

## Agenda for a meeting of the Area Planning Panel (Bradford) to be held on Wednesday, 4 July 2018 at 10.00 am in Committee Room 1 - City Hall, Bradford

### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Barker Whitaker	S Hussain Wainwright Amran Watson	R Ahmed

### Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis Whiteley	Azam Duffy Arshad Hussain Lal	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, City Hall 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:

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

### To:

## **A. PROCEDURAL ITEMS**

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

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

### **2. DISCLOSURES OF INTEREST**

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

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

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

*Notes:*

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

### **3. MINUTES**

**Recommended –**

**That the minutes of the meeting held on 9 May 2018 be signed as a correct record.**

(Claire Tomenson – 01274 432457)

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

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

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

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

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

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

(Claire Tomenson - 01274 432457)

#### 5. PUBLIC QUESTION TIME

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

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

**Questions must be received in writing by the City Solicitor in Room 112, City Hall, Bradford, by mid-day on Monday 2 July 2018.**

(Claire Tomenson - 01274 432457)

### B. BUSINESS ITEMS

#### 6. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL 1 - 76

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

The sites concerned are:

- |   |  |
|---|--|
| (a) 1 West Lane, Thornton, Bradford (Approve)                                     | <b><u>Thornton &amp; Allerton</u></b>  |
| (b) 1A Brae Avenue, Bradford (Approve)  | <b><u>Bolton &amp; Undercliffe</u></b> |
| (c) 4 Spencer Road, Bradford (Approve)  | <b><u>City</u></b>                     |
| (d) Land at Grid Ref 409168 430017, Bradshaw View, Queensbury, Bradford (Approve) | <b><u>Queensbury</u></b>               |
| (e) 135 - 137 Toller Lane, Bradford (Refuse)                                      | <b><u>Toller</u></b>                   |
| (f) 18 Heaton Grove, Bradford (Refuse)  | <b><u>Heaton</u></b>                   |

- |     |  |   |
|-----|--|---|
| (g) | 19 Brompton Avenue, Bradford (Refuse)  | <b><u>Bowling &amp;<br/>Barkerend</u></b> |
| (h) | 20 Pemberton Drive, Bradford (Refuse)  | <b><u>City</u></b>                        |
| (i) | 201A & 203A Great Horton Road and<br>26 & 28 Alexandra Street, Bradford (Refuse)   | <b><u>City</u></b>                        |
| (j) | 22 Pemberton Drive, Bradford (Refuse)  | <b><u>City</u></b>                        |
| (k) | 4 Heaton Grove, Bradford (Refuse)  | <b><u>Heaton</u></b>                      |
| (l) | Upper Ground Floor, Clifton Mill,<br>Clifton Street, Manningham, Bradford (Refuse) | <b><u>Manningham</u></b>                  |

(Mohammed Yousuf – 01274 434605)

## 7. MISCELLANEOUS ITEMS

77 - 92

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

- (a) – (f) Requests for Enforcement/Prosecution Action
- (g) Decision made by the Secretary of State – Allowed
- (h) – (n) Decisions made by the Secretary of State – Dismissed
- (o) Decision made by the Secretary of State – Allowed in part/ part dismissed

(Mohammed Yousuf - 01274 434605)

## Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 4 July 2018

# A

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### Summary Statement - Part One

#### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	1 West Lane Thornton Bradford BD13 3HX - 18/01000/FUL [Approve]	Thornton And Allerton
B.	1A Brae Avenue Bradford BD2 4AY - 18/00521/FUL [Approve]	Bolton And Undercliffe
C.	4 Spencer Road Bradford BD7 2DH - 18/01645/FUL [Approve]	City
D.	Land At Grid Ref 409168 430017 Bradshaw View Queensbury Bradford - 18/00920/FUL [Approve]	Queensbury
E.	135 - 137 Toller Lane Bradford BD8 9HL - 17/06894/FUL [Refuse]	Toller
F.	18 Heaton Grove Bradford BD9 4DY - 17/05494/HOU [Refuse]	Heaton
G.	19 Brompton Avenue Bradford BD4 7LP - 18/01667/HOU [Refuse]	Bowling And Barkerend
H.	20 Pemberton Drive Bradford BD7 1RA - 18/01328/FUL [Refuse]	City
I.	201A & 203A Great Horton Road And 26 & 28 Alexandra Street Bradford BD7 1RP - 18/00850/FUL [Refuse]	City
J.	22 Pemberton Drive Bradford BD7 1RA - 18/01327/FUL [Refuse]	City
K.	4 Heaton Grove Bradford BD9 4DX - 18/01359/HOU [Refuse]	Heaton
L.	Upper Ground Floor Clifton Mill Clifton Street Manningham Bradford BD8 7DA - 17/06659/FUL [Refuse]	Manningham

Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

**Portfolio:**  
Regeneration, Planning & Transport

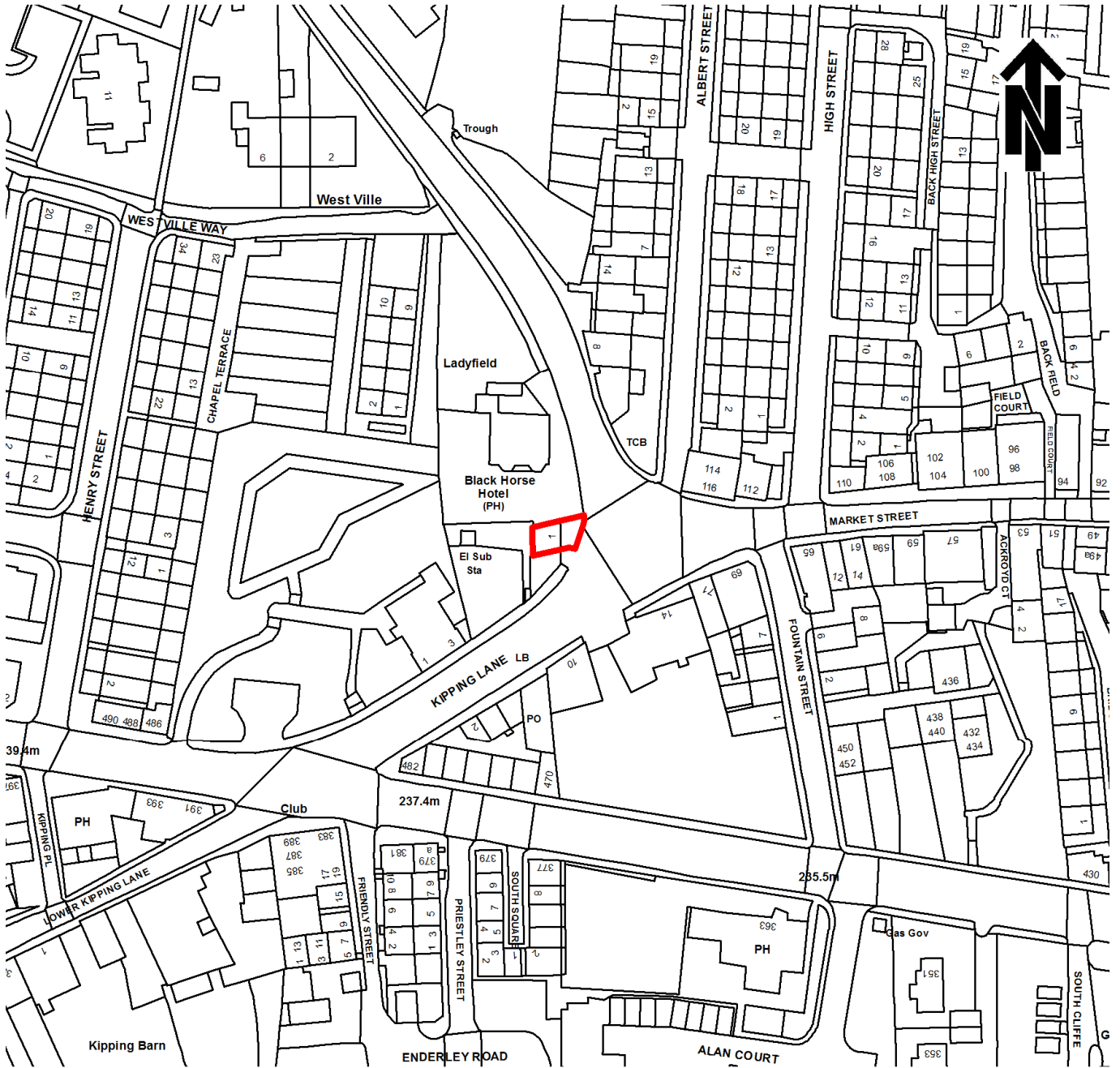
Report Contact: Mohammed Yousuf  
Phone: 01274 434605  
Email: [mohammed.yousuf@bradford.gov.uk](mailto:mohammed.yousuf@bradford.gov.uk)

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

18/01000/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**1 West Lane  
Thornton  
Bradford BD13 3HX**

**4 July 2018**

**Item: A**  
**Ward: THORNTON & ALLERTON**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
18/01000/FUL

**Type of Application/Proposal and Address:**  
Change of use from hairdressers with flat above to micro pub, new shop front and side window to shop area at 1 West Lane, Thornton, Bradford BD13 3HX.

**Applicant:**  
Mrs Jane Jackson

**Agent:**  
Mr J Allatt of Belmont Design Services

**Site Description:**  
The building is a small, stone built, two-storey detached property in the Thornton local centre and the Thornton conservation area. Situated within the buffer zone of listed buildings on Market Street and Thornton Road, it comprises a hairdressing business at ground floor level, ("Bronte Hair Fashions"), with what was previously a flat above. The front elevation incorporates a display type window, with a similar window in one side elevation. The opposite side elevation contains a door with steps up and a first floor window, fronting access to a car parking area, with a public house (the "Black Horse") beyond.

**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.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document 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 unallocated but sits within the Thornton Local Centre. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

DS1 – Achieving Good Design  
DS3 – Urban Character  
DS4 – Streets and Movement  
DS5 – Safe and Inclusive Places  
EC5 – City, Town, District and Local Centres  
EN3 – Historic Environment  
SC4 – Hierarchy of Settlements  
SC9 – Making Great Places

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

Advertised in the press and by site notice. Expiry date 13 April 2018. Seventy seven representations received. Seven object and seventy support the proposal.

**Summary of Representations Received:**

Objections:

1. No right of access over the Black Horse car park or beer garden.
2. The proposal includes use of an area that was intended for public benefit.
3. Policing the car park will incur costs and loss of custom.
4. Double and triple parking on Kipping Lane and West Lane already causes road safety problems.
5. The proposed micro pub has no parking.
6. A B2 use must have one parking space per 50 sq. m.
7. Lack of parking will lead to increased use of the existing public house car park, as well as increased congestion, peak time delays and an unsafe environment for pedestrians and motorists.
8. Opening hours for the pub should be in line with the adjacent pub to avoid antisocial behaviour.
9. Too near a licenced public house.

In support:

1. The pub will encourage spending and investment in the local community.
2. It will bring a bit of life into the community.
3. Small businesses should be encouraged.
4. The pub will bring jobs to the village.
5. West Lane is always empty. There's plenty of room for cars to park so no chance of double parking.



The letters also express general support for the proposal, though a number of supporters have not given a reason for their support.

**Consultations:**

Environmental Health - No concerns

Drainage - No comments to make

Heritage and Conservation – There is concern over loss of the original shop front. However, the level of harm arising from this is considered less than substantial and should therefore be weighed against the public benefits of the proposal.

Highways - No objections to the proposal, but minor works within the highway will be required in the form of a white bar marking on West Lane in line with the pedestrian crossing point to ensure this remains clear from parked vehicles.

**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 application is for a micro pub in the local centre of Thornton. The aim of local centres is to form a focal point and provide for the day to day needs of local people, so reducing the need to travel. In general, retail, leisure and residential uses are encouraged in local centres, as well as community uses to serve the people within the centre catchment area.

Number 1 West Lane is a two-storey, stone-built property that also falls within Thornton Conservation Area and which is identified in the conservation area appraisal as a key unlisted building, making a positive contribution to the character of the conservation area.

The proposal is sustainable as it will make use of an existing building. It will also provide the equivalent of 1.5 full time jobs and add to the diversity of the centre, which is a stated aim of the adopted Core Strategy (section 5.2.1). On this basis, a micro pub is acceptable in principle, though this is subject to the individual merits of the development.

**2. Visual Amenity**

The main visual changes will be the addition of mullions to the ground floor windows in the front and side elevations and new painted timber windows and doors.

The National Planning Policy Framework (the NPPF) states, in paragraph 132, that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. It goes on to say that any harm or loss should require clear and convincing justification.

The level of harm is considered to be less than substantial. Paragraph 134 of the NPPF requires that where a proposal would lead to less than substantial harm the harm should be weighed against the public benefits of the proposal. The changes are considered relatively minor, preserving the surrounding conservation area. The installation of double-glazing to the shop fronts is considered a minor public benefit and the lack of change also means that the settings of nearby listed buildings on Market Street and Thornton Road will not be adversely affected. In view of these and other planning benefits, such as the reuse of a building and the provision of jobs, it is not considered that the development will have an adverse effect on visual amenity or on the setting of the conservation area or nearby listed buildings.

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

The two main aspects that may affect neighbouring amenity are noise and disturbance and secondly, parking. Some noise and disturbance is to be expected from the comings and goings of patrons of the micro pub, particularly late in the evening and at night. Whilst noise may affect nearby dwellings, the location of the pub within a local centre, where such uses are encouraged to locate, as well as the opportunity to control opening hours are considered to outweigh noise concerns.

Opening hours have been agreed as 11-00 till 23-00 Sunday to Thursday and 11-00 till 23-30 on Fridays and Saturdays. No objection has been raised by the Environmental Health section on the grounds of noise and it is considered that the proposed opening hours are acceptable.

In terms of parking, a strong objection has been received with regard to the car park of "The Black Horse". Lack of parking, it is stated, will lead to increased use of this car park. Whilst it is noted that there is no right of access over the car park, this is not a planning matter, but a private matter between the concerned parties, as is the cost of policing the car park.

A micro pub is not a B2 use as indicated by one objector (and hence not subject to the parking requirements for such a use), though the proposal does have no parking spaces and another objector has pointed out that double and triple parking on Kipping Lane and West Lane already causes road safety problems. However, as the site lies within a local centre, there is a presumption against the creation of parking spaces, which at the most should be limited to the operational requirements of the business.

### **4. Highway Safety**

No objections are raised to the proposal in terms of its effect on highway safety. However, minor works within the highway will be required in the form of a white bar marking on West Lane in line with the pedestrian crossing point to ensure this remains clear from parked vehicles. This requirement can be addressed by a planning condition.

Contrary to one objection, it is not considered that the proposal will lead to increased congestion, peak time delays and an unsafe environment for pedestrians and motorists, as the development is small scale and unlikely to generate significant traffic.

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

The proximity of the proposal to another public house is not a planning matter, since there is no planning policy basis for the location of such development.

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

One objector points out that the proposal includes use of an area that was intended for public benefit. It is unclear to which piece of land this refers, but no supporting evidence has been submitted and the application form has been signed to say all land to which the application refers is owned by the applicant.

### **Community Safety Implications:**

There are no community safety implications arising from the proposal.

### **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 development is acceptable in principle and will not adversely affect the setting of the conservation area and nearby listed buildings, visual amenity, neighbouring amenity or highway safety. It therefore complies with policies DS1, DS3, DS4, DS5, EC5, EN3, SC4 and SC9 of the adopted Core Strategy for 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. The use of the premises for the provision of education (use class D1) shall be restricted to the hours between 09-00 and 15-00 on Saturdays and between 09-00 and 15-00 on Sundays and the premises shall not operate for the provision of education at any other time.

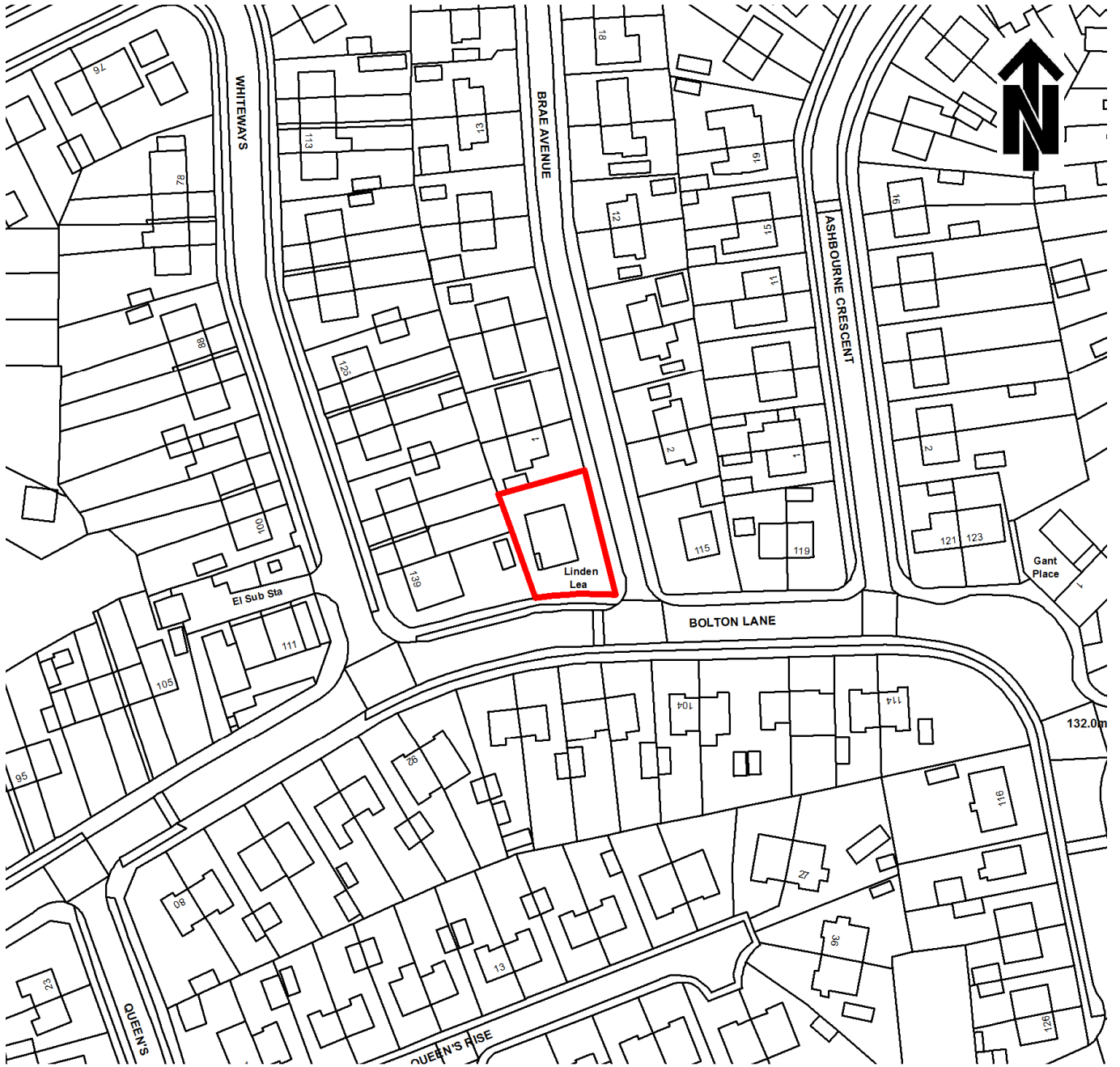
Reason: In the interests of the amenities of neighbouring residents and to accord with policies DS1, DS3 and EN8 of the adopted Core Strategy for the Local Plan for the Bradford District.

