

## Agenda for a meeting of the Area Planning Panel (Bradford) to be held on Wednesday, 23 August 2017 at 10.00 am in Committee Room 1 - City Hall, Bradford

### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Barker Shaw	S Hussain Wainwright Azam Watson	Stelling

### Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Ellis Whiteley	Duffy Lal Lee	Griffiths

### 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. 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)

#### 4. 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 21 August 2017.**

(Claire Tomenson - 01274 432457)

## B. BUSINESS ITEMS

#### 5. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL 1 - 62

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

The sites concerned are:

- |     |  |  |
|-----|--|--|
| (a) | 3 Whetley Hill Resource Centre, Whetley Hill, Bradford (Approve)         | <b><u>Manningham</u></b>               |
| (b) | Former site of 1 Midland Road, Frizinghall, Bradford (Approve)           | <b><u>Heaton</u></b>                   |
| (c) | Land at Grid Ref 414395 436265 Wilmer Drive, Shipley, Bradford (Approve) | <b><u>Heaton</u></b>                   |
| (d) | Land at Low Lane, Queensbury, Bradford (Approve)                         | <b><u>Queensbury</u></b>               |
| (e) | Land South of 15 Rose Mount, Bradford (Approve)                          | <b><u>Bolton &amp; Undercliffe</u></b> |
| (f) | New Line Retail Park, Bradford (Approve)                                 | <b><u>Idle &amp; Thackley</u></b>      |
| (g) | 12 Melbourne Grove, Bradford (Refuse)                                    | <b><u>Bradford Moor</u></b>            |

(Mohammed Yousuf – 01274 434605)

**6. MISCELLANEOUS ITEMS**

63 - 94

The Panel is asked to consider other matters which are set out in **Document "D"** relating to miscellaneous items:

- (a) – (n) Requests for Enforcement/Prosecution Action
- (o) – (q) Decisions made by the Secretary of State – Allowed
- (r) – (y) 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 Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 23 August 2017

**C**

### 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.	3 Whetley Hill Resource Centre Whetley Hill Bradford BD8 8NL - 17/02653/FUL [Approve]	<b>Manningham</b>
B.	Former Site Of 1 Midland Road Frizinghall Bradford BD9 4HX - 17/00342/FUL [Approve]	<b>Heaton</b>
C.	Land At Grid Ref 414395 436265 Wilmer Drive Shipley - 17/01157/FUL [Approve]	<b>Heaton</b>
D.	Land At Low Lane Queensbury Bradford BD13 1ND - 17/01223/FUL [Approve]	<b>Queensbury</b>
E.	Land South Of 15 Rose Mount Bradford - 17/03390/FUL [Approve]	<b>Bolton and Undercliffe</b>
F.	New Line Retail Park Bradford BD10 9AP - 17/03441/REG [Approve]	<b>Idle and Thackley</b>
G.	12 Melbourne Grove Bradford BD3 8JT - 17/03336/HOU [Refuse]	<b>Bradford Moor</b>

Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

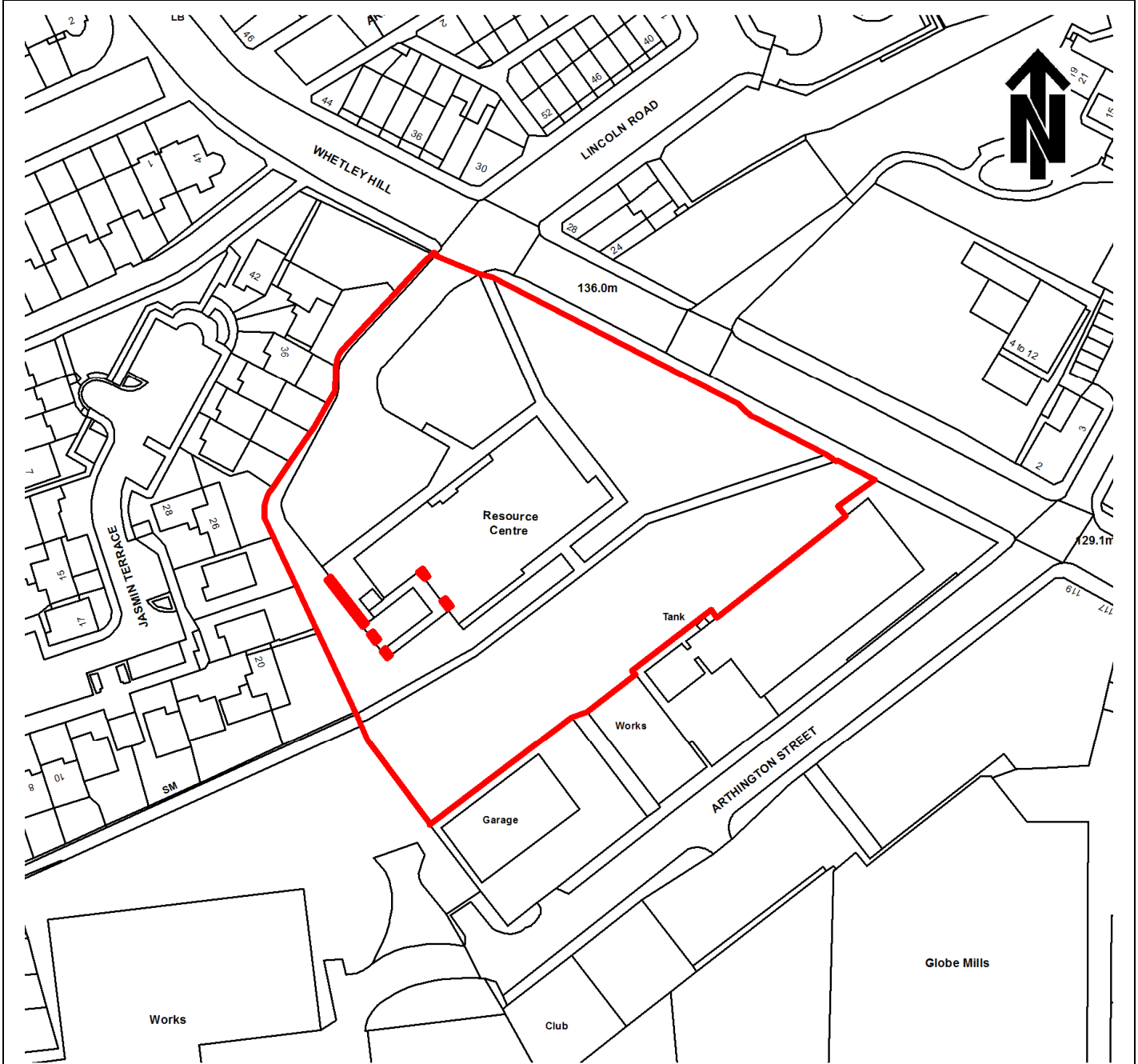
Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: [mohammed.yousuf@bradford.gov.uk](mailto:mohammed.yousuf@bradford.gov.uk)

**Portfolio:**  
Regeneration, Planning and Transport

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

17/02653/FUL



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**3 Whetley Hill Resource Centre  
Whetley Hill  
Bradford BD8 8NL**

**23 August 2017**

**Item: A**  
**Ward: MANNINGHAM**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
17/02653/FUL

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

A full planning application for the change of use of the existing building from use class D1 to class B1 and B8 (offices with storage) at 3 Whetley Hill Resource Centre, Bradford.

**Applicant:**

Panache Textiles

**Agent:**

J O Steel consulting

**Site Description:**

The site is located off Whetley Hill and contains an existing large property which has been historically in class D1 use. The building is however vacant at present. The surrounding area is in a mixture of uses; residential properties are located to the north and west of the site. To the south and east of the site is an area of commercial and retail buildings. Access to the site is via Whetley Hill and an existing adopted access road.

**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.

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is within a mixed use area and a community priority area on the RUDP. Accordingly, the following adopted Core Strategy and saved RUDP policies are applicable to this proposal:

SC9	Making great places
DS1	Achieving Good Design
DS3	Urban character
DS4	Street and movement
DS5	Safe and inclusive places
TR1	Travel reduction and modal shift
TR2	Parking policy
TR3	Public transport, cycling and walking

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application has been published by site notice and individual notification letters. The expiry period of the publicity period was 24 May 2017. At the time of report writing, the following representations had been received:

Thirteen individual objections have been received.

Eleven individual representations in support have also been received.

**Summary of Representations Received:**

**In objection:**

The building should be retained in community use.

Highway safety implications.

No requirement for any additional warehouses or shops in the local area.

Adverse effect on the property values of the surrounding properties.

The building can only be used on a temporary basis for up to 2 years as class D1.

**In support:**

The proposal will bring the building back into use.

**Consultations:**

Highways: no objections.

**Summary of Main Issues:**

1. Principle of use.
2. Visual impact.
3. Residential amenity.
4. Highway safety.
5. Protected trees.
6. Outstanding issues raised in representations received.



**Appraisal:**

**1. Principle of use**

The building is located on the edge of the Whetley Hill district centre and is also located with a mixed use area and community priority area. There is some evidence that the building did contain some office uses in the past before being used predominately as an education resource centre. It is considered that the proposed change of use to mainly class B1 office use with elements of B8 storage is acceptable in principle and would not prejudice the designation of the community priority area. The proposed use would also be compatible with the mixed use designation as the use represents appropriate uses within this designation. In addition, the proposal is unlikely to prejudice policy E3A which directs large scale office development to existing centres. The site lies on the edge of the Whetley Hill local centre and is well connected by public transport links. In addition, the office element of the use is considered similar to the previous use of the building whereby a significant proportion of it was occupied as offices.

**2. Visual impact**

There are no proposed external alterations to the building and therefore there is not considered to be any significant material impacts on the street scene or existing building.

**3. Residential amenity**

The main use will be class B1 offices which by its nature would not be significantly harmful to residential amenity. There will also be an element of storage (class B8); however, it is considered that these activities will not be significantly harmful to residential amenity. There are properties close to the site to the north, however, they are separated from the site and on a higher level. The building will operate as offices, storage with the inclusion of a trade counter. It is considered overall that there will not be significant levels of traffic and deliveries which would cause problems for the nearby residents. Hours of operation are not detailed, however, it is considered appropriate to limit the hours of operation to prevent disturbance during quieter periods.

**4. Highway safety**

The site offers some 25 off-street parking spaces, and there is well established access off Whetley Hill in the form of a wide access road. Visibility is good at the junction of the site and there are speed restrictions on the main highway. It is considered that the level of parking provision is acceptable given the floor space of the building, the use and the sustainable location of the site. The site is also capable of accommodating larger vehicles for deliveries and despatch. Unloading and loading of goods will occur from office 19 and 20 as shown on the submitted layout plans. Such arrangements will not require any changes to the existing building and will operate within the confines of the existing access and parking arrangements. Overall, it is not considered that the change of use would result in significant implications for highway safety.

**5. Protected trees**

There are a number of protected trees to the front of the site, however, these are not affected by the proposals as the existing building will not be extended or altered and the existing access to the site will remain.

**6. Outstanding issues raised in representations received**

The building should be retained for community use

Comment - The building has been vacant for a period of time and it is unlikely that it could offer a community use. It was previously in the ownership of Bradford Council and was used as a resource centre and offices. The proposed uses are considered to offer a viable alternative use for the building.

**Community Safety Implications:**

The proposal 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 change of use of the building from class D1 to classes B1 (offices) and B8 (storage and distribution) is considered to be acceptable in principle and accords with the mixed use area designation of the site as acceptable uses. There are not considered to be any significant highway safety implications in terms of traffic generation or the safe movement of vehicles within the site. The proposed uses will not generate any significant adverse effects on the amenities of the nearest dwelling houses and there are no proposed physical changes to the building resulting in no material impacts upon the character of the building or the street scene. The proposal is therefore in compliance with policies SC9, DS1, DS3, DS4, DS5, TR1, TR2, and TR3 of the Local Plan for Bradford.

**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.

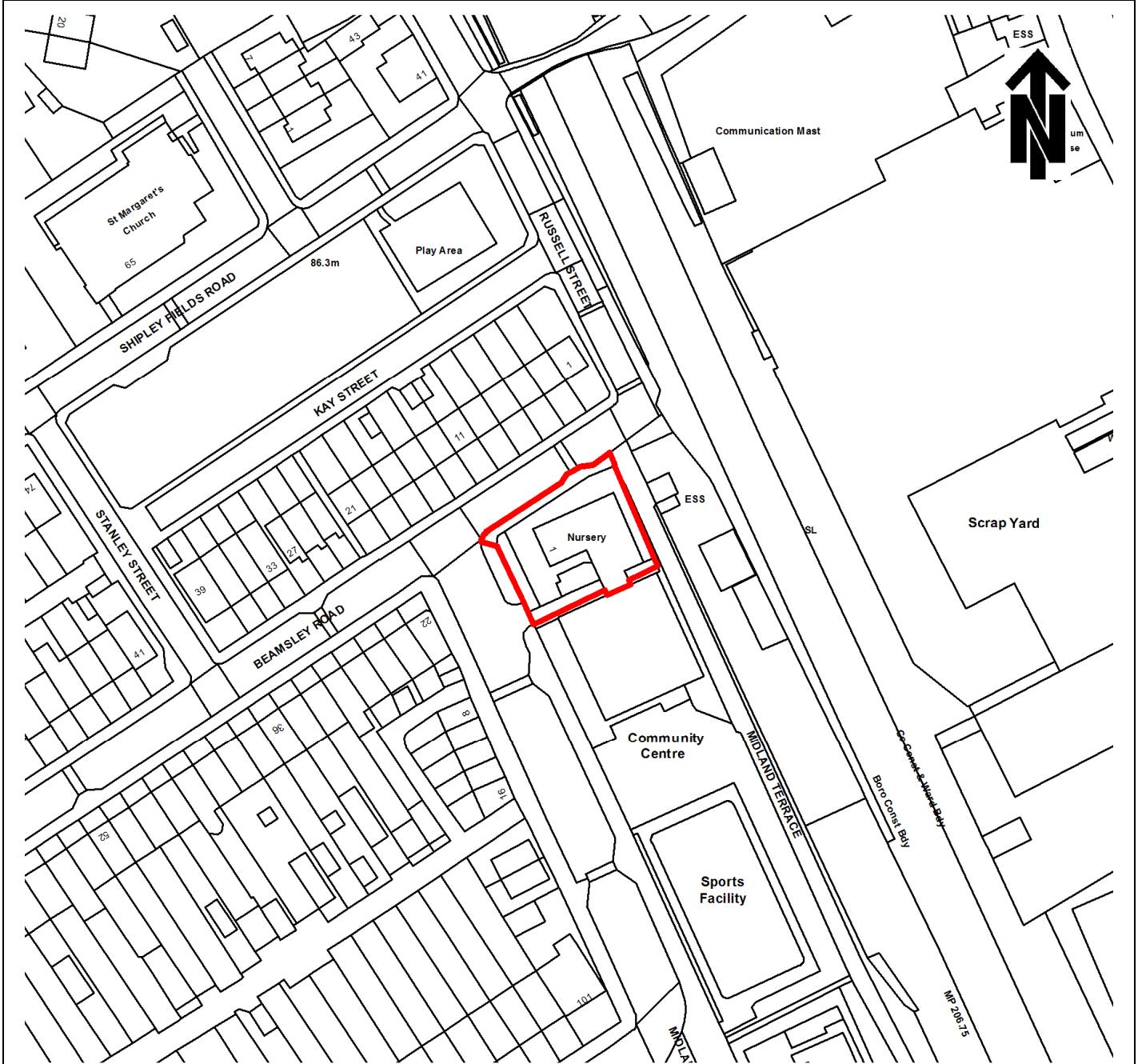
Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The use of the premises shall be restricted to the hours from 08:00 to 19:00 Mondays to Saturdays and from 09:00 to 18:00 on Sundays, Bank or Public Holidays.

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

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17/00342/FUL



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**Former Site Of 1 Midland Road  
Frizinghall  
Bradford  
BD9 4HX**

**23 August 2017**

**Item: B**  
**Ward: HEATON**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
17/00342/FUL

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

A full planning application for the construction of two pairs of semi-detached dwellings at the former site of 1 Midland Road, Frizinghall, Bradford.

**Applicant:**  
Mr Hussain

**Agent:**  
Zeshan Khawaja

**Site Description:**

The site of 702 sq.m formerly comprised a single-storey prefabricated children's day nursery now demolished. The building was located on, and slightly set down from, the prominent corner of Midland Road and Beamsley Road behind the remaining colour-coated metal palisade fencing, which made little positive contribution to the street scene. The surrounding area is characterised by traditional terraced housing to the north and west; elsewhere on Midland Road is Frizinghall Community Centre immediately to the south, a multi-use games area and a primary school beyond. To the east are a small-scale workshop and the Airedale railway line with industrial uses beyond. Access is available via both Midland Road and Beamsley Road, which are subject to traffic-calming measures.

**Relevant Site History:**

17/00096/REM: Reserved matters of appearance, landscaping and scale of planning permission 16/00915/OUT, withdrawn 18 January 2017.

16/07464/REM: Reserved matters of appearance, landscaping and scale of planning permission 16/00915/OUT granted 10 November 2016.

16/00915/OUT: Two pairs of semi-detached houses with parking and gardens, granted 21 April 2016.

Otherwise, the planning history relates to the community centre/nursery that formerly occupied the site.

**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.

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy and saved RUDP policies are applicable to this proposal:

- SC4: Hierarchy of Settlements
- SC5: Location of Development
- SC9: Making Great Places
- DS1: Achieving Good Design
- DS2: Working with the Landscape
- DS3: Urban Character
- DS4: Streets and Movement
- DS5: Safe and Inclusive Places
- HO1: 10 Principles for Achieving Sustainable Housing Growth
- HO5: Density of Housing Schemes
- HO9: Housing Quality
- TR1: Travel Reduction and Modal Shift
- TR2: Parking Policy
- TR3: Public Transport, Cycling and Walking
- EN2: Biodiversity and Geodiveristy
- EN7: Flood Risk
- EN8: Environmental Protection Policy

Planning for Crime Prevention Supplementary Planning Document (SPD)  
Sustainable Design Guide SPD  
Householder SPD

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was advertised by individual neighbour notification letters and a site notice. The publicity period expired on 23 February 2017.

105 letters of objection, 75 in support and two general comments have been received.

**Summary of Representations Received:**

**In Objection:**

1. The dwellings are over ten metres high and will dwarf the community centre's entrances and offices.
2. Noise from the community centre, which is very well-used, will disturb future residents.
3. In 2008 the community centre took a 25 year lease on the premises including the application site. The lease was varied without the agreement of the original signatories, who also received nothing from the subsequent sale the site.
4. Lack of parking will exacerbate existing problems.
5. The new houses are too close to the community centre and will have little/no garden space (where will children play?. which will be overlooked by the community centre.
6. A culvert on site caused structural problems for the previous building, which has not been addressed by the proposal.
7. It is alleged that Northern Powergrid have concerns about power cables beneath the site that will cost £150,000 to relocate, which should be subject of a planning condition.
8. Lack of/incorrect information relating to the red line boundary, elevations, site levels, landscaping, retaining walls, drainage, traffic assessments, noise surveys and contamination.
9. The high buildings and fencing will exacerbate existing anti-social behaviour.
10. Has a planning officer visited the site to check it?
11. The former nursery on site was 'illegally' demolished and trees have been removed.
12. The site would be better used for a park for local children.
13. The land previously had community uses, which should be retained, whereas profit from the proposed development will not benefit the local community.
14. The proposal will prevent access and maintenance of the community centre.
15. The houses will overlook the community centre, which raises child safeguarding issues.
16. Will the unadopted road behind the proposed houses become the responsibility of the Council? The developer should make this road up.
17. Allegations that the land owner has made (unspecified. threats to local people.
18. The previous application was not properly publicised to local people.
19. Planning policies UDP5 (Needs of Communities in Appropriate Locations) and TM13 (On-Street Parking Controls) have not been taken into consideration.
20. The plans show very little information on traffic management controls; it is suggested the plans were submitted before new guidance was issued in April 2017.
21. The development will restrict access to the community centre's fire exit.
22. The proposal will pose a danger to children and families accessing a nearby nursery and school.
23. The proposal will obstruct elderly people's access to the community centre.

24. Construction will compromise use of the community centre by disabled children; the Council will need to provide compensation for relocation of such services.
25. Materials should be in keeping with those in the locality so the houses should not be constructed of 'cheap stone'.
26. There is no demand for the houses; there are many vacant premises in the area.
27. The proposal will not meet standards for a sustainable development and no environmental reports have been submitted.
28. It is alleged supporting comments are from people who do not live near the site and have not provided their full addresses and the developer has used names and bogus address that no one recognises.
29. Overshadowing.
30. Lack of publicity.
31. Loss of view.
32. Disputed land ownership.
33. It is alleged that the extant planning permission was 'done under the table' with no publicity through neighbour notification letters or site notices.
34. Impact on local, overcrowded schools.
35. Adverse effect on right to light.

**In Support:**

1. The country as a whole is not building sufficient housing and, specifically, large family, affordable housing is needed in the area.
2. Some of the comments made by objectors are unfounded.
3. The houses are well-designed to fit in with the appearance and materials of the area, with adequate parking, gardens, away from the community centre and add value to the area.
4. The site is previously developed, construction on which will help protect the Green Belt.
5. If the site remains undeveloped it will become derelict and subject to criminal behaviour.
6. The development will bring a positive use to the site, improve the appearance of the area, and prevent fly-tipping and vermin infestations.
7. Allegations that a failed buyer of the land is orchestrating objections.
8. The site was put up for sale at a public auction at which the freehold was sold and it now has an extant planning permission, which was properly processed.
9. The proposal will help to strengthen the community and unite all cultures.
10. It is alleged that the community centre is under-used with little income and will soon be put on the market to negate lease agreement.
11. The proposal will not cause overshadowing.
12. The proposed houses are the same size as those previously approved.

**General Comments:**

1. The land needs to be developed.
2. Alleged that there is a dispute between the land owner and the adjacent community centre from where most of the objections originate; the Council should investigate this matter.
3. The community needs new affordable homes.
4. Formation of a playing area would be impractical, in any case there is one nearby.
5. The site already has planning permission for housing, the height and all other planning matters of which have previously been assessed.

**Consultations:**

**Drainage:** A public sewer exists close to the site boundary and so the sewer undertakers (Yorkshire Water) must be consulted. No objections are raised subject to conditions to provide separate foul and surface water drainage, investigation of sustainable urban drainage techniques and porous paving.

**Environmental Health:** The proposal should be supported by a noise report (to BS4142), restrict external lighting glare from the development and prevent construction noise and dust (to BS5288).

**Highways Development Control:** Re-positioning of traffic-calming measures and closure of existing access to Midland Road are noted on plans; these measures will require a S278 Agreement. Otherwise, no objections subject to five conditions to ensure provision of safe access and parking.

