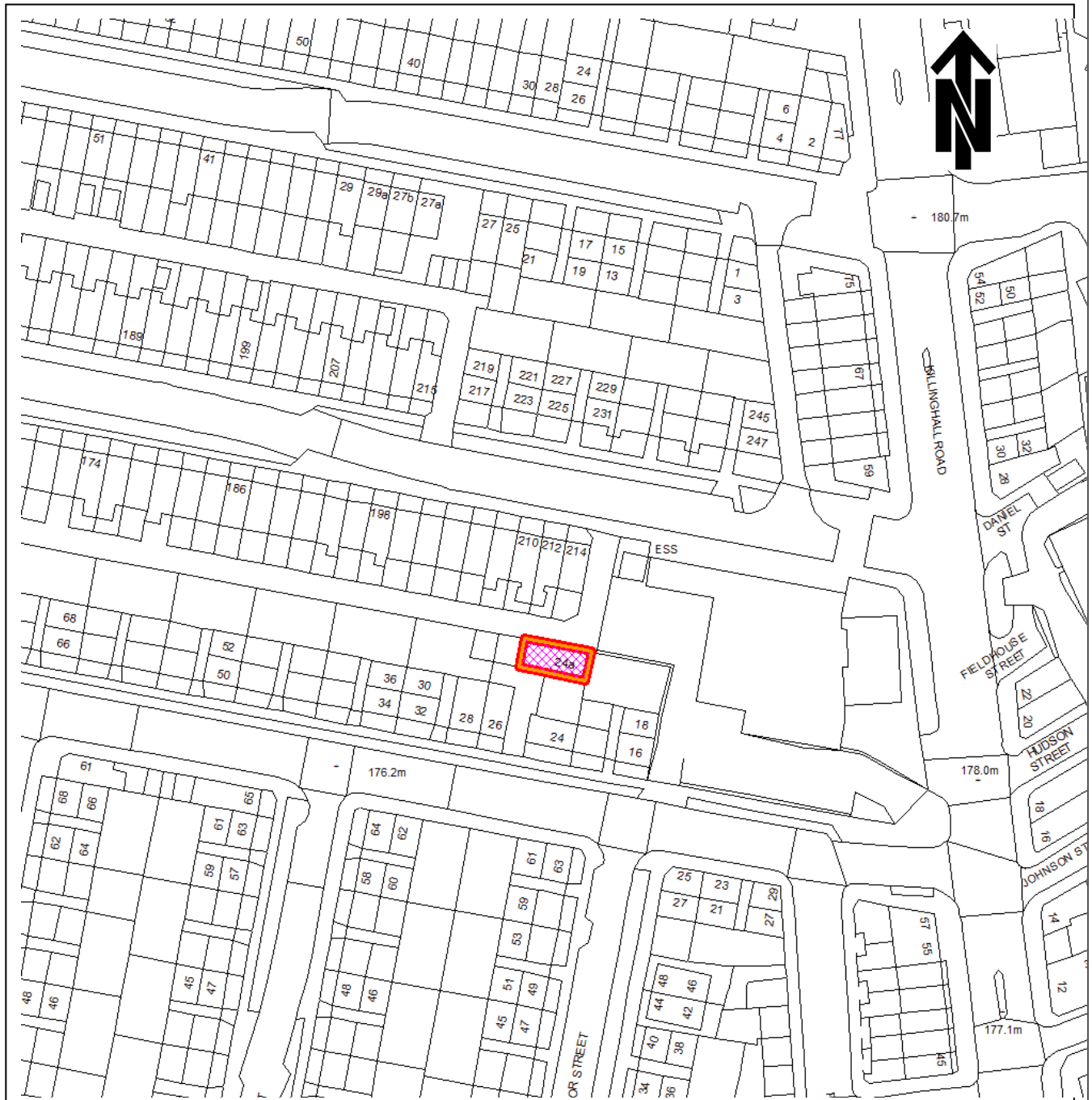
The unauthorised extension due to its excessive depth is considered to cause harm to the outlook from and be overbearing of habitable room windows of the adjoining properties and is overbearing of the rear private amenity area of those properties to the detriment of the living conditions of the neighbouring occupants contrary to the Councils Householder Supplement Planning Document, Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan and national policy set out in the National Planning Policy Framework.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 20 April 2016.

Area Planning Panel (Bradford)

12/00993/ENFCOU

20 July 2016



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ITEM NO. : (g)	LOCATION: <b>24A Rochester Street Bradford BD3 8ED</b>
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**20 July 2016**

**Item Number:** (g)  
**Ward:** BRADFORD MOOR  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
12/00993/ENFCOU

**Site Location:**  
24a Rochester Street Bradford BD3 8ED

**Breach of Planning Control:**  
Unauthorised vehicle repairs use

**Circumstances:**  
In November 2012 the Local Planning Authority received an enquiry regarding the use of the property for vehicle repairs.

Whilst the property has historically been used for business purposes, planning permission has not been granted for any vehicle repairs use.