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18/00521/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**1A Brae Avenue  
Bradford  
BD2 4AY**

**4 July 2018**

**Item: B**  
**Ward: BOLTON & UNDERCLIFFE**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
18/00521/FUL

**Type of Application/Proposal and Address:**  
Retrospective change of use of basement from residential (C3) to education (D1) at  
1A Brae Avenue, Bradford BD2 4AY

**Applicant:**  
Mr N Islam

**Agent:**  
Mr Mo Ali

**Site Description:**  
The site is situated at the junction of Brae Avenue and Bolton Lane, in a mainly residential area. Brae Avenue is a narrow road, sloping upwards away from the site, whereas Bolton Lane is wider and has grass verges. A short distance away is a short parade of commercial properties. On site, number 1A is a detached, stone fronted bungalow, at the end of a line of semi-detached properties. Slate roofed, with a white finished rear elevation, the dwelling has a large, rear box dormer with cladding on its front elevation. Access is from Brae Avenue, leading into a paved front yard.

**Relevant Site History:**  
16/07655/CLP- Proposal: Construction of dormer window to rear - GRANT 2 December 2016.  
16/05128/HOU- Proposal: Construction of side extension and rear and side extension and construction of porch - GRANT 12 August 2016.  
16/03230/HOU- Proposal: Construction of side and rear extensions, porch to front and dormer windows to front and rear - REFUSE 15 June 2016.  
04/04124/FUL- Proposal: Construction of single storey extension to side of property - GRANT 27 October 2004.

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

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

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

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

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

**Local Plan for Bradford:**

The Core Strategy Development Plan Document 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 unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

DS1 – Achieving Good Design  
DS3 – Urban Character  
DS5 – Safe and Inclusive Places  
EN8 - Environmental Protection Policy  
SC9 - Making Great Places  
TR2 – Parking Policy

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

Advertised by neighbour notification notice. Expiry date 9 April 2018. Three objections received, including one from a ward councillor, requesting that the application be referred to the Area Planning Panel if officers advocate granting permission. Seventeen letters of support also received.

**Summary of Representations Received:**

Objections

1. Increase in traffic levels.
2. No off-street parking.
3. Parking on verges.
4. Blockage of road by vehicles dropping off, picking up and/or waiting for pupils.
5. Obstruction of residents' drives and use of drives for turning, leading to a loss of residential amenity.
6. Danger to motorists at the junction.

In support

1. Improvement in education.
2. Pupils walk to the centre.
3. Centre is a local benefit.
4. Few children come by car and these can park further away and walk.
5. Parking issues can be addressed by communication: for example, a letter to parents.
6. Parking problems are also caused by football fans.
7. Drop offs are quick.
8. No increase in traffic.

**Consultations:**

Highways - No objections.

**Summary of Main Issues:**

1. Principle of development
2. Visual amenity
3. Amenities of occupiers of adjacent land
4. Highway safety

**Appraisal:**

**1. Principle of Development**

This is a retrospective application for changing a domestic gym into an education centre, which has been in operation since November 2017. The site is unallocated and so is not protected for any particular use. As a local facility within a local area, the proposal is acceptable in principle subject to its local impact.

**2. Visual Amenity**

Visually, there have been no external alterations to the dwelling, which retains its residential appearance. There is therefore no adverse effect on visual amenity.

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

Neighbouring amenity is most likely to be affected by parking generated by the development and also by noise. In terms of noise, the number of pupils on the premises at any one time is 20, divided into two classes of ten. The centre operates on Saturday and Sunday only, between the hours of 09-00 and 15-00. Pupils aged between 8 and 14 are taught on Saturday and those aged 15-16 on Sunday. The addition of 20 pupils will lead to an increase in noise, including noise and disturbance from pick-ups and drop-offs.

However, the centre operates only during the weekend and it is considered that limiting its hours of use to those suggested is an acceptable balance between the use and the amenities of neighbouring occupants.

With regard to parking, there are no specific parking standards for such uses, and in any case the centre provides no off-street parking. Some pupils walk to the centre and there is also a bus stop nearby on Bolton Lane, though the frequency of public transport is not such as to make the site sustainable in terms of its public transport requirement.

Lack of parking has led to the obstruction of private drives and the use of drives for turning, with a consequential detrimental effect on neighbouring amenity. This is a concern, but in view of the limited hours of operation of the site and the likely time taken for pick-ups and drop offs, it is not considered that any potential detriment is sufficient to refuse the application. Furthermore, parking will take place on the public highway and blockage of drives is also a matter for the police.

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

The site is located at the junction of Bolton Lane and Brae Avenue. It is not considered that the position of the site will, however, cause any danger to drivers or pedestrians, notwithstanding the increase in the number of vehicle movements.

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

There are no implications for community safety.

#### **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 development is a local facility, serving the local community. Whilst some adverse effects can arise from its operation, such as noise and a lack of off-street parking, it is considered that these can be controlled by planning conditions limiting the use of the premises and that any detriment can therefore be mitigated. The proposal is therefore in accordance with policies DS1, DS3, DS5, EN8 and SC9 of the adopted Core Strategy for 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. The use of the premises for the provision of education (use class D1) shall be restricted to the hours between 09-00 and 15-00 on Saturdays and between 09-00 and 15-00 on Sundays and the premises shall not operate for the provision of education at any other time.

Reason: In the interests of the amenities of neighbouring residents and to accord with policies DS1, DS3 and EN8 of the adopted Core Strategy for the Local Plan for the Bradford District.

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18/01645/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**4 Spencer Road  
Bradford  
BD7 2DH**

**4 July 2018**

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

**Application Number:**  
18/01645/FUL

**Type of Application/Proposal and Address:**  
Change of use from class A1 (Retail) to class A3 (Cafe) with owners' accommodation above, installation of flue at 4 Spencer Road, Bradford.

**Applicant:**  
Mr Mohammed Qasim

**Agent:**  
Khawaja Architectural Services

**Site Description:**  
The application property is a two-storey, mid-terrace, Victorian stone building situated amongst a parade of 5 commercial buildings all of which are within the A1 use classes order. The application building is currently vacant and was a former video rental shop. This group of buildings lie on the corner of Horton Grange Road and Spencer Road.

**Relevant Site History:**  
75/05614/FUL Dormer Windows Extensions - Refused 29.10.1975  
92/02684/FUL Single storey rear extension - Refused 3.07.1992  
93/00092/FUL Rear single storey mono-pitched extension - Granted 15.03.1993  
17/05913/PRC Proposed change of use from class A1 shop to class A3 cafe with owner's accommodation above - Withdrawn 7.12.2017

**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.

**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 unallocated within the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

- DS1 – Achieving good design
- DS3 – Urban character
- DS5 – safe and Inclusive Places
- SC9 – Making great places
- EC4 – Sustainable Economic Growth
- EN8 – Environmental Protection
- TR2 – Parking policy

**Publicity and Number of Representations:**

Application publicised by way of neighbour notification letters and site notice. The overall expiry for the publicity was 28 May 2018.

To date representations have been received consisting of 17 supporting letters and 11 objection letters.

**Summary of Representations Received:**

The following is a summary of the comments raised by the supporting letters:

- Applicant supporting community for many years
- Objections received under supporters address (81 Bradford and 6 Spencer Road)
- A\* fast food with lovely food and friendly staff
- Café unique to Spencer Road, integrating community for a service in demand.
- Café hub for local business
- Support change
- Use to support local community for well needed service.
- Make lives of the local easier
- Encourage investment in local business rather than big franchise
- Brilliant idea
- Little competition for fresh fast food

The following is a summary of the objection comments raised:

- Ploy to run as a takeaway:
- Proximity to school, playing fields and community centre
- Late opening hours 10pm show intention of running takeaway as does supporting comments stating excellent service and fast food provided
- Noise
- Smell

- Antisocial behaviours
- Parking
- Unauthorised use of takeaway by Applicant on a different site subject to an enforcement notice
- Current state of street attracting rodents
- Some objectors withholding true identity
- Supporting comments all received on same day after deadline date

The following general comments are also made:

- Would like the Council to provide bins
- Assurance required that the Cafe to adhere to closing times.
- Clarifications required on food type prepared for sale.

**Consultations:**

Highways: No objections raised.

Environmental Protection: No objections subject to conditions

**Summary of Main Issues:**

1. Principle of Development
2. Visual amenity
3. Residential amenity
4. Highway Safety
5. Storage bins
6. Accessibility
7. Other Issues Raised in Representation

**Appraisal:**

**1. Principle of Development**

This is an unallocated site on the RUDP and so is not protected for any particular uses. The application is for an A3 café use and so the restrictions on A5 hot food takeaways in close proximity to schools and other uses where young people may congregate is not applicable. The proposal is welcomed as it would give rise to a new business unit and employment. The growth of employment is encouraged by the Government's NPPF policy under paragraphs 18 to 22 and policy EC4 of the Council's Core Strategy which encourages economic enterprises which develop or enhance the viability of tourism, culture and leisure based activities whilst having regard to accessibility and sustainable transport, local character and design. The principle of the development is therefore considered to be acceptable subject to its local impact.

**2. Visual amenity**

The only external alterations proposed relate to the flue towards the rear elevation. Subject to a dark colour finish this element is acceptable with respect to visual amenities in accordance with policy DS1, DS3 and SC9 of the Council's Core strategy.

### **3. Residential Amenity**

The application building is amongst a parade of 5 commercial buildings all of which are within the A1 use classes order. This group of buildings lie on the corner of Horton Grange Road and Spencer Road. Horton Grange Road is along a Bus route and is in an area with a high noise background. The proposed hours of operation 1000 to 2200 are considered acceptable in this location. The proposed cafe unit with the proposed odour control systems terminating 1m above the roof ridge is considered acceptable. The flat above the application premises is intended to be for the owner's accommodation. This arrangement is acceptable as the owner will be able to tolerate any adverse impact either through noise or odour. As such in terms of residential amenities this application complies with Policy EN8 of the Council's Core Strategy.

### **4. Highways safety**

The application site offers no off-street parking provisions. The site is in a reasonably sustainable location near Horton Grange Road which is a frequent bus route. The Council's Highway's Section has not raised any objections and as such it is not considered that the proposed development would be materially harmful to the free and safe use of the highway thereby satisfying the requirements of policies TR2 of the Councils Core strategy.

### **5. Storage bins**

There is capacity within the rear curtilage of the application site to store trade waste bins.

### **6. Accessibility**

Policy DS5 requires design to ensure buildings and places provide easy access for all, including those with physical disabilities. The application proposes a short ramp of 1:12 gradient to meet the objectives of this policy.

### **7. Other Issues Raised in Representation**

APPLICANT SUPPORTING COMMUNITY FOR MANY YEARS – Not a material planning consideration

OBJECTIONS RECEIVED UNDER SUPPORTERS ADDRESS (81 BRADFORD AND 6 SPENCER ROAD) – It is indeed noted that both supporting and letters expressing objections have been received at these two addresses. Officers have reported all representations at face value.

A\* FAST FOOD WITH LOVELY FOOD AND FRIENDLY STAFF – the track record of the Applicant is not a material planning consideration.

BRILLIANT IDEA. CAFÉ UNIQUE TO SPENCER ROAD, INTEGRATING COMMUNITY FOR A SERVICE IN DEMAND. USE TO SUPPORT LOCAL COMMUNITY FOR WELL NEEDED SERVICE. The unique aspect of the proposed business idea and its need is not a material planning consideration.

CAFÉ HUB FOR LOCAL BUSINESS – The benefits insofar as the creation of a new use and thus creating employment is noted to have benefits.

MAKE LIVES OF THE LOCAL EASIER. SUPPORT CHANGE – The impacts of the new use proposed is considered on its merits as discussed in the body of the report

ENCOURAGE INVESTMENT IN LOCAL BUSINESS RATHER THAN BIG FRANCHISE - Not a material planning consideration

LITTLE COMPETITION FOR FRESH FAST FOOD - Not a material planning consideration

PLOY TO RUN AS A TAKEAWAY: PROXIMITY TO SCHOOL, PLAYING FIELDS AND COMMUNITY CENTRE. LATE OPENING HOURS 10PM SHOW INTENTION OF RUNNING TAKEAWAY AS DOES. SUPPORTING COMMENTS STATING EXCELLENT SERVICE AND FAST FOOD PROVIDED. The application is for a café and not for a hot-food takeaway. Therefore the hot food takeaway policies under the Supplementary Planning Document are not relevant. The proposal as submitted has to be subject of consideration and not for proposals which have not been applied for. Should a material change of use occur to what may be granted planning permission then that new use would be unauthorised.

NOISE. SMELL. This is addressed in the body of the report and conditions are recommended to mitigate adverse impacts of pollution.

ANTISOCIAL BEHAVIOURS. There is no reason to correlate the proposed café with antisocial behaviour.

PARKING. The issue of highway safety is addressed in the body of the report.

UNAUTHORISED USE OF TAKEAWAY BY APPLICANT ON A DIFFERENT SITE SUBJECT TO AN ENFORCEMENT NOTICE. Not a material planning consideration.

CURRENT STATE OF STREET ATTRACTING RODENTS. Not a material planning consideration.

SOME OBJECTORS WITHHOLDING TRUE IDENTITY. Officers can only report the representations at face value that have been received.

SUPPORTING COMMENTS ALL RECEIVED ON SAME DAY AFTER DEADLINE DATE. All representations are considered prior to the Panel decision.

WOULD LIKE THE COUNCIL TO PROVIDE BINS. The onus would be on the writer to make such a request to the Council's Highway Section.

ASSURANCE REQUIRED THAT THE CAFE TO ADHERE TO CLOSING TIMES. A condition is recommended specifying the closing times.

CLARIFICATIONS REQUIRED ON FOOD TYPE PREPARED FOR SALE. For cafes this is not a material planning consideration.

**Community Safety Implications:**

There are no apparent 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 quality of opportunity between different groups and foster good relations between different groups. The issue of meeting the needs of Applicant, suffering from disabilities, has been discussed and assessed in the body of this report. The application making provision for a disabled person is noted.

**Reason for Granting Planning Permission:**

The proposal is welcomed as it would give rise to a new business unit and employment with level access. The growth of employment is encouraged by the Governments NPPF policy under paragraphs 18 to 22 and policy EC4 of the Councils Core. The proposed alterations are considered to relate satisfactorily to the character of the existing and adjacent properties. As such this proposal is considered to be in accordance with policy DS1, DS3 and SC9 of the Councils Core Strategy. The impact of the proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significant adverse effect upon their residential amenity in accordance with Policy EN8 of the Council's Core Strategy. The proposed development would not be materially harmful to the free and safe use of the highway thereby satisfying the requirements of policies TR2 of the Councils Core strategy.

**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 rating level of the noise emitted from the proposed external extractor duct serving the application property shall be no greater than -5 dB(A) below the existing background noise level, LA90 at any time. The noise level shall be determined at the boundary of the nearest domestic dwelling. The measurement and assessment shall be made according to the methodology set out in BS 4142: 2014.

Reason: To minimise noise pollution and safeguard residential amenity in accordance with Policy EN8 of the Council's Core Strategy.

3. Unless otherwise agreed in writing by the Local Planning Authority the application premises, subject of this decision, shall not be open for business between the hours of 2200 and 1000. No customer shall be served or otherwise make use of the premises between these hours.

Reason: In order to safeguard the amenity of nearby residents and to accord with the requirements of Policy EN8 of the Council's Core strategy.

4. Before the first use of the development hereby permitted all external section of the ventilation flue shall have a dark coloured finish and so retained thereafter.

Reason: In the interests of visual amenity and to accord with policies Policy DS1 and DS3 of the Council's Core strategy.

5. Before the use commences the fume extraction system hereby permitted shall be installed and fitted in accordance with the approved specifications and retained as such thereafter in a working condition at all times while the approved use is operational.

Reason: In order to safeguard the amenity of nearby residents and to accord with the requirements of Policy EN8 of the Councils Core strategy.

6. The internal layout of the café, hereby approved, relating to areas made available for customers to eat-in shall be restricted to the area indicated on the approved ground floor plan.

Reason: To ensure the use hereby approved is used as a café and not for an A5 use in order to safeguard the residential amenity of nearby residents and to accord with the requirements of Policy EN8 of the Councils Core strategy.

**Footnote:**

The drainage serving kitchens should be fitted with a grease separator complying with BS EN 1825-1:2004 and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal. Provision should also be made for safe disposal of waste oil regularly to prevent accumulations.

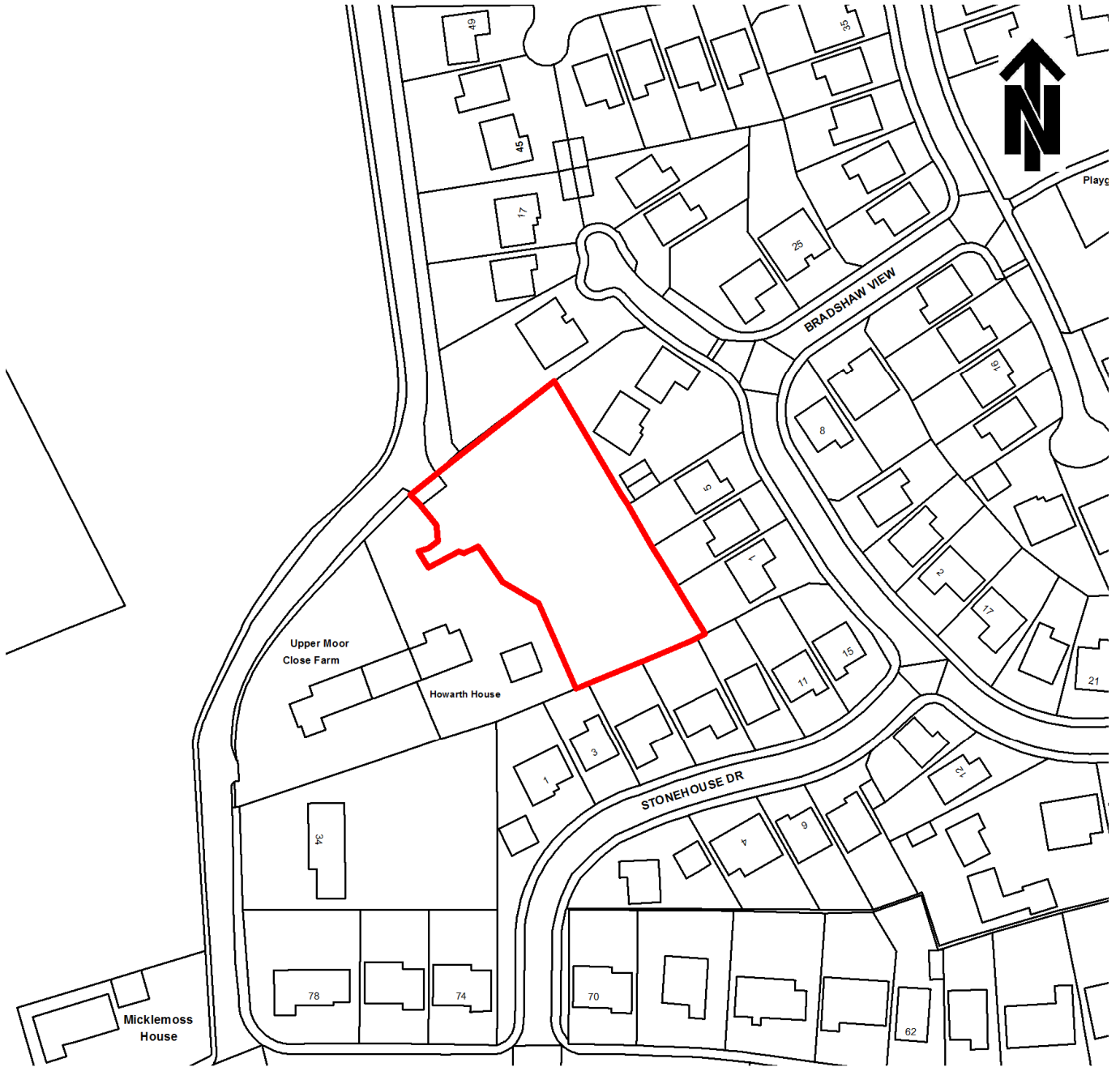
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18/00920/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Bradshaw View  
Queensbury  
Bradford**

**4 July 2018**

**Item: D**  
**Ward: QUEENSBURY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
18/00920/FUL

**Type of Application/Proposal and Address:**  
This is a full planning application seeking permission for the construction five detached dwellings at Bradshaw View, Queensbury, Bradford

**Applicant:**  
Mr John Wardingley

**Agent:**  
Stott Thompson Architects Ltd – Mr Grant Scott

**Site Description:**  
The site is a roughly rectangular plot of land situated between the properties that face Stonehouse Road to the south and Old Guy Road to the north where there is an existing vehicular access. Properties associated with Bradshaw View are set to the east and to the west there is what has become a short residential terrace. The site is currently undeveloped and largely overgrown with a gradual gradient sloping towards the rear/southern boundary of the site.

