

Agenda for a meeting of the Area Planning Panel (Bradford) to be held on Wednesday, 27 March 2024 at 10.00 am in Council Chamber - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT	GREEN
S Khan A Hussain Amran Walsh	Glentworth	Stubbs	Hickson

Alternates:

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT	GREEN
Lal Dodds Thornton Humphreys	Coates	R Ahmed	Whitaker

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.
- 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.
- Anyone wishing to speak to any of the business items on the agenda either as a Ward Councillor, applicant/agent, in support of or objecting to an application must register to speak by emailing the Governance Officer susan.booth2@bradford.gov.uk by midday on Monday 25 March 2024. Please provide a telephone contact number, together with the relevant application details and explaining who will be speaking. They will then be advised on how you can participate in the meeting. If you have not registered, you may not be able to speak.
- **Members of the public are respectfully reminded that this is a meeting that is being held in public NOT a public meeting. The attendance of the public to observe the proceedings is welcome.**
- **A legal briefing for all Members will take place at 0930 in the Council Chamber 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.

From:

Jason Field
Interim Director of Legal and Governance
Agenda Contact: Su Booth
Phone: 07814 073884
E-Mail: susan.booth2@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The Interim Director of Legal and Governance 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 must consider their interests, and act according to the following:*

Type of Interest	You must:
<i>Disclosable Pecuniary Interests</i>	<i>Disclose the interest; not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a Dispensation.</i>
<i>Other Registrable Interests (Directly Related)</i> OR <i>Non-Registrable Interests (Directly Related)</i>	<i>Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Affects)</i> OR <i>Non-Registrable Interests (Affects)</i>	<i>Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being</i>

(a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and

(b) a reasonable member of the public knowing all the facts would believe that

it would affect your view of the wider public interest; in which case speak on the item only if the public are also allowed to speak but otherwise not do not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *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.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

That the minutes of the meeting held on 24 January 2024 be signed as a correct record.

(Su Booth – 07814 073884))

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.

(Su Booth – 07814 073884)

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 Interim Director of Legal and Governance in Room 112, City Hall, Bradford, by midday on Monday 25 March 2024.

(Su Booth – 07814 073884)

B. BUSINESS ITEMS

6. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	112 Hunters Park Avenue Bradford BD14 6EW - 24/00283/HOU	Clayton And Fairweather Green Manningham
B	51 Hanover Square Manningham Bradford BD1 3BY - 23/03889/FUL	Manningham
C	51 Hanover Square Manningham Bradford BD1 3BY - 23/03890/LBC	Bradford Moor
D	Changing Facilities Myra Shay Playing Field Barkerend Road Bradford - 23/04727/REG	Manningham
E	Express House White Abbey Road Bradford - 23/04598/VOC	Idle And Thackley
F	Land North Of 1 To 21 New Street Idle Bradford - 23/03815/FUL	Tong
G	The 6 Acres 119 Westgate Hill Street Tong Bradford BD4 0SF - 23/04213/FUL	Clayton And Fairweather Green
H	17 Leaventhorpe Avenue Bradford BD8 0ED - 24/00198/HOU	

(Amin Ibrar - 01274 434605)

7. MISCELLANEOUS ITEMS

1 - 42

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

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(19)
Decisions made by the Secretary of State - Dismissed	(6)

(Amin Ibrar – 01274 434605)

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

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 27 March 2024

I

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	112 Hunters Park Avenue Bradford BD14 6EW - 24/00283/HOU [Approve]	Clayton And Fairweather Green
B	51 Hanover Square Manningham Bradford BD1 3BY - 23/03889/FUL [Approve]	Manningham
C	51 Hanover Square Manningham Bradford BD1 3BY - 23/03890/LBC [Approve]	Manningham
D	Changing Facilities Myra Shay Playing Field Barkerend Road Bradford - 23/04727/REG [Approve]	Bradford Moor
E	Express House White Abbey Road Bradford - 23/04598/VOC [Approve]	Manningham
F	Land North Of 1 To 21 New Street Idle Bradford - 23/03815/FUL [Approve]	Idle And Thackley
G	The 6 Acres 119 Westgate Hill Street Tong Bradford BD4 0SF - 23/04213/FUL [Approve]	Tong
H	17 Leaventhorpe Avenue Bradford BD8 0ED - 24/00198/HOU [Refuse]	Clayton And Fairweather Green

Richard Hollinson
Assistant Director (Planning, Transportation and Highways)

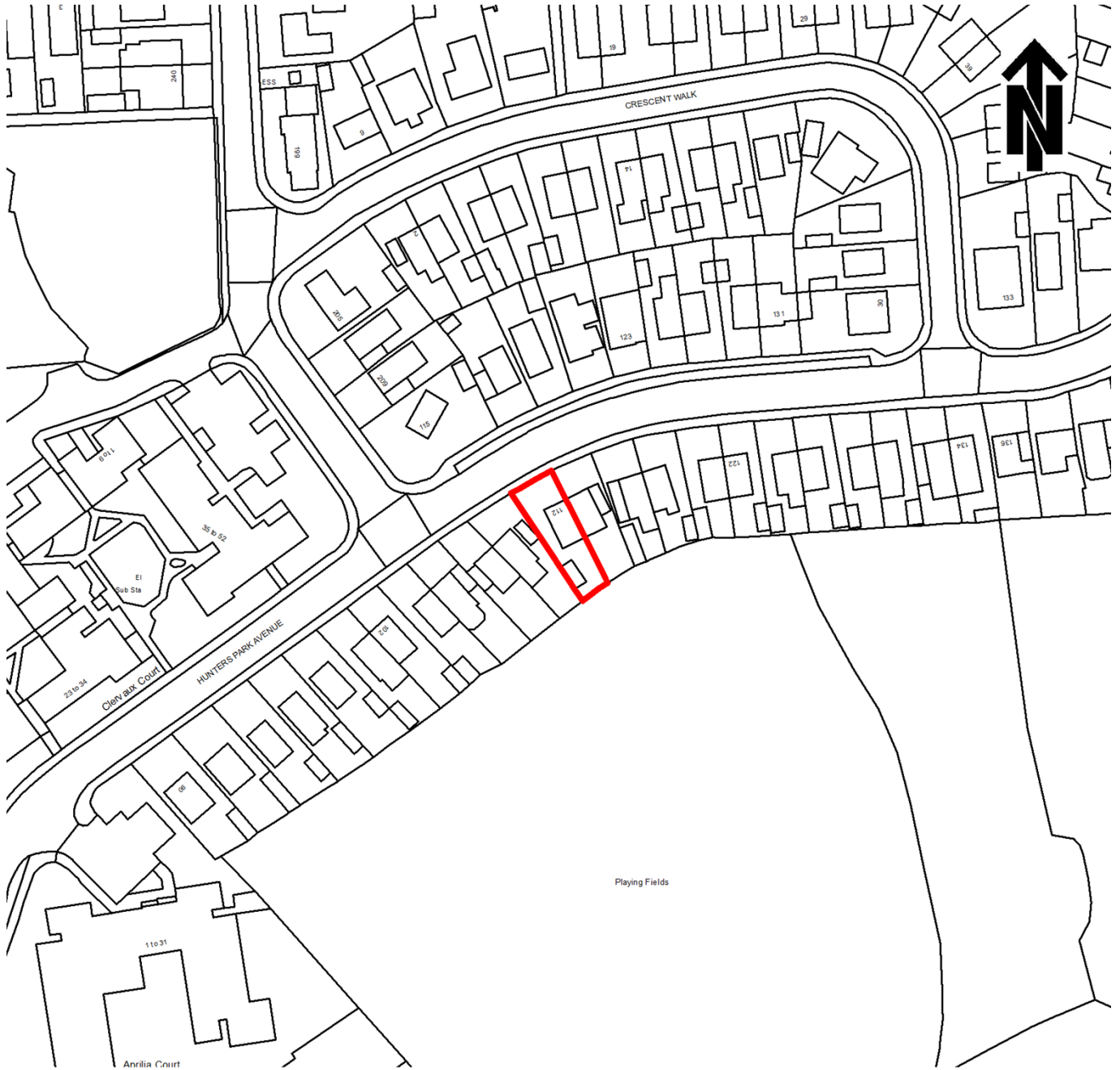
Report Contact: Amin Ibrar
Phone: 01274 434605