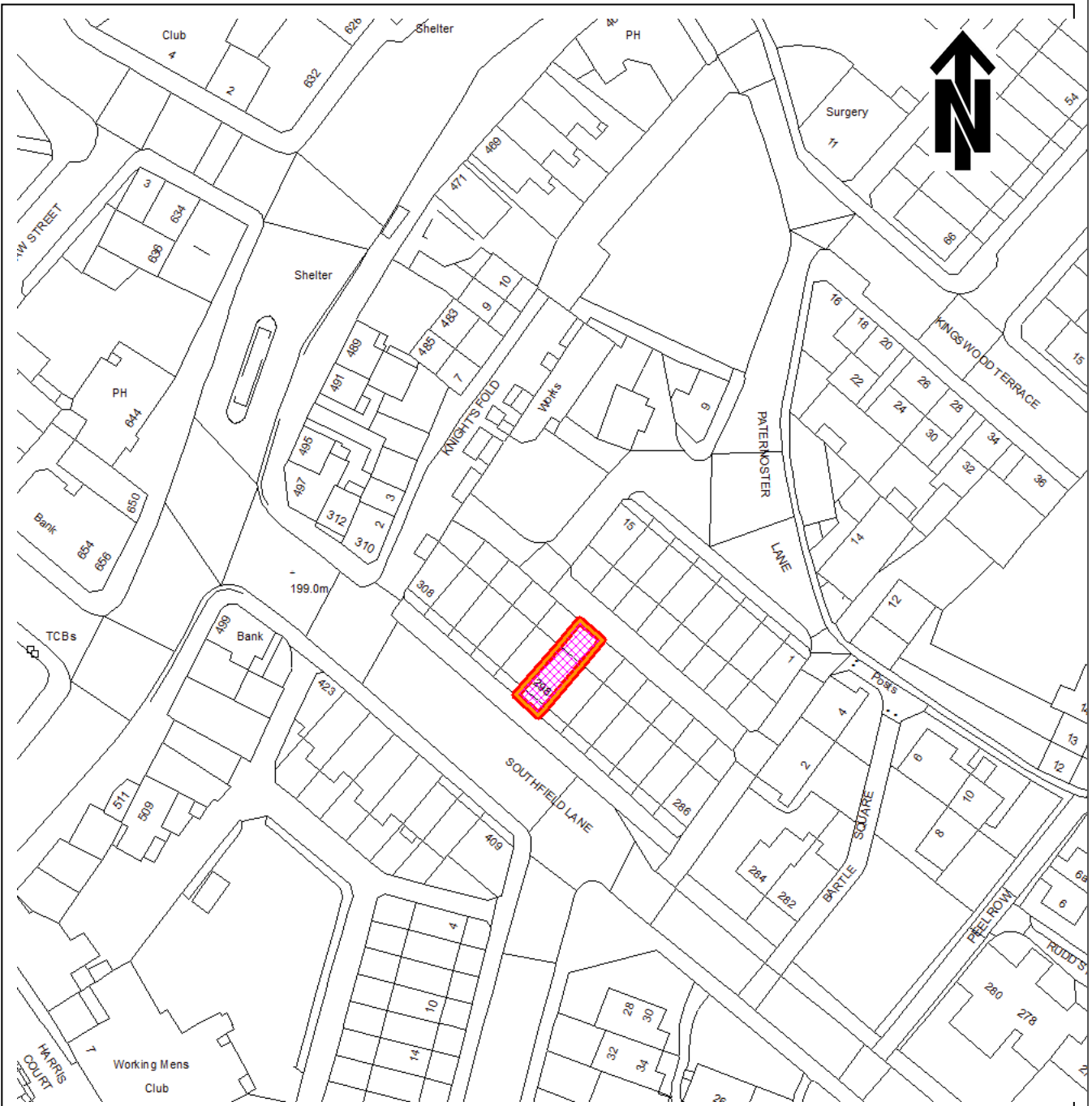
The owner of the property has been requested to take action to rectify the breach of planning control, however no action has been taken.

On 20<sup>th</sup> June 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised vehicle repairs use of the property is detrimental to residential amenity, contrary to Policies D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.

**Area Planning Panel (Bradford)**

**15/00317/ENFUNA**

20 July 2016



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ITEM NO. : (h)	LOCATION: <b>298 Southfield Lane Bradford BD7 3DN</b>
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**20 July 2016**

**Item Number:** (h)  
**Ward:** GREAT HORTON  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/00317/ENFUNA

**Site Location:**  
298 Southfield Lane, Bradford, BD7 3DN

**Breach of Planning Control:**  
Construction of rear extension

**Circumstances:**

It was brought to the attention of the Local Planning Authority a new extension had been constructed at the above property for which planning permission was required but had not been sought.

As a result letters were sent to the owner of the property requesting action be taken to attempt to rectify the breach of planning control. To date no application has been submitted for consideration and a site inspection confirms that the extension remains in situ.

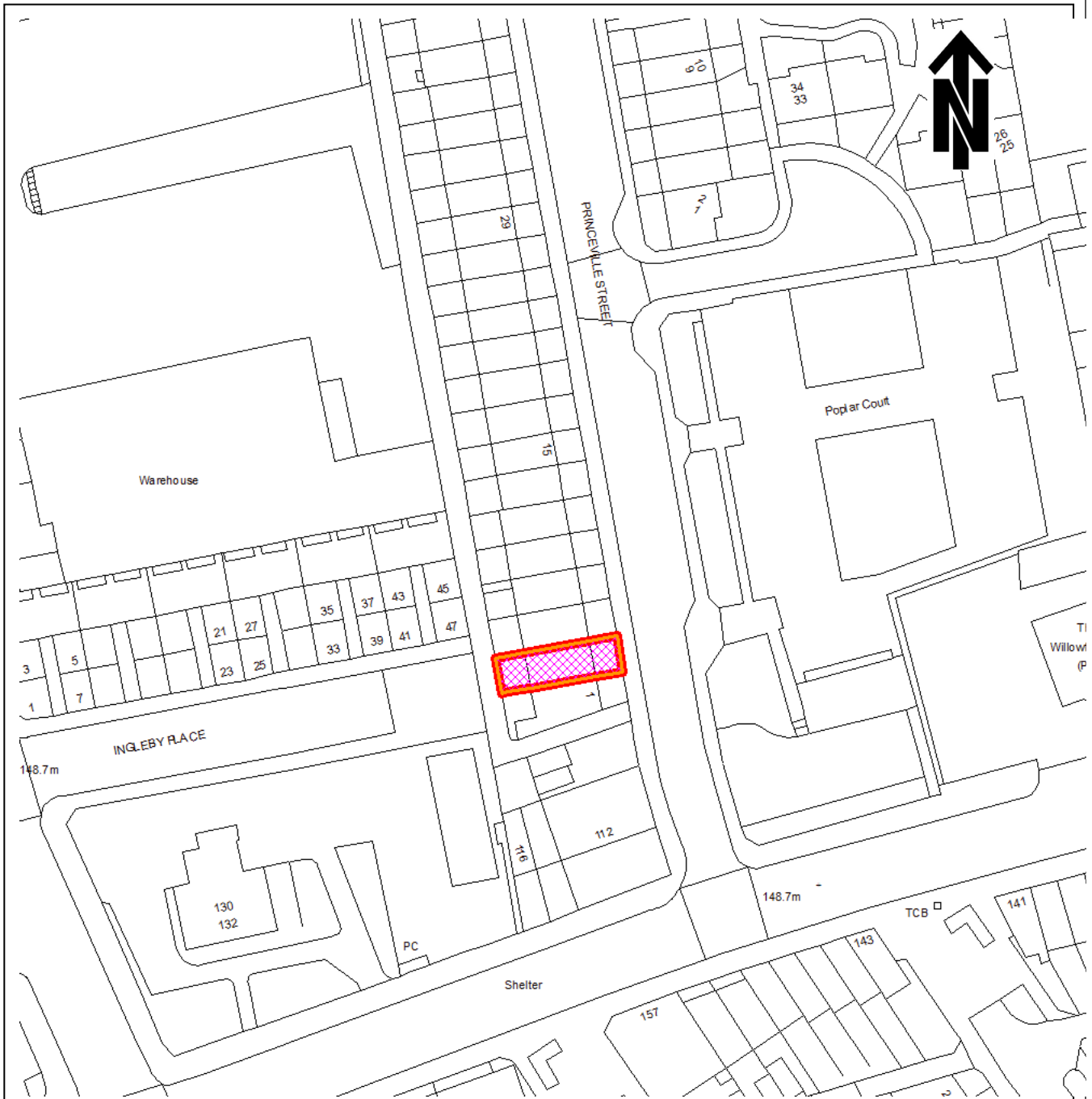
The extension is detrimental to the visual amenity of the existing property and wider surrounding Great Horton Conservation Area contrary to the Councils Householder Supplement Planning Document, Policies UDP3, BH7, UR3 and D1 of the Replacement Unitary Development Plan and national policy set out in the National Planning Policy Framework.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 20 April 2016.