**West Yorkshire Police:** No objection to the principle of development subject to conditions relating to boundary treatments, external lighting, car park surveillance and physical security measures.

**Summary of Main Issues:**

1. Principle of development and density.
2. Visual amenity.
3. Residential amenity.
4. Highway safety.
5. Other planning matters.
6. Outstanding issues raised by representations.

**Appraisal:**

**1. Principle of Development and Density**

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

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

Generally, the site of the proposed dwellings is previously developed and is within the urban form of Frizinghall, which identifies it as one of the most preferable locations in the Council's sequential approach to meeting development needs; i.e. those being well-located for ready access to shops, employment opportunities, local facilities and high-frequency public transport offering a realistic opportunity for travel other than by private car. The site is also within a built form that is chiefly residential in character with associated community uses.



Furthermore, the site benefits from an extant planning permission for a similar form of development, which can be implemented. For these reasons, the principle of development remains acceptable.

With regards the density, the NPPF puts less emphasis on this aspect of development than previous advice, however the Council's Policies HO5 is germane. The proposed dwellings would occupy approximately half of the identified site equating to 57 dwellings/hectare (d/ha), which more than achieves the minimum 30d/ha sought by Policy HO5 to make efficient use of land.

## **2. Visual Amenity**

Essentially, the proposal would offer a marked improvement on the appearance of the currently derelict site and would appear similar to that of the extant permission but with the addition of rear extensions and dormer windows. Permitted development rights were not previously removed and so the differences now proposed could, *inter alia*, likely be substantially completed under the terms of such rights. Again, the general layout would match the permitted scheme to create a traditional pair of semi-detached houses with sufficient space about them to provide adequate outdoor amenity space and off-street car parking. The proposed dwellings would be of an overall massing, scale, height and siting that would complement neighbouring properties. The use of natural coursed stone walling and concrete roofing materials, and sympathetic design detailing such as window openings, would further help the dwellings remain in keeping with the mixed character of nearby housing and other buildings in the area; the dwellings would offer a marked improvement on the street scene compared with the utilitarian nursery that formerly occupied the site. The final quality of the materials can be properly ensured by a standard condition.

For these reasons the proposal would provide a positive benefit to the street scene, compliant with design-related policies of the Local Plan for Bradford.

## **3. Amenities of Occupiers of Adjacent Land**

The use of the site for residential purposes would be consistent with the existing nearby housing in terms of noise generation and general disturbance from future occupants. It is acknowledged that a small-scale workshop, a community centre and the Airedale railway line are located nearby but these appear to cause little tangible harm to existing residents. If any of the matters raised by Environmental Health present a statutory nuisance then they can be controlled through other legislation. Noise and disturbance during the construction phase can be restricted by a condition to limit working hours. The layout of the proposed dwellings would have no adverse impact on neighbouring properties with the height of the dwellings, their floor layout and window positions similar to those already approved such that harm to neighbours from excessive additional overshadowing, over-dominance or overlooking would not result. It is noted that the rear amenity spaces of the dwellings would back onto an adjacent community centre and its windows, however this building is not in a residential use and so overlooking would not be a long-term habitual effect. Furthermore, prior to their first occupation future residents would be aware of the relationship between the buildings in question. Taking all the above matters into consideration, the proposal would not cause any excessive harm to the amenities of local residents or other adjacent neighbours and so complies with the above note policies of the Local Plan for Bradford.

#### **4. Highway Safety**

The provision of four dwellings in place of the existing nursery is unlikely to generate a significant increase in traffic and the local highway network would be able to cope with the changes. The proposal would provide two off-street parking spaces for each dwelling as advised by the Council's Highways Engineer. Similarly, notes have been included on the plans to show a commitment towards relocating traffic-calming measures on Beamsley Road. The existing vehicular access on Midland Road is no longer required to serve the development and shall therefore be returned to footway, which can be controlled by an appropriate condition.

A footnote can be included to inform the developer that, in order to carry out the works within the highway, they will be required to enter into a Section 278 Agreement with the Council. Subject to these controls, the proposal would not harm highway safety and is compliant with the transport policies of the Local Plan for Bradford.

#### **5. Other Planning Matters**

The proposal raises no other matters, such as biodiversity, contamination, drainage, trees, etc., that cannot be controlled through conditions and footnotes as necessary.

#### **6. Outstanding Issues Raised by Representations**

*In 2008 the community centre took a 25 year lease on the premises including the application site. The lease was varied without the agreement of the original signatories, who also received nothing from the subsequent sale the site.*

Comment: This is a civil matter that is beyond the remit of the current planning system and will therefore need to be resolved privately by the parties involved.

*A culvert on site caused structural problems for the previous building, which has not been addressed by the proposal.*

Comment: Any drainage culvert would require compliance with the relevant Building Regulations. The NPPF makes it clear that it is the developer's role to address any structural (and contamination) issues associated with land.

*It is alleged that Northern Powergrid have concerns about power cables beneath the site that will cost £150,000 to relocate, which should be subject of a planning condition.*

Comment: The Local Planning Authority had no reason to consult Northern Powergrid about this proposal and these comments were received via the Council's 'Public Access' system. Nevertheless, this would be a matter for the developer to resolve.

*Lack of/incorrect information relating to the red line boundary, elevations, site levels, landscaping, retaining walls, drainage, traffic assessments, noise surveys and contamination.*

Comment: The application contained sufficient information for its consideration in town planning terms. Other aspects of the proposal, either during construction or post-occupation of the dwellings, would be addressed through separate legislation.

*Has a planning officer visited the site to check it?*

Comment: In short, yes; a number of site visits have been carried out associated with the consideration of this and recent applications.

*The former nursery on site was 'illegally' demolished and trees have been removed.*

Comment: Demolition of the nursery is a necessary part of the approved re-development. The site is not affected by a tree preservation order so any trees that may have grown on it could have been removed without permission from the Council.

*The site would be better used for a park for local children.*

Comment: This application is for housing and has to be assessed on its own merits. Any proposal for a park would have to be made on a separate application, which would also be assessed on its own merits.

*The land previously had community uses, which should be retained, whereas profit from the proposed development will not benefit the local community.*

Comment: In planning terms, the site is not allocated for any specific land use and so its retention as a community use could not be justified.

*The proposal will prevent access and maintenance of the community centre.*

*The development will restrict access to the community centre's fire exit.*

*The proposal will pose a danger to children and families accessing a nearby nursery and school.*

*The proposal will obstruct elderly people's access to the community centre.*

*Construction will compromise use of the community centre by disabled children; the Council will need to provide compensation for relocation of such services.*

Comment: Further to comments elsewhere in this report, the community centre's main entrance is off Midland Road which is unaffected by the development and fire exists to the side elevation are protected. There is a presumption of reasonable rights of access over third party land to maintain property, which would be unaffected by this proposal.

*The houses will overlook the community centre, which raises child safeguarding issues.*

Comment: The proposal's proximity to the community centre has been noted elsewhere in this report and assessed as necessary in terms of its town planning implications; a planning application cannot be judged against safeguarding/child protection legislation.

*Will the unadopted road behind the proposed houses become the responsibility of the Council? The developer should make this road up.*

Comment: This road is outside the application site so is unaffected by the proposal. Its future adoption would not be a matter for consideration under current town planning legislation.

*Allegations that the land owner has made (unspecified) threats to local people.*

*It is alleged supporting comments are from people who do not live near the site and have not provided their full addresses and the developer has used names and bogus address that no one recognises.*

Comment: Such allegations should be reported to the police.

*The previous application was not properly publicised to local people.*

*Lack of publicity.*

*It is alleged that the extant planning permission was 'done under the table' with no publicity through neighbour notification letters or site notices.*

Comment: The Council's receipt of previous, and current, applications was publicised in a manner that more than meets existing legislation. Any evidence of collusion or maladministration should be presented in writing to the appropriate authorities.

*Planning policies UDP5 (Needs of Communities in Appropriate Locations) and TM13 (On-Street Parking Controls) have not been taken into consideration.*

Comment: These policies are not specifically applicable to this proposal and in any case have now been superseded by the above-noted policies of the Local Plan for Bradford.

*The plans show very little information on traffic management controls; it is suggested the plans were submitted before new guidance was issued in April 2017.*

Comment: There is no requirement for traffic management for the scale of development proposed. The objector has not provided any further detail with regards the April 2017 guidance.

*Loss of view.*

Comment: This matter is beyond consideration of the current town planning system.

*Disputed land ownership.*

Comment: The applicant has completed the necessary certification to confirm ownership of the site, which is all that is required in town planning terms. Any ownership dispute is a civil matter that is beyond the remit of the current planning system and will therefore need to be resolved privately by the parties involved.

*Impact on local, overcrowded schools.*

Comment: The development is of a scale that would not overwhelm local schools and would not attract a developer contribution towards infrastructure improvements.

*Allegations that a failed buyer of the land is orchestrating objections.*

*Alleged that there is a dispute between the land owner and the adjacent community centre from where most of the objections originate; the Council should investigate this matter.*

Comment: These are matters of conjecture that raises no town planning issues; all representations are assessed on their own merits.

*The site was put up for sale a public auction at which the freehold was sold and it now has an extant planning permission, which was properly processed.*

Comment: The sale process for the site is not a planning matter.

### **Community Safety Implications:**

The proposal raises no community safety implications.

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

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

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

The development is acceptable in principle and raises no excessively harmful implications for visual or residential amenity, highway safety or any other planning-related matter. The proposal is therefore compliant with the above-noted policies of the Local Plan for Bradford 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. Before development progresses above damp-proof course, 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 DS1 and DS3 of the Local Plan for Bradford.

3. 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 and Public Holidays.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policies DS1 and DS3 of the Local Plan for Bradford.

4. Before any development commences on site full details, including all necessary calculations of those temporary and permanent works affecting the stability of the highway boundary walling, shall be submitted to and approved in writing by the Local Planning Authority. 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: No details have been submitted of necessary retaining structures and such measures are necessary to protect the stability of the highway in the interests of safety and to accord with Policy TR2 of the Local Plan for Bradford.

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

Reason: In the interests of highway safety, drainage and to accord with policies SC9, DS1, DS2, DS3, DS4, DS5, TR2 and EN7 of the Local Plan for Bradford.

6. Concurrently with the construction of the new access drives and prior to their being brought into use, the existing vehicular access to the site off Midland Road shall be permanently closed off with a full kerb face, and the footway returned to full footway status, in accordance with the approved plan, Drawing No. 15/2047/OH6.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Local Plan for Bradford.

7. Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Local Plan for Bradford.

8. Before the development hereby permitted commences details of a scheme for separate foul and surface water drainage, including existing water courses, culverts, land drains and any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The report must include full details and calculations:-

- of the pre- and post-development surface water discharge rates to demonstrate peak discharge rates to the sewer are reduced by 30% from the existing rates,
- to demonstrate any surface water attenuation proposals are sufficient to contain flows generated in a 1:30 year event plus climate change within the underground system without affecting the proposed dwellings or safe egress and access, and
- to demonstrate any surface water attenuation proposals generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed dwellings or safe egress and access.

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 SC9, DS1, DS2, DS3, DS4, DS5, TR2 and EN7 of the Local Plan for Bradford.

**Footnotes:**

Footnote: As your development involves the alteration of an existing road and footway, please contact the Council's Section 278 Co-Ordination Office (tel: 01274 437308) before building commences. Please note that Section 278 agreements take 12-18 weeks to process.

Footnote: The Statutory Sewer Map indicates the presence of a public sewer within Midland Terrace close to the site boundary and so the developer is advised to contact Yorkshire Water's Developer Services Team (tel: 0845 1208482) regarding the need for a site-surveyed position of the public sewer in question and the required building stand-off distance, or an agreed alternative scheme.

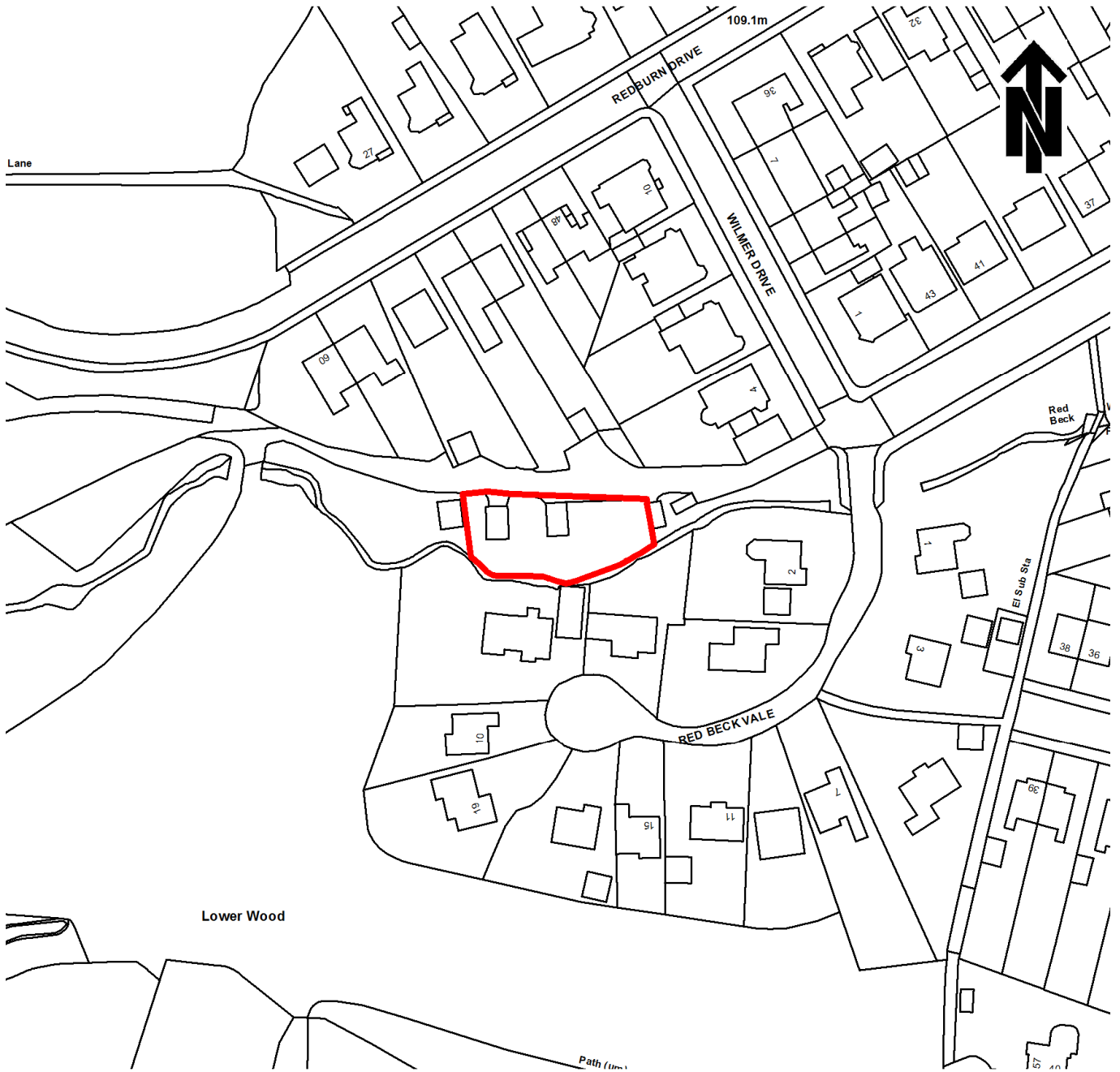
Footnote: If the developer is seeking to construct the dwellings to meet Secured by Design accreditation then he should contact the West Yorkshire Police Architectural Liaison Officer.

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17/01157/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land At Grid Ref 414395 436265**  
**Wilmer Drive**  
**Shipley**

**23 August 2017**

**Item: C**  
**Ward: HEATON**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
17/01157/FUL

**Type of Application/Proposal and Address:**  
Full planning permission for construction of 5 bedroom detached dwelling at Land at Grid Ref 414395 436265 Wilmer Drive, Shipley.

**Applicant:**  
Mr Mir Haider

**Agent:**  
Mr Andrew Redmile

**Site Description:**  
The application relates to cleared land, 573m sq. in area with no buildings on it adjacent to Red Beck and with access via an unmade unadopted track to the junction of Red Beck Vale, Redburn Road and Wilmer Drive. Previously the land had been used for garaging and housed containers and huts used for storage of equipment by the Heaton Woods Trust. Trees have recently been felled on the site which is evidenced by their stumps but these were not protected by TPOs. Across the beck are two storey dwellings on Red Beck Vale and trees covered by a TPO and across the track the rear gardens and garaging of domestic properties facing Wilmer Drive.

**Relevant Site History:**  
00/00469/FUL - Erection of tool store - Granted 31.07.2000. Temporary consent.  
05/04971/FUL - Retention of tool store at site - Granted 07.09.2005.  
06/06157/FUL - The retention of a tool store on site - Granted 13.10.2006.

**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.

**The Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy and saved RUDP policies are applicable to this proposal:

- P1: Presumption in Favour of Sustainable Development
- SC4: Hierarchy of Settlements
- SC5: Location of Development
- SC9: Making Great Places
- DS1: Achieving Good Design
- DS2: Working with the Landscape
- DS3: Urban Character
- DS4: Streets and Movement
- DS5: Safe and Inclusive Places
- HO5: Density of Housing Schemes
- HO9: Housing Quality
- TR2: Parking Policy
- EN2: Biodiversity and Geodiversity
- EN7: Flood Risk

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

This application was publicised by means of a site notice and individual neighbour notification letters. Overall Publicity expired on 25 May 2017. 16 representations have been received.

**Summary of Representations Received:**

1. Highway safety concern for both vehicles and pedestrians resulting from increased traffic using the unadopted access track and poor sight lines and cyclists travelling at speed due to incline of track.
2. Impact on the condition of the access track.
3. Access is inadequate for emergency services to use.
4. Inadequate on-site parking will cause traffic congestion and highway safety concerns.
5. Parking is likely to lead to the blocking of the existing public right of way.
6. Loss of outlook for existing residents.
7. Adverse impact on privacy as the development will cause overlooking of existing residential properties.
8. Adverse impact on surface water drainage and flooding in the area.

9. Overshadowing / loss of light.
10. Lack of publicity to all interested parties.
11. Impact on flora and fauna.
12. Majority of the site is green field land undeveloped and not as described in the application.
13. Impact on trees.
14. Boundary fence is on the objectors land.
15. Congestion traffic issues.
16. Will this development lead to more development up this track?
17. Noise pollution.
18. Is the Council going to adopt this track and carry out highway improvements to it?

A local Ward Councillor has commented urging officers to pay close attention to the various objections raised in respect of this application when deciding on the application. They raise serious concerns about the visual amenity and infringement of privacy as a result of this development. He asks that at the very least objectors to the development are given opportunity to convey their objections to the planning panel.

A representation from the Heaton Woods Trust neither objecting to nor supporting the application has been received in response to other representations received by the Council. In summary they comment that the development replaces a shipping container that contained trust equipment, a quad bike and tractor, no TPO trees have been removed.

**Consultations:**

Drainage Section: Raises no objection to the proposal and asks for drainage conditions to be put on any approval.

Rights Of Way Section: Records held by the Rights of Way Section indicate that Shipley Public Footpath 51 abuts the site. This footpath runs in conjunction with an unmade track that also provides vehicular access to garages and to the rear of properties on Redburn Drive. When last inspected vehicular use was noted as being minimal and was mainly to the rear of properties.

While the Rights of Way Section does not have any specific objections to the proposed development we do have slight concerns regarding additional vehicular use and vehicular movements along this unmade track. Having recently inspected the site it is noted that existing vehicular use is minimal as such it is felt that one additional property is unlikely to adversely affect footpath users. The track itself is noted as having a rough tarmac/brick surface but at present this is covered by a build-up of detritus and leaf litter. Please note that the Council would not maintain this track for vehicular use.

Highways Development Control Section: Following their initial highway consultation, which did not support the proposal; additional information has been provided in the form of a historical OS plan, which shows that the proposed development site once housed several garages that have since been demolished.

Therefore whilst they do have a concern about the use of this access they would not be able to uphold a refusal on highway safety grounds given the additional information.

Trees Team: There are no protected trees within the site and therefore the trees team has no objections to the proposals. Although there is a protected tree along the access, as no changes have been proposed to the surface there will be no impact on this tree.

**Summary of Main Issues:**

1. Background and principle of development.
2. Visual amenity.
3. Amenities of occupiers of adjacent land.
4. Highway safety.
5. Other planning matters.
6. Outstanding Matters Raised by Representations.

**Appraisal:**

**1. Background and principle of development**

The site is cleared land that was previously occupied by shipping container storing equipment and two vehicles for the Heaton Woods Trust and before that by garaging. Evidence of storage sheds for the Trust and garaging can be gleaned from a historical map and the planning history for the site. There are tree stumps on the site resulting from the removal of trees as referred to in representations but none of the trees that have been removed were covered by a TPO and the prior approval of the Council was not required.

The site has been previously developed and is set within the built up area of the district where the Local Plan seeks to locate development. The surrounding area is residential in nature and there is relatively easy access to a frequent bus route and thus to services and facilities by a sustainable transport mode. There is no objection in principle to redeveloping the site for a dwelling incorporating an ancillary self-contained granny annex.

The density of development, although below the normal density of 30 dwellings/hectare considered necessary to make efficient and effective use of land, is appropriate in this location as it is considered the maximum density of development that would be achieved whilst reaching a well-designed layout that takes account of the character and nature of the site and existing residential development in the surrounding area.

**2. Visual amenity**

The development is for a detached two storey pitched roofed gabled dwelling with living space in the roof incorporating two pitched roofed dormers set in its own grounds with off road parking and garden. The walls of the dwelling would be faced in an artificial stone with art stone heads and cills to openings and the roof and dormers would be clad in a concrete tile. The surrounding area is currently a mix of detached and semi-detached dwellings of different designs and materials and In terms of its size, massing, form, design and external appearance the proposed dwelling would not appear incongruous and would have an acceptable impact on visual amenity.

**3. Amenities of occupiers of adjacent land**

The question of noise pollution was raised in the representations. The proposal is for a domestic dwelling and this use or the noises associated with the use are not incompatible with the residential area it will be situated within. A refusal on these grounds is not considered to be reasonable.

The proposed dwelling is sited away from the existing dwellings on Wilmer Drive and is separated from their long rear gardens by the access track. It is not considered the development will impact on their amenity by reason of overbearing or overshadowing and the positioning of openings means it will not cause issues of loss of privacy.

With regard to the impact of the proposal on dwellings in Red Beck Vale the proposed dwellings side elevation will be situated to the north and 13m from the nearest rear elevation on Red Beck Vale. Both these factors mean that the proposed dwelling will not adversely impact on the amenity of the occupiers of existing dwellings by reason of overbearing impact, overshadowing or loss of light.