**Relevant Site History:**  
Not applicable.

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

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

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

**Local Plan for Bradford:**

The Core Strategy Development Plan Document 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 unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

BD1-The Regional City of Bradford Including Shipley and Lower Baildon  
SC9 - Making Great Places  
DS1 – Achieving Good Design  
DS3 – Urban Character  
DS5 – Safe and Inclusive places  
TR2 – Parking Policy  
EN7- Flood Risk  
EN8- Environmental Protection  
HO1- 10 Principles for Achieving Sustainable Housing Growth  
HO5- Density of Housing Schemes  
HO8- Housing Mix

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application has been publicised by the display of a site notice and individual neighbour notification letters. The publicity period expired on 9th April 2015, 9 representations have been received all in objection to the proposed development.

**Summary of Representations Received:**

The representations are objecting to the proposal on the following grounds:

Overshadowing  
Overlooking  
Highway Safety  
Drainage concerns  
Damage to property due to wind being funnelled between the gaps in the dwellings  
Accuracy of the measurements questioned  
Impact on property value

**Consultations:**

Environmental Health – given historical activities on and about the site a number of land contamination conditions are suggested which include the need for a Phase 1 Desk Study and a proportionate Phase 2 Intrusive Site Investigation are required by condition.

Drainage – Conditions suggested.

Highways Development Control – Amendments and off site highway works have been agreed within the process and a number of associated conditions have been suggested.

**Summary of Main Issues:**

1. Principle
2. Residential Amenity
3. Visual amenity
4. Highway Safety
5. Other matters raised in the representations

**Appraisal:**

The application is for a housing development consisting of 5 detached residential dwellings. The properties will provide 3 and 4 bedroom accommodation over two levels.

**1. Principle**

This land is unallocated on the Replacement Unitary Development Plan, and there is an urgent need for the Council to provide appropriate land for housing. Whilst the site is only partially developed, and the priority is to direct development towards 'brownfield' sites this proposal would form an infill development within an existing residential area served by the existing infrastructure meeting the NPPFs requirement for sustainable development.

Therefore, as the site is unallocated for any specific land use but is located in a sustainable residential area the principle of housing is considered to be acceptable.

It is notable that the required density outlined in policy HO5 is a minimum of 30 dwellings per hectare and the developments yields 29 per hectare, but with consideration to the layout and nature of the site and its surroundings this marginal deficit is deemed acceptable.

Furthermore, Policy HO8 of the Core Strategy deals with housing mix, and requires that a range of housing and more family housing delivered across the district in order to meet the needs of a growing and diverse population. This proposal in seeking to provide a mix of 3 and 4 bedroom homes and the development is therefore considered to accord with policies HO5 and HO8.

**2. Residential Amenity**

The NPPF stipulates that planning should seek to secure a high standard of design and a good standard of amenity for all existing and future occupants of land and buildings. The proposal is considered to meet these requirements. The layout of the development is such that the proposed dwellings would not include any habitable room windows with an unrestricted view within 7 metres of the garden of any neighbouring property, or within 17 metres of the habitable room windows of any neighbouring property. These distances are generally exceeded to account for the level changes noted in the representations received. It is also noteworthy that the raised platforms initially proposed for the dwellings at the bottom of the site have now been removed to address overlooking concerns.

The scale and positioning of the proposed dwellings in relation to neighbouring properties is considered suitable to ensure that there would be no adverse overbearing, overshadowing, or loss of outlook from any neighbouring private amenity areas or habitable room windows. The dwelling closest to a shared boundary is approximately 2.5m away and only extends a small proportion of the existing properties boundary, with the property set some 15m further back in the site. A section drawing has been provided to demonstrate the relationship between the new dwellings and the properties beyond the southern boundary where the level changes are most apparent. There is at least 9m between the proposed property and the shared boundary and in excess of 17m to the dwellings beyond, the exception being a

conservatory which reduces the distance to 17m. The orientation is also favourable in terms of limiting the level of overshadowing experienced.

In terms of within the development site the layout accounts for the required spacing distances to prevent overlooking and overshadowing, and the dwellings all provide a good level of living accommodation and private amenity space.

In respect of residential amenity the proposal is therefore considered to accord with policy DS5 of the Core Strategy DPD. It is however suggested permitted development rights classes A (extensions) and B (additions to the roof) are removed to ensure acceptable relationships are maintained.

### **3. Visual amenity**

The proposed dwellings are two storey detached dwellings of which there are two house designs; type A with a front projecting gable and type B with a standard Apex roof. The dwellings are orientated towards the new access road with three lining the side, and the remaining two at the bottom of the site off a turning head. The dwellings appearance, form and scale are consistent with those within the wider locality, and the incorporation of more than one dwelling design adds interest and is also a characteristic of the locality. The layout of the development sits comfortably with the local pattern of development with the proposal effectively infilling a small undeveloped plot of land between residential properties. It is therefore considered that the proposal will sit comfortably in this setting and will not adversely impact visual amenity satisfying the requirements of policies DS1 and DS3 of the Core Strategy DPD.

### **4. Highway Safety**

Appendix 4 of the Core Strategy requires that new dwellings are served by an average of 1.5 parking spaces per property across a development. This proposal is for four 4 bedroom dwellings and two 3 bed dwellings which would be served by 10 off street car parking spaces, including garages. This level of off street car parking provision is considered sufficient to cater for the proposed dwellings.

The proposed properties would be served by a shared driveway arrangement, with access taken from Old Guy Road. The Council's highway officer required the access amending and improvements to Old Guy Road which include the widening of the highway and provision of a footpath to the site frontage which have now been detailed on the submitted plans. The Council's highway officer therefore raises no objections to the proposed development, but in the event that planning permission is granted it is a recommendation that conditions are imposed requiring the provision of the highway improvements, driveway access and parking areas prior to first occupation of the dwellings.

### **5. Other matters raised in the representations**

The impact on property value is not a material planning consideration and cannot therefore form part of the appraisal.

Drainage concerns. The Council's drainage officer has been consulted in this process and a number of conditions are recommended to ensure the drainage of the site is suitable.

Damage to property due to wind being funnelled between the gaps in-between the dwellings. This appears unlikely given the scale of the dwellings and spaces between them, if anything it would be envisaged that the proposed dwellings would provide some shelter from the wind.

The accuracy of the measurement were questioned in a number of the representations, this was subsequently reported to the agent who confirmed the accuracy of the measurements. If the development does not proceed in accordance with the approved plans it would be unauthorised and open to the Council taking enforcement action.

**Community Safety Implications:**

None foreseen.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposed development is considered to represent a sustainable form of development. The plans demonstrate that the site can be developed in a manner which relates satisfactorily to the character of adjacent properties and the wider locality, without resulting in a significant detrimental impact on the amenity of existing and future residents. As such this proposal is considered to be in accordance with the requirements of the National Planning Policy Framework and Policies BD1, SC9, DS1, DS3, DS5, TR2, HO1, HO5, HO8 and EN7 and EN8 of the Core Strategy Development Plan Document.

**Conditions of Approval:**

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

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

2. Before development 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 EN3 of the Core Strategy Development Plan Document.

3. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The submission will provide for sustainable drainage techniques, or will provide evidence, based on site investigations, to show that such techniques cannot be used on the site. The drainage scheme so approved shall thereafter be implemented prior to the occupation of the development.

Reason: To ensure proper drainage of the site and to accord with Policy EN7 of the Core Strategy Development Document

4. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan 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 the National Planning Policy Framework and policy DS5 of the Core Strategy Development Plan Document.

5. Before the development 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, shall be laid out with a gradient no steeper than 1 in 15 unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with the National Planning Policy Framework and Policies TR2 of the Core Strategy Development Document

6. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, and drained within the site, in accordance with details shown on the approved plan numbered (INSERT) dated (INSERT) and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

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 Core Strategy Development Plan Document and the National Planning Policy Framework.

8. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered 864-02-D-01 shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

9. Prior to development commencing a Phase 1 Desk Study and Preliminary Risk Assessment Report must be submitted to and approved in writing by the Local Planning Authority. Where potential for contamination is identified within the Phase 1 report then recommendations for a Phase 2 site investigation and risk assessment must be included.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with policy EN8 of the Local Plan for Bradford.

10. Prior to development commencing, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy EN8 of the Local Plan for Bradford.

11. Prior to development commencing the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

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



12. Unless otherwise agreed in writing with the Local Planning Authority, prior to construction of the development, a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

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

13. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

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

14. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

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

15. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN8 of the Local Plan for Bradford.

16. Before the development is brought into use the off-site highway improvements hereby approved, which includes:

- Provision of a new footway along the site frontage
- Conversion of highway verge to carriageway construction

and which are shown indicatively on Drawing Reference: 'Highway Alterations' detail No. 864-02-D-01, shall be implemented on site in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of amenity and highway safety, and in accordance with National Planning Policy framework and Policy DS4 of the Core Strategy Development Plan Document.

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

Reason: To accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

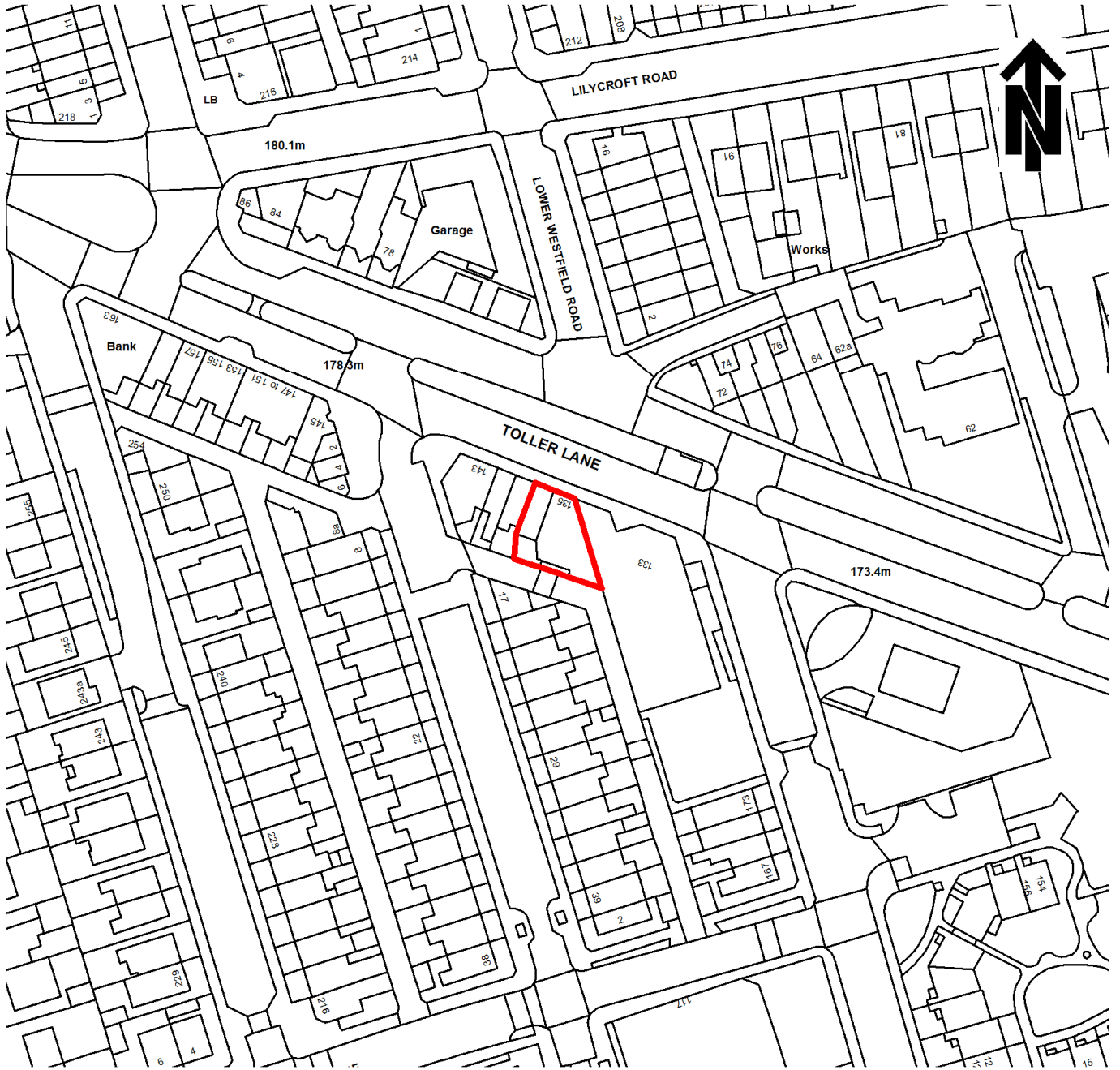
**Footnotes:**

1. From 6 April 2012 the responsibility for granting consent for works in an ordinary watercourse has transferred from the Environment Agency to the Lead Local Flood Authority for the area, in this case Bradford Council. The developer must therefore apply to Bradford Council Land Drainage Department for consent to undertake works to the watercourse. The developer must provide full & comprehensive details of their culverting proposals for consent prior to any works commencing on the watercourse. For advice regarding works to the watercourse please contact Edward Norfolk on 01274 433905 or via e-mail at [edward.norfolk@bradford.gov.uk](mailto:edward.norfolk@bradford.gov.uk)
  2. If any aspect of your proposed works affects existing public footways, public highway or public rights of way you must ensure that relevant Highway Legislation and Statutory Notices are complied with and that all relevant fees are paid prior to commencement of your works. The applicant should contact James Marsh (Section 278 Co-ordination Engineer) on 01274 437308 (email [james.marsh@bradford.gov.uk](mailto:james.marsh@bradford.gov.uk)) in order to discuss the requirements of the s278 Agreement.
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17/06894/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**135 - 137 Toller Lane**  
**Bradford**  
**BD8 9HL**

**4 July 2018**

**Item: E**  
**Ward: TOLLER**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
17/06894/FUL

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

A retrospective application for a single storey waste recycling enclosure and revised extract flues at 135-137 Toller Lane, Bradford.

**Applicant:**  
Mr Liaquat Ali

**Agent:**  
Mr Munir, Tractus AD Limited

**Site Description:**

A mid-terraced property currently in use as a restaurant and located within a row of commercial uses. The property has previously been extended to the rear. The site is adjacent to a mosque with residential terraced dwellings located to the rear. The site fronts onto Toller Lane. A service road is located to the rear of the property.

**Relevant Site History:**

05/08453/FUL Installation of wall mounted air conditioning units (2) REFUSE 06.01.2006  
06/02706/FUL Installation of wall mounted air conditioning units to rear of premises REFUSE 07.06.2006  
07/08410/CLE Opening hours of 08.00 to 04.00 REFUSE 20.10.2009  
10/00397/CLE Opening hours 08.00 to 02.00 Sunday to Thursday and 08.00 to 04.00 Friday and Saturday REFUSE 27.01.2011  
13/00111/FUL Rear first floor extension REFUSE 13.03.2013  
13/01955/FUL Rear first floor extension to restaurant GRANT 19.09.2013  
14/00090/FUL Rear extension to planning permission 13/01955/FUL dated 19.09.2013: Rear first floor extension to restaurant GRANT 27.02.2014  
17/04058/FUL Construction of single storey rear waste recycling enclosures and revised extract flues REFUSE 12.09.2017

**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.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document 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 located within the Duckworth Lane Local Centre but does not have a specific land use allocation. Accordingly, the following adopted Core Strategy policies and saved RUDP policies are applicable to this proposal.

**Core Strategy Policies**

DS1 Achieving good design  
DS3 Urban Character  
DS5 Safe and Inclusive Places  
EN8: Environmental Protection Policy

**Saved RUDP Policies**

CR1A: Retail Development within Centres

**Other Relevant Legislation**

Council's adopted Hot Food Takeaway Policy Document

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was advertised by way of a site notice and individual neighbour notification letter. The statutory publicity date expired on the 12th of February 2018. There were no objections to the scheme and one letter of support from a local ward councillor was received which is summarised below.

**Summary of Representations Received:**

The development has reduced noise pollution and will have a better visual appearance on the area.

**Consultations:**

Environmental Health: The department has received complaints of noise since the enclosure and extract flues were constructed. A condition was therefore recommended that details of the extract flues and A/C units serving the takeaway are provided to ensure there are no adverse impacts on neighbouring residents in terms of noise and smells.

**Summary of Main Issues:**

1. Visual amenity
2. Residential amenity
3. Highway safety

**Appraisal:**

**1. Visual amenity**

The application has been submitted retrospectively and relates to the construction of a single storey rear waste recycling enclosure and revised extract flues. The development is of an established restaurant business and the need for the flues is not disputed, in addition replacing 4 existing flues at the property with two flues is considered to be an improvement on the previous appearance of the site.

The plans also show the flues to be painted black whilst this has not occurred yet it could be conditioned if minded to approve. The flues extend just above the eaves of the property. The flues have been accurately drawn under this application which overcomes a previous reason for refusal.

The rear extension consists of a rendered section with vertical metal bars just under the eaves. The render doesn't match or relate to the host building or buildings in the surrounding area which are predominantly natural stone in construction. The agent suggested painting the render in a stone colour, however the smooth finish of the render looks at odds with the traditional natural stone finish to the surrounding buildings. Above the rendered walls is a section of metal railings under a corrugated sheet roofing system which is painted grey, these again look poor quality and do not relate to the traditional character of the area. The materials are poor and look at odds with the traditional stone and slate in the area and host building. Other extensions to the rear have been constructed in matching materials and are considered to relate better to the character of the area. Whilst this development is to the rear of the site it is visible from the highway of Whitby Road and nearby residential properties including the service road to the rear. Due to the poor choice in materials the extension looks at odds with the character of the area and is therefore harmful in terms of visual amenity and contrary to policies DS1 and DS3 of the Core Strategy Development Plan Document. The development was previously refused on the grounds of visual amenity and there have been no significant change from the previous application.