**Area Planning Panel (Bradford)**

**16/00046/ENFUNA**

20 July 2016



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ITEM NO. : (i)	LOCATION: <b>3 Princeville Street Bradford BD7 2AG</b>
----------------	---

**20 July 2016**

**Item Number:** (i)  
**Ward:** CITY  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
16/00046/ENFUNA

**Site Location:**  
3 Princeville Street, Bradford, BD7 2AG.

**Breach of Planning Control:**  
Unauthorised porch extension.

**Circumstances:**  
In January 2016 the Local Planning Authority received an enquiry regarding a porch extension to the property.

An inspection was made and it was noted that a front porch extension had been built, for which planning permission had not been granted.

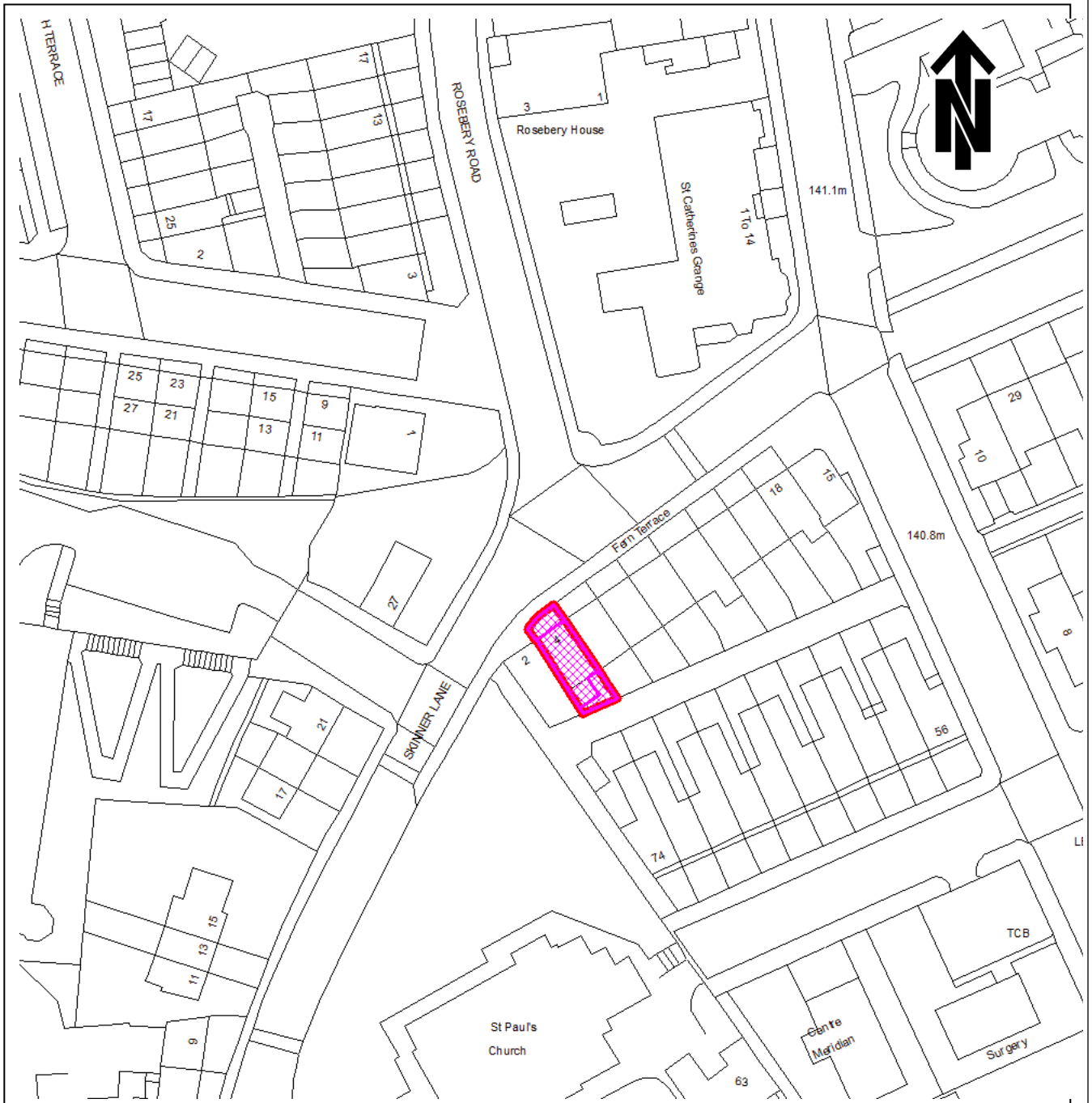
The owner/occupier of the property has been requested to take action to rectify the breach of planning control. A retrospective planning application for the porch extension was submitted to the Council, reference 16/01440/HOU, however the application could not be considered due to the fee not being paid within the given timescale.

The unauthorised porch extension remains in place and on 27 April 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised porch extension is detrimental to visual amenity by virtue of its design and appearance, contrary to Policies D1, UR3 and UDP3 of the Council's adopted Replacement Unitary Development Plan and the Council's adopted Householder Supplementary Planning Document.