With regard to privacy this would be achieved at ground level by the erection of 1.8m high hit and miss wooden fencing. Above ground level the blank gables and the position and orientation of the proposed dwelling would mean that there would be no direct unacceptable overlooking of the existing dwellings or their gardens and would provide acceptable levels of privacy for both existing and future residents.

#### **4. Highway safety**

Despite the concerns of third party representations the proposal provides adequate off road parking for the proposed dwelling in line with normal requirements for dwellings and it is considered it is unlikely that the development will lead to parking on the unmade access track causing traffic congestion or blockage of the right of way. Intervisibility between pedestrians and other users of the track and users of the parking spaces is considered to be adequate.

The Council's Rights of Way Section as well as public representations have expressed concerns the proposal would result in increased use of the access track. The proposed use of the land may result in an increase in vehicles to and from the site above those connected with the previous land use as lock up garages and storage but the Rights of Way Section have not formally objected on highway safety grounds to the development and the Council's Highway Officer considers that the development would not prejudice matters of highway safety to the extent that refusal on highway safety grounds could be successfully upheld. In these circumstances it is considered that the impact of the proposal on matters of highway safety will be acceptable.

#### **5. Other planning matters**

The site is located next to Red Beck and flood risk information has been supplied with the application. Despite concerns about surface water and flooding in the representations the Council's Drainage Section comments are not raising any in principle objection to the development and have not asked for additional flood risk information. Foul and surface water drainage matters can be addressed satisfactorily via conditions attached to a planning permission as recommended by the Drainage Section.

There is no evidence on site of protected flora and fauna that would prevent the development from taking place and the Council's Trees Officer has confirmed that if the track remained unimproved (as is the applicants intention) the development would not have an adverse impact on existing trees protected by TPO close to the site.

## **6. Outstanding Matters Raised by Representations**

The development of this plot for a house will not itself set precedent for more residential development off this track in the future. Any future applications will need to be assessed on their merits.

Loss of outlook is not a material planning matter in consideration of this application.

The Councils Highway Officer did not require the making up or adoption of the track in their comments and did not raise any concerns that emergency vehicles would not be able to serve the property via the track.

Publicity for this application has been carried out in accordance with the Councils publicity code of practice for planning applications.

The matter of the boundary fence being shown on an objectors land is a private matter and not a material consideration in determining this planning application. In terms of guarding privacy the fence could be adjusted if necessary so it was on land owned and controlled by the applicant.

### **Community Safety Implications:**

The site can be made secure and will be open to surveillance from the occupiers of other dwellings. It is considered that the proposal raises no community safety implications.

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

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

This development for a new dwelling has been assessed as being acceptable in principle and the density of development makes effective and efficient use of this site taking account of the need for high quality development that respects the nature of the site and reflects the character of existing surrounding development. The impact of the development on visual amenity, surrounding land uses, trees, drainage, flooding, highway safety and community safety has been assessed as being satisfactory. As such the proposal will accord with policies PN1, SC4, S5, SC9, DS1, DS2, DS3, DS4, DS5, HO5, HO9, TR2, EN2 and EN7 of the Local Plan for Bradford and forms sustainable development compatible with the National Planning Policy Framework.

### **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 should not begin until details of a scheme for foul and surface water drainage, including any balancing & off site works have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include proposals for the disposal of surface water from the development using sustainable drainage techniques or, proof that such techniques are impracticable in this instance. Only in the event of sustainable drainage techniques proving impracticable will disposal of surface water to an alternative outlet be considered.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies DS5 and EN7 of the Local Plan for Bradford.

3. The development shall be drained within the site boundary 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 DS5 and EN7 of the Local Plan for Bradford.

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 TR2 of the Local Plan for Bradford.

5. Before cladding of the outer skin of the 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 DS1, DS3 and DS4 of the Local Plan for Bradford.

6. The 1.8m high hit and miss boundary fence shall be erected in its entirety prior to the first occupation of the dwelling in accordance with the approved site plan and details of the fence and shall thereafter be retained in its approved form unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To maintain residential privacy for existing and future residents in the interests of amenity and to accord with Policy DS5 of the Local Plan for Bradford.

7. The self-contained granny annex hereby permitted shall only be occupied or used in connection with and ancillary to the occupation of the proposed dwelling hereby permitted 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 DS1, DS3, DS4, DS5 and TR2 of the Local Plan for Bradford.

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

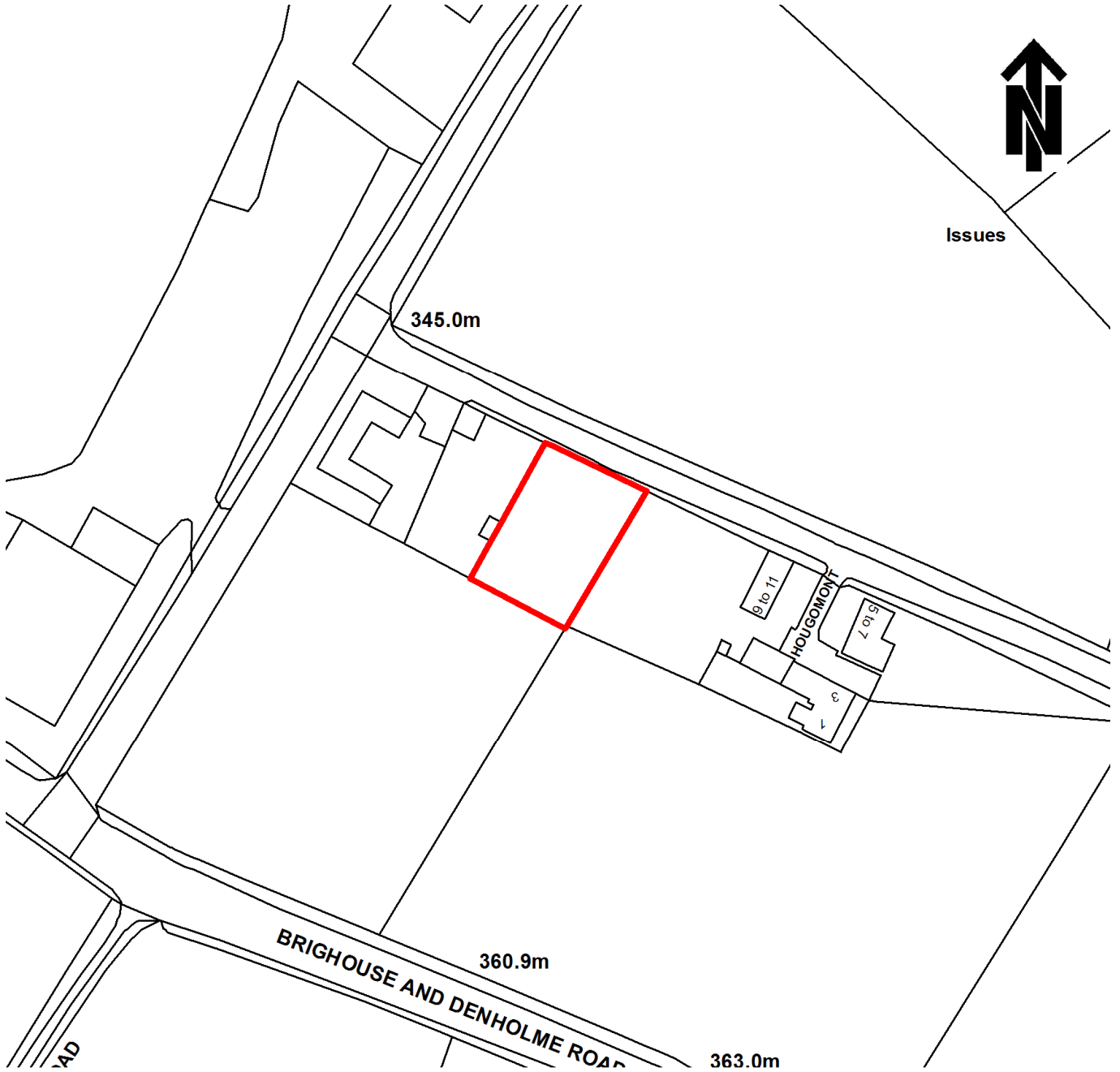
Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy DS5 of the Local Plan for Bradford.

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17/01223/FUL



Issues



1:1,250

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Land At Low Lane  
Queensbury  
Bradford  
BD13 1ND



**23 August 2017**

**Item: D**  
**Ward: QUEENSBURY**  
**Recommendation:**  
**THAT A TEMPORARY PLANNING PERMISSION IS GRANTED**  
**SUBJECT TO CONDITIONS**

**Application Number:**  
17/01223/FUL

**Type of Application/Proposal and Address:**  
A retrospective application for the change of use of land to a gypsy and traveller caravan site at Land at Low Lane, Queensbury.

**Applicant:**  
Ms Samantha Freeman

**Agent:**  
Dr Angus Murdoch  
Murdoch Planning Limited

**Site Description:**  
The site is located within the designated Green Belt on a parcel of land between Low lane and Pit Lane and to the North of Brighouse and Denholme Road. Stables are located to the west of the site and a small group of residential properties are located to the east. Land slopes down from Brighouse and Denholme Road and as such the site is visible from within the wider landscape. The site is accessed from Low Lane via a gated opening and currently there is a large fence surrounding the development.

**Relevant Site History:**  
There is no relevant planning history on the site.

**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.

### **The Local Plan for Bradford**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for a specific land use but is located within the designated Green Belt. Accordingly, the following adopted Core Strategy policies and saved RUDP policies are applicable to this proposal:

#### **Core Strategy Policies**

- HO12 Provision of Sites for Gypsies, Travellers and Travelling Showpeople
- DS1 Achieving Good Design
- DS2 Working with the Landscape
- DS3 Urban Character
- DS4 Streets and Movement
- DS5 Safe and Inclusive Places
- TR1 Travel Reduction and Modal Shift
- TR2 Parking Policy
- EN4 Landscape
- EN7 Flood Risk

#### **Saved RUDP Policies**

- GB1 New Buildings in the Green Belt
- GB2 Siting of New Building in the Green Belt

#### **Other Relevant Legislation**

- Planning Policy for Traveller Sites
- Landscape Character Supplementary planning Document Volume 6: Thornton and Queensbury
- Article 8 of the European Convention of Human Rights
- Public Sector Equality Duty

#### **Parish Council:**

Not applicable.

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

The application was advertised through site notice, individual neighbour notification letter and press advert. The statutory expiry date for comments to be received was 12 May 2017. At the time this report was written there were 210 objections and 14 letters of support.

**Summary of Representations Received:**

**Objections**

Should not be able to make retrospective applications.

Response: Planning policy allows for retrospective applications.

Loss of value.

Response: Not a material planning consideration.

Increased traffic.

Response: The application is for one static caravan and one touring caravan which will not significantly add to vehicle movements in this area.

Highway safety concerns.

Response: None are foreseen.

Litter, sewage and waste collection.

Response: These are dealt with like at any other residential property.

Impact on openness and character of Green Belt

Response: It is acknowledged the development does adversely affect the Green Belt

The application postcode address is incorrect.

Response: It is not considered this will have affected the public's understanding of the application given it is retrospective.

The Design and access statement states building work is not yet complete but the application is retrospective and no further work is proposed.

Response: Any approval would relate solely to the approved plans and future development requiring planning permission would be assessed on its own merits.

Drainage details not supplied.

Response: The applicant has since submitted a letter from Yorkshire Water to address this.

Vehicles parked on site include commercial and excess of two vehicles.

Response: Like any residential property visitors are allowed therefore there may be occasions where more than two vehicles are on the site. However a condition is recommended to control any commercial activity taking place.

Waste and collections.

Response: This will occur as it would on any other residential site there are collection bins present on site and the applicant pays rates like any other household.

Trees hedges and wildlife removed.

Response: There were no protected trees on the site and no specific indication the land was inhabited by protected species or carried anymore biodiversity value than other land within the district.

Trade effluent.

Response: Conditions are recommended that no commercial activity takes place on the site.

General concerns of commercial activities taking place.

Response: Conditions are recommended that no commercial activity takes place on the site.

The application was submitted retrospectively and 6 months from occupation of the site so the children are no doubt settled in school but this should not form a reason to grant permission.

Response: On its own this would not form the very special circumstances needed that outweigh the harm caused to the Green Belt.

Caravan previously on site.

Response: This was removed through intervention by the Council and this does not form justification for the current site.

The site contrasts with the surrounding properties and landscape.

Response: The development would not be supported on a permanent basis but a temporary permission whilst the Council's allocation DPD is adopted could be allowed to provide some of the unmet need during that period.

The lack of a 5 year supply of gypsy and traveller accommodation should not be given significant weight when the application site is within the Green Belt (PPTS, 2015).

Response: This is the case, however the individual circumstances of the applicant and a number of different factors combined can add up to provide the very special circumstances that outweigh the temporary harm to the Green Belt.

Precedent.

Response: Each case is judged on its own merits.

How many more caravans would turn up.

Response: Any approval would be limited to the applicant owner and two caravans.

Loss of property value.

Response: This is not a material planning consideration.

### **Support comments**

Concern about the approach taken by the objector's side.

Concern over stereotypical assertions about travellers.

Disagree with the site notices that have 'object to this' written on.

The site has been cleared up and improved.

No issues with parked vehicles on the site.

The applicant just wants to provide a stable home for children whilst at school.

### **Consultations:**

Highways: No objection subject to conditions that off-street parking is provided and any gates don't open over the highway.

Drainage: Details of foul and surface water should be provided.

**Summary of Main Issues:**

1. Background and policy context.
2. Principle.
3. Provision requirement.
4. The availability of alternative sites.
5. Sustainability.
6. Impact on Green Belt and Landscape Character.
7. Residential amenity.
8. Drainage.
9. Highway safety.

**Appraisal:**

**1. Background and policy context**

This application has been submitted retrospectively and relates to the use of the land as a gypsy and traveller caravan site. The use has commenced and consists of a static caravan and a touring caravan along with other paraphernalia associated with a residential use of this nature including sheds, parking area, garden play area all within an enclosed site.

The Council does have authorised gypsy and traveller sites within the district at Mary Street, East Bowling and Esholt however applications for private sites are made from time to time. With this in mind it is worth noting the Council recently dealt with a planning appeal for a similar type of development at Harrop Farm in Wilsden which was also within the designated Green Belt. The appeal was allowed and a temporary planning permission was granted. The main considerations within the inspector's report are summarised below.

The Planning Policy for Traveller Sites (PPTS) is a material planning consideration in dealing with applications for those applicants with gypsy status. The PPTS confirms that gypsy and traveller sites are inappropriate development in the Green Belt and should not be approved, except in very special circumstances necessary to justify the residential use of the site. The inspector confirmed that the main issue for these developments within the Green Belt is whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to allow the residential use of the site. The National Planning Policy Framework (NPPF) expects substantial weight to be given to any harm to the Green Belt.

The PPTS sets out the expectations for development plans in respect of gypsy and traveller accommodation. This provision is now linked to policy HO12 of the Local Plan for Bradford.

The PPTS confirms that the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. It is clear however through case law that the interests of children is a primary consideration when dealing with these types of applications and whilst as a standalone factor it may not outweigh the harm to Green Belt the needs of the children are paramount and should be balanced into the decision.

With regard to the appeal the Council accepted there is a demonstrable need for new gypsy and traveller pitches in the district which was not met, however this is being addressed through Policy HO12 of the Local Plan for Bradford and the forthcoming Allocations Development Plan Document (DPD). This shortfall in provision of gypsy and traveller sites is unlikely to be resolved in the short to medium term weighed in favour of approving the application. The fact that new sites would likely need to be found in the Green Belt also weighed in favour of approving the application.

The sustainable nature of the site in terms of schools, health and welfare and social outcomes all weighed in favour of the development.

The inspector felt that all of the best interests of the children would be best served by having an established site in a suitable location. This was considered to be a primary consideration to which due weight must be attached.

The inspector felt that the harm to the Green Belt weighed very heavily against the granting of planning permission on a permanent basis as the overall harm was substantial and the very special circumstances to justify the development in the Green Belt did not exist. However a temporary permission was granted on the basis that it would not involve permanent harm to the Green Belt and it would enable the family to continue to benefit from a settled base during the site identification process set out in policy HO12 (which has now been formerly adopted).

The current lack of a 5-year supply of sites weighs in favour of a temporary grant of planning permission, which would ensure that the children suffered no disadvantage while sites are identified through the development plan process. The inspector concluded it would be reasonable and proportionate in the circumstances, having regard to the appellant's rights under Article 8 of the European Convention of Human Rights, the Public Sector Equality Duty and the best interests of the children.

The inspector approved the application on the basis that the harm to the Green Belt resulting from the 5 year permission would be clearly outweighed by other considerations and that the very special circumstances existed to justify a grant of temporary planning permission subject to conditions.

## **2. Principle**

On 31 August 2015 the government introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications received from that date. The government was particularly concerned about the harm that is caused by intentional unauthorised development in the Green Belt. Moving onto the site for residential purposes, along with the associated works, is clearly intentional unauthorised development. The site has been occupied by a family with children who attend a local school within a 10 minute drive of the site. The children's attendance and behaviour has been described as excellent by the head teacher of the school. Prior to this the family was on the roadside and whilst the children were still attending a different school the situation was far from ideal. The settled base would ensure that the children suffered no disadvantage while sites are identified through the allocations process.

The current development plan includes the saved policies of the 2005 Replacement Unitary Development Plan (RUDP). Strict controls upon development within the Green Belt apply by virtue of Policy GB1, an approach which is consistent with the Green Belt provisions of the National Planning Policy Framework (NPPF). Policy GB1 has been saved until the Allocations DPD is adopted and in regard to the impact on the Green Belt is consistent with the NPPF. This advises that inappropriate development in the Green Belt should not be approved unless there are very special circumstances. PPTS states that gypsy and traveller sites are inappropriate development in the Green Belt. The NPPF expects substantial weight to be given to any harm to the Green Belt. The PPTS also states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt. Within the Green Belt the lack of a 5 year supply is given less weight and is not a factor that weighs in favour of granting the development alone.

PPTS sets out the expectations for development plans in respect of gypsy and traveller accommodation. These are addressed under policy HO12 of the Local Plan for Bradford. Based on an up-to-date evidence base, Policy HO12 aims to provide sufficient new accommodation to meet the identified need in sustainable and accessible locations. It provides assessment criteria and aims to provide a deliverable five-year land supply of suitable sites.

The text of Policy HO12 is provided below:

- A. The Council will make provision via policies and site allocations to deliver the following number of additional pitches for Gypsies and Travellers and Travelling Showpeople for the period 2008-30:
- 74 pitches for the gypsy and traveller communities;
  - 22 pitches for travelling showpeople
- B. The Allocations DPD and Shipley & Canal Road AAP will identify sufficient sites to deliver this requirement in sustainable and accessible locations which meet the needs of local communities;
- C. All sites which are developed or proposed for allocation for the gypsy and traveller and travelling showpeople communities should be assessed against criteria relating to:
- Safe and appropriate access to the highway network;
  - Whether they are or can be served by utilities or infrastructure;
  - Whether they are accessible to services, amenities and public transport;
  - The avoidance of significant adverse effects on the environment and adjacent land uses; and
  - Incorporating appropriate design and landscaping standards.
  - Avoiding areas at high risk of flooding;

- D. Temporary planning permission may be granted for sites where they would help meet local need ahead of the development of permanent sites and where they would accord with the criteria above.
- E. Consideration will be given to allocating rural exception sites within specific rural settlements in the Allocations DPD and in Neighbourhood Plans where sufficient affordable sites to meet local need cannot otherwise be delivered.
- F. The criteria for assessing speculative proposals for rural exceptions via planning applications will be set out in the Allocations DPD and will give priority to protecting the most sensitive sites and those areas of land where development would significantly undermine the openness of the green belt.

### **3. Provision requirement**

The West Yorkshire Accommodation Assessment, commissioned by the West Yorkshire Housing Partnership, was completed by CRESR (the Centre for Regional Economic and Social Research at Sheffield University) in May 2008. The study is compliant with Government guidance on such studies and used both primary and secondary data and research. The study found that there was already a level of unmet need for accommodation across the sub region with consequent detrimental effects on access to key services. For example, just 41 per cent of Traveller children on the roadside attend school regularly compared to 80 per cent of those on sites and in bricks and mortar housing.

It is established through studies undertaken for the Core Strategy that there is a demonstrable need for new gypsy and traveller pitches in the District. A Gypsy and Traveller Accommodation Assessment (GTAA) published in July 2015, using July 2014 as the baseline, assessed the overall need for gypsy and traveller pitches in the District as 82 pitches for the period 2014 to 2019, with a further 9 pitches needed to meet requirements up to 2030. The GTAA baseline supply was 52 pitches, and there has not been any change to provision since July 2014 other than private temporary sites. It appears therefore that there is a considerable shortfall, a minimum of 30 additional pitches being required in the short term.

The Council, as set out in Policy HO12, intends to make provision via policies and site allocations to meet the need in full, as a minimum. The GTAA recommends that existing sites be assessed for expansion potential, but provides no information on potential capacity at present. It is reasonable to expect that much of the need will have to be met using new sites. There is also a reasonably high probability that some new sites will have to be located in the Green Belt, which includes most of the non-urban land in the District that is not classified as moorland. The GTAA indicates that there will be a need for a range of site types, tenures and locations, including private accommodation. Recognising the difficulties in identifying land for new sites, the GTAA advises that it may be appropriate to bring forward sites on land already owned by travellers.



The shortfall in sites is not new. The May 2008 West Yorkshire GTAA identified a high level of unmet need, indicating a requirement for the period 2008-2015 for 31 additional pitches. Little or no progress appears to have been made in addressing that requirement. There is also the PPTS requirement for local planning authorities, in producing their Local Plan, to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. This has not been achieved to date, but is now intended to be addressed through the Local Plan for Bradford. However, the allocation of specific locations for gypsy and traveller sites is to be the subject of a separate Development Plan Document (DPD), which is likely to take until 2019. If endorsed, this would require further time for to enable sites to be considered as deliverable. Realistically then, this process could not be expected to deliver sites until 2021 at the earliest.

The significant current need for gypsy and traveller sites, which is unlikely to be resolved in the short to medium term, the policy failure, and the likelihood that new sites will need to be found in the Green Belt, weigh in favour of this application

#### **4. The availability of alternative sites**

There are two public sites within the District, one at Mary Street and one at Esholt, at the time the report was written there were two plots available on Mary Street and three Plots available on Esholt. The applicant states that the two available public sites are not suitable due to feuds with families on the site as a result of associations. Whilst there may be available plots whether these are suitable for the applicant and her family's need could be questioned if there are feuds between families. These feuds have been confirmed by other departments within the Council. Therefore this provision may not in reality be available to the applicant therefore whilst it has been considered it has also been ruled out as a genuine option for the family in this case.