**2. Residential amenity**

The Council's environmental health team have received complaints of noise since the extract flues were constructed in the enclosure at the rear of the property. Environmental Health recommended a condition that further details were provided in terms of noise attenuation. Further details have now been submitted with the application to demonstrate what components have gone into the extraction system. The information confirms silencer was installed within the extraction system and this reduced noise levels by 10dba at 3 metres.

The information also confirms the fans fitted produce 39dba at 3 metres. This level of noise will not result in harm to neighbouring occupants in terms of noise and disturbance. It is considered the information provided satisfies the Council that odour and smells will be adequately dispersed. The development is not considered to result in any overbearing impacts or loss of light as the adjoining property is within a commercial use. The development is considered to be acceptable in terms of residential amenity and policies DS5 and EN8 of the Core Strategy Development Plan Document.

### **3. Highway safety**

The development does not raise any concerns in terms of highway safety.

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

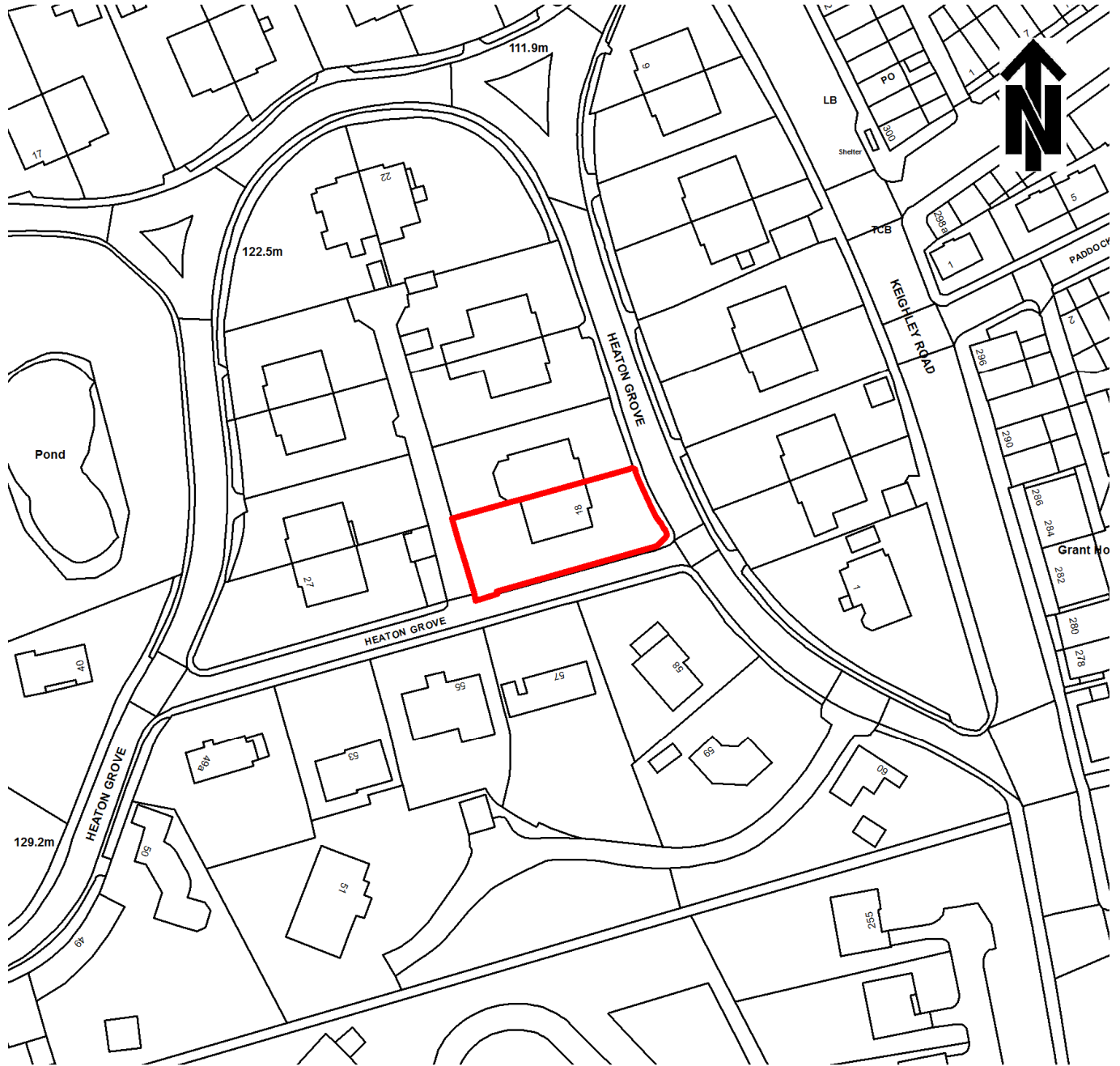
#### **Reasons for Refusal:**

1. The rear extension introduces an unsympathetic and incongruous form detracting from the character and appearance of the original building and the visual amenity of the street scene due to the use of poor quality materials and finish. The extension is therefore contrary to policies DS1 and DS3 of the Core Strategy Development Plan Document.
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17/05494/HOU



City of  
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**18 Heaton Grove**  
**Bradford**  
**BD9 4DY**



**4 July 2018**

**Item:** F  
**Ward:** HEATON  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
17/05494/HOU

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

A householder application for the construction of a detached annex building to provide ground floor accommodation for disabled family members at 18 Heaton Grove, Bradford.

**Applicant:**  
Mr Shakeel Matloob

**Agent:**  
Khawaja Planning Services

**Site Description:**

18 Heaton Grove is a large semi-detached property situated in the Heaton Estates conservation area. It is similar in character to a number of properties in the lower part of Heaton Grove, which have very prominent oversailing roofs spanning the pair of houses, lending almost a chalet-like appearance. They are constructed in coursed stone, under slate roofs with tall prominent chimneys.

The paired houses have generously sized gardens with informal fenced or hedgerow boundaries however some now have more formal and intrusive boundary treatments. The site is partly hardstanding which previously accommodated a pre-fabricated garage, and otherwise garden. A large tree is located at the south-west corner, identified as a key tree in the adopted conservation area character appraisal. The site is located on a junction in the estate with the frontage facing south on to Heaton Grove and the side elevation to the east also facing Heaton Grove.

**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.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document 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 unallocated for a specific land use but is within the Heaton Estates Conservation Area. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

DS1 Achieving good design  
DS3 Urban Character  
DS5 Safe and Inclusive Places  
EN3 Historic Environment  
EN5 Trees and Woodland

**Other Relevant Legislation**

Council's adopted Householder Supplementary Planning Document  
Heaton Estates Conservation Area Assessment  
Heaton estates Conservation Area Appraisal

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised by way of a site notice and individual neighbour notification letter. The statutory publicity date expired on the 22 of January 2018. The application received 8 objection letters and one letter of support, which was from a local ward councillor. A second ward Councillor also commented that both objectors and the applicant's arguments had merit and therefore the councillor took a neutral stance. All the representations are summarised below.

**Summary of Representations Received:**

Support comments

1. The proposed development is in keeping with the existing housing stock and in my view will suit the heritage nature of Heaton Grove.

2. The proposed development will make use of Yorkshire stone, slates well as other features that will complement the existing surroundings.
3. The development is well proportioned and is in keeping with other properties that have an annexe built in their garden. Furthermore the garden with annexe will be appropriately landscaped.
4. The development does not in any way infringe the visual amenity and or privacy of any neighbours.
5. The development supports the family to look after their elders in an appropriate environment and thus supports wider self-care and older people strategies.
6. In overall terms the development is in keeping with other properties and has the support of neighbours.

#### Objection comment

1. The site is in a conservation area and we need to be diligent to preserve this. People appear, at times, to be abusing this conservation right. The development will not be in keeping with the Victorian semi or the area.
2. The granny annex seems to be a two storey house with a basement. This will be in the garden of a six bed roomed with Victorian semi with a large basement.
3. Traffic will be disrupted too on this very narrow road with parked cars causing even more problems.
4. It will not sit happily with the design of existing buildings due to the low quality materials and building methods.
5. Overlooking and loss of privacy.
6. Overbearing impact.
7. Loss of parking.
8. The views expressed by the Local ward Councillor do not reflect the needs of the community or the interests of the residents.
9. Would impose restrictions on the access to some dwellings in the area.
10. An annex has to be attached to a larger building.
11. Loss of trees.
12. Loss of parking.
13. No notice near the property.

#### **Consultations:**

**Trees:** The development as proposed is likely to affect the protected trees on site and further information is required to demonstrate the scheme would not affect the protected tree in the corner of the site.

**Design and Conservation:** In principle, infill development and increased density of development would cause substantial harm to the character of the conservation area, and is contrary to the NPPF and policy EN3. No evidence has been provided that adaptation within the existing house is not possible, or that a substantial detached building is the only solution. It is not established that any appreciable benefit exists to offset the evident harm.

**Summary of Main Issues:**

1. Visual amenity / Impact on the conservation area
2. Residential amenity
3. Highway safety
4. Impact on trees

**Appraisal:**

**1. Visual amenity / Impact on the conservation area**

18 Heaton Grove is a large semi-detached property situated in the Heaton Estates conservation area. It is similar in character to a number of properties in the lower part of Heaton Grove, which have very prominent oversailing roofs spanning the pair of houses, lending almost a chalet-like appearance. They are constructed in coursed stone, under slate roofs with tall prominent chimneys.

The paired houses were built in generous gardens with informal fenced or hedgerow boundaries, although some now have more formal and intrusive boundary treatments. Historically the owners shared ownership of the garden area with pond within the Grove area, which was a remnant of the Woolcombers' Gardens. This is significant as it indicates the importance which was afforded to landscaping and the green character of the development. These buildings in the conservation area are of a different architectural style to any other buildings which creates a visual and architectural interest.

The site is partly hardstanding which previously accommodated a pre-fabricated garage, and otherwise garden. A large tree is located at the south-west corner, identified as a key tree in the adopted conservation area character appraisal, although not referred to in the application. This could be affected by the development, and its loss would harm the character of the area.

The exclusive residences and estate layout of this part of the conservation area are identified as one of its key characteristics, as is the general air of spaciousness. The mature tree cover is also key. The development of garden plots and loss of trees is identified in the character appraisal as a significant threat to character, and past infill or intensification of plots has been recognised as invariably discordant and intrusive in terms of density, design and materials. One of the strengths of the conservation area identified is that the majority of larger properties retain extensive grounds without intrusive infill. This proposal would result in the infill of a rear garden plot with a poorly designed excessively large building.

The proposed structure here is substantial, with 2 storeys of accommodation it will be significant. The development would be very evident in relation to the existing house and the wider locality. It is also set close to the roadside only exacerbating its prominence.

The form and appearance of the proposed structure has little relevance to the character of the locality. The multiple dormers of poor design, projecting porch, boxed eaves and overriding modern appearance would be wholly discordant with the prevailing character.

The spatial qualities of the conservation area are critical to its character, with single built forms set in spacious gardens. The intrusion of new built forms into this spatial relationship is invariably harmful. In principle, infill development and increased density of development would cause substantial harm to the character of the conservation area, and is contrary to the NPPF and policy EN3. No evidence has been provided that adaptation within the existing house is not possible, or that a substantial detached building is the only solution. It is not established that any appreciable benefit exists to offset the evident harm.

## **2. Residential amenity**

In terms of overlooking the development proposes three dormer windows on the rear elevation to serve bedrooms and three windows on the front elevation at first floor level. The first floor window contained within the gable feature closest to the boundary with the adjoining semi-detached dwelling of No.19 Heaton Grove serves an en-suite and this could be conditioned to be obscurely glazed to avoid overlooking. The remaining two dormer windows on this elevation face back towards the main house and host dwelling and therefore there is no concern with loss of privacy from this annex building. Overlooking to the rear of No.19 Heaton Grove would not be a concern due to the angle involved. To the rear there are three dormer windows proposed within the roof slope and these face west towards No.27 Heaton Grove. A distance of 20 metres exists from these habitable room windows to the rear windows of the neighbouring dwelling and this exceeds the distance of 17 metres recommended within the Council's adopted Householder SPD. A distance of around 10 metres also exists to the rear garden area of No.27 Heaton Grove which exceeds the 7 metre guidance within the aforementioned Householder SPD.

In terms of the direct impact of the development on the adjoining semi of No.19 Heaton Grove the annex is proposed to be sited 1.1 metre away from the boundary line and would extend some 8.7 metres along the boundary. The eaves height would be around 2.7 metres with the total height being around 5.8 metres. A gable end would face towards the garden area of the adjoining semi. Given the height and length of the extension along the boundary and the fact the scheme is to the south it is considered the development would result in some loss of light, overshadowing and overbearing impact on the private amenity area of No.19 Heaton Grove.

## **3. Highway safety**

The proposed development is for a granny annex which would be ancillary to the host dwelling. Sufficient parking within the site would be retained for over 2 vehicles within the site therefore there are no concerns in terms of loss of parking and highway safety.

## **4. Impact on trees**

There are protected trees within the site and the proposed development will encroach on a small section of the root protection area of one of these. However, the tree report states this is an area which has been covered by concrete for some time and therefore it is considered unlikely the development would affect the trees root system. If minded to approve the application tree protection measures during the construction phase should be implemented and these details should be provided prior to development commencing. It is not considered the development will result in any significant harm to protected trees within the site and therefore the proposal complies with policy EN5 of the Core Strategy Development Plan Document.

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

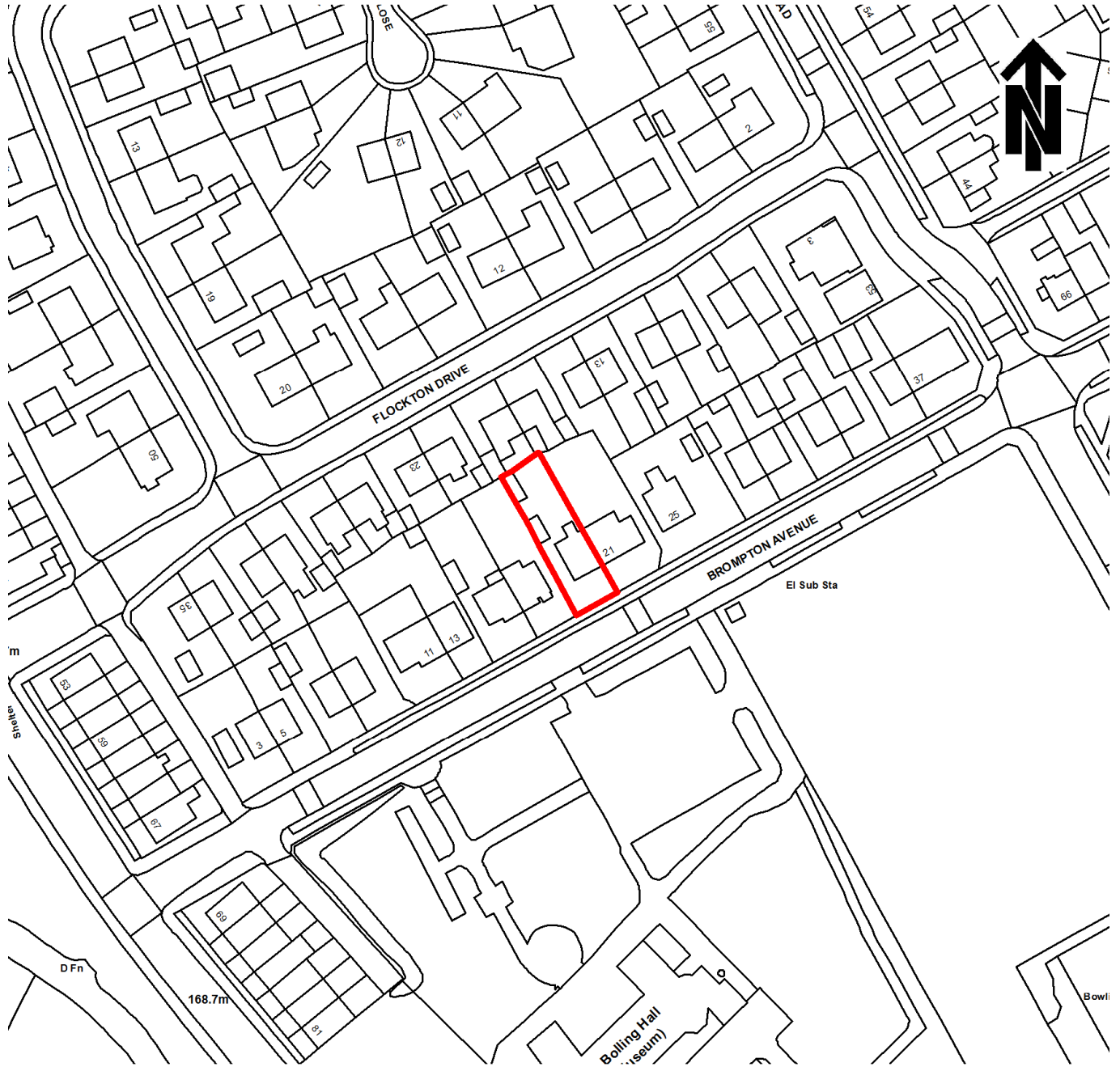
**Reasons for Refusal:**

1. The intrusion of a substantial poorly designed modern granny annex into this prominent garden area which forms part of the spatial quality of the conservation area is considered to cause substantial harm to the character of the Heaton Estates Conservation Area. The proposed development is therefore contrary to the National Planning Policy Framework and policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.
  
  2. The proposed granny annex would, due to the height and siting result in an overbearing impact, loss of light and overshadowing to the neighbouring garden area resulting in harm to the amenity of the neighbouring occupants contrary to policy DS5 of the Core Strategy Development Plan Document.
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18/01667/HOU



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**19 Brompton Avenue**  
**Bradford**  
**BD4 7LP**

**4 July 2018**

**Item: G**  
**Ward: BOWLING & BARKEREND**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
18/01667/HOU

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

Retrospective application for front dormer window, hip to gable conversion, single storey rear extension, covered terrace and lowered ground level to rear garden and demolition of outbuildings at 19 Brompton Avenue, Bradford BD4 7LP

**Applicant:**  
Ms Julia Wilson

**Agent:**  
Mr Christian Richards

**Site Description:**

The site is a semi-detached dwelling, built of stone and brick, with slate to the roof and situated on the north side of Brompton Avenue, between its junctions with Flockton Road and Bowling Hall Road in a mainly residential area.

**Relevant Site History:**

18/00519/HOU- Proposal: Retrospective application for front dormer window, hip to gable conversion, single storey rear extension, covered terrace and lowered ground level to rear garden and demolition of outbuildings - Refused 12 April 2018 (front dormer detrimental to visual amenity, extension detrimental to neighbouring and visual amenity, patio detrimental to neighbouring amenity).

**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.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document 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 unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

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

**Other Relevant Legislation**

Householder Supplementary Planning Document (SPD)

**Publicity and Number of Representations:**

Advertised by neighbour notification letters. Expiry date 16 May 2018. Two representations received, supporting the application. In addition, a request from a ward councillor has been received, asking for the application to be forwarded to the Area Planning Panel, if officers are minded to refuse it.