**Area Planning Panel (Bradford)**

**14/00849/ENFUNA**

20 July 2016



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ITEM NO. : (j)	LOCATION: <b>4 Fern Terrace Skinner Lane Bradford BD8 7QD</b>
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**20 July 2016**

**Item Number:** (j)  
**Ward:** MANNINGHAM  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
14/00849/ENFUNA

**Site Location:**  
4 Fern Terrace, Skinner Lane, Bradford, BD8 8QD.

**Breach of Planning Control:**  
Construction of breeze block boundary wall atop an existing stone boundary wall.

**Circumstances:**  
It was brought to the attention of the Local Planning Authority that a new breeze block un-rendered wall had been constructed at the above property. Letters were sent to the owner of the property to advise of the breach and despite reminders no action has been taken and the walling remains in situ.

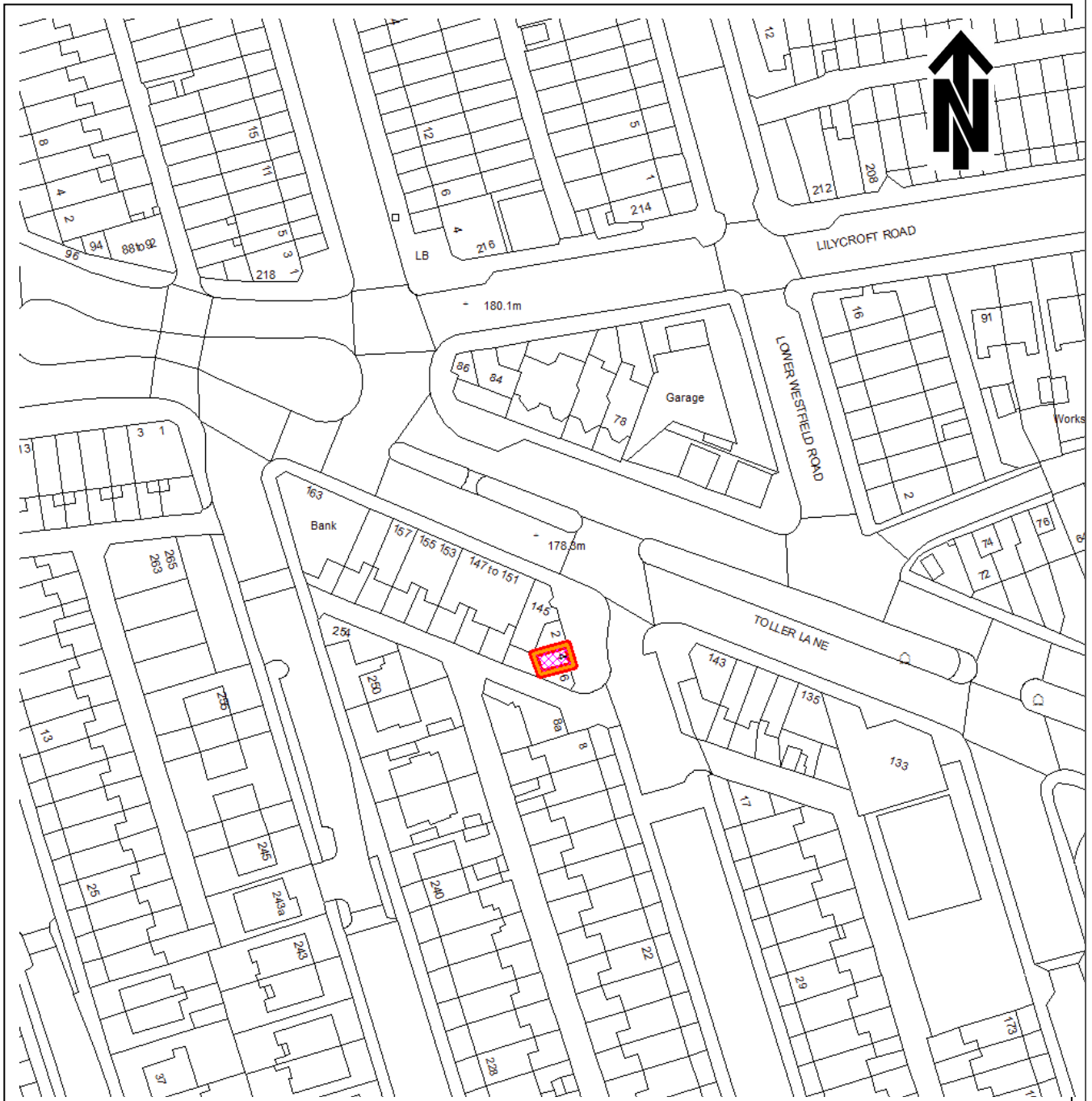
The unauthorised breeze block walling is detrimental to visual amenity within the St Pauls Conservation Area and is contrary to the Councils Householder Supplement Planning Document, Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan and national policy set out in the National Planning Policy Framework.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 20 April 2016.

**Area Planning Panel (Bradford)**

**15/00986/ENFCON**

20 July 2016



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ITEM NO. : (k)	LOCATION: <b>4 Whitby Road Bradford BD8 9JW</b>
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**20 July 2016**

**Item Number:** (k)  
**Ward:** TOLLER  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/00986/ENFCON

**Site Location:**  
4 Whitby Road Bradford BD8 9JW

**Breach of Planning Control:**  
Breach of condition 2 of planning permission 95/00435/COU

**Circumstances:**  
In March 1995 the Council granted planning permission to use the property as a hot food takeaway. Condition 2 of the planning permission restricts the opening hours of the hot food take away to between 1130 and 2330 hours only.

Following a complaint regarding the breach of condition 2, the occupier of the property was requested to take steps to rectify the matter.