#### **5. Sustainability**

The site is located approximately 1 mile from Queensbury and the shops, pubs and services it can provide. This is a 20 minute walk and therefore the site is considered to be located within a relatively sustainable location. There is also a bus stop on Brighouse and Denholme Road which is less than half a mile away. The site is therefore in an area which has a range of services, and cycling and use of public transport would also be realistic and practicable options to access these services, enabling the occupiers of the site to easily access education, health, welfare and employment infrastructure. The applicant is registered with the local doctor and the children attend a school in Clayton Heights which is around an 8 minute drive away, the children have a good attendance record and the behaviour is good. Overall this location will help improve opportunity and social outcomes for the family which contributes to the sustainability of the application site and this weighs in favour of the development. The location is considered to be sustainable in the economic, social and environmental context.

## **6. Impact on Green Belt and Landscape Character**

As set out in PPTS, gypsy and traveller sites are inappropriate development in the Green Belt and should not be approved, except in very special circumstances. The main issue is whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to allow the residential use of the site.

The application as referred to above has been made retrospectively and the site is occupied by one static caravan, which is located to the rear of the site and at the time of the site visit a second smaller touring caravan which would be on the site when not travelling was also present. Also present was a breakdown pickup truck and a 4X4 vehicle. The site has been landscaped to create a play area for the children with the rest of the area being hardstanding or garden area. The site is enclosed within a timber fence with the fence posts being on the outside. The site is alongside the public highway with vehicular access gained from Low Lane. The presence of vehicles and caravans associated with the residential use, along with the hardstanding required to serve residential use, all result in a loss of openness, as does the normal domestic paraphernalia. The site is adjacent to some stables and is seen in this context but it does clearly impact on openness.

The Green Belt is intended to assist in safeguarding the countryside from encroachment. The residential use as a caravan site conflicts with this Green Belt purpose. Introducing a residential use, along with the associated activity and paraphernalia also erodes the rural character of the site and its surroundings. The extent of the area occupied by the residential use is relatively small, however, which limits the harm due to the loss of openness and countryside encroachment. The development is inappropriate and results in harm to openness and character of the surrounding Green Belt.

The site is also within the Thornton and Queensbury Landscape Character Area. Specifically this is a Mixed Upland Pasture area. The landscape has a moderate strength of character and generally is dominated by urban elements and therefore a temporary planning permission is unlikely to result in any long term harm to the character area.

Taking all the above matters into consideration a personal and temporary grant of planning permission for 4 years is recommended. The 4 year period is taken from the recent appeal decision which allowed 5 year permission based on implementation of the allocations DPD which the Council is now a year closer to producing. The intention is that the allocations DPD will be produced by 2021 and therefore a four year permission would be in line with this timescale.

This recommendation is on the basis that the harm to the Green Belt by inappropriateness and other harm in terms of character and openness are clearly outweighed by the benefits of the scheme to the applicant's family in particular, the fact that the best interests of the children would be best served by having an established site in a suitable location that would ensure the children suffer no disadvantage. The sustainable nature of the site has also been given significant weight in favour of the development. In addition the fact that the Council has an unmet need which won't be addressed in the short to medium term weighs in favour of the development whilst acknowledging it is no longer a significant material planning consideration weighing in favour of granting permission alone. The lack of clear alternative provision again weighs in favour of the development.

**7. Residential amenity**

The use is residential and therefore it is not considered the proposal would result in a significant level of noise and disturbance to the occupants of the adjacent dwellings. Conditions are recommended to limit any commercial activity taking place and any approval would be based on it being a personal permission. The development is considered to be acceptable against policy DS5 of the Local Plan for Bradford.

**8. Drainage**

The site has a connection to the Yorkshire Water sewerage system which has been confirmed by a letter from Yorkshire Water. The temporary nature of the approval means that the site will revert back to its original state after 5 years and it is not considered there are concerns in terms of surface water. Policy EN7 of the Local Plan for Bradford is satisfied.

**9. Highway safety**

The application is retrospective and off-street parking has been provided within the site. Gates have been added to the entrance replacing gates that were previously there. Low Lane is straight and visibility is therefore good at this location which is also close to the junction with Pit Lane. It is not considered the entrance and gates will result in any highway safety concerns and policies TR1 and TR2 of the Local Plan for Bradford are satisfied.

**Community Safety Implications:**

There are no foreseen 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 noted the applicant is Romany Gypsy and of a protected characteristic and the issues around the specific circumstances of the applicant have been considered within the body of the report.

**Reason for Granting Planning Permission:**

The development, whilst inappropriate within the Green Belt is considered to be acceptable on a temporary basis on the condition that the site is returned to its former state within a defined period of time. The individual circumstances of the applicant, the fact the needs of the children are best served with an established site in a suitable location and the site context are such that the benefits of the development clearly provide the very special circumstances that outweigh the temporary harm to the Green Belt through inappropriateness and other harm in terms of openness and character. The development complies with policies HO12, EN4, EN7, TR1, TR2, TR3 of the Local Plan for Bradford.

**Conditions of Approval:**

1. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

Reason: To ensure protection of the Green Belt and to accord with policies GB1 and GB2 of the Replacement Unitary Development Plan and policy HO12 of the Local Plan for Bradford.

2. The use hereby permitted shall be carried on only by Ms Freeman and her dependent children, and shall be for a limited period being the period of 4 years from the date of this permission, or the period during which the land is occupied by them, whichever is the shorter.

Reason: To ensure protection of the Green Belt and to accord with policies GB1 and GB2 of the Replacement Unitary Development Plan and policy HO12 of the Local Plan for Bradford.

3. Either when the land ceases to be occupied by Ms Freeman and her dependent children, or at the end of the specified 4 years, whichever occurs first, then the use hereby permitted shall cease and all structures, caravans, equipment and materials brought onto the land in connection with the use hereby permitted shall be removed and the land shall be restored within 28 days to a detailed standard to be submitted and approved under the Site Development Scheme as defined in condition 6 (below).

Reason: To ensure protection of the Green Belt and to accord with policies GB1 and GB2 of the Replacement Unitary Development Plan and policy HO12 of the Local Plan for Bradford.

4. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.

Reason: To ensure protection of the Green Belt and to accord with policies GB1 and GB2 of the Replacement Unitary Development Plan and policy HO12 of the Local Plan for Bradford.

5. No commercial activities, shall take place on the land including storage of vehicles, materials or equipment.

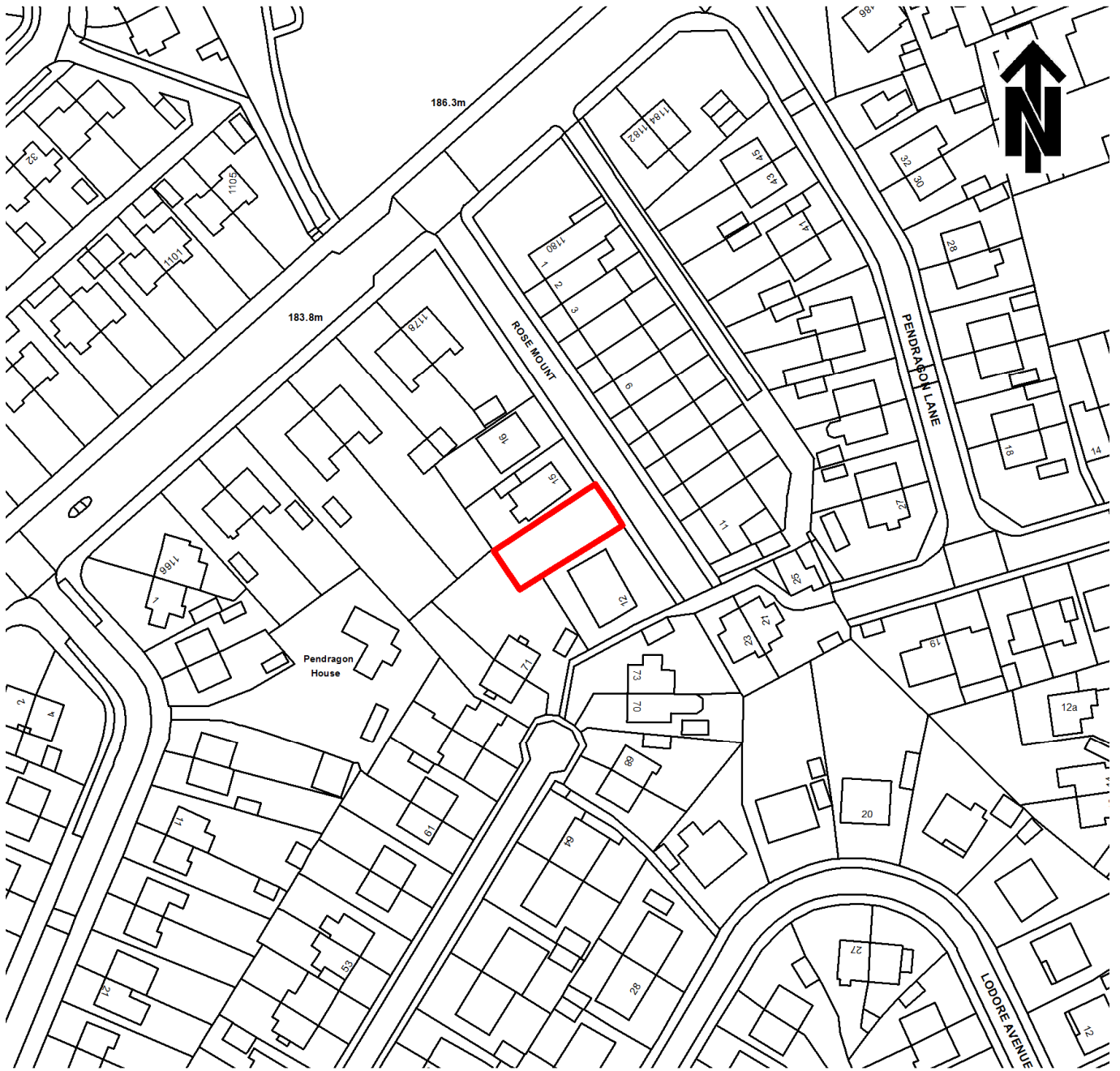
Reason: To ensure protection of the Green Belt and to accord with policies GB1 and GB2 of the Replacement Unitary Development Plan and policy HO12 of the Local Plan for Bradford.

6. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- i) within 3 months of the date of this decision a scheme, hereafter referred to as the Site Development Scheme, including details of: proposed and existing external lighting on the boundary of and within the site; the internal layout of the site, including the siting of caravans; areas for vehicular access and turning and manoeuvring; the means of foul and surface water drainage of the site; areas of hardstanding; fencing and other means of enclosure; the provision of a children's play area; tree, hedge and shrub planting, including details of species, plant sizes and proposed numbers and densities; shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation. The Site Development Scheme shall also set out the site restoration details and the restoration of the site is to be fully completed within the time period set out in condition 3 (above).
  - ii) within 6 months of the date of this decision the Site Development Scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.
  - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable, and works comprised in the scheme, aside from final restoration details, shall be thereafter retained for the duration of the development.

Reason: To ensure protection of the Green Belt and to accord with policies GB1 and GB2 of the Replacement Unitary Development Plan and policy HO12 of the Local Plan for Bradford.

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17/03390/FUL



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**Land South Of 15 Rose Mount  
Bradford**

**23 August 2017**

**Item:** E  
**Ward:** BOLTON AND UNDERCLIFFE  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
17/03390/FUL

**Type of Application/Proposal and Address:**  
Construction of two-storey dwelling and new off road parking on land south of 15 Rose Mount, Bradford.

**Applicant:**  
Mr Richard Brame

**Agent:**  
Not applicable.

**Site Description:**  
Rose Mount is a short cul de sac, leading upwards off Bolton Road between Grasmere Road and Pendragon Lane. It is flanked on one side by terrace dwellings and on the other by detached dwellings of various types. The site, which is undeveloped and overgrown, lies on the south side between numbers 12 and 15. Number 12 is a two storey property, which, due to the upward slope of the road, is at a higher level, whereas number 15, which is a bungalow, is at a lower level. Rose Mount itself is wide enough to allow parking on one side. Across the top of the road, a narrow footpath joins Pendragon Lane with Lodore Road.

**Relevant Site History:**  
11/02546/FUL Erection of a detached dwelling - Refused 29 July 2011: overshadowing, visual amenity, lack of access to parking.  
06/01507/FUL Construction of a new dwelling - Refused 16 June 2006: overshadowing and overbearing.  
05/08776/FUL Construction of new dwelling - Refused 18 January 2006: inadequate information, detrimental to neighbouring amenity, lack of off-street parking.

**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.

### **The Local Plan for Bradford**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy and saved RUDP policies are applicable to this proposal.

- DS1 Achieving Good Design
- DS2 Working with the Landscape
- DS3 Urban character
- DS5 Safe and Inclusive Places
- SC9 Making Great Places
- HO5 Density of Housing Schemes
- TR2 Parking Standards

### **Parish Council:**

Not applicable.

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

The application was advertised by neighbour notification letters and a site notice. The period of publicity expiry date was 19 July 2017. Eight representations received.

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

1. Loss of natural habitat for birds and animals, including urban foxes, newts, frogs and butterflies.
2. Overshadowing of 15, Rose Mount.
3. Difficult access to the site, due to the presence of disabled parking spaces opposite the site.
4. Northern parking space would be blocked by mature birch tree.
5. Existing pressure on parking would be added to unacceptably by a four bedroom dwelling.
6. Existing traffic and parking problems (congestion) caused by parents of school children parking on Rose Mount.
7. Large vehicles are unable to turn round. Delivery vehicles would therefore have to reverse on to Bolton Road.
8. An increase in on street parking may mean more obstruction for emergency vehicles.
9. Disturbance of land could lead to flooding.
10. Need for further housing on Rose Mount is questionable.
11. The site is particularly narrow and the building proposed is too massive in the street scene.



12. Any development would affect the structure/foundations of a neighbouring property.
13. Devaluation of property.
14. Delivery space required for disabled people who live on the street.
15. Potential road damage could lead to flooding.
  
16. There is insufficient space to provide storage and delivery of construction materials.
17. Noise of construction works will disturb residents.
18. Blockage of existing access by construction vehicles.

**Consultations:**

Minerals and Waste – There are no apparent minerals or waste legacy issues that would have an adverse impact on the proposed development. No objections.

Drainage - No objections subject to conditions.

Environmental Health (Contamination) - No response received.

Highways - No objections subject to conditions.

**Summary of Main Issues:**

1. Principle of development.
2. Visual amenity.
3. Amenities of occupiers of adjacent land.
4. Highway safety.
5. Other planning matters.
6. Outstanding matters raised by representations.

**Appraisal:**

**1. Principle of development**

This is a full planning application for the construction of a detached dwelling. In relation to housing land supply, the NPPF indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against the Council's housing targets. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%. The Council's Strategic Housing Land Availability Assessment (SHLAA) 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. Though small, the scheme would make a contribution towards meeting that need.

The site is in a sequentially favourable location in a residential area being very well-located for ready access to shops, local facilities and services by modes of transport other than the private car. The site is unallocated on the RUDP and so is not protected for any uses other than those which accord with the general policies of RUDP.

The proposal represents a housing density of 42 dwellings per hectare, which is considered to represent an efficient use of the land in line with policy HO5 of the Core Strategy.

Subject to its local impact the proposal is considered to be acceptable in principle.

## **2. Visual amenity**

The dwelling will have two storeys and will sit between a split level bungalow (12) at a higher level than the site and a dormer bungalow (15) which is at a lower level. Seen from Rose Mount and set either in line with, or slightly behind, the adjacent properties, the visual progression from higher to lower follows a smooth pattern, with the eaves and ridge of the proposed dwelling situated below those of number 12, but above those of number 15. The use of artificial stone for the walls and concrete tiles for the roof will fit in with existing properties, complementing the natural stone of the terrace opposite and on this basis, the character, scale and design of the proposal are considered visually acceptable, contrary to one letter of objection that raises concern about the size of the development and the width of the site.

## **3. Amenities of occupiers of adjacent land**

The dwellings most likely to be affected by the proposal are 9, 12 and 15, Rose Mount and 71, Lodore Road. As the proposal will not be in front of either of the houses flanking the site, it will be the same distance from the terrace dwellings on the opposite side of Rose Mount (including number 9) as existing dwellings. The resulting distance of the dwelling from the front amenity areas and dwellings on the east side of Rose Mount is considered sufficient to prevent adverse overlooking of either.

The north facing (side) elevation of 12, Rose Mount contains a ground floor window to a garage and a first floor bedroom window. Whilst light flow to the garage window will be affected by the new dwelling, a garage is not considered a habitable room and any loss of light will not therefore be adverse. The dwelling will clear a line taken at 25 degrees from the middle of the bedroom window, indicating that any overshadowing of the window will not be detrimental to neighbouring amenity.

Whilst the proposal will extend slightly beyond the rear elevation of number 12, it is considered that both the depth of extension and the relative positions of the two dwellings will ensure that the new dwelling will not have an adverse overshadowing or overbearing effect on the existing rear garden.

Given that the minimum distance between a two storey extension and a common site boundary is 7.0 metres (as laid down in national legislation), the 9.54 metres between the west facing elevation of the proposed house and the common site boundary with 71, Lodore Road is considered an adequate distance to prevent adverse overlooking from the house in to the garden of 71.

The south facing (side) elevation of 15, Rose Mount contains a door and a ground floor habitable room window. Light flow to the window will be affected, but since the internal area that it serves is also illuminated from the front, it is not considered that any overshadowing or loss of light will be so adverse as to merit refusal of the application. Potential overlooking from the proposed window and door in the side elevation of the proposal into the existing window can be controlled by a planning condition requiring obscure glazing.

The new development does not extend beyond the rear elevation of number 15, so despite the siting of the development to the south, it is not considered that there will be any adverse overbearing or overshadowing of the existing rear garden.

#### **4. Highway safety**

Two on-site parking spaces are proposed, which is a slightly higher allocation than the requirement of 1.5 spaces per dwelling specified in Appendix 4 of the Core Strategy. Contrary to concerns expressed in the letters of objection, it is considered that both Rose Mount and the new parking area are sufficiently wide for access to be achieved, even allowing for parked vehicles and/or parking bays for disabled drivers on one side of the road. Given the on-site parking spaces, it is not considered that the presence of the dwelling will add unacceptably to current on-street parking provision, or cause increased obstruction for emergency vehicles, notwithstanding existing congestion.

A further objection points out that the northern car parking space will be blocked by a mature tree. Visibility will be restricted, but in view of the nature of the road, traffic speeds are likely to be very low and no adverse implications for highway safety are therefore likely to arise.

#### **5. Other planning matters**

Previously, three similar applications for a detached dwelling on the site have been refused. In January 2006, the earliest refusal (reference: 05/08776/FUL) was based on the adverse overlooking and overbearing effects of the proposal, a lack of off-street parking and inadequate information on the overall visual impact of the scheme.

Overshadowing and overbearing on existing properties were the basis of a later refusal in June 2006 (reference: 06/01507/FUL). An appeal against the refusal was subsequently withdrawn.

The most recent application - reference: 11/02546/FUL - was refused in July 2011 on the grounds of overshadowing adjacent dwellings, a visually unacceptable design (particularly the height of the eaves) and a lack of access to the proposed parking spaces. A lack of information regarding trees, protected species and a discrepancy in the submitted drawings formed a further reason for refusal.

It is not considered that the current application causes adverse overshadowing or overbearing and its design is now more in keeping with the existing street scene. Access to the parking spaces is also possible, even if cars are parked on one side of Rose Mount. There are no protected trees on the site and the Local Planning Authority is unaware of the presence of any protected species. Furthermore, the site does not lie within a bat alert zone and consequently the information previously requested is no longer required. Loss of natural habitat, an issue raised in the letters of objection, whilst a material consideration, is not, in this case, considered sufficient reason to refuse the application.

On this basis, it is considered that the reasons for refusal of the three previous applications have largely been addressed and the current scheme is acceptable in terms of its effects on visual amenity, neighbouring amenity and highway safety.

## **6. Outstanding Matters Raised by Representations**

One objector points out that large vehicles are currently unable to turn round and that delivery vehicles would therefore have to reverse on to Bolton Road. This is the case at present and it is not considered that building a new dwelling would add significantly to the number of delivery vehicles, or use significantly more on-street space that may currently be used for deliveries to existing occupants.

With regard to flooding, the site lies within a Flood Zone 1, which is an area least likely to flood. Disturbance of the land or potential road damage causing flooding, or development potentially affecting the structure or foundations of a neighbouring property are private matters between the parties concerned, rather than planning matters. Similarly, need for the development and devaluation of property are not planning matters.

Building materials could be stored on the area of the site that is proposed for off-street parking and noise from construction operations will take place during the day over a temporary period, limiting the effect on existing residents. Blocking of accesses by construction vehicles, should it happen, will also be for a temporary period and a private matter between the concerned parties.

### **Community Safety Implications:**

There are no community safety implications relating to this application.

### **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 is acceptable in terms of its visual impact and its effects on neighbouring amenity and highway safety. As such, it complies with policies DS1, DS2, DS3, DS5, SC9, HO5 and TR2 of the Local Plan for the Bradford District.

### **Conditions of Approval:**

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

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

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with policies DS3 and SC9 of the adopted Core Strategy of the Local Plan for the Bradford District.

3. The ground floor window and door in the side (north facing) elevation of the dwelling hereby permitted shall be glazed in obscure glass prior to the first occupation of the building and thereafter retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with policy DS5 of the adopted Core Strategy of the Local Plan for the Bradford District.

4. Before work begins on the creation of the off-street parking spaces hereby approved, details of the timber boundary fence and new boundary wall shall be submitted for the written approval of the Local Planning Authority. Both the fence and the wall shall subsequently be constructed in accordance with the details so approved before the dwelling hereby approved is brought into use and so retained at all times thereafter.

Reason: In the interests of neighbouring and visual amenity and to accord with policy DS5 of the adopted Core Strategy of the Local Plan for the Bradford District.

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

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

6. 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 001 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 policies DS4 and DS5 of the adopted Core Strategy of the Local Plan for the Bradford District.

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

Reason: In the interests of highway safety, drainage and to accord with policies TR2 and EN7 of the Local Plan for Bradford.

8. Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the adopted Core Strategy of the Local Plan for the Bradford District.