**Summary of Representations Received:**

The two representations supporting the application, speak of the removal of the existing outbuildings – termed an “eyesore” – and their replacement with a building of simpler design, leading to a better outlook. It is not felt that the development overlooks neighbouring properties and the boundary walls are “hugely beneficial”. Overall, the development improves security and privacy and improves the general appeal of the street.

**Consultations:**

Drainage - The proposed works are likely to drastically alter the flow characteristics in the watercourse in close proximity to residential properties. In order to ensure that flooding to properties is not produced a full flood risk assessment, including calculations, should be submitted (previous application 18/00519/HOU).

Heritage and Conservation - No effect on the nearby grade I listed Bolling Hall

**Summary of Main Issues:**

1. Background and Principle of Development
2. Residential Amenity
3. Visual Amenity
4. Highway Safety
5. Other Planning Matters

## **Appraisal:**

### **1. Principle of Development**

This is a retrospective application for a household development, including an outbuilding. The outbuilding has been included on the plans, in schematic outline, but has not been included in the description.

A rear dormer window has also been shown on the plans and as the plans are the basis for any planning decision, it is proposed to assess the rear dormer in addition to other aspects of the development, such as the outbuilding.

The development comprises front and rear dormer windows, a hip to gable conversion, a single storey rear extension, a covered terrace, an outbuilding and lowered ground level to rear garden and partial demolition of outbuildings. The demolition of outbuildings does not require planning permission.

However, there are two concerns here: firstly, whilst the extension is described as single storey, its height (and consequent effect on neighbouring properties) is nearer to a two storey extension, given the lower position of adjacent gardens. Secondly, the submitted plans of the existing and proposed elevations (1801-03B) show an outbuilding of the same height as the (now demolished) garage. Conversely, aerial photos of the site taken before the development began indicate a sloping garden and an outbuilding of a lower height than the garage.

There is therefore a discrepancy between the submitted plans and the photographs, though in principle, the remaining aspects are acceptable.

### **2. Residential Amenity**

One main concern with regard to the amenity of neighbouring properties is the depth of the rear extension and its proximity to the common boundary. These are such as to have an adverse overshadowing and overbearing effect on the rear ground floor window and rear garden of 21, Brompton Avenue, notwithstanding the intervening hedge. The adverse overshadowing and overbearing effects are reinforced by the effect of the screen on top of the wall, which will have a height of approximately 4.02 metres and which will be set on the common boundary.

Previously, there was concern that in view of the lack of boundary treatment between the site and number 17, there would be direct overlooking of the rear garden of number 17, from the patio on top of the covered terrace, which would cause a detriment to the occupants of that dwelling. This concern has been met by the installation of 1.8 metre high, obscurely glazed screens, which will prevent adverse overlooking from the terrace.

Yet although the screen will prevent overlooking, it will, when added to the patio wall, result in a structure with an overall height of 3.48 metres, situated on the common boundary with number 17. It is considered that this structure will have an adverse overbearing effect on the rear garden of number 17, though any overshadowing will not be significant, due to the relative positions of the site and garden.

The rear extension is considered sufficiently far from the common boundary with number 17 not to have an adverse overbearing or overshadowing effect on that dwelling or its garden and the use of obscure glazing for the kitchen window in the side elevation of the extension is acceptable to prevent overlooking.

The front dormer window will have no adverse overlooking effects, because it will overlook open land, rather than any gardens or houses.

### **3. Visual Amenity**

Visually, the application must also be assessed on its particular merits and here there were previously a number of concerns. The first of these was the presence of cladding on the face of the front dormer. Planning policy requires cladding to be restricted to the sides of a dormer and the addition of cladding to its face was considered to be an obtrusive feature in the wider street scene. However, the front elevation cladding has now been removed and in terms of its position within the roof, the space between its cheeks and common boundaries, its internal glazing pattern and its width, the front dormer complies with policy.

Changing a hipped roof to a gable will result in an unbalanced view of the dwellings as the gable will not match the hip on the adjacent dwelling. Similarly, the rear dormer window, with cladding on its face and its excessive width will also create an obtrusive feature in the wider street scene.

Notwithstanding these concerns, the volume of the hip to gable change and that of the rear dormer window together come to less than 50 cubic metres, so, in the absence of any other control limiting the exercise of permitted development rights, (such as a planning condition) both these aspects are permitted development and are hence authorised by national legislation. In view of this, it is not proposed to assess any impacts arising from the change of roof or the rear dormer, including any potentially visual detriment or detriment to neighbouring amenity.

The rear extension is approximately 5.95 metres deep, which is significantly more than the 3.0 metre depth permitted by planning policy. As such, despite its facing materials, the extension is out of scale with the parent dwelling and visually intrusive. Concern remains because although the extension will not be visible from public land, it will be visible from neighbouring gardens.

In itself, the covered terrace is of a size that is not considered out of keeping with the scale and design of the host dwelling and its visual impact is therefore acceptable.

The outbuilding has only been shown in outline. A note on the plans states that no roof/front facing walls are to be constructed and existing walls are to remain or be lowered, in order to act as boundary walls. On this basis, the visual impact of the outbuildings will be the same or less and hence the buildings are acceptable in terms of their visual impact.

Lowering the ground level, in general, will have no significant visual impact in itself.

### **4. Highway Safety**

The proposal is not likely to have any adverse implications for highway safety, as it will not affect any road or lead to significant increases in the number of vehicle trips to and from the site.

## **5. Other Planning Matters**

With regard to the points raised by supporters of the scheme (who include number 17, Brompton Avenue) the removal of the "eyesore" of existing outbuildings and the "improvement in security and privacy" are noted, though they are not considered sufficient to outweigh the concerns arising from the development.

The previous application (18/00519/HOU) was refused on a number of grounds, relating to the front dormer, the extension, the patio and a lack of information. The front dormer and patio are now acceptable. The lack of information related to the outbuilding, which will either remain the same or shrink slightly and to a flood impact assessment, which is no longer required since the house is in a low flood risk area. Three of the previous reasons for refusal have therefore been addressed, leaving the extension, whose effect remains the same as previously and the effect of the proposed patio screens.

### **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. The development will result in the provision of a screen on top of a wall along the common boundary with number 17, Brompton Avenue. The height and massing of this structure, as well as the discrepancy between the plans as submitted and previous aerial photographs, are such as will have an adverse overbearing effect on the rear garden of number 17, which will be detrimental to the amenity of future occupants. As such, the proposal is contrary to policies DS1, DS3, DS5 and SC9 of the adopted "Core Strategy Development Plan Document".
  2. By reason of its excessive depth, the single storey rear extension creates an obtrusive feature in the wider area which, in addition, has an adverse overshadowing and overbearing effect on the rear of 21, Brompton Avenue and its rear garden. The overshadowing and overbearing effects are worsened by the presence of a screen on top of the patio, which is situated on the common boundary. The extension is therefore considered detrimental to visual and neighbouring amenity and the screen detrimental to neighbouring amenity. Both are contrary to policies DS1, DS3, DS5 and SC9 of the adopted "Core Strategy Development Plan Document", as well as planning policy in the adopted "Householder Supplementary Planning Document".
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18/01328/FUL



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**20 Pemberton Drive**  
**Bradford**  
**BD7 1RA**

**4 July 2018**

**Item:** H  
**Ward:** CITY  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
18/01328/FUL

**Type of Application/Proposal and Address:**  
This is a retrospective application to retain front and rear dormers as built at 20 Pemberton Drive, Bradford, BD7 1RA.

**Applicant:**  
Miss Maria Jan

**Agent:**  
Miss Nixie Edwards

**Site Description:**  
20 Pemberton Drive is a central terrace property set within an established residential street scene. The street scene is uniform in appearance, with the only significant alteration to the majority of properties being the addition of dormer windows, which now sit between existing front gables, which are a feature of the locality. No 20 and 22 had lost their front gables prior to the development. To the rear, the property has the advantage of a large two storey gable projection which is split between No 20 and 22, and has been extended as part of a previous approval.

**Relevant Site History:**  
16/09558/FUL- Construction of front and rear dormers and single storey laundry room to the rear - Grant 28.03.2017

**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.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document 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 unallocated, but sits within the Little Horton Conservation Area. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

DS1 – Achieving Good Design

DS3 – Urban Character

EN3 – Historic Environment

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application has been publicised by an advertisement in the local press, site notice and individual neighbour notification letters. The publicity period expired on 25 May 2018, 7 letters of representation have been received including one from a local ward councillor.

**Summary of Representations Received:**

The representations received are all in support of the application considering that the works facilitate the property being brought back into use, and prevent anti-social behaviour. It is also noted that the design of dormers are varied within the street scene.

**Consultations:**

Design and Conservation – The ‘as-built’ dormers deviate significantly from those approved, such that the aesthetic qualities of this Edwardian terrace – in part provided by its rhythm and repetition – have been compromised. The negative impact is most readily experienced in regards to the front elevation, but the elevation to the rear has also suffered. In the absence of sufficient or indeed any public benefits the proposal is contrary to NPPF policy and to Core Strategy Policy EN3 of the Local Plan for Bradford.

**Summary of Main Issues:**

1. Planning History
2. Impact on the Local Environment
3. Impact on Neighbouring Occupants
4. Impact on Highway Safety

**Appraisal:**

**1. Planning History**

Following the construction of two unauthorised box style dormer windows to the front and rear elevations of 20 and 22 Pemberton Drive, the LPA issued an enforcement notice to the owner. This prompted the initial planning application reference: 18/01328/FUL, as part of this application a scheme was agreed where the front gables would be restored, two traditional dormers would be positioned in between, and to the rear, in addition to rear extensions, 3 modest 3m wide box style dormer windows were approved.

The current application is a consequence of the works to the roof and associated dormer windows not being carried out in accordance with the approved plans.

**2. Impact on the Local Environment**

Within conservation areas the Local Authority have a statutory duty in Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving and enhancing the character or appearance of these areas, and this is reflected in national and local planning policies. The Householder Supplementary Planning Document provides clear design guidance on the design of dormer windows in conservation areas, and requires that front dormer windows should be of a pitched roof design with a maximum width of 1.5 metres. To the rear, where dormer windows are acceptable, traditional pitched roof dormers remain the preference, but in some circumstances box style dormers with a maximum width of 3m and cladding solely to the dormer cheeks can be acceptable.

As noted above, permission has previously been granted across the two properties (20 and 22 Pemberton Drive), for two traditional pitched roof dormer windows to the front elevation, gable roof extensions to the front and three box style dormers to the rear. The dormer windows accord with the Council's adopted guidance, and the front gables are reflective of the character of the street scene and facilitated the applicant's requirement for additional space within the roof.

What has been constructed at the property does not reflect the approved plans, the adopted design guidance, or, the character of the locality. The gable extensions have been built up creating what in appearance look like excessively large pitched roof dormer windows, that deviate significantly from those on the neighbouring properties making them at odds with the traditional character of the dwelling(s) and incongruous within the street scene. The visual harm is exacerbated by the addition of box style dormer window(s) positioned between the two gables. These are set directly off the eaves and require cladding to the front, and contribute to the significant change in form and appearance that has occurred as a result of the works.

Whilst the harm to the character and appearance of the dwelling(s) is less significant to the rear, as this elevation is only open to restricted views and does not form part of important vistas within the conservation area. The large flat roof dormer window remains harmful to the character and appearance of the dwelling(s) at odds with what would be expected within a conservation area.



Pemberton Drive has previously been identified as making a positive contribution to the Little Horton Area conservation area; developments such as this continue a gradual erosion of the character of the street scene and wider conservation area contrary to the requirements of the National Planning Policy Framework, policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document and the Householder Supplementary Planning Document.

It is accepted that the surrounding street scene includes examples of flat roof dormer windows. However, given the age of the dormer windows and the absence of any planning application history, it is likely that the existing windows within the street are immune from enforcement action. Where possible the council seek removal of unauthorised dormer windows. Furthermore the Householder Supplementary Planning Document makes clear that existing dormer windows, which are of poor quality design, should not be used to inform the design of new proposals. As such the existing structures do not provide any valid justification for the approval of this proposal.

### **3. Impact on Neighbouring Occupants**

The development does not unduly impact neighbouring amenity with the level of overlooking not dissimilar to that created by the existing pattern of development, or that accepted as part of the previous planning approval. As part of the previous approval it was accepted that the development would allow some increase in overlooking, but would not lead to direct overlooking of neighbouring habitable room windows, and the windows were a satisfactory distance away from neighbouring rear yards, which in any event are seemingly more functional than of any great amenity value.

### **4. Impact on Highway Safety**

The location is a sustainable location well served by public transport and close to amenities reducing the need for travel by private modes of transport. Furthermore, the proposed development does not alter the existing parking or access arrangements and is not therefore seen to have an adverse impact on highway or pedestrian safety. The proposal is therefore considered to accord with the National Planning Policy Framework and policy TR2 of the Core Strategy Development Plan Document.

### **Community Safety Implications:**

None foreseen.

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

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

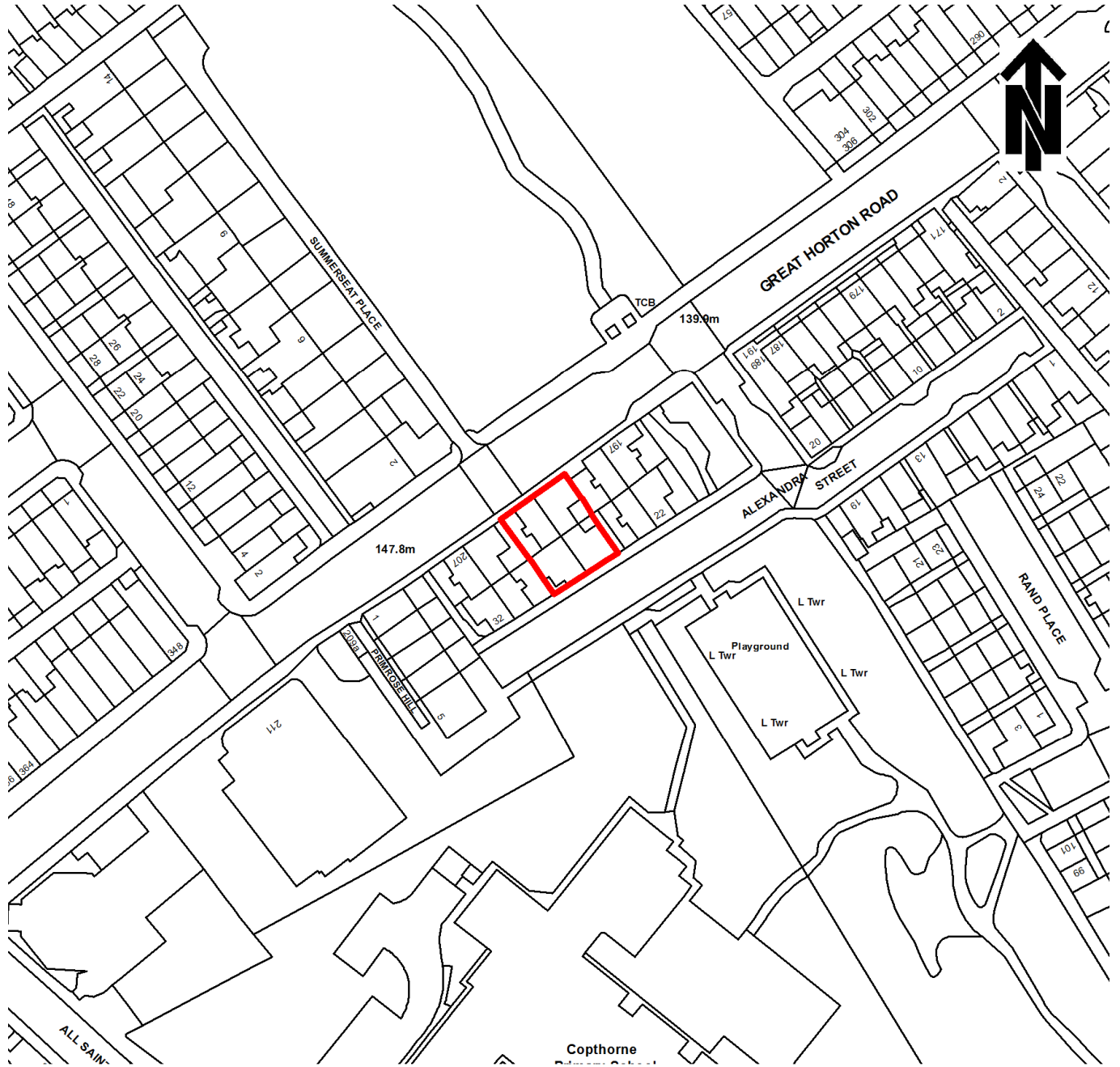
**Reasons for Refusal:**

1. The works to the roof by reason of their inappropriate design and scale are considered to detract from the appearance of the host dwelling and result in an incongruous feature within the street scene to the detriment of the character and visual amenity of the Little Horton Conservation Area. The development is therefore contrary to the requirements of the National Planning Policy Framework, policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document and the Householder Supplementary Planning Document.
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18/00850/FUL



City of  
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METROPOLITAN DISTRICT COUNCIL



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**201A & 203A Great Horton Road And  
26 & 28 Alexandra Street  
Bradford BD7 1RP**

**4 July 2018**

**Item:** I  
**Ward:** CITY  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
18/00850/FUL

**Type of Application/Proposal and Address:**  
Retrospective application for dormers to side of each property at 201A & 203A Great Horton Road and 26 & 28 Alexandra Street, Bradford BD7 1RP

**Applicant:**  
Mr Mohammed Mushtaq

**Agent:**  
Mr Shuaib Khan

**Site Description:**  
The buildings are of stone construction and set side on to Great Horton Road. In the roofs fronting the road, two dormer windows have been constructed, both of which have white PVC in their design. There are several similar dormers to each side of the buildings along Great Horton Road. At ground floor level is a red shop front for "Snootys" takeaway, next to which is a shop selling car spares. On the roof behind, set at right angles to the road are two very large dormer windows, whose main feature is white PVC cladding.

**Relevant Site History:**  
17/05114/FUL- Proposal: Retrospective application for dormer to side of property- REFUSE 14.12.17.  
15/05925/HOU- Proposal: Front dormer window- GRANT 07.12.15.  
15/02303/HOU- Proposal: Front dormer window- REFUSE 28.07.15.  
15/02302/HOU- Proposal: Construction of dormer window to front- GRANT 24.07.15.

**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.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document 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 unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

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

**Other Relevant Legislation**

Householder Supplementary Planning Document (SPD)

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

Advertised by neighbour notification notice. Expiry date 9 April 2018. One request received from a ward councillor, asking that the application is forwarded to the Area Planning Panel for consideration.

**Summary of Representations Received:**

Not applicable.

**Consultations:**

None.

**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

**Appraisal:**

**1. Background and Principle of Development**

This is a retrospective application for the retention of a dormer window at 203A Great Horton Road that extends across the common boundary with the neighbouring property (28 Alexandra Street) and a second dormer window at 201A Great Horton Road that extends across the common boundary with the neighbouring property (26 Alexandra Street). Dormer windows are a common form of development and as such they are acceptable in principle.