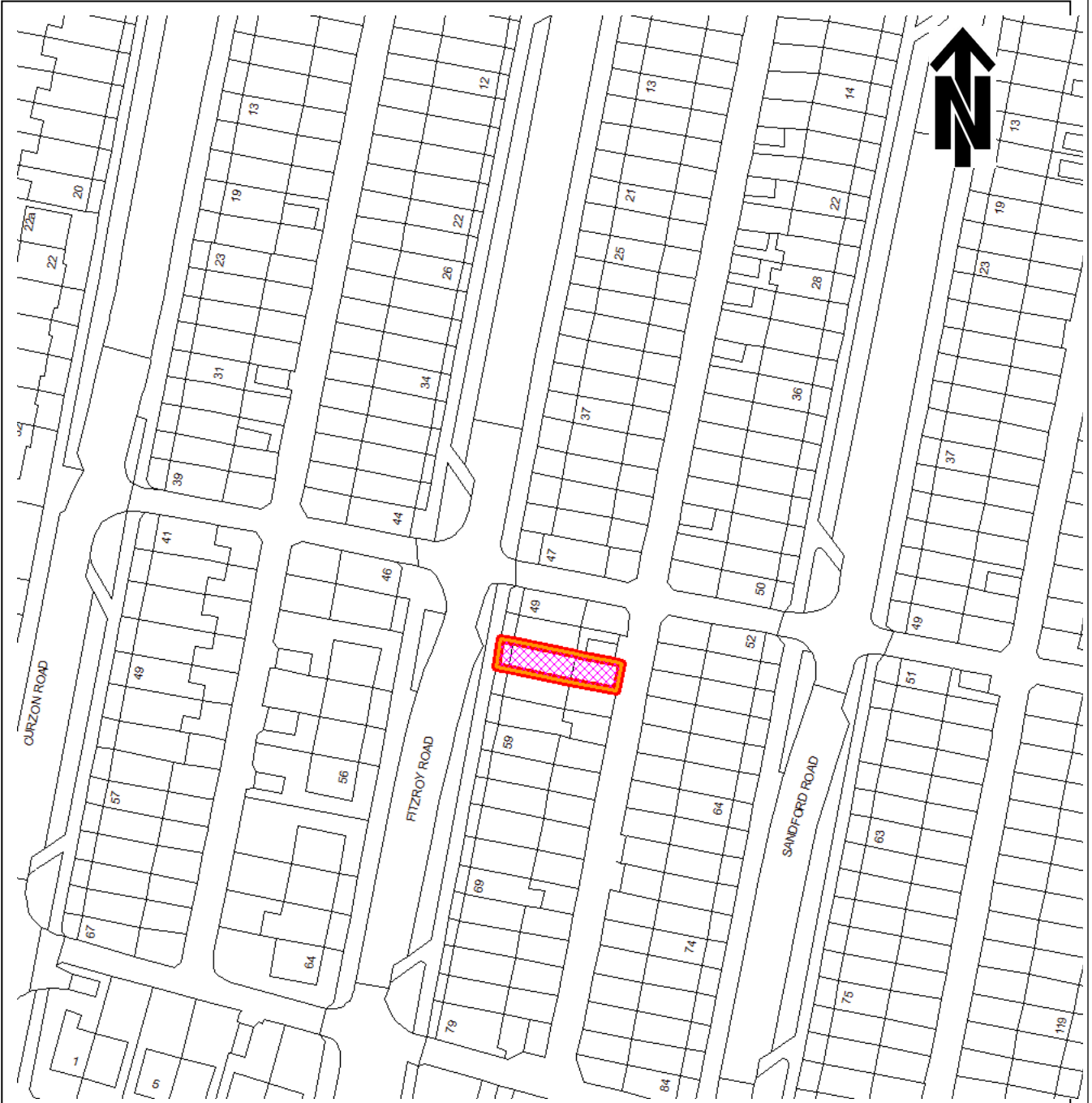
Planning application 15/06274/VOC to extend the opening hours of the hot food takeaway was refused by the Council in December 2015.

A further complaint has been received regarding the opening hours of the hot food takeaway and on 17<sup>th</sup> June 2016 the Planning Manager (Enforcement & Trees) authorised the issue of a Breach of Condition Notice. The Local Planning Authority considers it expedient to issue a Breach of Condition Notice to safeguard residential amenity.

**Area Planning Panel (Bradford)**

**15/00346/ENFUNA**

20 July 2016



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ITEM NO. : (I)	LOCATION: <b>53 Fitzroy Road Bradford BD3 9PB</b>
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**20 July 2016**

**Item Number:** (I)  
**Ward:** BRADFORD MOOR  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/00346/ENFUNA

**Site Location:**  
53 Fitzroy Road, Bradford, BD3 9PB.

**Breach of Planning Control:**  
Unauthorised single storey front extension.

**Circumstances:**  
In April 2015 it was noted that a single storey front extension had been constructed at the property, for which the Council had no record of planning permission having been granted.

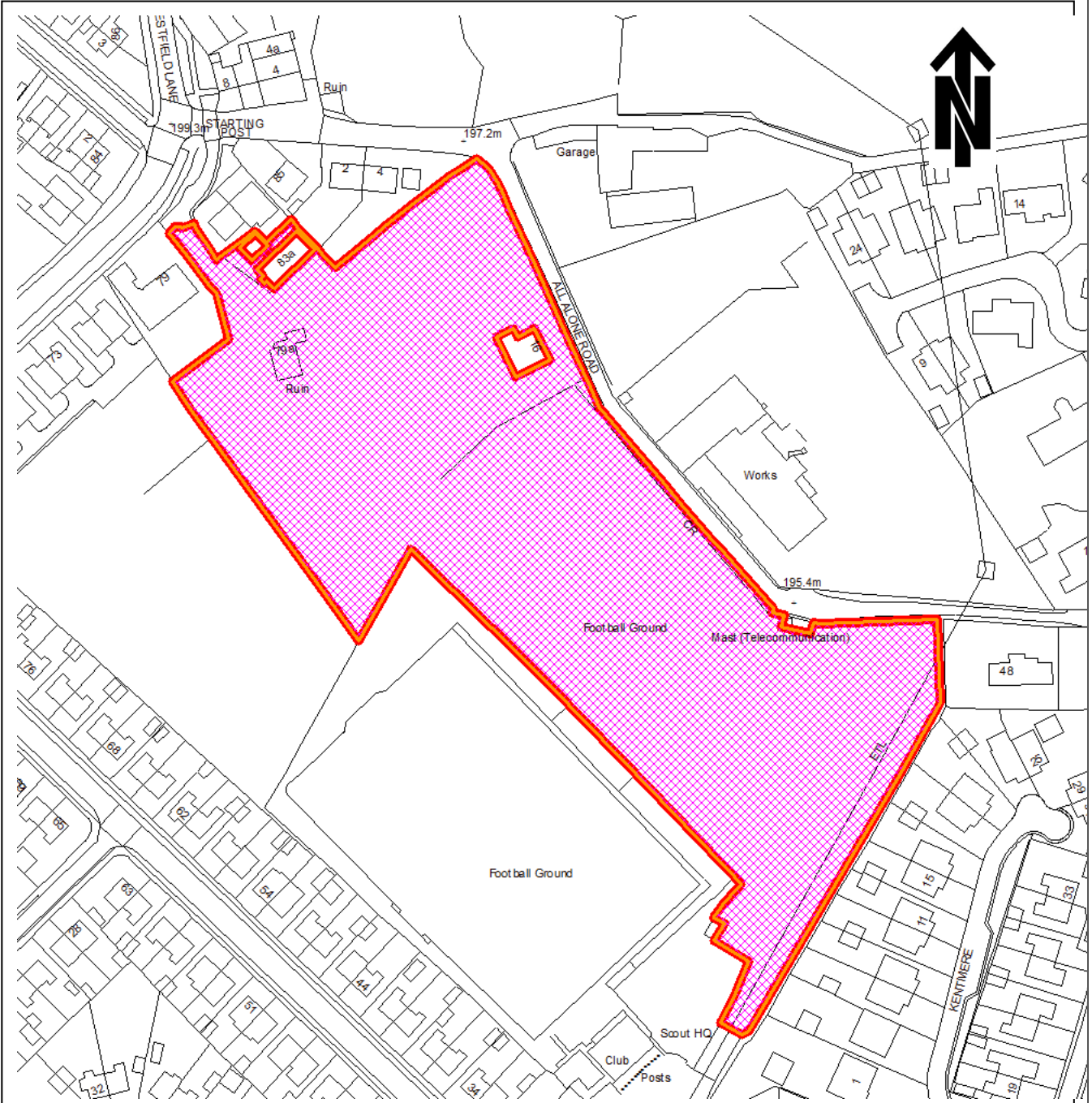
Retrospective planning applications for the front extension, references 15/03425/HOU and 16/00406/HOU, were refused by the Council and an appeal dismissed by The Planning Inspectorate. The owner of the property has been requested to rectify the breach of planning control, however the unauthorised front extension remains in place.