Email: amin.ibrar@bradford.gov.uk

Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

24/00283/HOU



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**112 Hunters Park Avenue
Bradford
BD14 6EW**

27 March 2024

Item: A
Ward: CLAYTON AND FAIRWEATHER GREEN
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
24/00283/HOU

Type of Application/Proposal and Address:
Householder application for single-storey side extension at 112 Hunters Park Avenue,
Bradford, BD14 6EW

Applicant:
Mr P and Mrs N Mistry

Agent:
Mukesh Architectural Consultancy Ltd

Site Description:
The application site consists of a semi-detached dwelling with garden to the front and rear, and vehicular hardstanding to the side. The site sits adjacent to 114 Hunters Park Avenue to the east and adjoins 110 Hunters Park Avenue to the west. The site is accessed via Hunters Park Avenue to the north.

The dwelling is situated on a residential road with a strong residential character of mainly similar properties.

Relevant Site History:
None.

The National Planning Policy Framework (NPPF):
The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

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

Core Strategy Policies

DS1 - Achieving Good Design

DS3 - Urban Character

DS5 - Safe and Inclusive Places

Other Relevant Legislation

Householder Supplementary Planning Document

Parish Council:

Clayton Parish Council: No comments received.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters which expire on 9 March 2024. No comments received.

Summary of Representations Received:

None received.

Consultations:

None received.

Summary of Main Issues:

1. Principle of Development.
2. Impact on Built Environment.
3. Impact on Neighbouring Residential Amenity.

Appraisal:

The applicant is employed in the Department of Place consequently, the application has to be determined at the Area Planning Panel.

1. Principle of the Development

The application site is not an allocated site. Policy P1 states that planning applications that accord with the policies in the Development Plan will be approved without delay unless material considerations indicate otherwise. The principle of extension and amendment of an existing dwelling is accepted.

2. Built Environment

The proposed extension would occupy part of the driveway to the side of the house. At present there is a detached garage in the rear garden at the end of the driveway. The adjacent dwelling, No 110 has an attached garage to the side of the house. The extension proposed here would be situated in a similar position to the garage at No 110 in respect of the subject dwelling.

The proposed single storey side extension has a width of 2.9 metres which takes it close to the side boundary of the plot with No 110. The width of the original dwelling is 5 metres, the adopted guidance in the Householder Supplementary Planning Document recommends that side extension should not be greater than 2/3 the width of the original dwelling. The proposal meets this guidance.

The design of the proposed side extension matches that of the existing dwelling, both in terms of form and the use of external facing materials. The extension is set-back 0.15m from the front of the dwelling. The extension thus appears subservient to the original dwelling and does not appear to significantly harm the character of the dwelling or the street scene.

The proposed extension is designed with materials that match that of the host dwelling.

3. Neighbouring Residential Amenity

The extension provides a bedroom/playroom to the front and kitchen extension to the rear. This requires a window to the front and rear elevations.

The proposed development is of a small scale, any impact on the neighbouring property (No 110) that could occur is reduced by an intervening garage to the side of 110. There are no proposed windows or doors to the side of the extension. The side boundary is not square to the side of the house and as such the extension is designed to narrow to the rear and the side wall abuts the boundary. This would not cause detriment to the amenity of the adjacent residents.

The property is some distance from the nearest properties on the north side of Hunters Park Avenue and does not come any closer than the existing dwelling. The proposal development would not result in any issues of overlooking, overshadowing or loss of privacy.

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 equality of opportunity between different groups and foster good relations between different groups.

Reason for Granting Planning Permission:

The size, scale and appearance of the proposal is considered acceptable in terms of its design and complies with Policies DS1, DS3 and DS5 of the Council's Core Strategy Development Plan Document and Householder Supplementary Planning Document. In addition the proposal is acceptable in terms of its potential impact on the amenity of neighbours and thus satisfies Policy DS5 of the Core Strategy. The proposal is thus recommended for approval.