However, applications must also be assessed in terms of their local impact and in this context, a very similar dormer, with cladding on its front elevation, was refused in December 2017 (reference: 17/05114/FUL). This dormer, which was constructed on 203, Great Horton Road, was refused on the grounds of its adverse visual impact and it is considered that the current application, which is more extensive than that previously refused, simply worsens an already unacceptable feature.

**2. Visual Amenity**

Visually, however, there are grave concerns. Firstly, using the adopted householder SPD as a guide, each dormer has a minimum width of 11.0 metres, which is more than three times the permitted width and secondly, their front elevations are covered to a large degree by white PVC cladding, which again contravenes planning policy. The Householder SPD restricts cladding materials to the sides of dormer windows only. Both the excessive width and use of inappropriate facing material combine to result in a feature that is out of keeping with the character, scale and design of the host property and also prominent and obtrusive in the wider street scene. The visual impact of the windows is worsened by the fact that they both stretch over their respective common boundaries.

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

Opposite the site are a number of dormer windows, but although there may be a degree of overlooking between the windows, the buildings are close to each other and overlooking will be no worse than at present.

No adverse implications arise with regard to overbearing or overshadowing of any existing properties.

**4. Highway Safety**

The increase in size occasioned by the development will not lead to a significant increase in the level of traffic and highway safety will not be compromised.

**5. Other Planning Matters**

There are no other matters for consideration of this application.

**Community Safety Implications:**

There are no implications for community safety.

**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 their excessive width and use of cladding on their front elevations, the dormer windows are an obtrusive feature in the wider street scene and detrimental to visual amenity. On this basis, they are contrary to policies DS1, DS3 and SC9 of the adopted Core Strategy for the Local Plan for the Bradford District and the policy in the adopted "Householder Supplementary Planning Document".
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18/01327/FUL



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**22 Pemberton Drive**  
**Bradford**  
**BD7 1RA**



**4 July 2018**

**Item:** J  
**Ward:** CITY  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
18/01327/FUL

**Type of Application/Proposal and Address:**  
This is a retrospective application to retain front and rear dormers as built at 22 Pemberton Drive, Bradford, BD7 1RA

**Applicant:**  
Miss Maria Jan

**Agent:**  
Miss Nixie Edwards

**Site Description:**  
22 Pemberton Drive is a central terrace property set within an established residential street scene. The street scene is uniform in appearance, with the only significant alteration to the majority of properties being the addition of dormer windows, which now sit between existing front gables, which are a feature of the locality. No 20 and 22 had lost their front gables prior to the development. To the rear, the property has the advantage of a large two storey gable projection which is split between No 20 and 22, and has been extended as part of a previous approval.

**Relevant Site History:**  
16/06179/FUL - Construction of front and rear dormers and single storey laundry room to the rear - Grant 13.10.2016.

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

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

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

**Local Plan for Bradford:**

The Core Strategy Development Plan Document 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 unallocated, but sits within the Little Horton Conservation Area. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

DS1 – Achieving Good Design

DS3 – Urban Character

EN3 – Historic Environment

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application has been publicised by an advertisement in the local press, site notice and individual neighbour notification letters. The publicity period expired on 25 May 2018, 1 representation has been received from the local ward councillor.

**Summary of Representations Received:**

The representation received is in support of the application considering that the works facilitate the property being brought back into use, and prevent anti-social behaviour. It is also noted that the design is not considered harmful to the street scene.

**Consultations:**

Design and Conservation – The ‘as-built’ dormers deviate significantly from those approved, such that the aesthetic qualities of this Edwardian terrace – in part provided by its rhythm and repetition – have been compromised. The negative impact is most readily experienced in regards to the front elevation, but the elevation to the rear has also suffered. In the absence of sufficient or indeed any public benefits the proposal is contrary to NPPF policy and to Core Strategy Policy EN3 of the Local Plan for Bradford.

**Summary of Main Issues:**

1. Planning History
2. Impact on the Local Environment
3. Impact on Neighbouring Occupants
4. Impact on Highway Safety

## **Appraisal:**

### **1. Planning History**

Following the construction of two unauthorised box style dormer windows to the front and rear elevations of 20 and 22 Pemberton Drive, the LPA issued an enforcement notice to the owner. This prompted the initial planning application reference: 18/01328/FUL, as part of this application a scheme was agreed where the front gables would be restored, two traditional dormers would be positioned in between, and to the rear, in addition to rear extensions, 3 modest box style dormer windows were approved.

The current application is a consequence of the works to the roof and associated dormer windows not being carried out in accordance with the approved plans.

### **2. Impact on the Local Environment**

Within conservation areas the Local Authority have a statutory duty in Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving and enhancing the character or appearance of these areas, and this is reflected in national and local planning policies. The Householder Supplementary Planning Document provides clear design guidance on the design of dormer windows in conservation areas, and requires that front dormer windows should be of a pitched roof design with a maximum width of 1.5 metres. To the rear, where dormer windows are acceptable, traditional pitched roof dormers remain the preference, but in some circumstances box style dormers with a maximum width of 3m and cladding solely to the dormer cheeks can be acceptable.

As noted above, permission has previously been granted across the two properties (20 and 22 Pemberton Drive), for two traditional pitched roof dormer windows to the front elevation, gable roof extensions to the front and three box style dormers to the rear. The dormer windows accord with the councils adopted guidance, and the front gables are reflective of the character of the street scene and facilitated the applicant's requirement for additional space within the roof.

What has been constructed at the property does not reflect the approved plans, the adopted design guidance, or, the character of the locality. The gable extensions have been built up creating what in appearance look like excessively large pitched roof dormer windows, that deviate significantly from those on the neighbouring properties making them at odds with the traditional character of the dwelling(s) and incongruous within the street scene. The visual harm is exacerbated by the addition of box style dormer window(s) positioned between the two gables. These are set directly off the eaves and require cladding to the front, and contribute to the significant change in form and appearance that has occurred as a result of the works.

Whilst the harm to the character and appearance of the dwelling(s) is less significant to the rear, as this elevation is only open to restricted views and does not form part of important vistas within the conservation area. The large flat roof dormer window remains harmful to the character and appearance of the dwelling(s) at odds with what would be expected within a conservation area.

Pemberton Drive has previously been identified as making a positive contribution to the Little Horton Area conservation area; developments such as this continue a gradual erosion of the character of the street scene and wider conservation area contrary to the requirements of the National Planning Policy Framework, policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document and the Householder Supplementary Planning Document.

It is accepted that the surrounding street scene includes examples of flat roof dormer windows. However, given the age of the dormer windows and the absence of any planning application history, it is likely that the existing windows within the street are immune from enforcement action. Where possible the council seek removal of unauthorised dormer windows. Furthermore the Householder Supplementary Planning Document makes clear that existing dormer windows, which are of poor quality design, should not be used to inform the design of new proposals. As such the existing structures do not provide any valid justification for the approval of this proposal.

### **3. Impact on Neighbouring Occupants**

The development does not unduly impact neighbouring amenity with the level of overlooking not dissimilar to that created by the existing pattern of development, or that accepted as part of the previous planning approval. As part of the previous approval it was accepted that the development would allow some increase in overlooking, but would not lead to direct overlooking of neighbouring habitable room windows, and the windows were a satisfactory distance away from neighbouring rear yards, which in any event are seemingly more functional than of any great amenity value.

### **4. Impact on Highway Safety**

The location is a sustainable location well served by public transport and close to amenities reducing the need for travel by private modes of transport. Furthermore, the proposed development does not alter the existing parking or access arrangements and is not therefore seen to have an adverse impact on highway or pedestrian safety. The proposal is therefore considered to accord with the National Planning Policy Framework and policy TR2 of the Core Strategy Development Plan Document.

### **Community Safety Implications:**

None foreseen.

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

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

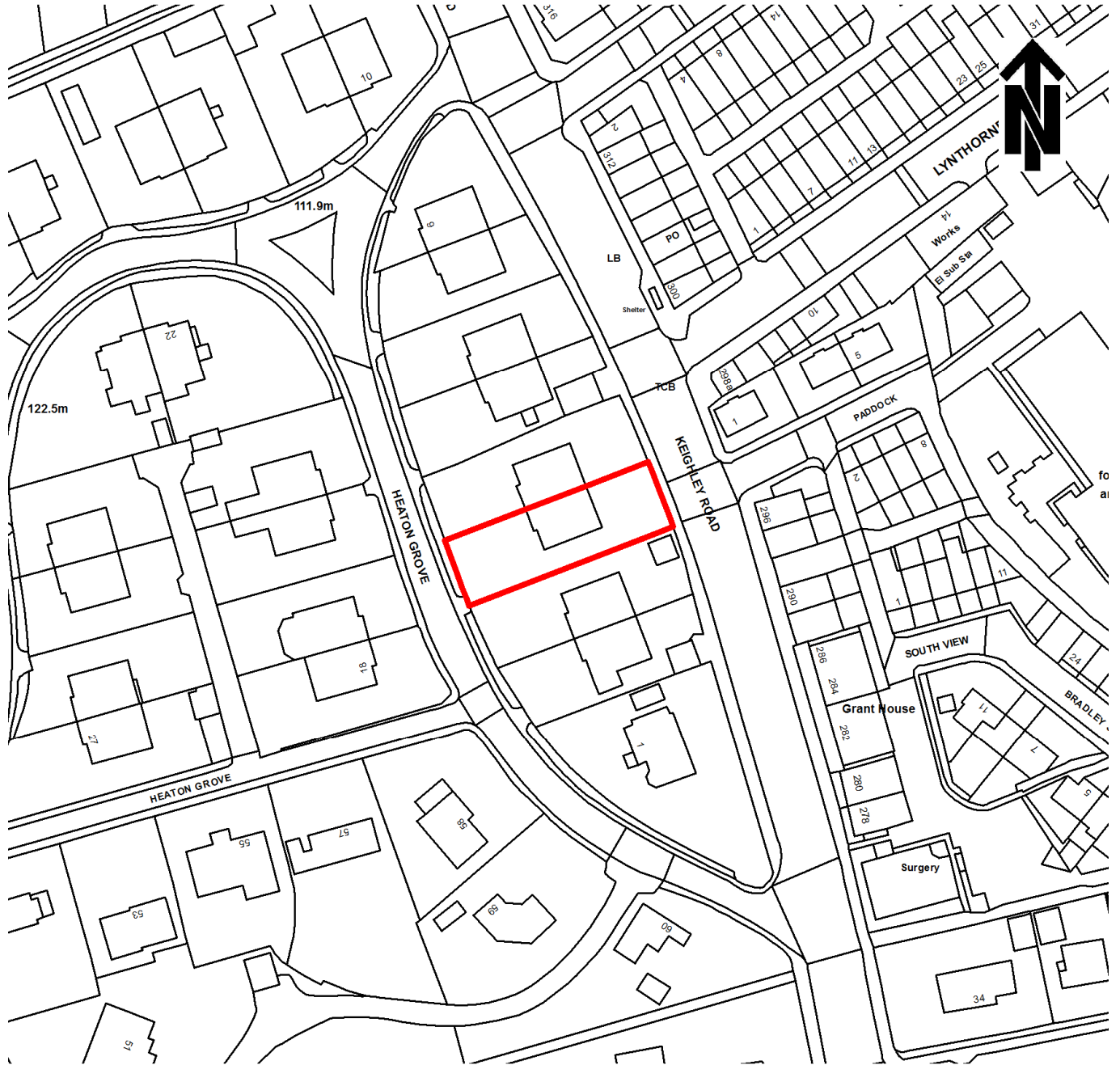
**Reasons for Refusal:**

1. The works to the roof by reason of their inappropriate design and scale are considered to detract from the appearance of the host dwelling and result in an incongruous feature within the street scene to the detriment of the character and visual amenity of the Little Horton Conservation Area. The development is therefore contrary to the requirements of the National Planning Policy Framework, policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document and the Householder Supplementary Planning Document.
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18/01359/HOU



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**4 Heaton Grove**  
**Bradford**  
**BD9 4DX**

**4 July 2018**

**Item: K**  
**Ward: HEATON**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
18/01359/HOU

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

A householder application for the construction of a garden store at 4 Heaton Grove, Bradford. The development has commenced but work has stopped pending the outcome of this application.

**Applicant:**  
Mr Mo Zaheer

**Agent:**  
Mr Paul Batty

**Site Description:**

4 Heaton Grove is a large semi-detached property situated in the Heaton Estates conservation area. It is similar in character to a number of properties in the lower part of Heaton Grove, which have very prominent over sailing roofs spanning the pair of houses, lending almost a chalet-like appearance. They are constructed in coursed stone, under slate roofs with tall prominent chimneys.

**Relevant Site History:**

18/00134/HOU - Construction of garden store (retrospective) - Refused on 07.03.2018 for the following reasons:

1. The proposal is for a substantial single storey structure located directly adjacent to the property boundary and set between road and the front aspect of the house. The structure would fundamentally conflict with the spatial qualities of this character area of the conservation area, introducing an intrusive form into the setting of the building, at odds with the original design concept of this part of the estate. Development of this form and positioned between the house and road is fundamentally unacceptable. There is no appreciable public benefit to counter the harm, which is contrary to para.134 of the NPPF. The proposal is contrary to policy EN3 in principle and fails to accord with policy DS3 of the Core Strategy Development Plan Document.
2. The proposed development would include a garage with vehicular access from Heaton Grove, however the garage would not be set back the required 5.6 metres from the pavement as recommended within the Council's adopted Householder Supplementary Planning Document. As such the proposed development could result in vehicles parking on the highway whilst the garage doors are open to the detriment of the safe and free flow of traffic on the highway. For this reason the proposed development is unacceptable in terms of highway safety and contrary to guidance contained within the National Planning Policy Framework.

3. 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 impact the garage would have on a protected tree located adjacent to the proposed garage. The Local Planning Authority cannot therefore be satisfied that the development would not result in harm to a protected tree. Policy EN5 of the Core Strategy Development Plan Document is therefore not satisfied.

**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.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document 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 unallocated for a specific land use but is within the Heaton Estates Conservation Area. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

DS1 Achieving good design  
DS3 Urban Character  
DS5 Safe and Inclusive Places  
EN3 Historic Environment  
EN5 Trees and Woodland

**Other Relevant Legislation**

Council's adopted Householder Supplementary Planning Document

**Parish Council:**

Not applicable.



**Publicity and Number of Representations:**

The application was advertised by way of site notice and individual neighbour notification letter. The statutory publicity date expired on 25 of May 2018. The application has received support from a local ward councillor and letters of objection from 4 individuals which are summarised below.

**Summary of Representations Received:**

**Support**

1. As the space at the back of the property is on a slope and has very little room the front of the house is the only option. The owner has amended plans to make it more in keeping with the surroundings.

**Objections**

1. This garden shed is totally out of place in this area.
2. The house does not have a garden
3. Inappropriate position
4. There is plenty of storage in the cellar
5. This is a garage not a garden store
6. Will block light to the neighbour's garden
7. There is no planning permission for the fence and this should be removed

**Consultations:**

Design and Conservation: Object to the development on design grounds.

**Summary of Main Issues:**

1. Visual amenity /impact on the conservation area
2. Residential amenity
3. Highway safety
4. Trees

**Appraisal:**

**1. Visual amenity / impact on the conservation area**

Despite the reduction in size from that previously proposed, the structure would be directly adjacent to the property boundary and set between road and the front aspect of the house. A structure here would fundamentally conflict with the spatial qualities of this character area of the conservation area, introducing an intrusive form into the setting of the building, at odds with the original design concept of this part of the estate. Development of this form and positioned between the house and road is fundamentally unacceptable.

The harmful effect would be emphasised by the poor detailing of the proposed structure and the large rendered plinth upon which it would stand.

The proposed building would cause significant harm to the spatial and visual character of the conservation area. Harm of this nature can in isolation and cumulatively lead to substantial harm. One of the primary characteristics of the conservation area is the air of tranquillity and seclusion provided by the relationship of dwellings to their spacious and landscaped settings. Strengths identified in the character appraisal include lack of intrusive development within individual plots and different parts of the conservation area retaining their individual identities.

Weaknesses include inappropriate hard surfacing detracting from the green character and inappropriate and ostentatious boundary treatments. Development in private open spaces, including gardens, and the introduction of boundary treatments are specifically identified as threats to character in the adopted character appraisal.

There is no appreciable public benefit to counter the harm, which is contrary to paragraph 134 of the NPPF. The proposal is contrary to policy EN3 in principle and fails to accord with policies DS1 and DS3 of the core strategy development plan document.

## **2. Residential amenity**

The garage is located to the front of the host dwelling which is a large semi-detached property set within large grounds. The garage would be sited 3.5 metres in front of the dwelling. The height of the garage at the rear would be around 3.7 metres to the ridgeline. Given the size of the established hedge running along the boundary line and the distance of the garage away from the neighbour's front window it is not considered the proposed development would result in any harm to residential amenity.

## **3. Highway safety**

Previously the development was refused on highway safety grounds however the building has been moved back from the highway and the large openings have been removed from the front elevation facing the highway. The development is also set back 5.7 metres from the highway. It is not considered the development raises any concerns in terms of highway safety.

## **4. Trees**

The previous application was refused due to the impact on the tree within the site. However the garage has been set back significantly and now it is not considered it would impact on the tree and therefore the proposal does not conflict with policy EN5 of the Core Strategy Development Plan Document.