On 17 May 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised single storey front extension is detrimental to visual amenity by virtue of its position and size, contrary to Policies D1, UR3 and UDP3 of the Council's adopted Replacement Unitary Development Plan and the Council's adopted Householder Supplementary Planning Document.

**Area Planning Panel (Bradford)**

**15/00275/ENFCON**

20 July 2016



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ITEM NO. : (m)	LOCATION: <b>79A Westfield Lane Shipley BD18 1LH</b>
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**20 July 2016**

**Item Number:** (m)  
**Ward:** WINDHILL AND WROSE  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/00275/ENFCON

**Site Location:**  
79A Westfield Lane, Shipley

**Breach of Planning Control:**  
Breach of hours of construction/operations

**Circumstances:**  
Operations have been taking place in the evenings, at weekends and Bank Holidays in breach of condition 13 which states:

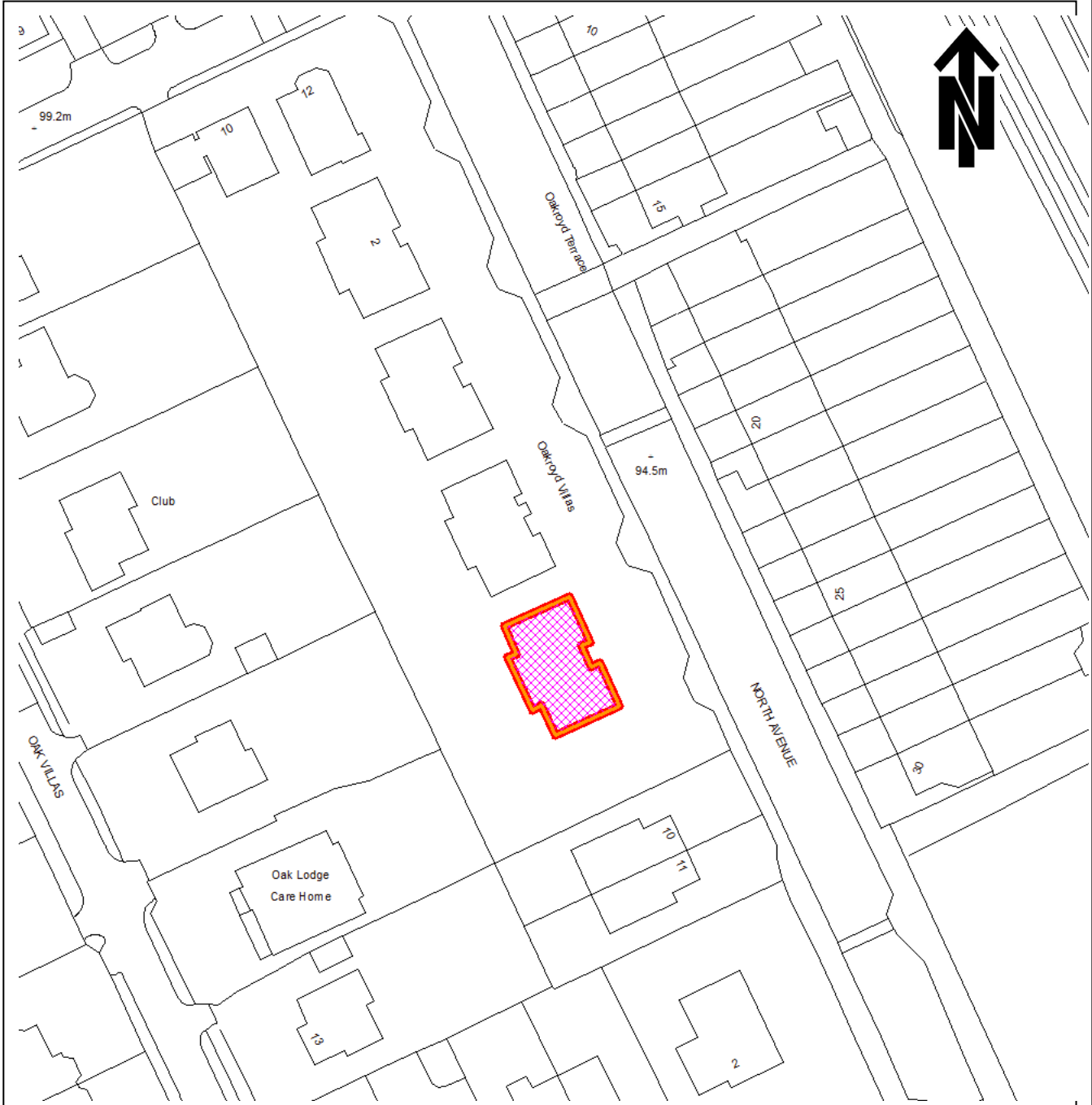
Construction work pursuant to this planning permission, or the delivery of construction materials, or the removal of excavated materials shall only be carried out between the hours of 0.730 and 18.00 on Mondays to Fridays, 7.30 and 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed in writing by the Local Planning Authority.