Conditions of Approval:

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

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

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

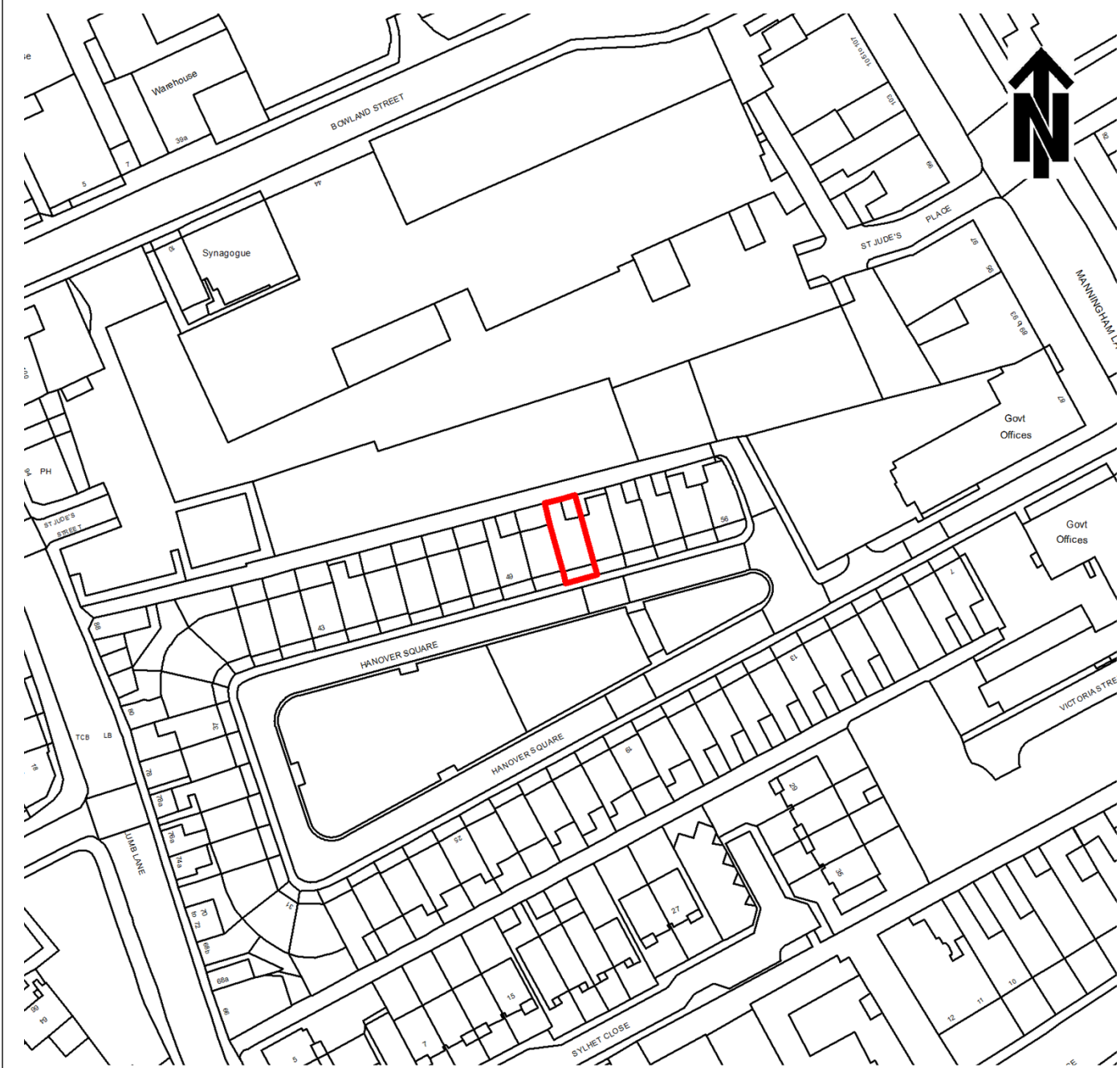
Location Plan, Proposed Elevations, Plans
Existing Elevations

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. The development hereby permitted shall be constructed using external facing and roofing materials to match the existing building as is specified on the submitted application.

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

23/03889/FUL



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**51 Hanover Square
Manningham
Bradford
BD1 3BY**

27 March 2024

Item: B
Ward: MANNINGHAM
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
23/03889/FUL

Type of Application/Proposal and Address:
Full application - Change of use from residential to house in multiple occupation (sui generis) and all associated works at 51 Hanover Square, Manningham, Bradford, BD1 3BY.

Applicant:
Mr Jawad Saleemi

Agent:
Mr Elie Osborne of 4D Planning

Site Description:
The property is a 2½ storey, mid-terraced dwelling, situated in a predominantly residential area. The street scene consists of a squared row of properties, facing onto a courtyard and access road/parking areas. The host dwelling is Grade II listed and situated in a Conservation Area.

Relevant Site History:
90/05500/LBC Substantial reconstruction of internal and external walls floor roof and boundary walls LBC Granted 19.09.1990
02/00172/FUL Single storey extension to rear to provide shower room for disabled person Refused 05.04.2002
02/00418/LBC Single storey extension to rear of property Refused 05.04.2002
02/01434/LBC Single storey extension to rear of property Granted 19.06.2002
02/01435/FUL Single storey extension to rear of property Granted 19.06.2002

The National Planning Policy Framework (NPPF):
The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP 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
EN3 Historic Environment
EN7 Flood Risk
EN8 Environmental Protection Policy
SC9 Making Great Places
TR2 Parking

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by site notice, newspaper article and neighbour notification. The overall publicity period expired on 1 December 2023.

32 representations have been received objecting to the LBC proposal.

1 representation has been received in support of the LBC proposal however the contents of the comment clearly state objection to the proposal.

Therefore 33 objections are considered.

Summary of Representations Received:

Character of the listed building/conservation area will be detracted as a result of the proposal.

Proposal will not enhance the area.

Noise from the proposal.

Late night noise including loud music.

Too many people living in one property.

Overcrowded living.

Noise disturbance from another multi-let in the street.

The proposal will attract crime.

Threatening behaviour from occupants of HMO is possible.

There will be a rise in antisocial behaviour.

Concerns for children safety.

Drug problems.

Lack of policing in the area.

Parking issues already exist on the street.

Speeding cars.

Increase in congestion will occur.
There will be increased demand for parking.
This will set a precedent for others.
Impact on property values.
Waste overflow concerns.
Lack of community cohesion.

Consultations:

Housing Standards - No indication of fire detection or emergency lighting. No adequate fire separation between basement and ground floor. FD30S doors are required. Mechanical ventilation will be required to bathrooms. Grills on windows could hamper fire escape.

West Yorkshire Police - Guidance attached.

Conservation - There is currently no justification for the change of use to an HMO. CCTV, lighting and intercom can be conditioned. Ventilation should be specified to allow assessment. All external changes are to be clarified.

Summary of Main Issues:

1. Background
2. Principle of Development
3. Impact on Heritage
4. Impact on Visual Amenity
5. Impact on Residential Amenity
6. Impact on Highway Safety
7. Refuse
8. Other Matters

Appraisal:

Change of use from residential to a house in multiple occupation (sui generis) and all associated works.

1. Background

The determination of this application was deferred by the planning panel that convened on 24 January 2024 resolved:

“That the decision be deferred in order for precise information to be obtained relating to the size and type of refuse bins required for an HMO and for clarification of accessibility for larger bins and details of refuse collection points.” Information about the above has been included in this report in section 7 Refuse.