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

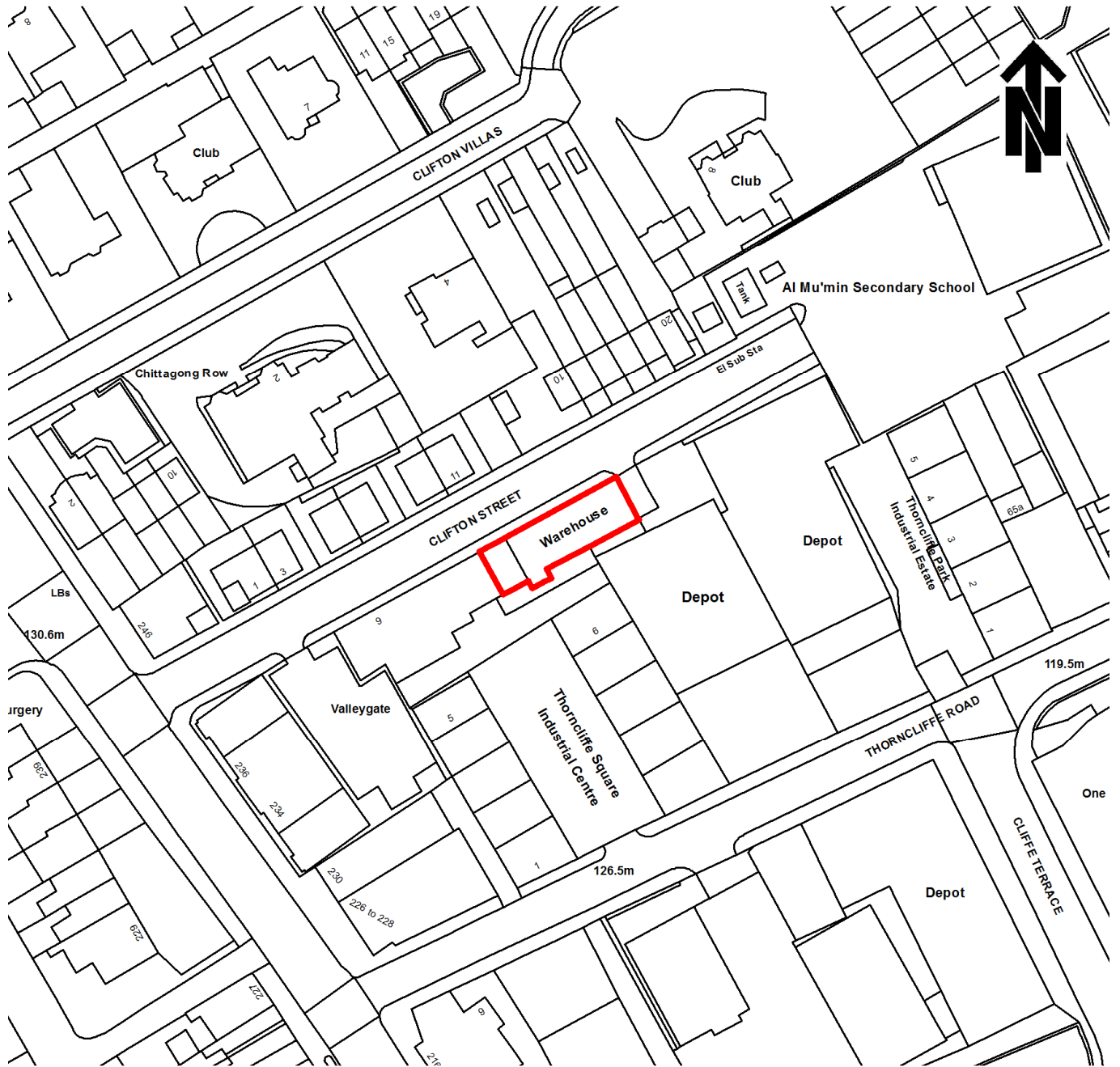
### **Reasons for Refusal:**

1. The intrusion of a substantial poorly designed modern garden store into this prominent garden area which forms part of the spatial quality of the conservation area is considered to cause substantial harm to the character of the Heaton Estates Conservation Area. The proposed development is therefore contrary to the National Planning Policy Framework and policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

17/06659/FUL



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**Upper Ground Floor Clifton Mill  
Clifton Street Manningham  
Bradford BD8 7DA**

**4 July 2018**

**Item:** L  
**Ward:** MANNINGHAM  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
17/06659/FUL

**Type of Application/Proposal and Address:**  
This is a retrospective application for the change of use of the Upper Ground Floor of Clifton Mill, Clifton Street, Bradford from a warehouse/office to a snooker lounge.

**Applicant:**  
Mr Mohammed

**Agent:**  
SR Design – Stephen Fisher

**Site Description:**  
Clifton Mills is a long stone built former mill building situated to the south side of Clifton Street. The application relates to a proportion of the upper ground floor, this is at the far end of the building where the building effectively comes three storeys in response to the gradient. The remainder of the mill remains in a variety of uses, including a car recycling business. Adjacent to the mill there are a row of terrace dwellings and three sets of semi-detached dwellings.

**Relevant Site History:**  
Not applicable.

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

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

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

**Local Plan for Bradford:**

The Core Strategy Development Plan Document 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 unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

DS5 – Safe and Inclusive Places

TR2 – Parking Policy

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application has been publicised by a site notice and by individual neighbour notification letters. The publicity period expired on 14th February 2018. 19 individual representations have been received in support of the application, and 4 plus an 8 signature petition have been received in objection.

**Summary of Representations Received:**

The representations in support do so on the following grounds:

- The venue is a safe and pleasant environment for socialising
- Helps keep youths of the street
- Required local service
- Brings the mill building back into use.

Those in objections site the following reasons:

- Resulting in distress for local families
- Noise and disturbance especially late at night
- Littering
- Attracting anti-social behaviour
- Parking issues
- The validity of the support letters has also been questioned

**Consultations:**

Design and Conservation – The design and conservation officer is satisfied that the proposed change-of-use will have no impact on the setting of adjacent listed buildings or Apsley Crescent Conservation Area.

Environmental Health – The Environmental Health Officer has expressed concerns regarding the use due to the noise and disturbance associated with customer's comings and goings.

**Summary of Main Issues:**

1. Principle
2. Residential Amenity
3. Visual Amenity
4. Highway Safety
5. Other matters raised in the representations

**Appraisal:**

**1. Principle**

The site and premises is not subject to an allocation on the Replacement Unitary Development, as such there would be no planning policies seeking to resist the principle of the use. The use remains subject to an assessment of the local impact of the development and the main issues will now be considered:

**2. Residential Amenity**

In residential amenity terms it is apparent that issues have arisen between the use and neighbouring residents, and given the proximity of residential properties and the nature of the use this is unsurprising.

The snooker lounge on the face of it would appear a suitable use for the former mill, and it is clearly positive to have the building in an active use. However, the success of the use will be based on sufficient numbers attending the building, and a snooker lounge by its very nature will be reliant on evening trade. This is evident in the suggested hours of operation which extend to 11pm. Neighbouring residents are more susceptible to the impact from the noise and disturbance in the evening when the ambient noise levels are reduced. What further exacerbates the situation in this instance is that customers visiting the snooker lounge are reliant upon on street parking which brings the activity in the immediate vicinity of the residential properties where there is insufficient distance or robust noise-absorbing boundary treatment to prevent harm to residents' reasonable expectation to quiet evening enjoyment of their property. This will be particularly the case during the warmer periods of the summer months when it is reasonable to assume that room windows would be left open for ventilation purposes, etc. through the night.

The lack of parking provision for the use has also seemingly resulted in parking issues between the residents and customers given the increase competition for the on street parking, which some of the properties are reliant on. The seemingly indiscriminate parking of some the customers has intensified this conflict.

Whilst it is apparent that this application has proved divisive given the level of representation in both support and objection, it is evident from the addresses that the representations in objection are from the immediate vicinity, where those in support are from further afield and likely users of the snooker lounge rather than local residents.

It is therefore considered by reason of harm to neighbouring amenity by reason of noise and disturbance the use fails to satisfy the requirements of policy DS5 of the Core Strategy DPD.

**3. Visual Amenity**

No external alterations are proposed. Signage would be subject to the requirement for advertisement consent.

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

The site and use come with no allocated parking and as such, as noted above, is reliant on the local highway network for parking. As discussed above this has brings the use into close proximity to residential properties, and has also resulted in some conflict over parking spaces.

The proposal falls outside an allocated centre, but is clearly urban in characteristics as such Appendices 4 of the Core strategy DPD stipulates the parking standards would be between 1 space per 22sqm – 100 sqm. At approximately 250m sqm this would result in a requirement of between a 3 and 11 parking spaces, given the availability of on street parking the shortfall would not be envisaged to result in conditions prejudicial to highway safety. The lack of parking however does exacerbate the amenity concerns, but this is addressed above, and in the recommended reason for refusal.

#### **5. Other matters raised in the representations**

The validity of the letters of support has been questioned. This is difficult to establish and no irrefutable evidence has been supplied. This being the case the Local planning authority can only take the representations at face value

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

As discussed.

#### **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. The use of the premises as a snooker hall would be detrimental to the amenities of neighbouring residents by reason of noise, vehicular activity and general disturbance, particularly late at night or at other unsocial hours. The issues are exacerbated as the premises has no off street parking and is thus reliant on street parking in close proximity to the residential properties. The use as such would be contrary to policy DS5 of the Core Strategy Development Plan Document.
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## Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 4 July 2018

# B

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### Summary Statement - Part Two

#### Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(6)
Decisions made by the Secretary of State - Allowed	(1)
Decisions made by the Secretary of State - Dismissed	(7)
Decisions made by the Secretary of State - Part Allowed	(1)

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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)

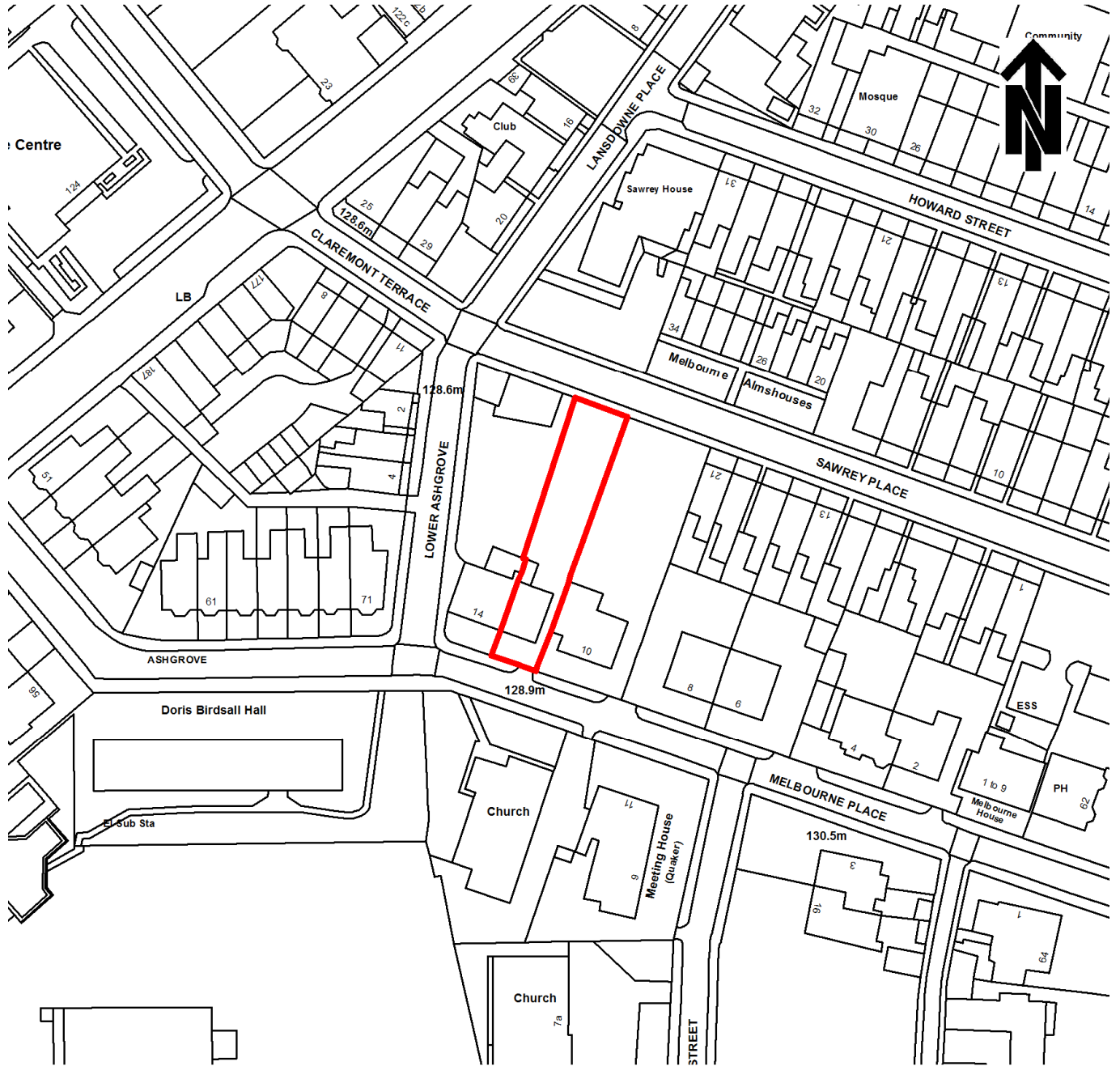
**Portfolio:**  
Regeneration, Planning & Transport

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

17/00711/ENFLBC



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**12 Melbourne Place**  
**Bradford**  
**BD5 0JA**

**4 July 2018**

**Item Number: A**  
**Ward: CITY**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
17/00711/ENFLBC

**Site Location:**  
12 Melbourne Terrace, Bradford, BD5 0JA

**Breach of Planning Control:**  
Unauthorised Dormer on the front roof slope of a listed building.

**Circumstances:**  
Following an enquiry received, a site visit carried out by the Enforcement Officer on 21 November 2017, revealed a box style, white upvc clad dormer window constructed on the front roof slope of the above listed building.

In response to a letter, the Council was advised that the dormer window currently in situ was constructed in 2016, this replaced an existing dormer constructed in 1984 and fire damaged in 2015. The owner of the property has been advised that the dormer window is unauthorised. No positive action has been taken to remedy the breach of planning control.

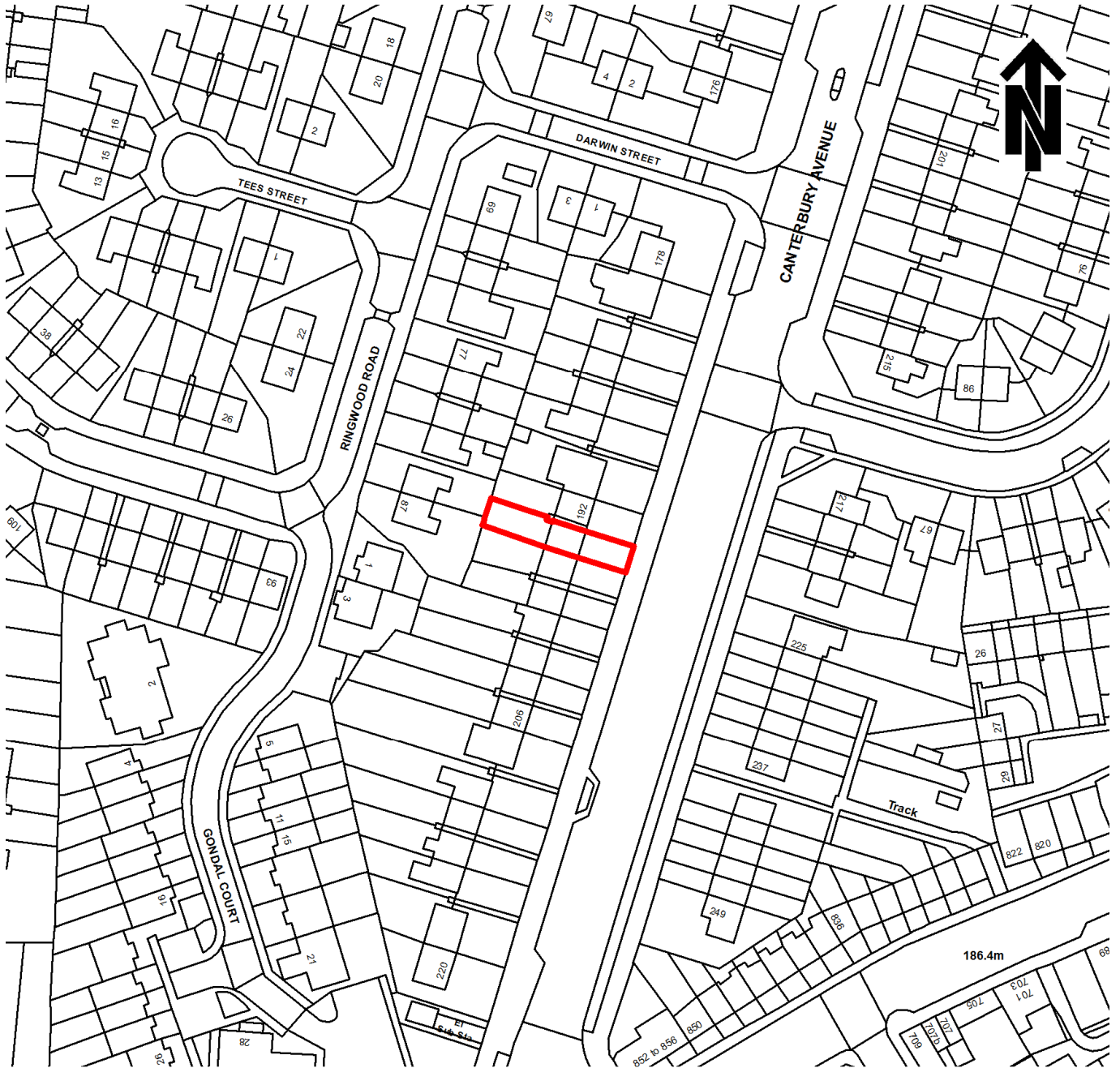
On 4 June 2018 the Planning Manager (Enforcement & Trees) authorised the issue of a Listed Building Enforcement Notice as the front box dormer does not have listed building consent and an Enforcement Notice as the front box dormer does not have planning permission. It is considered expedient to instigate Enforcement (Legal) Action as

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17/00437/ENFCOU



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**194 Canterbury Avenue**  
**Bradford**  
**BD5 9JX**

**4 July 2018**

**Item Number: B**  
**Ward: LITTLE HORTON**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
17/00437/ENFCOU

**Site Location:**  
194 Canterbury Avenue Bradford BD5 9JX

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

**Circumstances:**  
In May 2017 the Council received an enquiry regarding a structure at the property.

An inspection showed that a single storey timber framed structure had been attached to the rear elevation 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.

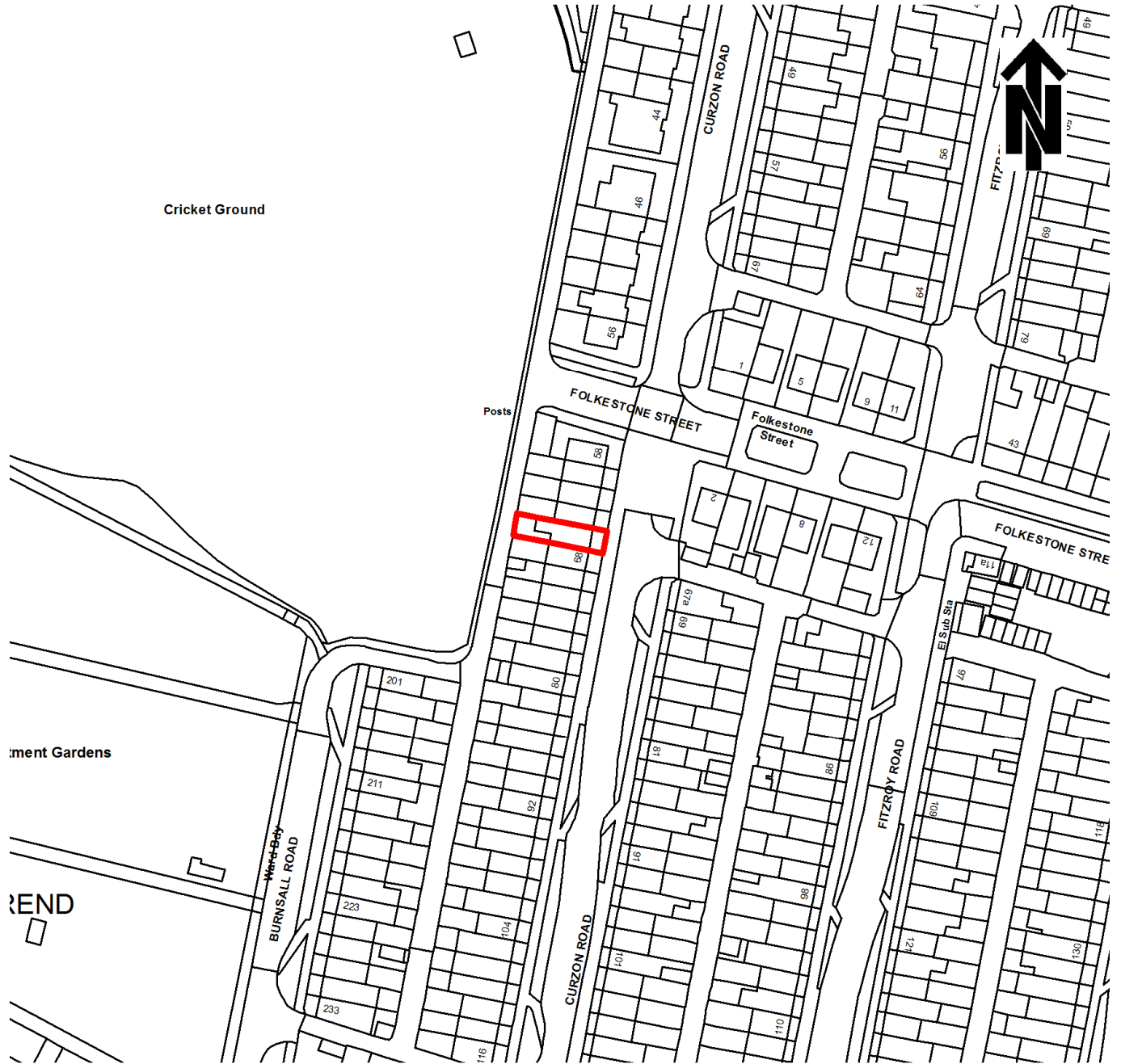
On 26 April 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised structure is detrimental to visual amenity by virtue of its design and appearance, contrary to Policies DS1, DS3 and SC9 of the Council's adopted Core Strategy Development Plan document, the Council's adopted Householder Supplementary Planning Document and the policies contained in the National Planning Policy Framework.