A breach of condition notice was therefore authorised on 16<sup>th</sup> June 2016 by the Planning Manager (Enforcement and Trees)

Area Planning Panel (Bradford)

16/00176/ENFCOU

20 July 2016



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ITEM NO. : (n)	LOCATION: <b>8 Oakroyd Villas</b> <b>North Avenue Bradford BD8 7AD</b>
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**20 July 2016**

**Item Number:** (n)  
**Ward:** MANNINGHAM  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
16/00176/ENFCOU

**Site Location:**  
8 Oakroyd Villas, North Avenue, Bradford, BD8 7AD.

**Breach of Planning Control:**  
Unauthorised car wash use and outbuilding.

**Circumstances:**  
In March 2016 the Local Planning Authority received enquiries regarding the operation of a car wash on land within the curtilage of the property, which stands within the St Pauls Conservation Area.

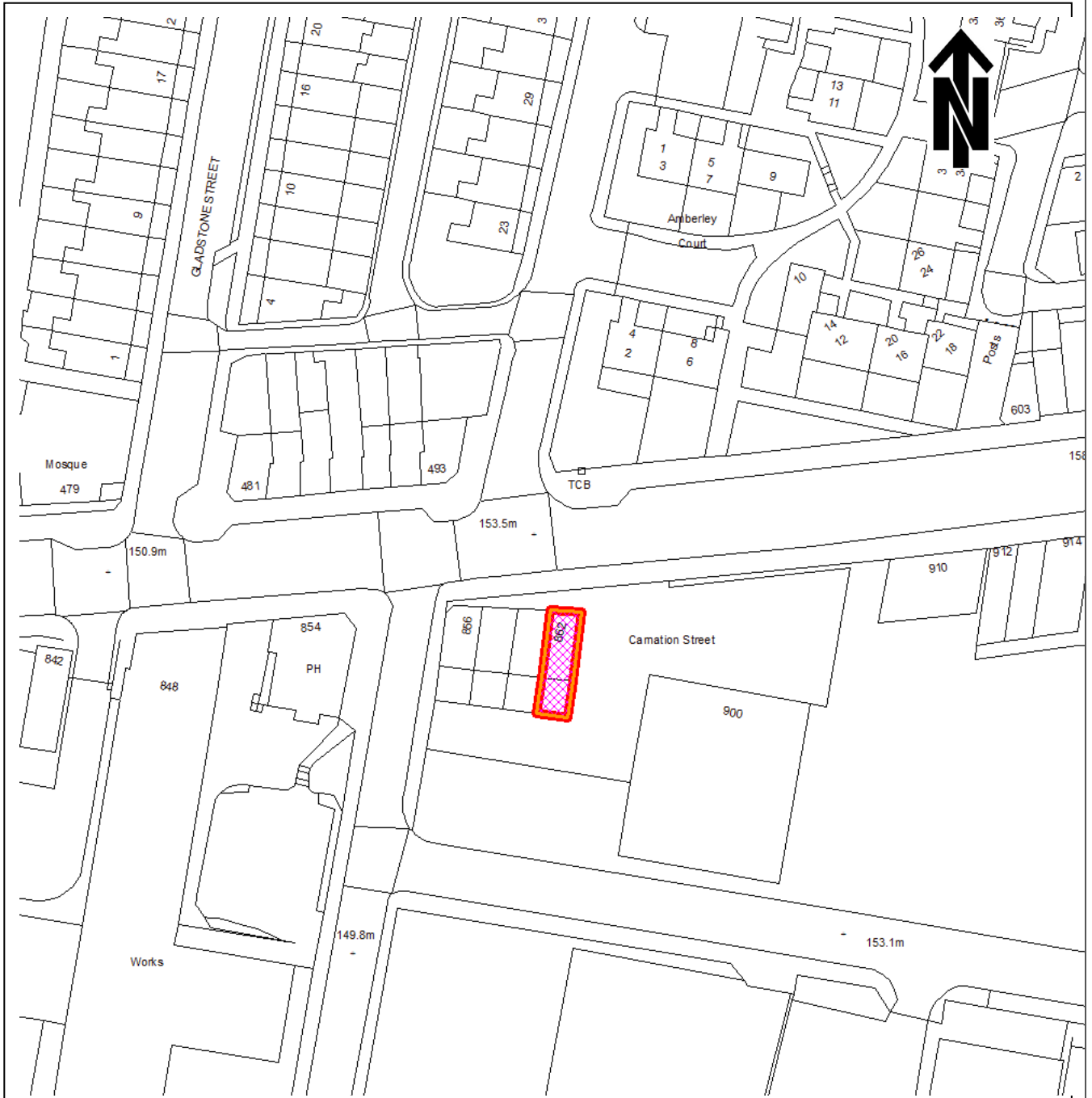
The owners of the property have been requested to cease the unauthorised car wash use and demolish an unauthorised concrete block structure which has been erected, however no action has been taken.

On 2 June 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised car wash use and outbuilding are detrimental to residential and visual amenity, contrary to Policies BH7, P7, D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.

Area Planning Panel (Bradford)

14/00765/ENFUNA

20 July 2016



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ITEM NO. : (o)	LOCATION: <b>860 - 862 Leeds Road Bradford BD3 8EZ</b>
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**20 July 2016**

**Item Number:** (o)  
**Ward:** BRADFORD MOOR  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
14/00765/ENFUNA

**Site Location:**  
860-862 Leeds Road, Bradford, BD3 8EZ.

**Breach of Planning Control:**  
Unauthorised external cladding and extractor unit.

**Circumstances:**  
In August 2014 it was noted that alterations had been made to the external appearance of the property, for which the Council had no record of planning permission having been granted.