2. Principle of Development

This application seeks planning permission for change of use from a residential dwelling to an HMO. The site is currently subject to residential use and therefore the HMO would be similar in this regard. The proposal is in keeping with the mix of predominant land use in the locality, so there is no planning reason to resist this aspect.

There are no policies or known circumstances which would constrain development of this kind in relation to the host building and surrounding locality. Therefore, the development is acceptable in principle. This remains subject to listed building consent, and an assessment against the relevant planning policies and guidance.

3. Impact on Heritage

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty as respects listed buildings in the exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of conservation areas. In the exercise of a Local Planning Authority's planning functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Hanover Square was constructed around 1840 and sits within a square setting. The main body of the square displays distinctive and attractive architectural detailing, with further plainer houses added at each end a number of years later. All the houses are Grade II listed and within the Eldon Place conservation area.

There will be no change to the appearance of the existing facing materials, or fenestration of the building. The internal layout changes would involve internal partitioning which would not have detrimental impact to the fabric of the building.

The proposal includes some additional elements to the external elevations. Full details of these elements including CCTV, external lighting, mechanical extraction will be required and can be conditioned for submission and approval.

The site includes provision for bin storage within the front yard, which is welcomed so as to resist the storage of bins at the roadside in a position that could result in detriment to the heritage asset. Although not ideal to store bins at the front garden of heritage assets, it is noted that bins of properties on the square are usually stored in the front yard areas of the properties, and this is well established. The introduction of four 240l bins and two recycling boxes would not result in substantial detriment to the setting of the listed building.

Some objection comments mention impact on the heritage asset, however subject to the finer details of the additions, there is no deemed harmful impact on the listed building and conservation area.

The proposal is regarded as according with policy EN3 and with the National Planning Policy Framework and Sections 16 and 66 of the Listed Buildings and Conservation Area Act.

4. Impact on Visual Amenity

Having had regard to the above, the proposed scheme is considered to be acceptable in terms of its design and its impact on the character and visual amenity of the area. The proposed development is therefore considered to accord with Policies SC9, DS1 and DS3 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

5. Impact on Residential Amenity

The proposal includes residential use which is a characteristic of the locality. Notwithstanding the presence of residential properties within the nearby proximity, no significant harm to neighbouring amenity is anticipated because of such a use. The conversion from a dwelling to an HMO would need to be carried out to the satisfaction of the council and an HMO licence is required.

With regard to adjacent neighbours, the proposal would not create any additional openings or introduce any new windows facing towards private amenity space/gardens. Although concerns have been raised regarding the proposal, it is not deemed that it will adversely affect neighbour's amenity layout will be situated in a similar position as existing and would not be so indifferent to the noise created by a residential dwelling occupied by a large family.

Multiple occupancy buildings present their own specific security issues however the proposal includes suitable security standard. These are essential but this is a matter which can be addressed at Building Control stage or by meeting appropriate British Standards. The proposed lighting, entry system and CCTV will be acceptable.

The bedrooms are shown to have access to bathrooms both ensuite and shared with occupants having access to shared kitchens and communal areas in the form of lounge/dining space. All the habitable rooms are shown to be of adequate size and served by multiple windows to provide sufficient levels of natural light, outlook and ventilation, providing a good standard of accommodation for the future occupants.

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

6. Highway Safety:

Objections have been received with regards to the effect on highways safety, parking and increased traffic within the area. There is no designated off-street parking in this street as existing, however on street parking is available.

The access to this site is well served by public transport and close to local amenities and would as such represent a sustainable location for a development of this nature. The proposed use is not such that usually is subject to high levels of vehicle ownership. The introduction of residential use here is a sustainable addition that would not require designated parking given the location and availability of on street parking.

Given the location of the proposal, there is no foreseen conflict with Policy DS4 or TR2 of the Core Strategy, the Householder Supplementary Planning Document and the NPPF.

7. Refuse:

It has been demonstrated that the proposal will include bin provision for the proposed use. It has been demonstrated that 4 x 240 litre domestic waste bins will be provided and will be placed in the front yard area of the property. As well as this, 2 x 240l recycling bins will also be placed in the front yard of the property.

It is noted that the storage of bins in the front yard area of properties is a commonly found in Hanover Square. The case officer's site visit(s) confirm that bins are stored in the front yard of properties and are collected from in front of the houses on Hannover Square. Although not ideal in terms of the heritage setting of the area, this is a well established method that has existed here for many years and given that there are limited alternative options for the storage and collection of bins available the use of the front yard area for the storage of bins in the way shown on the proposed plans is acceptable. Putting out the bins for collection would be the responsibility of the occupiers of the building.

The Waste Collections Team have confirmed that properties that host 7/8 one-to-two-bedroom apartments or flats should have bin provision consisting of a 1100l container bin for fortnightly collection and a 660l container bin for recycling. It is highly expected that the HMO proposed will result in single occupancy of rooms, however it is deemed that there is potential that 4 single and 3 double bedrooms can be provided based on the internal floor space.

It is considered that the advisory capacity of bins per flats/apartment blocks would not fully apply as the proposal is for an HMO, a property of shared multiple occupancy. Therefore, there would be shared kitchen facilities which would be similar to that of a family home that forms a single residential unit.

The property already has the capacity to host a large family given the internal floor space available, and essentially, the requirement for planning permission of this development is because of the 'additional' 7th bedroom. Should permitted development rights be exercised, for a 6 bedroom HMO, there would be no formal requirement or control from the Planning department to ensure additional bins are in place.

Therefore, on balance, given that the bin provision is only slightly under the advisory limits set out by the Waste Collection team (for flats/apartments), and the fact that a single bedroom is the trigger point that results in this development requiring express permission, the proposal is deemed to benefit from adequate bin storage facilities.

It has been confirmed that the bin provision would be sufficient from an Environmental Health perspective. There would be no restriction in obtaining an HMO licence from the HMO Licensing department of the Local Authority based on the arrangements proposed.

It is noted that there are means of carrying out inspections of such bin provision or dealing with complaints that could potentially lead to enforcement action, which can be triggered by the HMO Licensing Team, Environmental Health or the Waste Collection team.

8. Other matters:

The fear of the site introducing illegal parking, antisocial behaviour, drugs, noise car meets/racing etc cannot be considered as a formal planning consideration and would be subject to other means of enforcement. Although there are powers within other legislative regimes to deal with any antisocial behaviour or noise concerns that may arise from the activity of residents, the Local Authority cannot foresee the nature of potential occupants. The Local Authority do not have control over potential occupants and would not consider this to be a material planning consideration.

Impact on property values is not a planning consideration.