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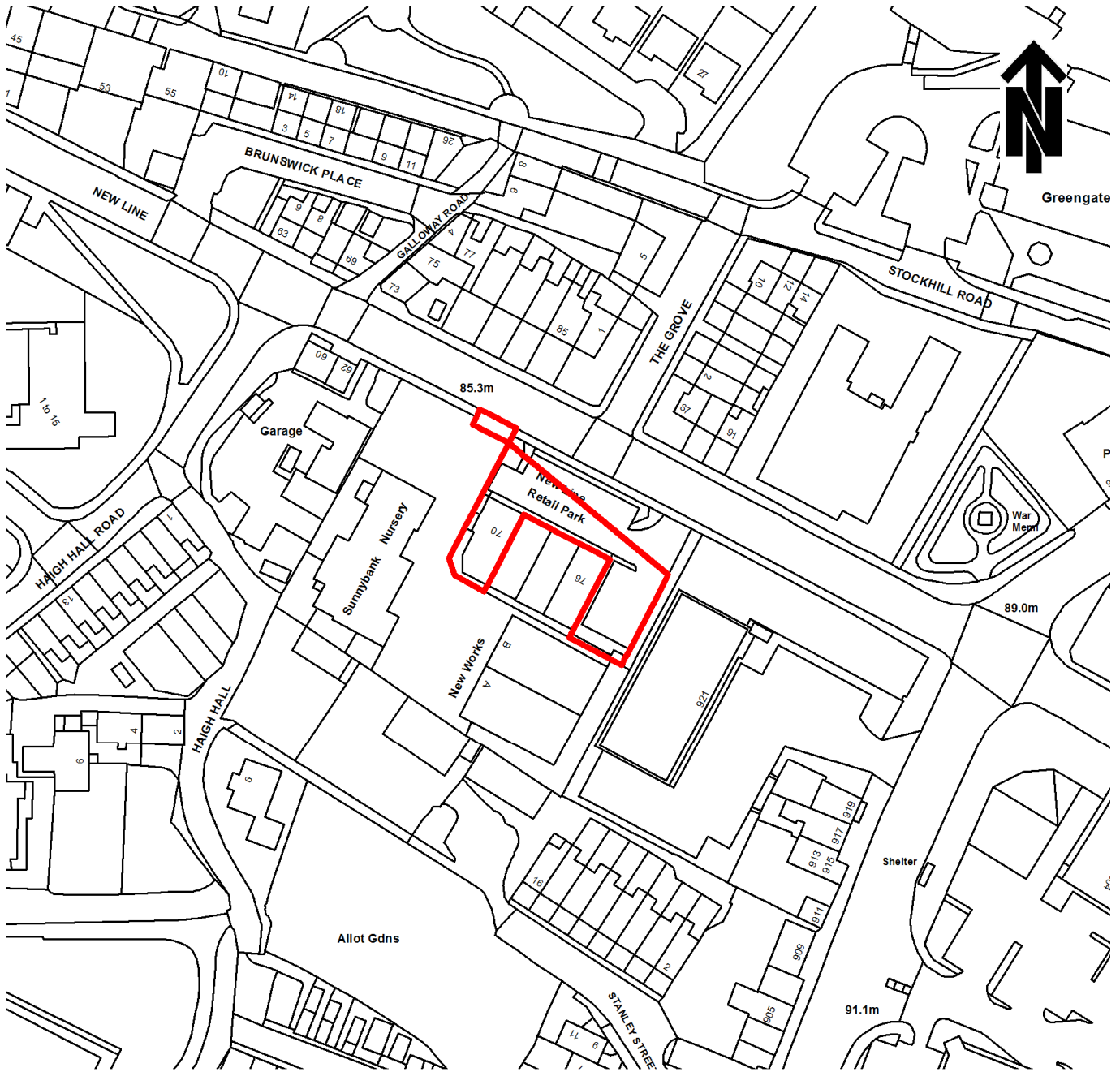
17/03441/REG



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



Greengate



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**New Line Retail Park**  
**Bradford**  
**BD10 9AP**

**23 August 2017**

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

**Application Number:**  
17/03441/REG

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

This is a Regulation 3 application for the closure of the existing access to New Line Retail Park from New Line and to amend the existing access to a Nursery and New Works Units A & B from New Line to include access to New Line Retail Park. Removal of external walls to 70 New Line between existing columns on the west elevation to form new openings to accommodate 4 car parking spaces and a replacement bin store.

**Applicant:**

Mr Richard Gelder, City of Bradford Metropolitan District Council

**Agent:**

Mr Tom Miller, City of Bradford Metropolitan District Council

**Site Description:**

New Line Retail Park is comprised of a two storey building containing seven commercial units and associated car parking for 18 vehicles. The surrounding area includes a mixture of uses including a nursery immediately to the west, which shares its access with two industrial units at the rear of the site. To the east there is a vacant area of land which has been retained to allow for the upgrading of the junction of New Line (A657) and Harrogate Road (A658). There are residential properties adjacent to the site frontage.

**Relevant Site History:**

Associated highway improvement scheme:

17/00916/FUL - Construction of a new one way 'P-Loop Junction' link road between Harrogate Road and New Line, including two 60m long vehicle lanes, a new pedestrian footpath, a 1.5m cycle lane, two pedestrian crossings, new street lighting, new street planting and an Urban Traffic Control (UTC) layby. Construction of an access to the existing Farmfoods Store with associated car parking - Granted 20.04.2017.

**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.

### **The Local Plan for Bradford**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. This site is not allocated for any specific purpose within the RUDP Accordingly the following adopted Core Strategy policies are applicable to this proposal:

SC9-Making Great Places

BD1-The Regional City of Bradford Including Shipley and Lower Baildon

TR1- Travel Reduction and Modal Shift

TR2- Parking Policy

DS1- Achieving Good Design

DS3- Urban Character

DS5- Safe and Inclusive Places

### **Parish Council:**

Not applicable.

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

The application was publicised by site notice. The expiry date for comments in connection with the application was 5 July 2017. 12 letters of objection were received in connection with the application.

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

Access to the site will be dangerous.

The access is not wide enough for larger vehicles.

Inadequate manoeuvring space for larger vehicles.

Inadequate parking.

Harm to pedestrian safety.

Alterations will prevent servicing of New Line Retail Park.

The access onto New Line is adjacent to where two lanes merge making exiting unsafe.

A reduction in car parking spaces will have an adverse economic impact on business premises.

Disabled parking spaces are too small.

Adverse implications for disabled access to first floor units.

Red line plan fails to include all of the proposed works.

Disruption to trade.  
Inadequate visibility.  
Residents only parking on surrounding streets further limits available provision.  
Adverse impact on the character of the shopping area.  
Poor visibility from proposed parking spaces.  
Noise, dust and disruption.

**Consultations:**

Highways - Following the initial submission updated plans were requested in order to illustrate swept paths for an 11.6 metre refuse vehicle and disabled parking spaces with dimensions of 3.6m x 6m. Updated plans were subsequently submitted to the satisfaction of highways development control.

**Summary of Main Issues:**

1. Principle.
2. Highway and Pedestrian Safety.
3. Visual Amenity.
4. Inclusive Access.
5. Other Issues Raised by Representations.

**Appraisal:**

**1. Principle**

Policy BD1 of the Core Strategy sets out the urban regeneration and renewal priorities for North East Bradford and advises that the area will see the creation of 4,700 new homes and new employment opportunities, complemented by a new railway station and improvements to the junction of Harrogate Road and New Line. The policy also notes the importance of the junction upgrade in terms of improving access to Leeds Bradford International Airport.

In the above context it is clear that upgrading of the Harrogate Road and New Line junction is a strategic priority which plays a central role in the future development of North-East Bradford and the Regional City of Bradford.

The majority of the improvement works already benefit from planning permission under a previous planning application (17/00916/FUL) and associated listed building consent applications (17/00918/LBC, 17/00919/LBC). The approved scheme included the expansion of the West bound carriageway, of New Line, on land allocated for this purpose to the North of the Farm Foods retail food store. It is now intended that the expanded west bound carriageway will extend beyond the area of allocated land and across part of the frontage of New Line Retail Park.

The expansion of the highway does not require planning permission as it constitutes permitted highways works/development as set out in Section 62 (3) Part V of the Highways Act 1980. However, expansion of the highway requires reconfiguration of the access and parking layout of New Line Retail Park and it is these matters which are for consideration under this planning application. As the proposed works are required to facilitate the improvement of the New Line and Harrogate Road junction it is considered that this proposal accords with the objectives of Sub-Area Policy BD1 of the Core Strategy, which identifies the junction upgrade as a strategic priority to facilitate future growth in the area.

## **2. Highway and Pedestrian Safety**

The site layout plan indicates that the existing access to New Line Retail Park would be extinguished and the site frontage re-aligned to allow for the expansion of the highway.

The North-East boundary of the car park would be altered to provide access into the adjacent site. New Line Retail Park would then share an upgraded access onto New Line with the existing day nursery and two industrial units located at the rear of the site.

The Council's highways development control officer has not raised any concerns in respect of the proposed shared access arrangement and it is considered that the amended design of the access would make it suitable to cater for the additional vehicle movements occurring from New Line Retail Park. As such this aspect of the proposal is not considered to raise any highway or pedestrian safety concerns.

The existing car park layout provides 18 spaces serving 7 commercial units. The proposed reconfiguration would provide 16 spaces serving 6 commercial units. It is considered that a reduction of two off street car parking spaces would not be so significant so as to result in adverse highway or pedestrian safety implications. It is important to note that the loss of the existing hot food takeaway unit would in itself reduce parking demand by more than 2 spaces, as under Appendix 4 of the Core Strategy a new hot food takeaway of equivalent size in this location would require approximately 8 parking spaces.

The new parking bays and disabled bays would meet with the required sizing standards and disabled bays would be demarcated with the necessary 1.2 metre wide safety zone. Accessing the newly created spaces is not considered to result in any adverse highway or pedestrian safety implications, as visibility is considered to be adequate and vehicle speeds are anticipated to be low in this location.

The proposed parking provision is considered to be acceptable and accords with the requirements of policy TR2 of the Core Strategy.

## **3. Visual Amenity**

The amended site boundary would consist of a low stone boundary wall, which would be similar to the existing boundary treatment. As such this aspect of the proposal is not considered to result in any adverse visual amenity implications.

The existing shop front and shutter of 70 New Line would be removed to create the access to a newly formed parking bay. To the West elevation areas of existing masonry between structural columns would be removed and 3 metre high openings created to form additional parking bays. Any exposed areas would be faced with matching stonework.

The existing building is of an individual design, with the front elevation having a steel walkway supported by steel columns and recessed shop fronts. The side elevation also has a recessed area to allow for a lift and steel staircase. In this context it is considered that the opening out of the shopfront of 70 New Line and the removal of the areas of masonry in the West elevation would not be unduly prominent or out of keeping with the existing building. A sufficient level of massing would be retained on the ground floor West elevation to prevent the building from having a top heavy appearance. As such this aspect of the proposal is not considered to result in any adverse visual amenity implications and the proposal would accord with policies DS1 and DS3 of the Core Strategy.

#### **4. Inclusive Access**

The proposed reconfiguration would retain 2 disabled parking bays for customer use which is considered to be an appropriate level of provision for a mixed use commercial site of this scale. The existing staircase and lift access to the first floor level of the building would be retained, allowing for disabled access to first floor premises. It is therefore considered that the reconfigured layout would ensure that the buildings are accessible to all in accordance with the requirements of policy DS5 of the Core Strategy.

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

A representation has raised concern that the access onto New Line is adjacent to where two lanes merge making exiting unsafe.

It is considered that the access would benefit from sufficient visibility to ensure that an exit manoeuvre could be performed safely in either direction. It is also likely that the merging of lanes should serve to reduce vehicle speeds adjacent to the site access.

A reduction in car parking will have an adverse economic impact on the retail park. It is considered that as the development would require the loss of an existing hot food takeaway unit from the retail park and the loss of only two car parking spaces. The proposal is likely to have a positive impact on the level of available parking bays.

A representation has raised concern in respect of the noise, dust and disruption which may be caused as a result of the proposed works. It is considered that any noise, dust and disruption caused as a result of works can be adequately controlled by environmental health legislation in the event that there is a significant issue.

A representation has raised concern that the red line plan does not encompass all of the proposed works. It is considered that all of the works requiring planning permission are contained within the submitted red line plan.

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

The application does not present any community safety implications.

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

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

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

The proposed development is considered to be acceptable in principle and is not considered to result in any adverse implications in respect of highway and pedestrian safety, visual amenity or inclusive access. The proposal is therefore considered to accord with policies

**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. Concurrently with the construction of the new access and prior to it being brought into use, the existing vehicular access to the site shall be permanently closed off with a full kerb face, and the footway returned to full footway status, in accordance with the approved plan reference P/PTH/MH/103196/LA/27D.

Reason: In the interests of highway safety and to accord with Policy DS4 of the Core Strategy.

3. Concurrently with the closure of the existing access the new access and parking layout as detailed on drawing reference P/PTH/MH/103196/LA/27D shall be constructed and laid out with a gradient no steeper than 1 in 15 unless otherwise approved in writing by the Local Planning Authority.

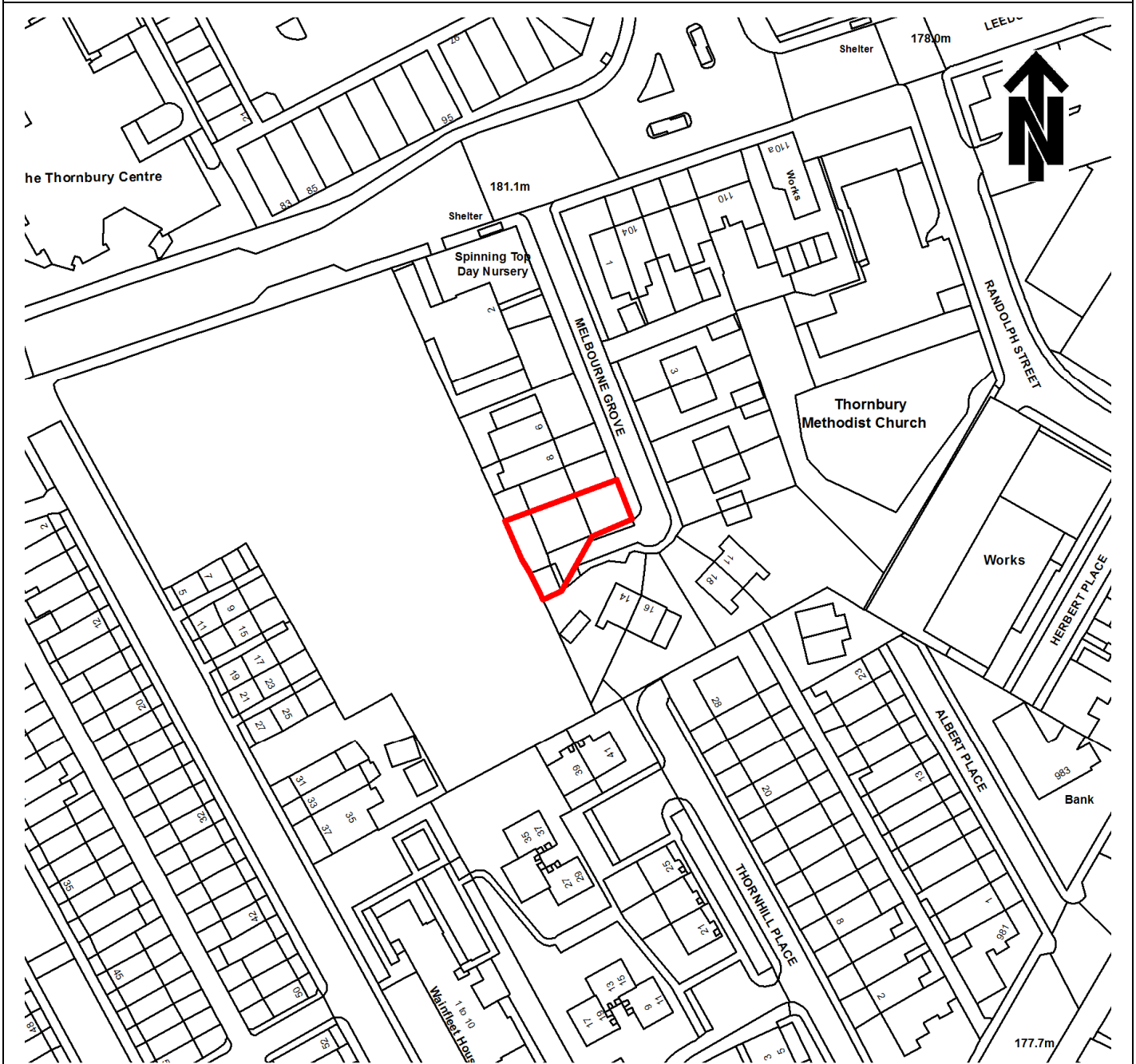
Reason: In the interests of highway safety and to accord with policy TR2 of the Core Strategy.

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17/03336/HOU



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**12 Melbourn Grove**  
**Bradford**  
**BD3 8JT**

**23 August 2017**

**Item: G**  
**Ward: BRADFORD MOOR**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
17/03336/HOU

**Type of Application/Proposal and Address:**  
Construction of larger porch than previously approved under application 15/06667/HOU at 12 Melbourne Grove, Bradford, BD3 8JT.

**Applicant:**  
Mr Mohammed Salim

**Agent:**  
None

**Site Description:**  
The site is an end dwelling in a short residential terrace, situated on a cul de sac south of Leeds Old Road. Adjacent to the terrace is a nursery, with the Thornbury Centre and retail units a short distance north.

**Relevant Site History:**  
15/06667/HOU Retention and alteration of existing front porch - Approved 20 January 2016.  
15/03030/HOU Retention of existing front porch - Refused 8 September 2015.  
14/03014/HOU Two storey rear extension - Refused 3 September 2014.  
12/01167/HOU Construction of two storey rear extension - Approved 14 May 2012.  
06/03558/FUL Two storey extension to side and rear - Approved 30 June 2006.  
03/03277/FUL Construction of first floor extension to side of dwelling - Approved 29 September 2003.  
90/01523/FUL Single storey extension to dwelling as amended by plans dated 07.06.90 - Approved 27 June 1990.  
80/84242/FUL Improvement to property and extension to garage block - Approved 26 November 1980.

In July 2016, an enforcement notice was served against the porch. A subsequent appeal against the notice was dismissed in December 2016 (reference: 16/00082/APPENF).

**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.

**The Local Plan for Bradford**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal:

- DS1 – Achieving Good Design
- DS3 – Urban Character
- DS5 – Safe and Inclusive Places
- SC9 - Making Great Places

Planning policy for the proposal is also contained in the adopted: Householder Supplementary Planning Document.

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was advertised by neighbour notification letters. This publicity period expired on 29 June 2017. A Ward Councillor has asked for the application to be determined by the Area Planning Panel if Officers are minded to refuse the application. The Councillor notes that there are similar porches to this which have been granted planning permission.

**Consultations:**

None.



**Summary of Main Issues:**

1. Background and principle of development.
2. Visual amenity.
3. Neighbouring amenity.
4. Highway safety.

**Appraisal:**

**1. Background and Principle of Development**

The proposal is for a domestic extension within the curtilage of a dwelling-house that is neither a listed building nor within a conservation area and so is not statutorily protected from such works. The principle of development is therefore acceptable.

**2. Visual Amenity**

Two previous applications have been submitted for a porch on this dwelling. The main concern with the first one, which was retrospective, was its size (15/03030/HOU). Measuring approximately 1.27 metres in depth, it stretched across the whole front elevation of the original house (approximately 6.41 metres).

Constructed on a stone plinth to match the existing dwelling, it had UPVC windows and both the size of the porch and its windows combined to produce an obtrusive feature in the wider street scene. Large porches are discouraged by the Council's adopted Householder Supplementary Planning Document, particularly, as was the case here, when the rest of the terrace is uniform. It was not considered that the position of the porch at the end of the terrace was sufficient to merit its retention, since the effect was detrimental to visual amenity. Consequently, planning permission was refused, following which an enforcement notice was served.

The applicant appealed against the enforcement notice on several grounds, one of which was that planning permission should be granted. In dismissing the appeal (other than allowing a longer time for compliance) the Planning Inspector commented on the porch as being an "inappropriate and poorly designed structure", that was, "out of character with the other front porch/roof frontages".

The second application (15/06667/HOU) involved a porch of approximately half the width of the first. This was situated on the left hand side of the house and both its size and location were considered acceptable.

The current application seeks to move the approved porch to the right of the house and to add an open, roofed area to the other side. Visually, the result will be very similar to the previously refused application, since although part of the development will be open, the roof will cover the whole of it. The open area is also shown as partly walled up and whilst a planning condition could be used to control further development, the current application is considered too similar to the previously refused application to be approved. Both its size and location are considered visually detrimental and, moreover, the ground floor plan and the front elevation drawings do not appear to be the same, since no wall is shown on the former and the size of the porch window differs. On the floor plan, it also appears after entering the porch that access to the house is by means of a window.

### **3. Residential Amenity**

The porch will be situated adjacent to a door in the front elevation of the adjacent dwelling (number 10). Although concerns were expressed in the enforcement appeal decision, it is not considered that the end wall of the porch will detrimentally affect the front door area outside number 10.

No other existing dwellings will be adversely affected by the development.

### **4. Highway Safety**

There are no adverse implications for highway safety, as the porch will not generate significant extra traffic. Nor is it built in a position where it will interfere with sight lines or parking.

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

The proposal has no community safety implications.