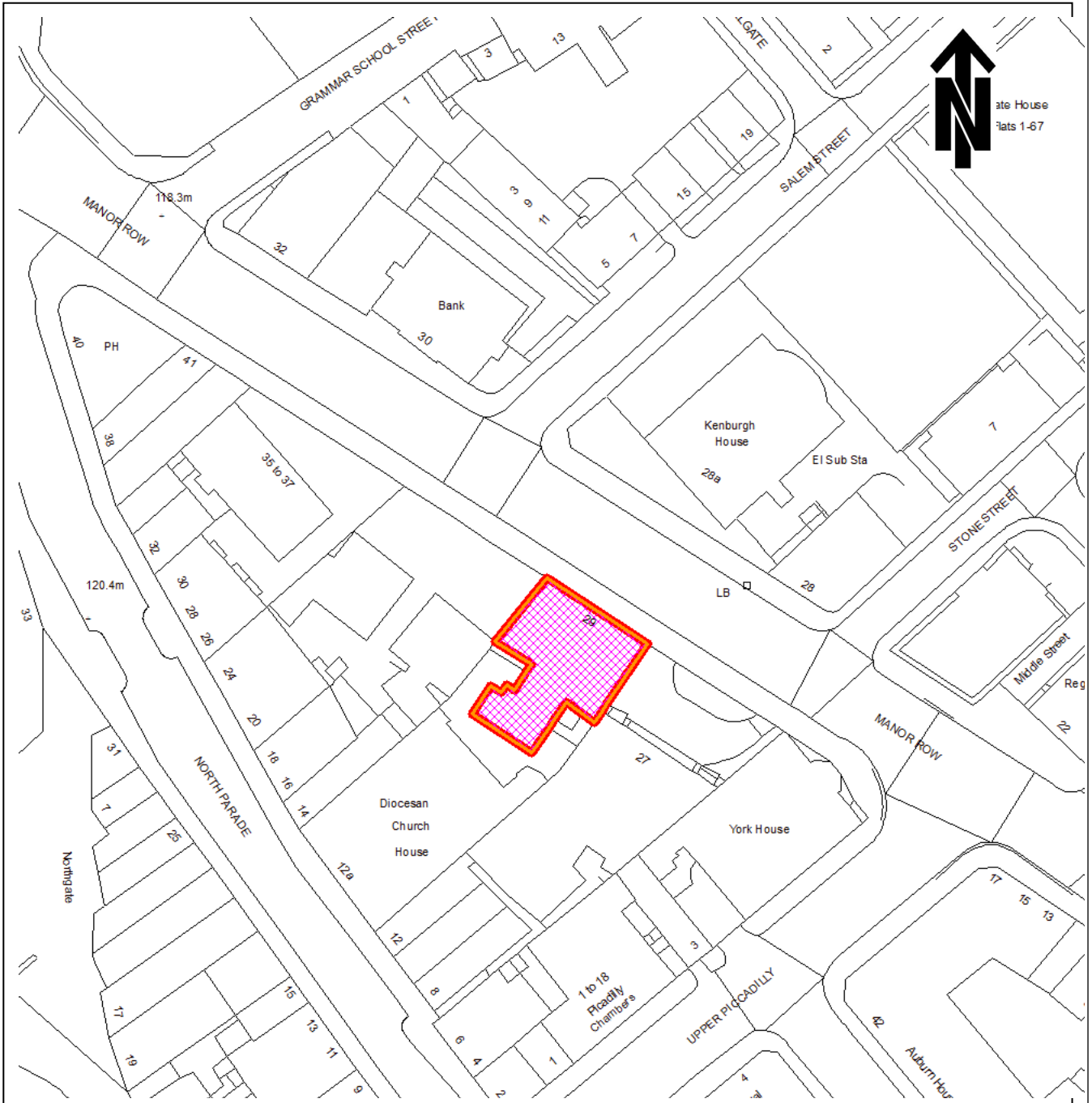
The owner/occupier of the property was requested to take action to rectify the breach of planning control. A retrospective planning application, reference 15/00573/FUL, for the installation of external cladding and an extractor unit at the property was refused by the Council in April 2015. No appeal has been made against the Council's decision.

The unauthorised external cladding and extractor unit remain in place at the property and on 5 April 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action the unauthorised cladding and extractor unit are detrimental to visual amenity, contrary to Policies D1, D11, UR3 and UDP3 of the Council's adopted Replacement Unitary Development Plan.

Area Planning Panel (Bradford)

15/01198/ENFLBC

20 July 2016



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ITEM NO. : (p)	LOCATION: <b>Malik House</b> <b>29 Manor Row Bradford BD1 4PS</b>
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**20 July 2016**

**Item Number:** (p)  
**Ward:** CITY  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/01198/ENFLBC

**Site Location:**  
29 Manor Row, Bradford, BD1 4PS.

**Breach of Planning Control:**  
Display of advertisements without Listed Building Consent.

**Circumstances:**  
In October 2015 it was noted that banner type advertisements were being displayed on the Listed Building, for which the Council had no record of consent having been granted.

The owner of the building has been requested to rectify the breach of planning control, however no action has been taken to date.

The unauthorised advertisements continue to be displayed and on 27 April 2016 the Planning Manager (Enforcement & Trees) authorised the issue of a Listed Building Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised advertisements are inappropriate to the Listed Building, contrary to Policy BH6 of the Council's adopted Replacement Unitary Development Plan.

## DECISIONS MADE BY THE SECRETARY OF STATE

### Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
(q)	Bowling And Barkerend (ward 05)	130- 132 Paley Road Bradford West Yorkshire BD4 7EL  Change of use of ground floor of No. 130 to merge with existing ground floor of No. 132 to form shop with front extension and dormer windows at second floor  - Case No: 15/06161/FUL  Appeal Ref: 16/00045/APPFL2

### Appeals Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
(r)	Toller (ward 24)	366 Girlington Road Bradford West Yorkshire BD8 9PA  Change of use from shop (A1) to restaurant (A3) - Case No: 15/04216/FUL  Appeal Ref: 16/00049/APPFL2
(s)	Bradford Moor (ward 06)	64 Gain Lane Bradford West Yorkshire BD3 7EA  Construction of extension to form a self-contained annexe to be used as ancillary accommodation in conjunction with existing dwelling - Case No: 15/07882/HOU  Appeal Ref: 16/00044/APPHOU

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
(t)	Queensbury (ward 20)	Lawhill Farm Pit Lane Thornton Bradford West Yorkshire BD13 1NB  Construction of detached dwelling within curtilage - Case No: 15/02755/FUL  Appeal Ref: 16/00027/APPFL2
(u)	Little Horton (ward 18)	Site At Junction Of Manchester Road And Jacob Street Bradford West Yorkshire  Replacement of existing 96-sheet advertisement unit with new internally illuminated LED 48-sheet advertising unit - Case No: 15/05872/ADV  Appeal Ref: 16/00032/APPAD1

### **Appeals Upheld**

There are no Appeal Upheld Decisions to report this month

### **Appeals Upheld (Enforcements Only)**

There are no Appeal Upheld Decisions to report this month

### **Appeals Withdrawn**

There are no Appeal Withdrawn Decisions to report this month

### **Appeal Allowed in Part/Part Dismissed**

There are no Appeals Allowed in Part/Part Dismissed to report this month

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