All other objections raised have also been addressed within the body of the report.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

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:

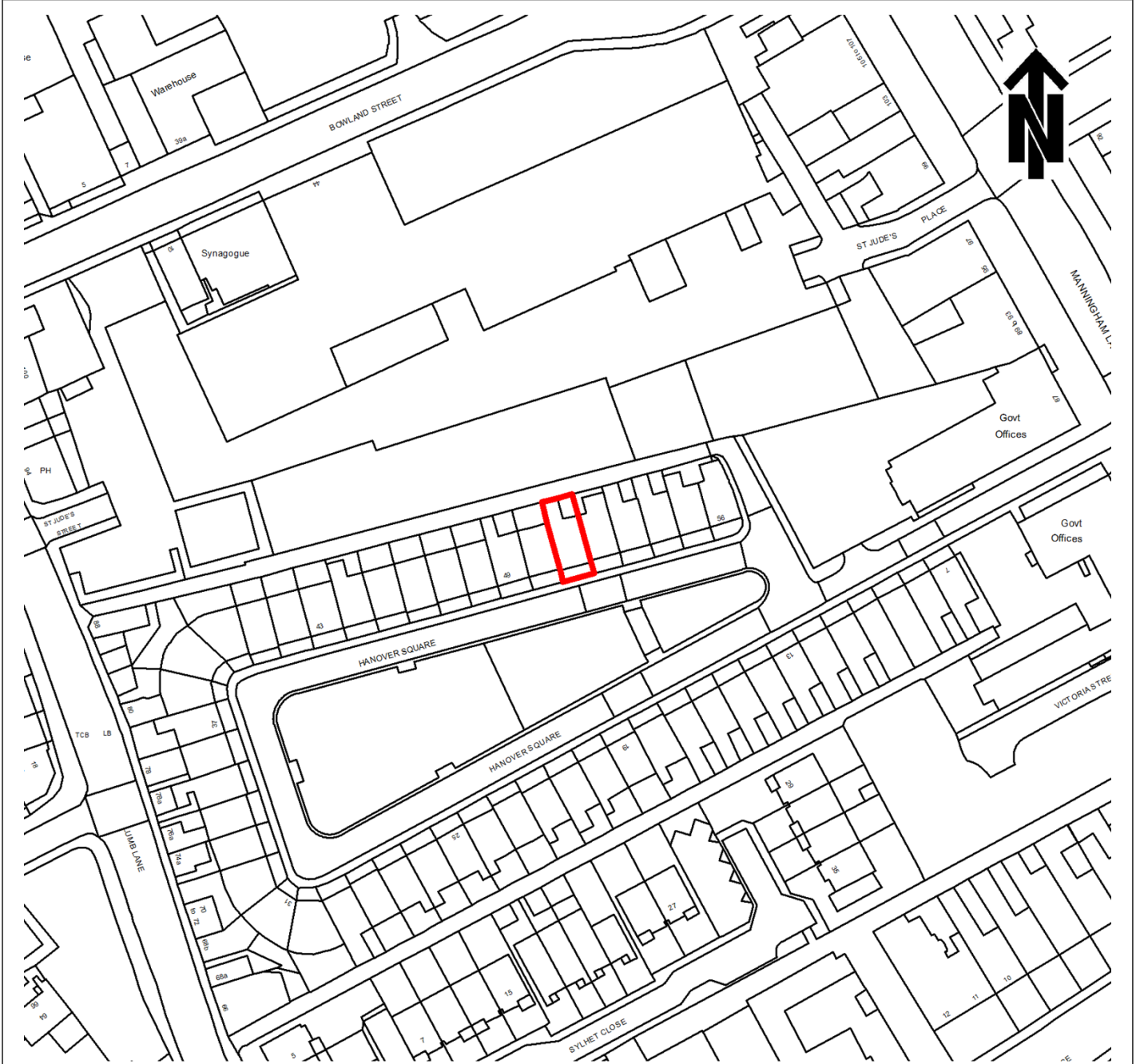
There are no substantial implications for amenity or safety, in accordance with the above mentioned policies of the Core Strategy Development Plan Document and the requirements of the National Planning Policy Framework and the adopted Core Strategy Development Plan Document.

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).

23/03890/LBC



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**51 Hanover Square
Manningham
Bradford
BD1 3BY**

27 March 2024

Item: C
Ward: MANNINGHAM
Recommendation:
TO GRANT LISTED BUILDING CONSENT

Application Number:
23/03890/LBC

Type of Application/Proposal and Address:
Listed Building Consent application for a change of use from residential dwelling to house in multiple occupation and all associated works at 51 Hanover Square, Manningham, Bradford.

Applicant:
Mr Jawad Saleemi

Agent:
Mr Elie Osborne of 4D Planning

Site Description:
The property is a 2½ storey, mid-terraced dwelling, situated in a predominantly residential area. The street scene consists of a squared row of properties, facing onto a courtyard and access road/parking areas. The host dwelling is Grade II listed and situated in a Conservation Area.

Relevant Site History:
90/05500/LBC Substantial reconstruction of internal and external walls floor roof and boundary walls LBC Granted 19.09.1990
02/00172/FUL Single storey extension to rear to provide shower room for disabled person Refused 05.04.2002
02/00418/LBC Single storey extension to rear of property Refused 05.04.2002
02/01434/LBC Single storey extension to rear of property Granted 19.06.2002
02/01435/FUL Single storey extension to rear of property Granted 19.06.2002

The National Planning Policy Framework (NPPF):
The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

EN3 Historic Environment

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by site notice, newspaper article and neighbour notification. The overall publicity period expired on 1 December 2023.

32 representations have been received objecting to the LBC proposal.

1 representation has been received in support of the LBC proposal however the contents of the comment clearly state objection to the proposal.

Therefore 33 objections are considered.

Summary of Representations Received:

Character of the listed building/conservation area will be detracted as a result of the proposal.

Proposal will not enhance the area.

Noise from the proposal.

Late night noise including loud music.

Too many people living in one property.

Overcrowded living.

Noise disturbance from another multi-let in the street.

The proposal will attract crime.

Threatening behaviour from occupants of HMO is possible.

There will be a rise in antisocial behaviour.

Concerns for children safety.

Drug problems.

Lack of policing in the area.

Parking issues already exist on the street.

Speeding cars.

Increase in congestion will occur.

There will be increased demand for parking.

This will set a precedent for others.

Impact on property values.

Waste overflow concerns.

Lack of community cohesion.

Consultations:

Conservation - There is currently no justification for the change of use to an HMO. CCTV, lighting, and intercom can be conditioned. Ventilation should be specified to allow assessment. All external changes are to be clarified.