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16/00725/ENFUNA



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**66 Curzon Road  
Bradford  
BD3 9EH**

**4 July 2018**

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

**Enforcement Reference:**  
16/00725/ENFUNA

**Site Location:**  
66 Curzon Road, Bradford, BD3 9EH

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

**Circumstances:**  
In May 2017 it was noted that a single storey extension had been constructed to the front of the property without planning permission.

A retrospective planning application for the front extension, reference 17/03343/HOU, was refused by the Council in July 2017 and appeal dismissed by The Planning Inspectorate in November 2017.

The owner of the premises has taken no action to rectify the breach of planning control.

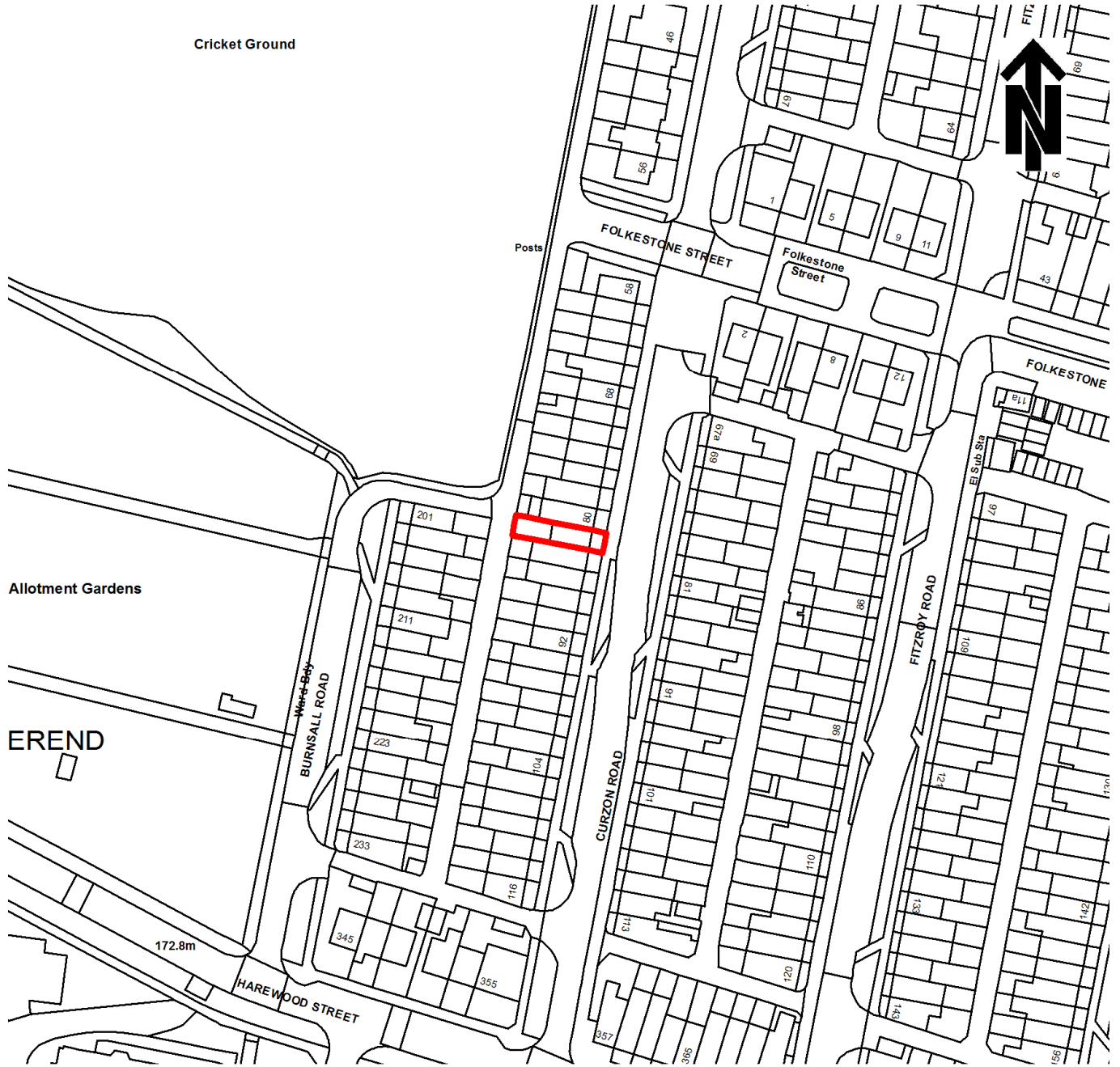
On 17 May 2018 the Planning Manager authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised front extension is detrimental to visual amenity by virtue of its position, size and appearance, contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan document, the Council's adopted Householder Supplementary Planning Document and the policies contained in the National Planning Policy Framework.

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17/00374/ENFUNA



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**82 Curzon Road**  
**Bradford**  
**BD3 9EH**



**4 July 2018**

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

**Enforcement Reference:**  
17/00374/ENFUNA

**Site Location:**  
82 Curzon Road, Bradford, BD3 9EH

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

**Circumstances:**

In May 2017 it was noted that a single storey extension had been constructed to the front of the property, for which the Council had no record of planning permission having been granted.

A retrospective planning application for the front extension, reference 17/03970/HOU, was refused by the Council in August 2017. An appeal against the Council's decision was dismissed by The Planning Inspectorate in November 2017.

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

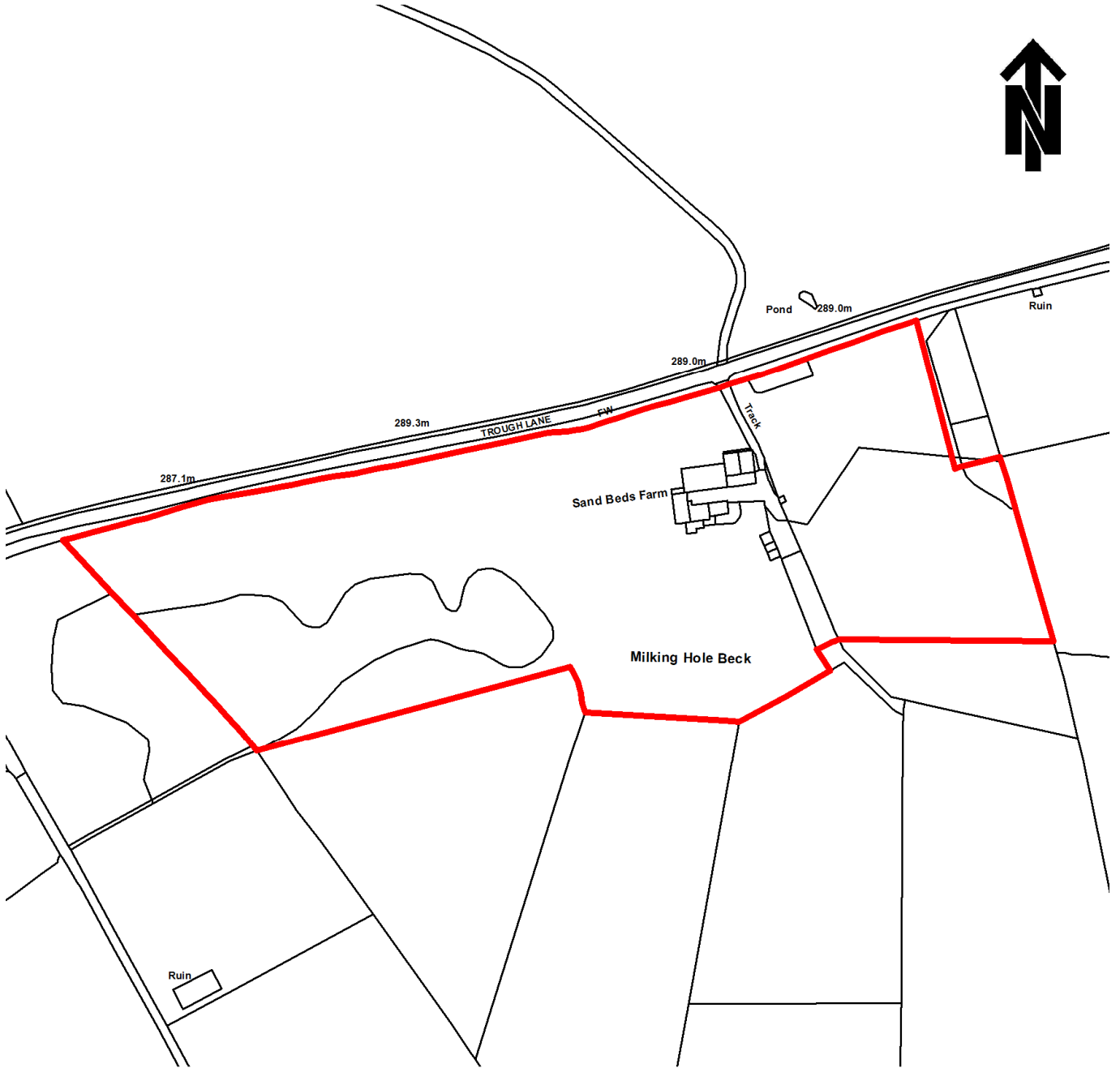
On 17 May 2018 the Planning Manager authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised front extension is detrimental to visual amenity by virtue of its position, size and appearance, contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan document, the Council's adopted Householder Supplementary Planning Document and the policies contained in the National Planning Policy Framework.

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17/00824/ENFUNA



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**Sandbeds Farm**  
**Trough Lane**  
**Denholme BD13 4NA**

**4 July 2018**

**Item Number: E**  
**Ward: BINGLEY RURAL**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
17/00824/ENFUNA

**Site Location:**  
Land to the West of Sandbeds Farm, Trough Lane, Denholme

**Breach of Planning Control:**  
Unauthorised development

**Circumstances:**  
It was brought to the attention of the Local Planning Authority that works had commenced on the above site including engineering operations and excavations, the formation of a new vehicular access from Trough Lane and an access track on the land together with the formation of a means of enclosure and the importation of materials.

The unauthorised development amounts to inappropriate development within the Green Belt and the Pennine Upland Landscape Character Area and is harmful to the character of the landscape contrary to policies GB1 and GB2 of the Replacement Unitary Development Plan, policies SC7, SC9, DS2 and EN4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

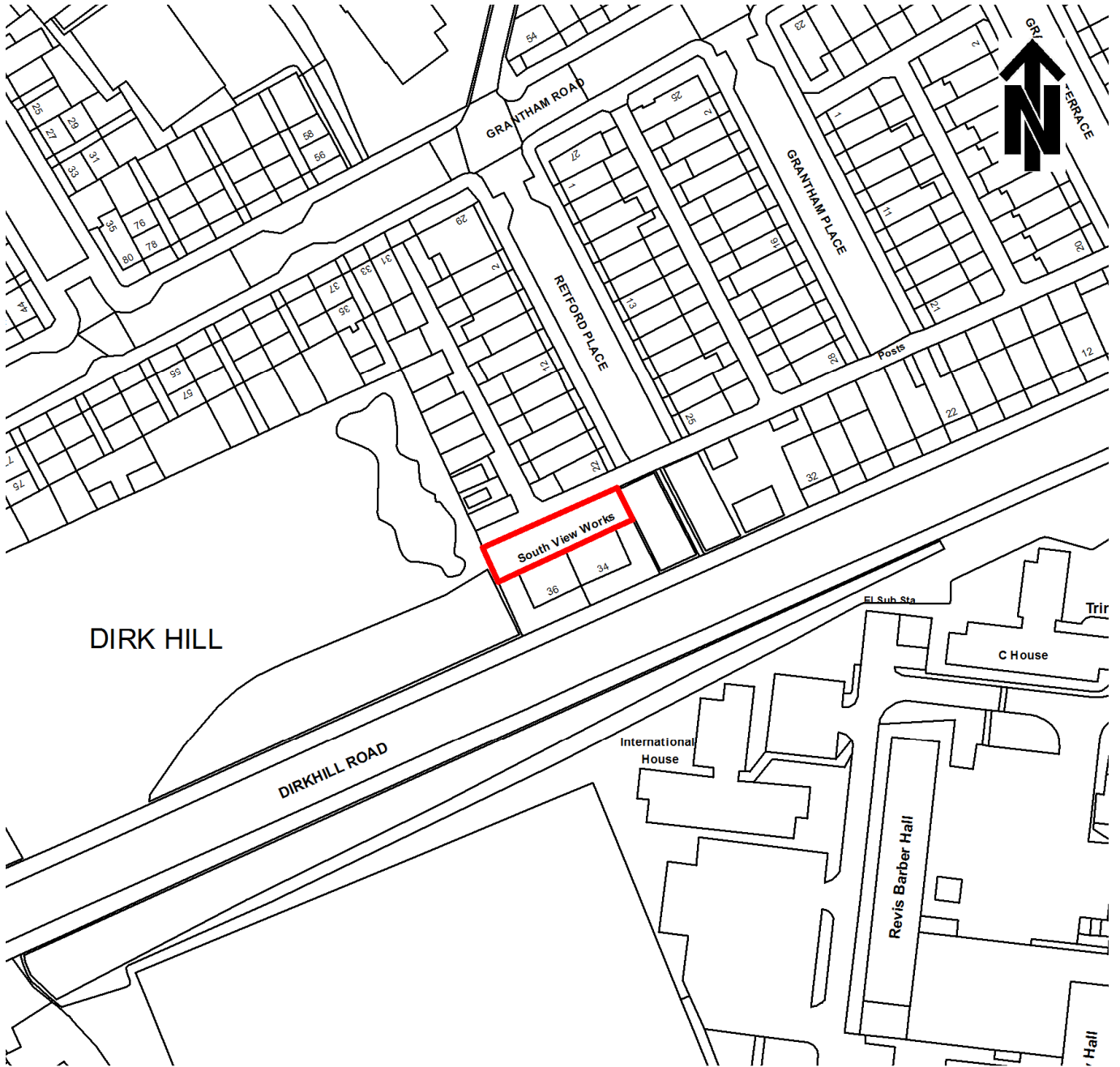
In order to prevent significant harm caused by the unauthorised works on the land the Development Services Manager authorised the issuing of a Temporary Stop Notice under delegated powers, on 1 May 2018.

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17/00732/ENFCOU



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**Southview Works**  
**Dirkhill Road**  
**Bradford**

**4 July 2018**

**Item Number:** F  
**Ward:** UNIVERSITY  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
17/00732/ENFCOU

**Site Location:**  
Land at South View Works, Dirk Hill, Bradford

**Breach of Planning Control:**  
Unauthorised use of land in connection with a business that stores, dismantles and repairs motor vehicles and supplies recycled motor vehicle spares.

**Circumstances:**  
A large static caravan was brought to the site in 2017 and a change of use was proposed. The site was visited and the change of use challenged in writing.

No valid planning application had been submitted at the time of writing this report and it is considered necessary to move to formal enforcement action as the use has now spread from the building onto open land in a residential area.

The unauthorised use is inappropriately sited development in a residential neighbourhood and does not create a high quality place and an attractive cohesive, sustainable settlement and due to its restricted and sub-standard access arrangements harms highway and pedestrian safety contrary to policy SC9 of the council's adopted core strategy development plan document.

The unauthorised use causes noise and general disturbance within a residential neighbourhood and operating without the appropriate environmental conditions and controls does not demonstrate that risk of harm has been minimised contrary to policies EN8 of the council's adopted core strategy development plan document and policy WDM2 of the council's adopted waste management development plan document.

The unauthorised use does not make a positive contribution to the lives of residents through high quality inclusive design, harms the amenity of residents and affects highway and pedestrian safety and is piecemeal development contrary to policies DS1 and DS5 of the council's adopted core strategy development plan document

The Area Planning Manager authorised the issuing of an Enforcement Notice under delegated powers, on 22 May 2018.

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## DECISIONS MADE BY THE SECRETARY OF STATE

### Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
G	Windhill And Wrose (ward 28)	Land At Kings Drive Bolton Hall Road Bradford  Proposed construction of 23 residential units consisting of 17 dwellings and 6 bungalows - Case No: 17/05355/MAO  Appeal Ref: 18/00023/APPOU2

### Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
H	Great Horton (ward 11)	21 Dracup Road Bradford BD7 4HA  Dormer windows to front and rear and retrospective two-storey side extension - Case No: 17/04810/HOU  Appeal Ref: 18/00014/APPHOU
I	Bowling And Barkerend (ward 05)	3 New Augustus Street Bradford BD1 5LL  1 No 48 sheet freestanding digital advertising display unit - Case No: 17/06532/ADV  Appeal Ref: 18/00025/APPAD1
J	Great Horton (ward 11)	56 St Wilfrids Crescent Bradford BD7 2LQ  Appeal against Enforcement notice - Case No: 14/00812/ENFAPP  Appeal Ref: 18/00009/APPENF
K	Idle And Thackley (ward 13)	56 West Cote Drive Thackley Bradford BD10 8WS  Construction of front porch - Case No: 17/06541/HOU  Appeal Ref: 18/00029/APPHOU

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
L	Great Horton (ward 11)	8 Lynch Avenue Bradford BD7 4RZ  Construction of single storey rear extension - Case No: 17/05278/HOU  Appeal Ref: 18/00011/APPHOU
M	Queensbury (ward 20)	Clayton Edge Farm Station Road Queensbury Bradford BD13 1HR  Change of use of agricultural building to two holiday lets - Case No: 17/02679/FUL  Appeal Ref: 17/00125/APPFL2
N	Great Horton (ward 11)	Former 53-61 Lidget Place Bradford BD7 2LP  Construction of vehicle repair garage and MOT testing station - Case No: 17/03918/FUL  Appeal Ref: 18/00012/APPFL2

### 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

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
O	Little Horton (ward 18)	88 Bolingbroke Street Bradford BD5 9NR  Retrospective application for the construction of a front porch - allowed on appeal. Dormer window to front and rear dormer to be built under permitted development - dismissed on appeal. - Case No: 17/06195/HOU  Appeal Ref: 18/00017/APPHOU

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