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

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

#### **Reasons for Refusal:**

1. By reason of its size and location, the porch would introduce an obtrusive feature into the wider street scene to the detriment of visual amenity. As such, it would be contrary to policies DS1, DS3, DS5 and SC9 of the adopted Core Strategy and the guidance in the adopted supplementary planning document for householders.
  2. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information on the precise appearance of the proposal, since the submitted front elevation plan has a smaller porch window than the ground floor plan and a low wall that is not shown on the ground floor plan.
-

## Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 23 August 2017

# D

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### Summary Statement - Part Two

#### Miscellaneous Items

	<u>No. of Items</u>
A - N Requests for Enforcement/Prosecution Action	(14)
O - Q Decisions made by the Secretary of State - Allowed	(3)
R - Y Decisions made by the Secretary of State - Dismissed	(8)

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Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

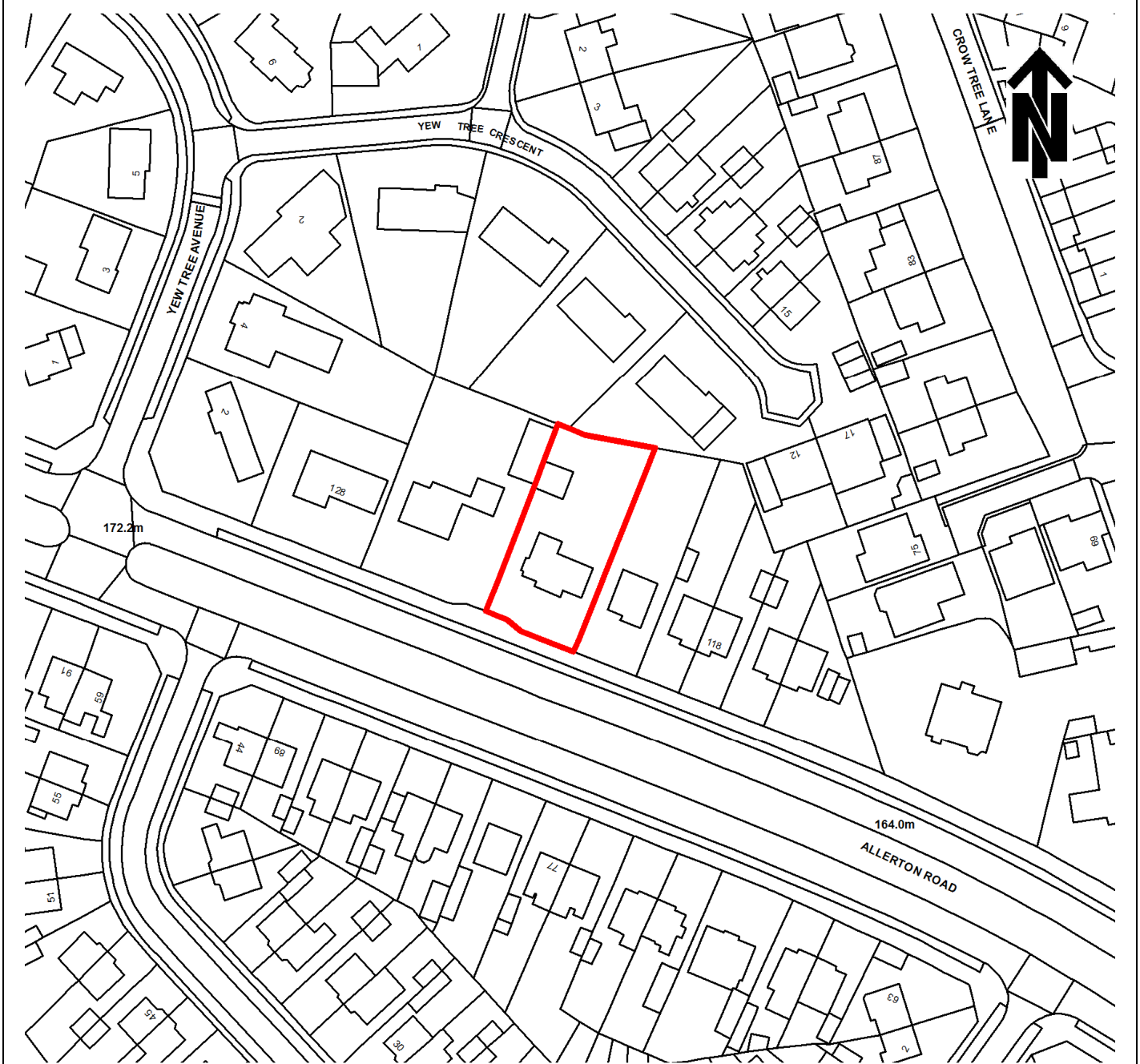
Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: [mohammed.yousuf@bradford.gov.uk](mailto:mohammed.yousuf@bradford.gov.uk)

**Portfolio:**  
Regeneration, Planning and Transport

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

17/00016/ENFCOU



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**124 Allerton Road  
Bradford  
BD8 0AQ**

**23 August 2017**

**Item: A**  
**Ward: TOLLER**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
17/00016/ENFCOU

**Site Location:**  
124 Allerton Road, Bradford.

**Breach of Planning Control:**

Unauthorised mixed use of land for residential use, the storage and preparation of vehicles for sale and the sale and supply of motor vehicles.

**Circumstances:**

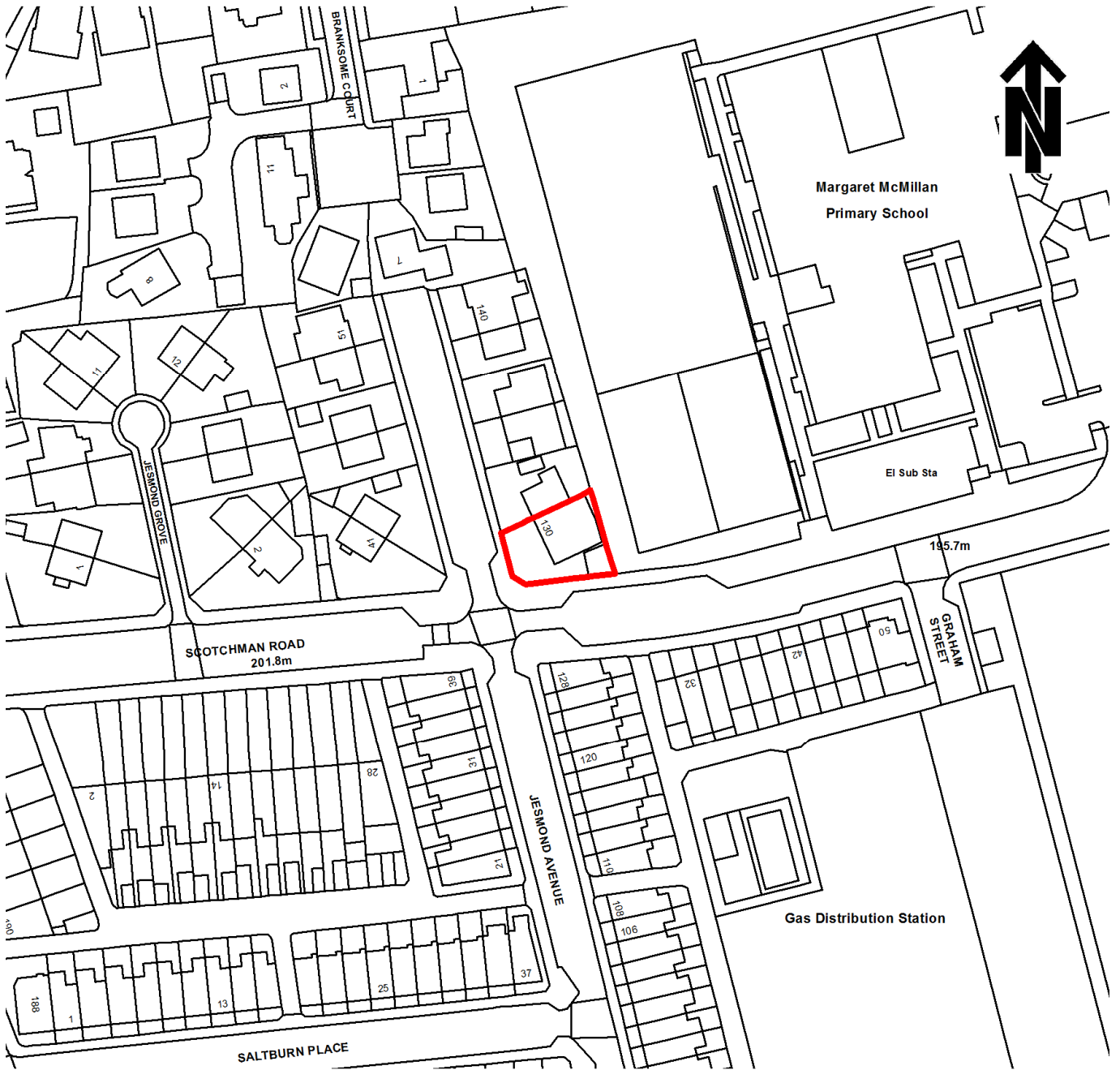
A business is operating from this residential property under the trading name of Performante Cars. Cars are being purchased and stored and prepared for sale. Customers visit the premises by appointment and there is a website advertising the services. There is a substantial level of activity and there have been regular deliveries of vehicles to the site by car transporter.

The unauthorised use referred to in the breach is inappropriate and unsustainable in this residential location and causes noise and disturbance contrary to Policies UDP3 and UR3 and the NPPF.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 28 June 2017.

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16/00111/ENFUNA



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**130 Jesmond Avenue  
Bradford  
BD9 5DE**

**23 August 2017**

**Item: B**  
**Ward: TOLLER**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
16/00111/ENFUNA

**Site Location:**  
130 Jesmond Avenue, Bradford, BD9 5DE.

**Breach of Planning Control:**  
Unauthorised mixed residential and religious teaching studies use.

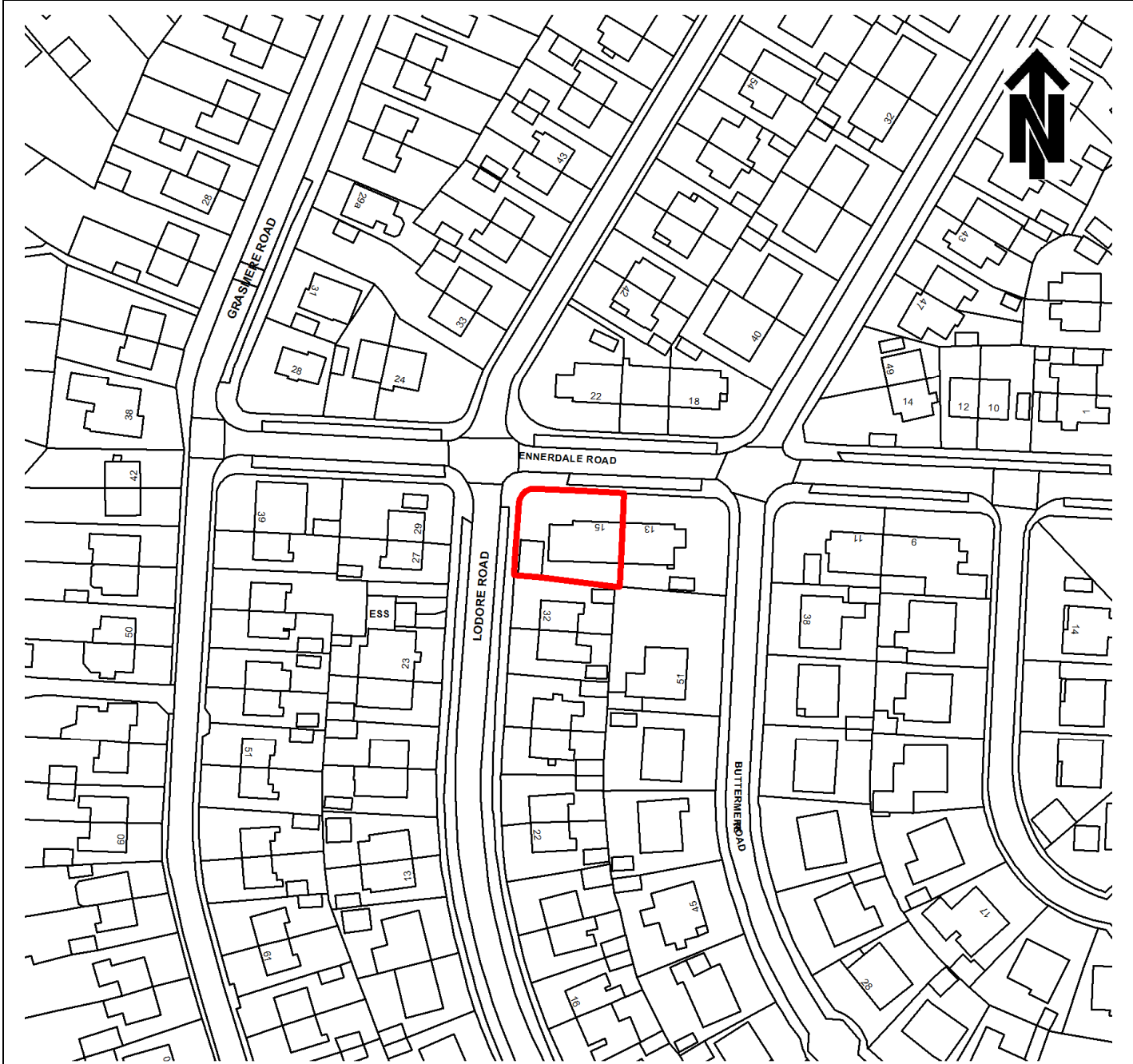
**Circumstances:**  
The Local Planning Authority has received an enquiry regarding the use of the residential property for the operation of religious teaching studies classes, for which planning permission has not been granted.

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

On 27 June 2017 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice in respect of the unauthorised mixed use of the property. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised mixed Class C3 residential and religious teaching studies use is detrimental to residential amenity and highway safety, contrary to policies UR3, D1, P7 and TM19a of the Council's adopted Replacement Unitary Development Plan.

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16/00851/ENFAPP



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**15 Ennerdale Road  
Bradford  
BD2 4HZ**



**23 August 2017**

**Item: C**  
**Ward: BOLTON AND UNDERCLIFFE**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
16/00851/ENFAPP

**Site Location:**  
15 Ennerdale Road, Bradford, BD2 4HZ.

**Breach of Planning Control:**  
Unauthorised dormer windows and rear extension.

**Circumstances:**  
In December 2013 and June 2015, planning permissions were granted by the Council for front and rear dormer windows and roof alterations to the property. Planning applications 13/04337/HOU AND 15/01536/HOU refer.

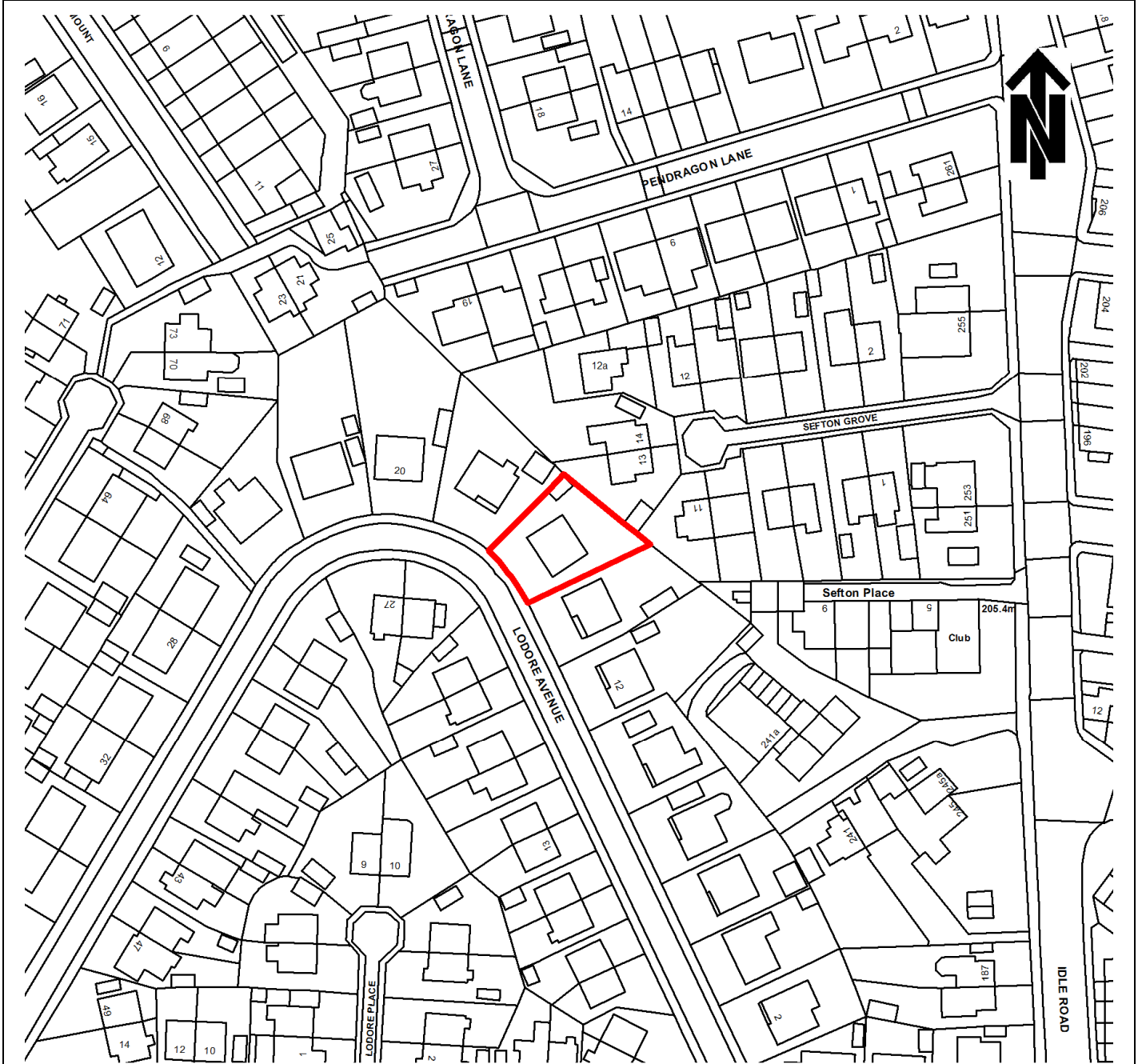
An inspection showed that the front and rear dormer windows had not been built in accordance with the planning permissions. A single storey rear extension had also been built, for which the Council has no record of planning permission having been granted. The owner of the property was subsequently requested to rectify the breach of planning control.

A retrospective planning application, reference 16/08757/HOU, was refused by the Council in December 2016. No appeal has been made against the Council's decision.

No action has been taken to rectify the matter and on 28 March 2017 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to take Enforcement (Legal) Action as the unauthorised dormer windows and rear extension are detrimental to visual amenity by virtue of their design and appearance, contrary to Policies D1 and UR3 of the Council's adopted Replacement Unitary Development Plan and the Council's adopted Householder Supplementary Planning Document.

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16/01146/ENFUNA



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**16 Lodore Avenue  
Bradford  
BD2 4JG**

**23 August 2017**

**Item:** D  
**Ward:** BOLTON AND UNDERCLIFFE  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
16/01146/ENFUNA

**Site Location:**  
16 Lodore Avenue, Bradford, BD2 4JG.

**Breach of Planning Control:**  
Unauthorised front and rear dormer windows.

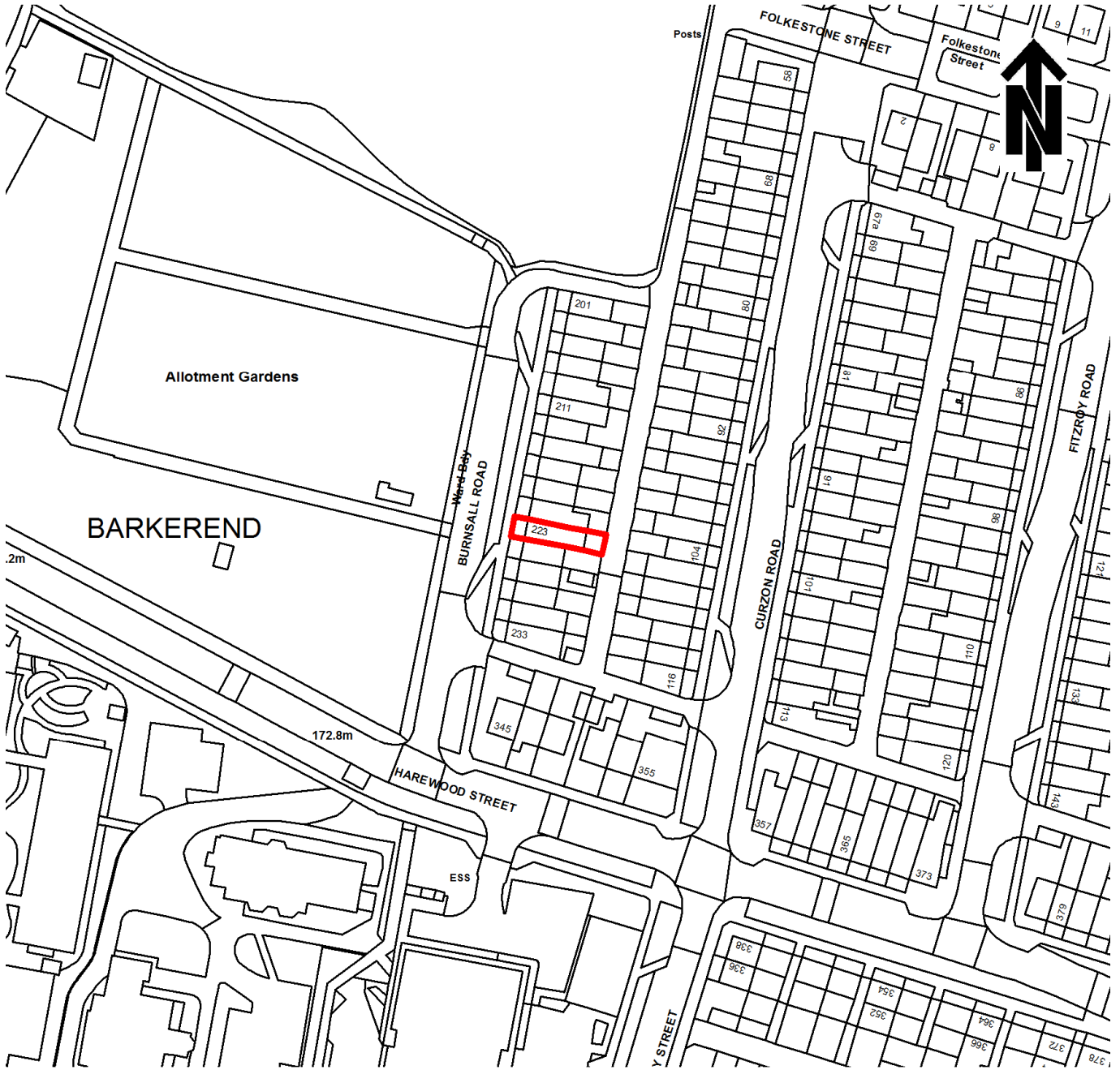
**Circumstances:**  
In December 2016 the Local Planning Authority received an enquiry regarding development work at the property.

An inspection showed that front and rear dormer windows had been constructed, for which the Council had no record of planning permission having been granted. The owner of the property was subsequently requested to rectify the breach of planning control.

No action has been taken and on 29 March 2017 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to take Enforcement (Legal) Action as the unauthorised front and rear dormer windows are detrimental to visual amenity by virtue of their design and appearance, contrary to Policies D1 and UR3 of the Council's adopted Replacement Unitary Development Plan and the Council's adopted Householder Supplementary Planning Document.