Summary of Main Issues:

1. Background
2. Principle of Development
3. Impact on Heritage
4. Other Matters

Appraisal:

1. Background

The determination of this application was deferred by the planning panel that convened on 24 January 2024 resolved:

“That the decision be deferred in order for precise information to be obtained relating to the size and type of refuse bins required for an HMO and for clarification of accessibility for larger bins and details of refuse collection points.”

2. Principle of Development

There are no policies or known circumstances which would constrain development of this kind in relation to the host building and surrounding locality. Therefore, the development is acceptable in principle. This remains subject to consideration of the impact on the listed building and conservation area.

3. Impact on Heritage

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty as respects listed buildings in the exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of conservation areas. In the exercise of a Local Planning Authority's planning functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Hanover Square was constructed around 1840 and sits within a square setting. The main body of the square displays distinctive and attractive architectural detailing, with further plainer houses added at each end a number of years later. All the houses are Grade II listed and within the Eldon Place conservation area.

There will be no change to the appearance of the existing facing materials, or fenestration of the building. The internal layout changes would involve internal partitioning which would not have detrimental impact to the fabric of the building.

The proposal includes some additional elements to the external elevations. Full details of these elements including CCTV, external lighting, mechanical extraction will be required and can be conditioned for submission and approval.

The site includes provision for bin storage in the front yard area. Although not an ideal situation, the storage of bins in the front yard areas of Hanover Square residential properties is a common theme. Residents generally move the bins to the footpath on collection days. Bin storage within the yard so as to resist the storage of bins at the roadside in a position that could result in detriment to the heritage asset is acceptable on balance.

Some objection comments mention impact on the heritage asset, however subject to the finer details of the additions, there is no deemed harmful impact on the listed building and conservation area.

Therefore, listed building consent is recommended to be granted.

4. Other matters:

Objection comments have been considered on the FUL application.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

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 Listed Building Consent:

The proposal is regarded as according with policy EN3 and with the National Planning Policy Framework and Sections 16 and 66 of the Listed Buildings and Conservation Area Act.

Conditions of Approval:

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

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

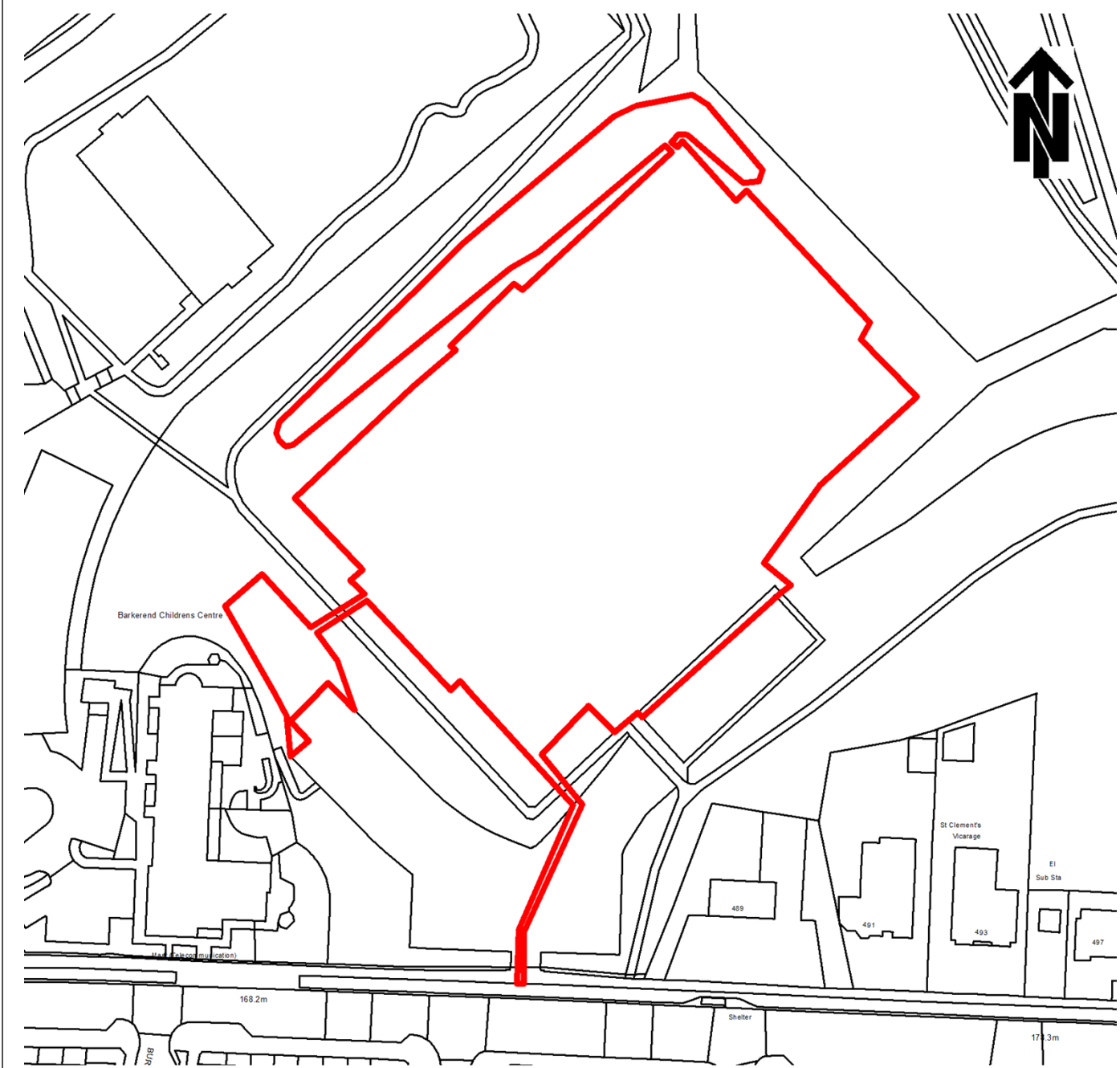
2. Notwithstanding the hereby approved drawings, before the first occupation of the HMO use, full details of the proposed extraction system showing the internal route and external appearance, shall be submitted to the Council. The details shall then be approved in writing by the Local Planning Authority and the extraction implemented in accordance with those approved details.

Reason: To assist the selection of appropriate extraction in the interests of visual amenity and the fabric/character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

3. The CCTV cameras and external lighting element of the development hereby permitted shall be installed in accordance with details specified on the submitted camera specification and shall be coloured in black.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

23/04727/REG



1:1,250

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Changing Facilities
Myra Shay Playing Field
Barkerend Road
Bradford

27 March 2024

Item: D
Ward: BRADFORD MOOR
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
23/024727/REG

Type of Application/Proposal and Address:

Full planning application at Myra Shay Playing Field, Barkerend Road, Bradford.

This is a 'Regulation 3' application for Creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, hardstanding areas, storage container, floodlights, spectator stands, associated bund and a car park extension.

NB Regulation 3 The Town and Country Planning General Regulations 1992 is an application for planning permission by an interested planning authority to develop any land of that authority.

The Constitution of the Council and Executive Arrangements Part 4B states:

- 6.1 Proposals by the Council in relation to its own development must be treated in the same way as those by private developers in accordance with DoE Circular 19/92, or any other relevant circular, particularly in relation to officer advice and consideration of the planning merits of the application.
- 6.2 Councillors who sit on both the initiating committee and the relevant determining Area Planning Panel or Regulatory and Appeals Committee must declare an interest and leave the meeting room when the application is being considered.

Applicant:

Michael Priestley - Parks and Greenspaces Development of Bradford Council

Agent:

Mr Michael Eastman - Surfacing Standards Limited

Site Description:

The development site is part of the Myra Shay Park located off Barkerend Road, positioned in between Lapage and Byron Schools. The site is currently established as a football pitch with changing facilities/clubhouse. The development site is accessed off Barkerend Road and there is existing car parking within the site. This area of the surrounding neighbours includes the properties in residential use within the immediate vicinity.

Relevant Site History:

04/01592/REG - Land reclamation of colliery spoil heap and informal degraded open space to create sports pitches, changing accommodation, car parking, play area, footpaths and woodland. Granted 05.10.2004

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP 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
EN3 Historic Environment
EN7 Flood Risk
EN8 Environmental Protection Policy
SC9 Making Great Places
TR2 Parking

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised with a site notice and neighbour notification letters which expired on 17 February 2024.

Summary of Representations Received:

No representations received.

Consultations:

Drainage - The drainage strategy proposed for the playing field is acceptable. Drainage details are required for the car park extension. The details would need to be provided prior to offering support. Members will be updated on this at the Panel meeting.

Highways - No objections subject to cycle storage/shelter being provided. Conditions suggested.

The Coal Authority - Material consideration and pre commencement conditions required, however no objection.

Summary of Main Issues:

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Drainage
6. Coal

Appraisal:

Creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, hardstanding areas, storage container, floodlights, spectator stands, associated bund and a car park extension.

1. Principle of Development

The application site is already in use as a playing field. The proposal is to upgrade the facilities and alter the surface of the pitch from grass to artificial grass. The upgrade is to meet the standards for the relevant FA league. This sees the erection of a 100 person seated stand and a 100 person standing terrace, flood lighting, storage facilities, perimeter fencing and extended car park.

There are no policies or known circumstances which would constrain development of this kind in relation to the host building and surrounding locality. Therefore, the development is acceptable in principle. This remains subject to an assessment against the relevant planning policies and guidance.

2. Impact on Visual Amenity

Having had regard to the above, the proposed scheme is considered to be acceptable in terms of its design and its impact on the character and visual amenity of the area.

The existing clubhouse/changing facilities are the largest built development at the site. The two spectator stands are of a small size and of a utilitarian design. The bund to the northwest of the pitch is allow a small amount of excavation in order to lay a level pitch.

The perimeter fence has an overall height of 4.5m to provide security. The proposal includes turnstile entrance to the ground for spectators and so needs to restrict access. The fencing proposed is of the metal green mesh style. This would not cause significant detriment to the visual amenity of the area and is a necessary part of the development. Similarly the floodlights are also a requirement of the FA. What is proposed is a total of 6 x 15m high lighting columns, four located in the corners of the pitch and two on the halfway line.

Taken as a whole the development upgrades this part of the recreation ground from an open sided football pitch with unrestricted access to a formal club 'ground' including the necessary improvements to the facilities and services. The development would not impact negatively on the visual amenity of the area and has to be weighed against the benefits of the scheme in terms of the progress of the football club and local facilities. The remainder of Myra Shay remains unaltered.

The proposed development is therefore considered to accord with Policies SC9, DS1 and DS3 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

3. Impact on Residential Amenity

The proposed site is on the north side of Barkerend Road. The nearest houses are located on the south side of Barkerend Road. There are retail units on the north side of Barkerend Road to the southeast of the clubhouse. To the west side is Byron Primary School and Barkerend Family Hub. The schools would not be subject to adverse impact given the hours of operation usually held at schools.

The site is proposed to operate between the hours of 8am and 10pm on Mondays to Friday, 8am to 8pm on Saturday and 8am to 6pm on Sundays/Bank Holidays. It is important that planning conditions do not restrict the operation of the football club, for instance where there is a match on a Sunday or Bank Holiday Monday. Therefore, rather than restricting the use of the site as listed in the application, the restriction of the use should rather apply to the floodlights only and require them to be turned off between 10pm and 8am. This will allow for the first team to play at the ground on Bank Holidays (such as a Boxing Day fixture, for example) and use the ancillary facilities, such as the changing room and club house.

The use of the ground has the potential to increase noise generated from the site during match days. The concentration of spectators, for instance, into the stands however, this will be relatively infrequent and restricted to match times.

The floodlighting, likewise would be restricted to the hours listed above.

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

4. Highway Safety:

The access to this site is well served by public transport and close to local amenities and would as such represent a sustainable location for a development of this nature. The proposed use would benefit from sufficient off street car parking spaces, and 13 additional spaces that would cater for additional intensified use of the site. The introduction of the sporting facility here is a sustainable addition that would not require further intervention.

Given the location of the proposal, there is no foreseen conflict with Policy DS4 or TR2 of the Core Strategy, the Householder Supplementary Planning Document and the NPPF.

5. Drainage

The proposed drainage strategy proposed for the pitch is acceptable. As well as this, the submitted information demonstrates that the additional car park will suffice from appropriate drainage measures.

The laying out of the additional parking spaces requires additional information concerning the surfacing material and management of potential surface runoff.

6. Coal

The proposed development would require pre-commencement conditions as there are coal mining features and hazards recorded in this area. There is probability that there are shallow coalmine workings on this land.

A Coal Mining Risk Assessment has been submitted and correctly identifies that the site may have been subject to activity in the past. There is potential for insufficient rock cover above shallow mine workings.

Therefore, intrusive investigations are required, as well as remediation, if necessary, in order to rectify any land stability that may be present. This can be controlled via conditions as part of the planning approval.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

Equality Act 2010, Section 149: In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed upgrade to the sports facilities at the site will allow for the football club to develop and progress. The development would see the erection of spectator stands, perimeter fence and floodlighting.