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14/00347/ENFUNA



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**223 Burnsall Road  
Bradford  
BD3 9EA**

**23 August 2017**

**Item:** E  
**Ward:** BRADFORD MOOR  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
14/00347/ENFUNA

**Site Location:**  
223 Burnsall Road, Bradford, BD3 9EA.

**Breach of Planning Control:**  
Unauthorised structure.

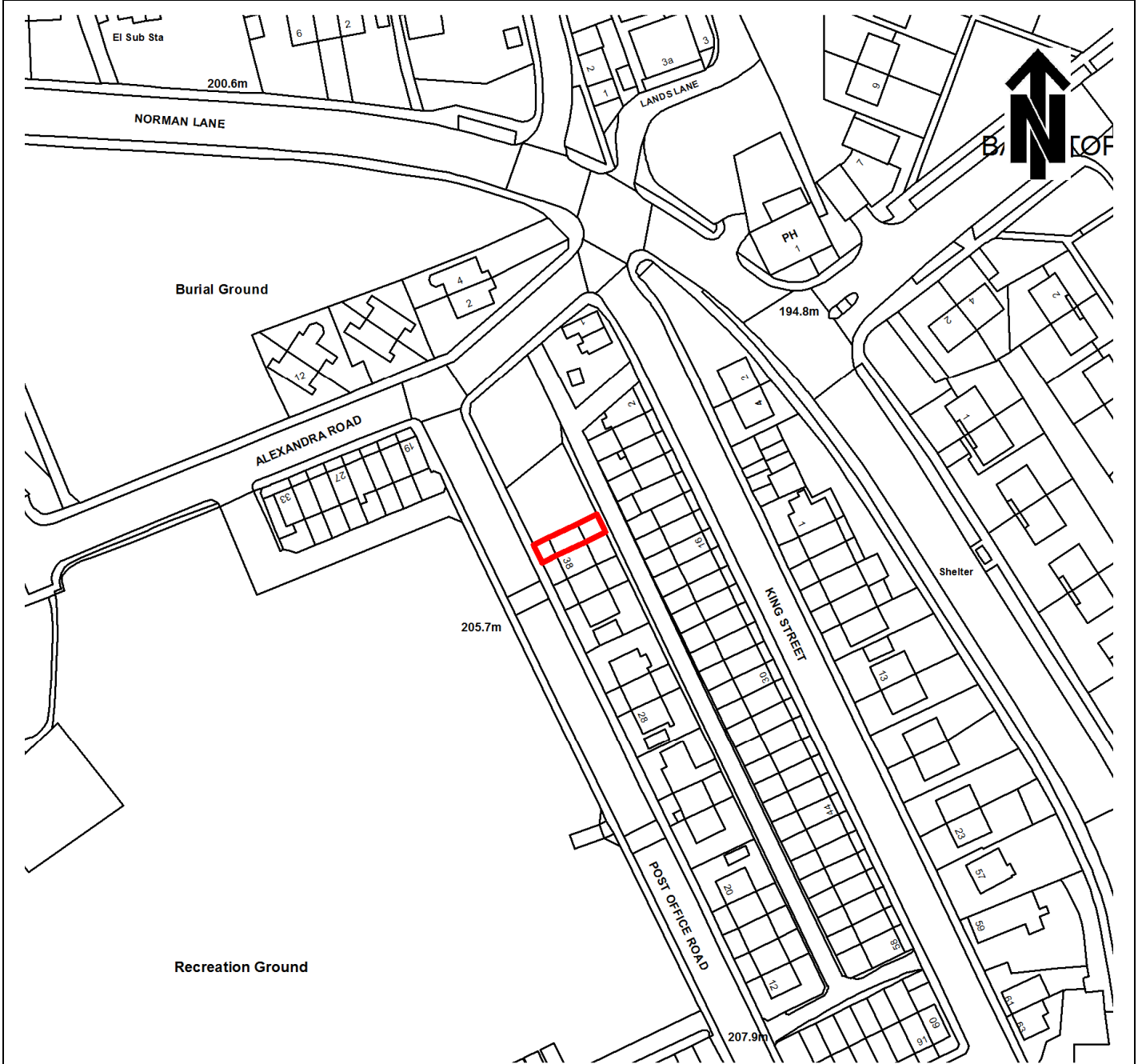
**Circumstances:**  
In March 2017 it was noted that a single storey structure had been erected in the rear yard area of the property, for which the Council had no record of planning permission having been granted.

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

On 20 June 2017 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 structure 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.

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17/00011/ENFUNA



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40 Post Office Road  
Bradford  
BD2 2HT

**23 August 2017**

**Item: F**  
**Ward: ECCLESHILL**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
17/00011/ENFUNA

**Site Location:**  
40 Post Office Road, Bradford, BD2 4JG.

**Breach of Planning Control:**  
Unauthorised fence and gate.

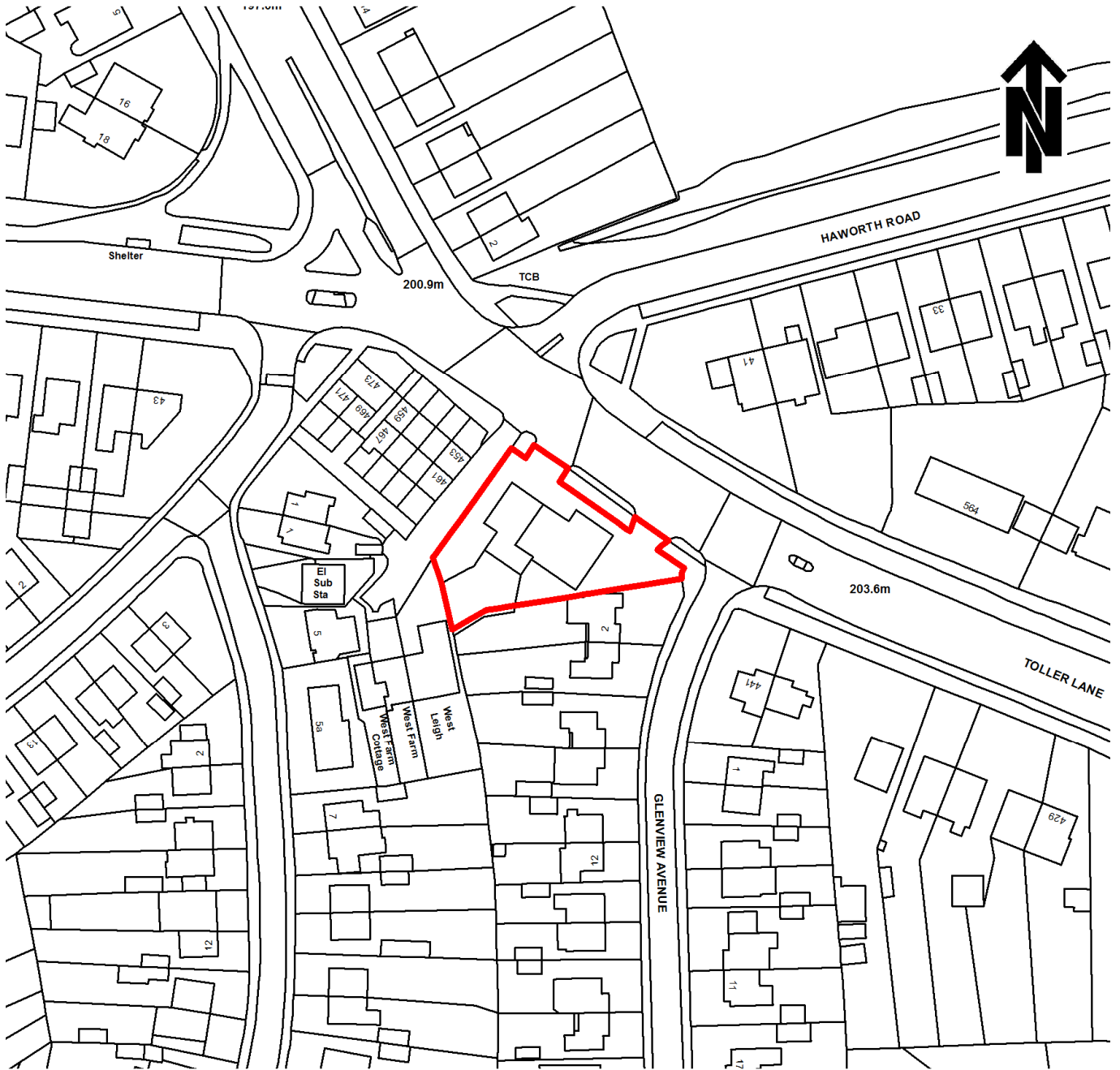
**Circumstances:**  
In January 2017 the Local Planning Authority received an enquiry regarding fencing at the property.

An inspection showed that timber fencing and a gate had been erected around the front garden area of the property, for which the Council had no record of planning permission having been granted. The owner/occupier of the property was subsequently requested to rectify the breach of planning control.

No action has been taken and on 7 April 2017 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to take Enforcement (Legal) Action as the unauthorised fence and gate are detrimental to visual amenity by virtue of their design and appearance, contrary to Policies D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.

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17/00532/ENFUNA



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451 Toller Lane  
Bradford  
BD9 5NX



**23 August 2017**

**Item: G**  
**Ward: HEATON**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
17/00532/ENFUNA

**Site Location:**  
451 Toller Lane, Bradford, BD9 5NX.

**Breach of Planning Control:**  
Unauthorised structure and means of enclosure.

**Circumstances:**  
In April 2017 the Local Planning Authority received enquiries regarding development works at the property.

An inspection showed that a yellow coloured single storey structure and means of enclosure had been erected adjacent to the front boundary of the property, for which the Council had no record of planning permission having been granted.

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

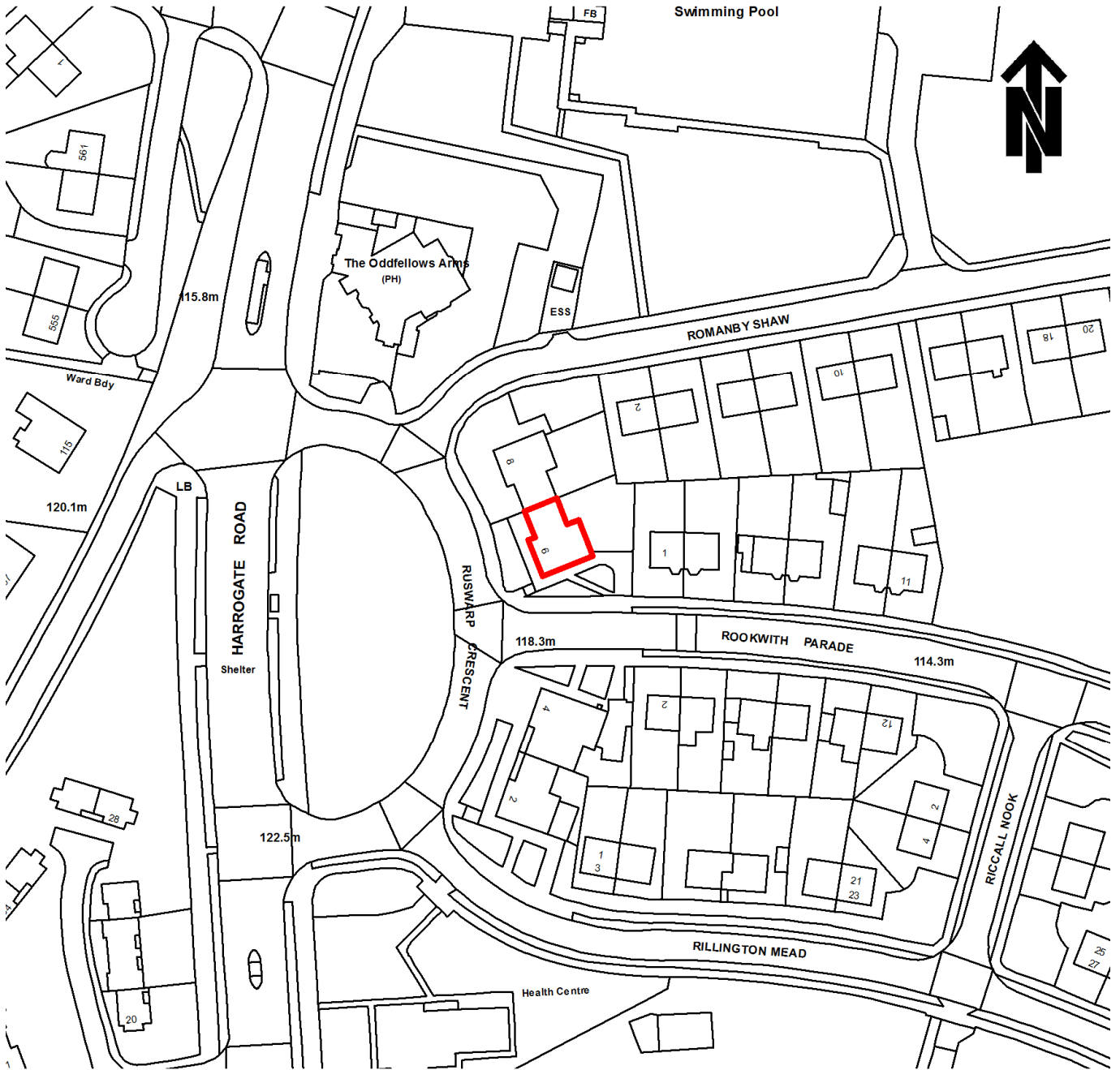
On 20 June 2017 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised single storey structure and means of enclosure are detrimental to visual amenity by virtue of their design and appearance, contrary to Policies D1, UR3 and UDP3 of the Council's adopted Replacement Unitary Development Plan.

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17/00008/ENFCON



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**6 Ruswarp Crescent  
Bradford  
BD10 0EQ**

**23 August 2017**

**Item: H**  
**Ward: ECCLESHILL**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
17/00008/ENFCON

**Site Location:**  
6 Ruswarp Crescent, Bradford, BD10 0EQ.

**Breach of Planning Control:**  
Breach of condition 2 of planning permission 01/01072/COU.

**Circumstances:**  
In August 2001 the Council granted planning permission for the use of the shop property as a hot food takeaway.

Condition 2 of the planning permission required the hot food takeaway to be open for business between 8.00am and midnight only. Following an enquiry regarding the business hours, the owner/occupier of the property was requested to ensure that the permitted business hours were adhered to.

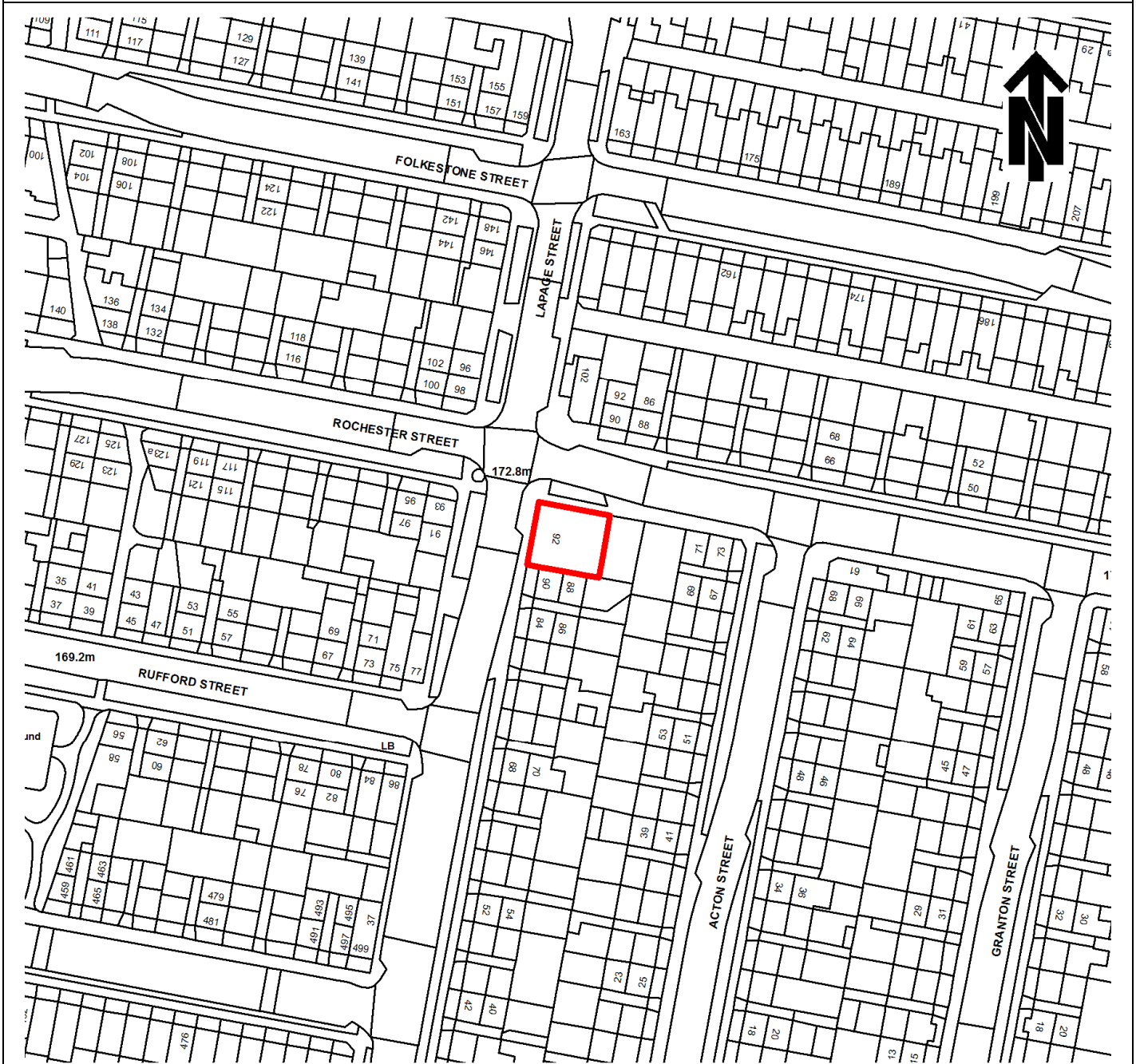
It would appear that condition 2 of the planning permission is continuing to be breached and on 27 June 2017 the Planning Manager (Enforcement & Trees) authorised the issue of a Breach of Condition Notice in the interests of residential amenity for local residents.

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16/00676/ENFAPP



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**92 - 96 Lapage Street**  
**Bradford**  
**BD3 8EH**

**23 August 2017**

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

**Enforcement Reference:**  
16/00676/ENFAPP

**Site Location:**  
92-96 Lapage Street, Bradford, BD3 8AU.

**Breach of Planning Control:**  
Unauthorised alterations.

**Circumstances:**  
In August 2016 the Local Planning Authority received an enquiry regarding development work at the property.

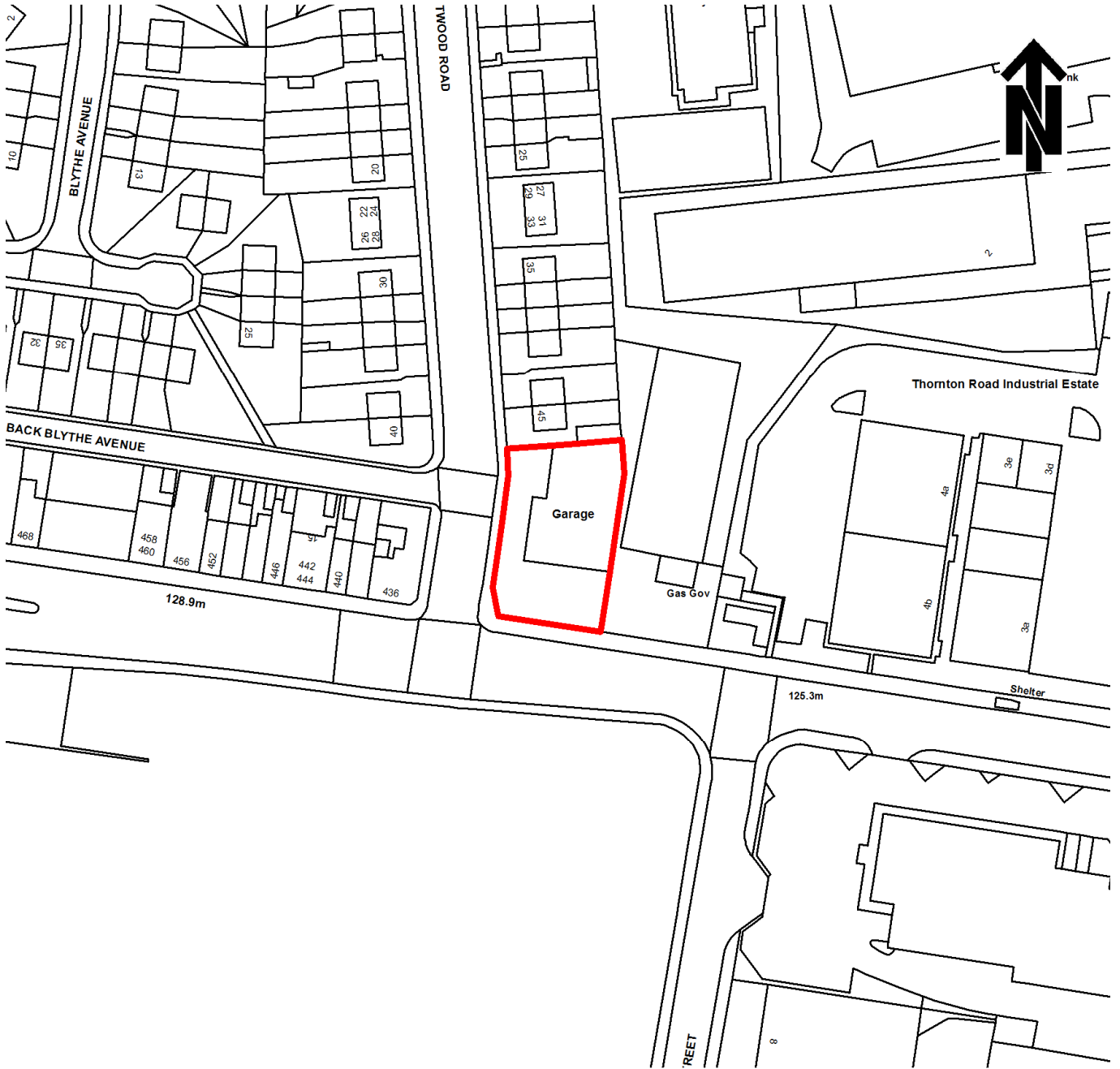
An inspection was made and it was noted that a first floor rear extension, canopy structure and external staircase had been constructed, for which the Local Planning Authority had no record of planning permission having been granted.

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

The unauthorised first floor extension, canopy structure and external staircase remain in place and on 30 March 2017 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised first floor extension, canopy structure and external staircase are detrimental to residential and visual amenity by virtue of their design and position, contrary to Policies D1, UR3 and UDP3 of the Council's adopted Replacement Unitary Development Plan.

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16/00017/ENFCOU



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**Bargain Motor Spares**  
**Thornton Road**  
**Bradford**  
**BD8 9BS**

**23 August 2017**

**Item: J**  
**Ward: MANNINGHAM**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
16/00017/ENFCOU

**Site Location:**  
BMS House, Thornton Road, Bradford.

**Breach of Planning Control:**  
Unauthorised mixed use comprising:

The sale, supply and storage of motor vehicles and MOT testing, repairing, servicing and valeting of motor vehicles.

**Circumstances:**

It was brought to the attention of the Local Planning Authority that a change of use had occurred and this was resulting in highway safety issues due to intensification of the use of the land.

The change of use had been challenged in writing, and there have been two applications subsequently which have been refused. The main issue for the most recent refusal being highway safety.

The current use of the land fails to provide suitable and sufficient accommodation within the site for staff and customer parking, does not provide appropriate manoeuvring and turning spaces and therefore results in increased vehicle manoeuvring and parking of vehicles within the highway and in the absence of a traffic regulation order to control parking around the site and at the junction of Thornton Road and Weetwood Road the development is to the detriment to the safe and free flow of traffic on the highway. The unauthorised use is contrary to Adopted Core Strategy Policies TR2, TR3, DS5 and the NPPF.

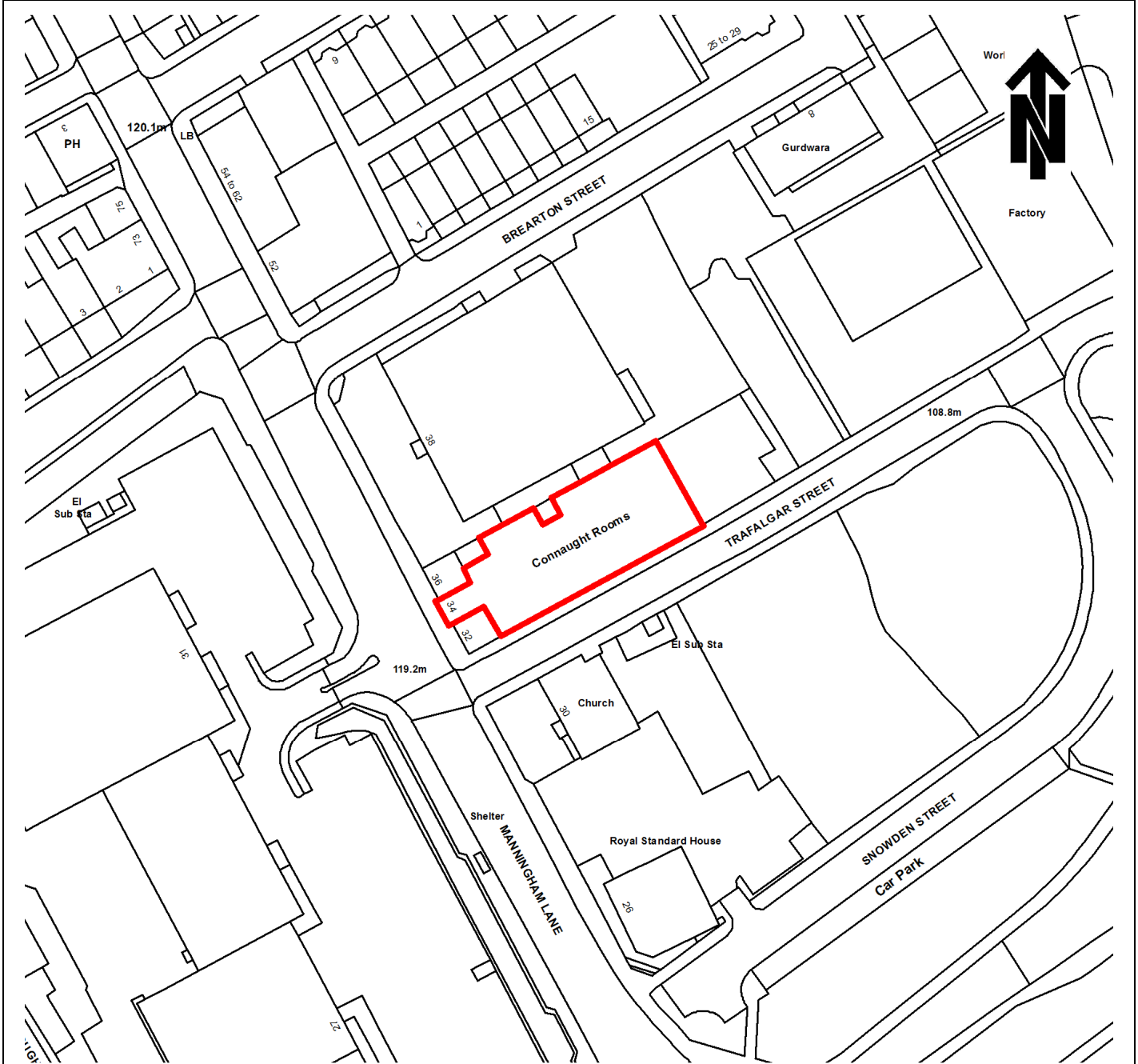
The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 26 July 2017.

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17/00266/ENFLBC



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**Connaught Rooms**  
**32 - 36 Manningham Lane**  
**Bradford**  
**BD1 3EA**



**23 August 2017**

**Item:** K  
**Ward:** CITY  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
17/00266/ENFLBC

**Site Location:**  
Connaught Rooms, 32-36 Manningham Lane, Bradford, BD1 3EA.

**Breach of Planning Control:**  
Unauthorised roller shutters and signage.

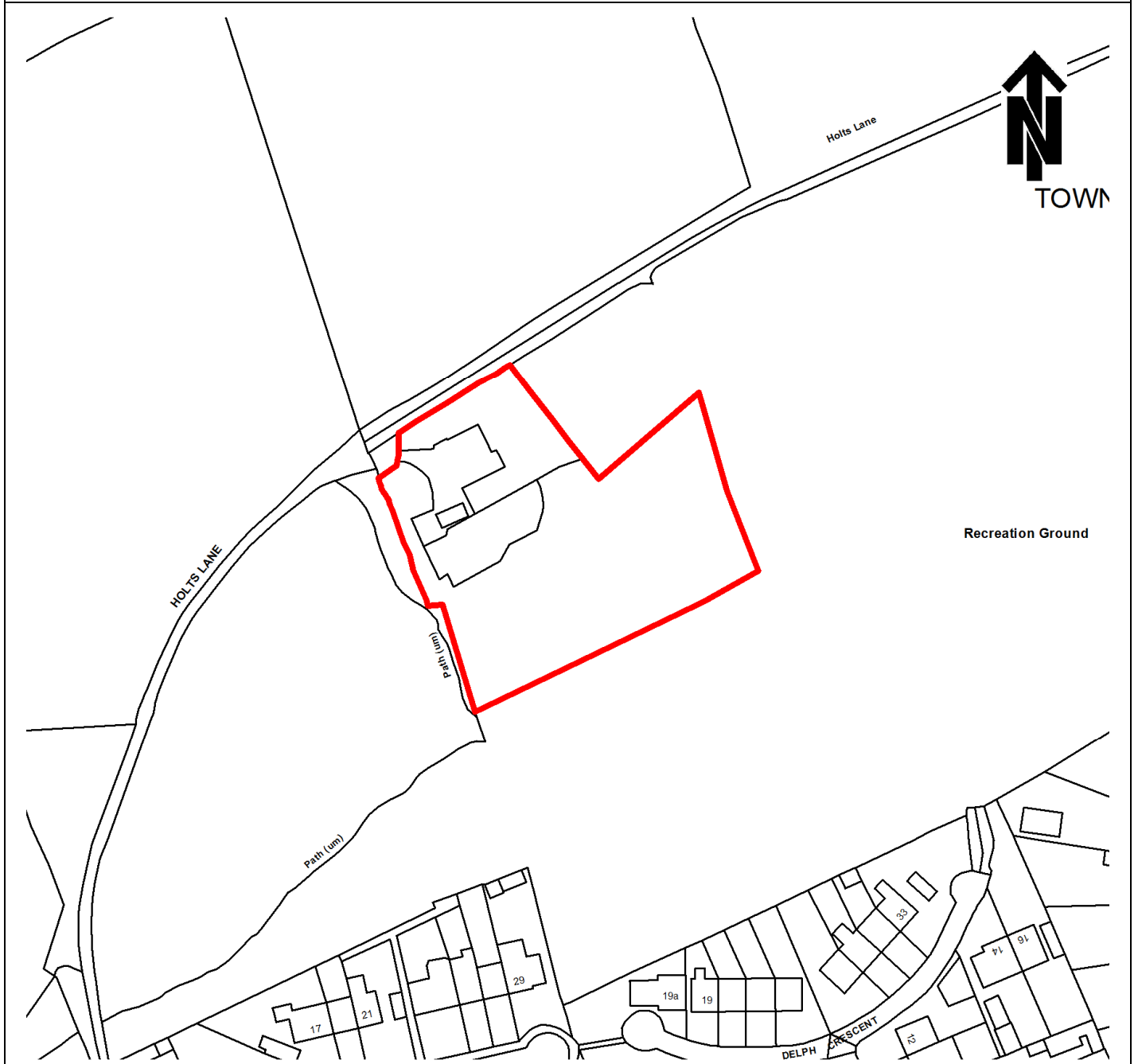
**Circumstances:**  
In September 2016 it was noted that roller shutters and signage had been installed on the Grade II Listed Building, for which the Council had no record of Listed Building Consent having been granted.

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

On 3 April 2017 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 roller shutters and signage are inappropriate to the Listed Building, contrary to Policies BH4 and BH6 of the Council's adopted Replacement Unitary Development Plan.

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16/00129/ENFCOU



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**Delph Farm  
Holts Lane  
Bradford  
BD14 6RZ**

**23 August 2017**

**Item:** L  
**Ward:** CLAYTON AND FAIRWEATHER GREEN  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
16/00129/ENFCOU

**Site Location:**  
Land at Delph Farm, Holts Lane, Clayton, Bradford.

**Breach of Planning Control:**  
Change of use of land consisting of the provision of land for the exercising and training of dogs.

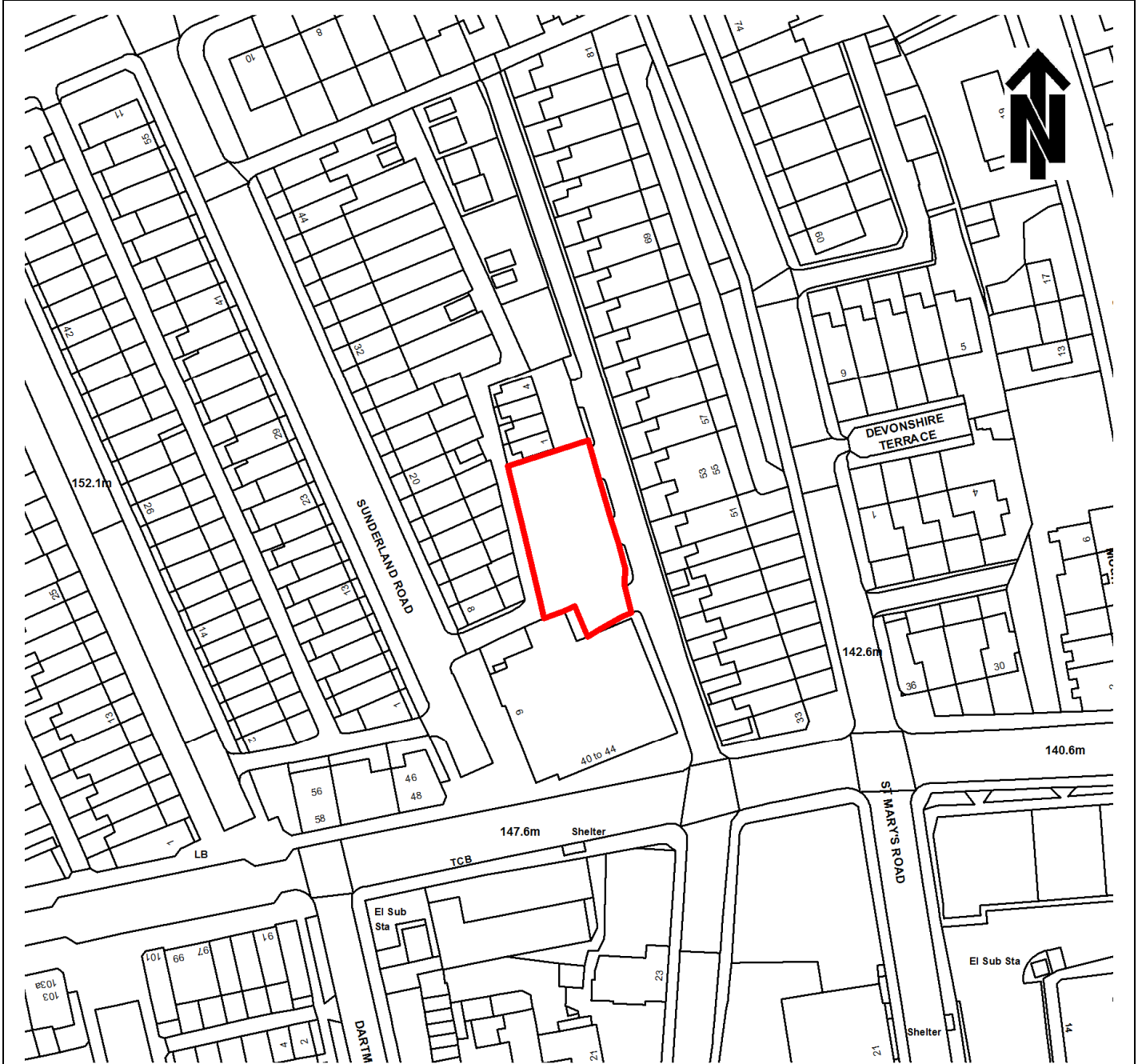
**Circumstances:**  
A business is operating from a fenced off area of land where clients can book in advance slots of time to use the land for exercising or training dogs. The business has an online booking system and the use of the land is increasing in intensity over time.

The unauthorised use referred to in the breach is inappropriate and unsustainable in this green belt location, very special circumstances are not apparent and the unauthorised use causes noise and disturbance to nearby residential property, furthermore and due to a sub-standard access designated as a bridleway it also increases the likelihood for conflict between highway users. The unauthorised use is therefore contrary to Policies UDP3, UR3, TM2 and TM19A and GB1 of the Councils Replacement Unitary Development Plan and paragraphs 79 to 81 and paragraphs 87 and 88 of the National Planning Policy Framework (Section 9 Protecting Green Belt Land).

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 11 April 2017.

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16/00908/ENFAPP



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**Land At Grid Ref 415054 434822  
Back St Marys Road West  
Bradford**

**23 August 2017**

**Item: M**  
**Ward: MANNINGHAM**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
16/00908/ENFAPP

**Site Location:**  
Land rear of 40-44 Oak Lane, Back St Marys Road, Bradford.

**Breach of Planning Control:**  
Breach of conditions 4 and 5 planning permission 07/01035/FUL.

**Circumstances:**  
Planning permission 07/01035/FUL for four dwellings and off-street parking was granted by the Council in April 2007.

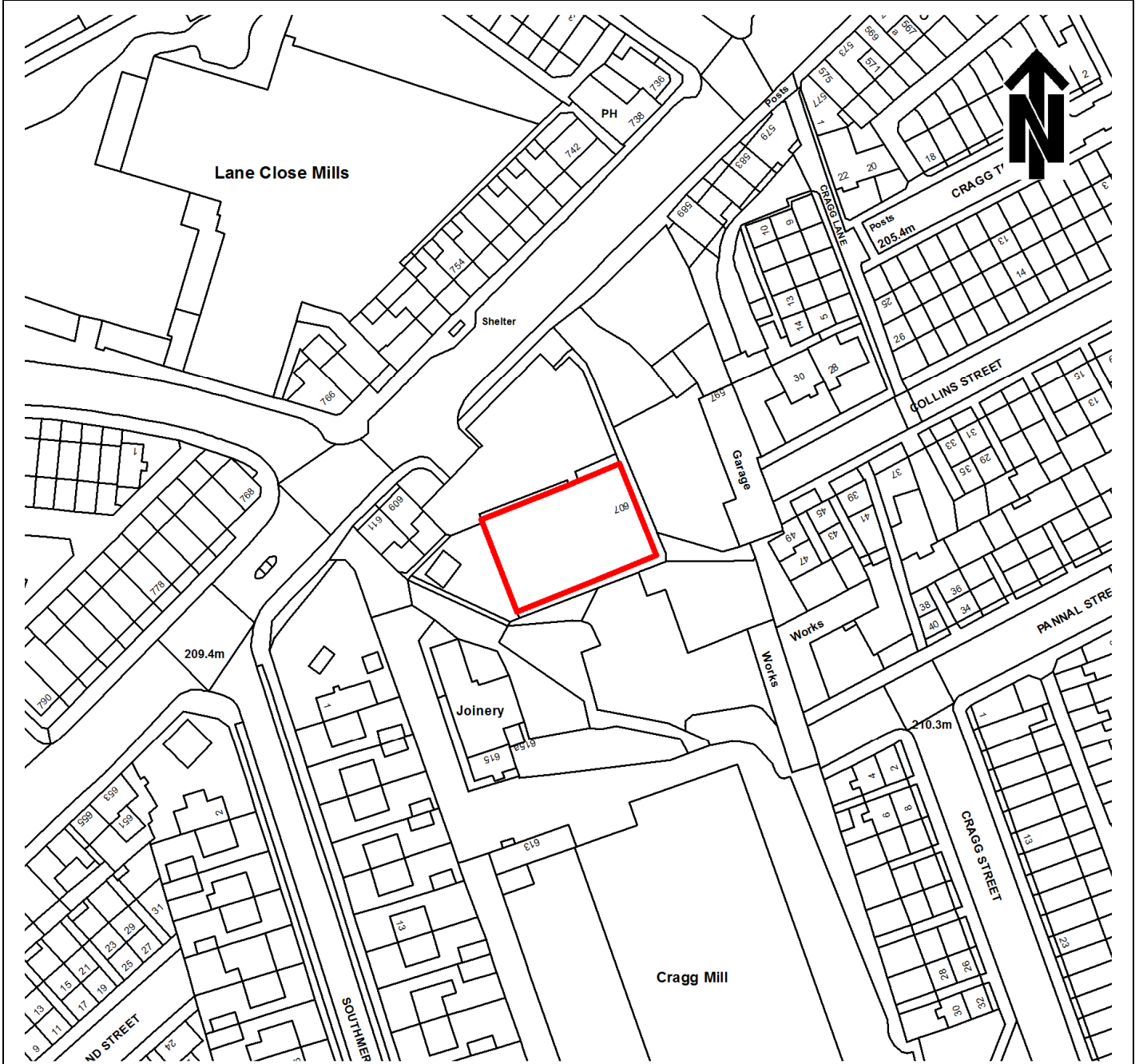
Conditions 4 and 5 of the planning permission required off-street parking for the new dwellings and existing retail units to be laid out in accordance with the approved site layout plan. An enquiry regarding the development was received by the Council in September 2016 and an inspection showed that the off-street parking had not been laid out in accordance with the planning permission.

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

On 29 March 2017 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice (Breach of Condition). It is considered expedient to instigate Enforcement (Legal) Action as the breach of conditions 4 and 5 of the planning permission is detrimental to highway safety, contrary to Policies TM2, TM11, TM12 and TM19a of the Council's adopted Replacement Unitary Development Plan.

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17/00207/ENFCOU



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**Land To Rear Of  
607 Great Horton Road  
Bradford  
BD7 4ED**

**23 August 2017**

**Item:** N  
**Ward:** GREAT HORTON  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
17/00207/ENFCOU

**Site Location:**  
Land to the South of 607 Great Horton Road, Bradford.

**Breach of Planning Control:**  
Unauthorised use of land for skip hire depot and waste transfer site.

**Circumstances:**  
Complaints were received about the burning of waste on land at the back of a retail unit and furthermore that a skip firm named MSS Skips was operating from open land to the rear. There have been several visits and each time waste was being sorted by hand. There is a mixture of wastes noted on site typical of what would be generated by a skip firm. The operator claims yard is in use for skip hire but activity noted confirms skip hire and waste transfer. The use has been challenged in writing and no planning application has been received. The site has also been reported to the Environment Agency who have commenced their enforcement process as the site is without the necessary permit.

The unauthorised use referred to in the breach is inappropriate and unsustainable in this location, has a sub-standard access and causes unacceptable adverse impacts from general disturbance, noise, dust and smoke contrary to Policies UDP3, UR3, P8 and P12 of the council's replacement unitary development plan. The use is also contrary to the National Planning Policy for Waste and the NPPF.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 19 June 2017.

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## DECISIONS MADE BY THE SECRETARY OF STATE

### Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
O	Bowling and Barkerend (ward 05)	32 Bromford Road Bradford BD4 7RE Construction of side and rear extension - Case No: 16/09493/HOU Appeal Ref: 17/00065/APPHOU
P	Bowling and Barkerend (ward 05)	6 Thurley Road Bradford BD4 7TA Retrospective application for construction of two storey side extension, single storey rear extension and loft conversion with rear dormer window - Case No: 17/00634/HOU Appeal Ref: 17/00058/APPHOU
Q	City (ward 07)	The Leisure Exchange Vicar Lane Bradford Freestanding 48 sheet LED advertising unit - Case No: 17/00208/ADV Appeal Ref: 17/00059/APPAD1

### Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
R	Toller (ward 24)	12 Whitby Terrace Bradford BD8 9JF Construction of two storey side and rear extension - Case No: 16/09478/HOU Appeal Ref: 17/00027/APPHOU
S	Heaton (ward 12)	148 Wilmer Road Bradford BD9 4AH Dormer windows to front and rear - Case No: 17/00643/HOU Appeal Ref: 17/00053/APPHOU



<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
T	Heaton (ward 12)	19 Shay Drive Bradford BD9 5PP  Hip to gable roof and construction of dormer windows to front and rear - Case No: 16/09063/HOU  Appeal Ref: 17/00055/APPHOU
U	City (ward 07)	353 Great Horton Road Bradford BD7 3BZ  Removal of existing cabin and construction of single storey side and rear extension. - Case No: 16/09426/FUL  Appeal Ref: 17/00035/APPNO2
V	Royds (ward 21)	4 Park Square Bradford BD6 3PT  Change of use of dwelling to mixed use of residential and childminding care business - Case No: 16/06578/FUL  Appeal Ref: 17/00042/APPFL2
W	Bolton and Undercliffe (ward 04)	72 Ashbourne Way Bradford BD2 4DU  Construction of single storey rear extension - Case No: 17/00533/HOU  Appeal Ref: 17/00070/APPHOU
X	City (ward 07)	8 Waverley Road Bradford BD7 3HT  Construction of single storey rear extension to accommodate disabled facilities - Case No: 16/08981/HOU  Appeal Ref: 17/00028/APPHOU
Y	Queensbury (ward 20)	Field House Cockin Lane Bradford BD14 6PY  Segregation of land to create new drive-way from Cockin Lane - Case No: 16/07430/FUL  Appeal Ref: 17/00011/APPHOU

## 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