The limited extension to the car park would not cause any detriment to the surrounding area. The proposed development would not cause harm to the visual amenity of the area or the amenity of nearby residents.

Conditions of Approval:

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

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

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

02 Site Location Plan
01 Topographical Survey
03 Proposed Site Plan
04 Proposed AGP Plan
05 Proposed elevation
06 Floodlight Scheme
07 Proposed AGP Drainage Layout
08 Proposed AGP Drainage Strategy
09 Bund Section

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. No development shall commence until:-
- a) A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

4. Prior to the first use of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interest of the safety of future users of the site and to accord with policies EN8 and DS5 of the Core Strategy Development Plan Document.

5. Prior to the laying out of the extended car park, hereby approved, details of the surfacing material, water runoff and its drainage shall be submitted to the local planning authority for approval. Once approved the development shall be completed in accordance with such detail and maintained thereafter.

Reason: To ensure that the development does not cause an excess of surface water run-off into the public sewer and to accord with policy EN7 of the Core Strategy Development Plan Document.

6. The floodlights illuminating the playing surface of the development hereby approved shall not be used outside the hours of 8am and 10pm Monday to Sunday.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy DS5 of the Core Strategy Development Plan Document.

7. Notwithstanding the requirement of condition 5, prior to the first use of the playing field hereby approved, the proposed car parking spaces shall be laid out, hard surfaced, marked out into bays and drained within the curtilage of the site in accordance with approved plan numbered 03. The car parking facilities so provided shall be kept available whilst ever the development is in use.

Reason: To support the effective regulation of car parking provision serving the development, in the interests of amenity and highway safety, and in accordance with Policy TR2 and Appendix4 of the Core Strategy Development Plan Document.

8. Notwithstanding the provisions of Class A, Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development)(England)(Order) 2015, or any subsequent legislation, the development hereby permitted shall not be begun until a Construction Plan specifying proposals for the management of construction site access and the layout of construction site facilities has been submitted to and approved in writing by the Local Planning Authority.

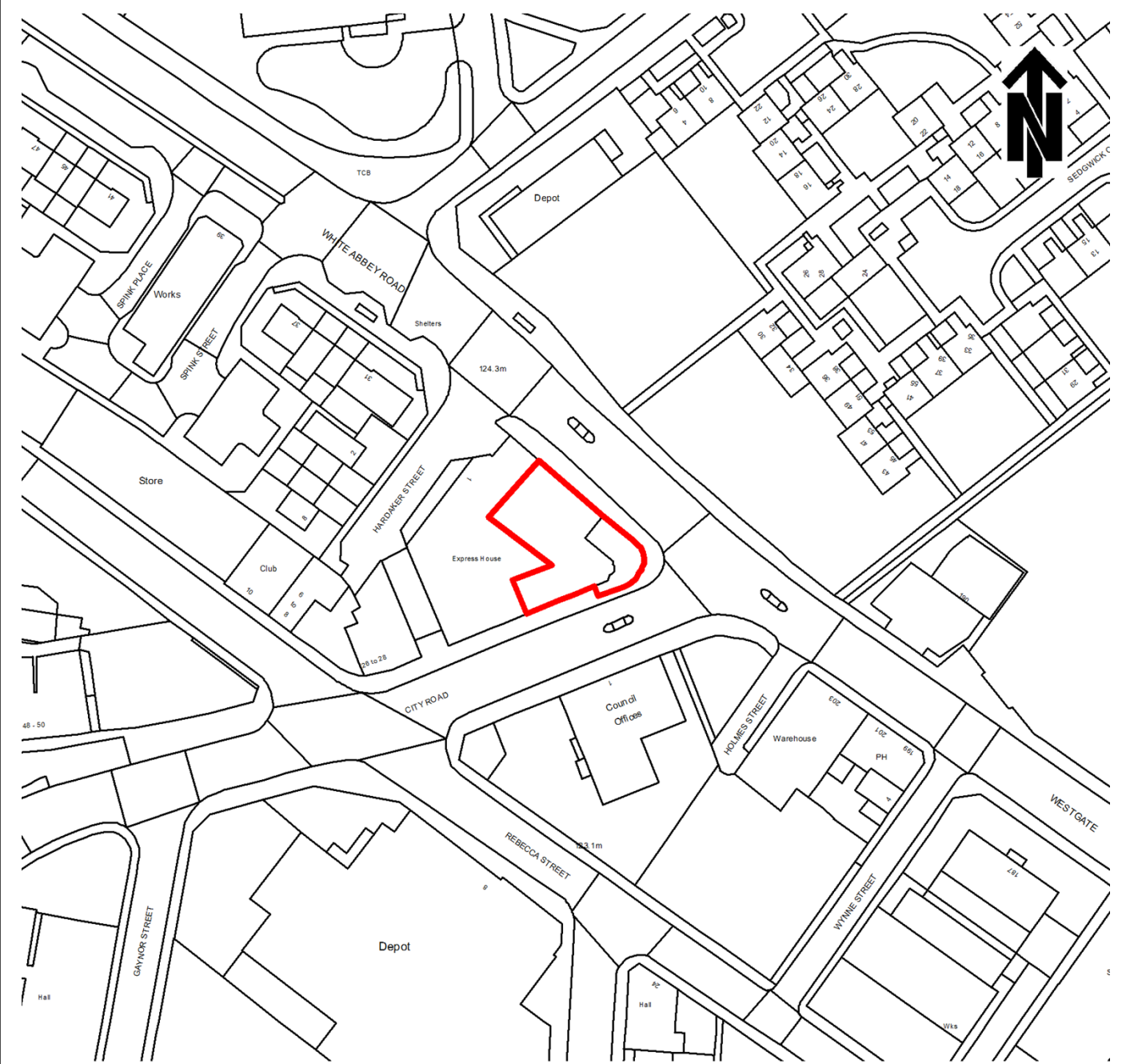
The construction plan shall include the following details:

- i) Full details of the position and width of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) Intended hours of construction work, including any works of demolition;
- iii) Intended hours of delivery of materials;
- iv) Location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) Car parking areas for construction workers.

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: In order to safeguard the amenity of neighbouring occupiers and the safety of road users it is essential that the details of these facilities are satisfactorily resolved before any work begins. To accord with policies DS5, DS5 and TR2 of the Core Strategy Development Plan Document.

23/04598/VOC



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Express House
White Abbey Road
Bradford

27 March 2024

Item: E
Ward: MANNINGHAM
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
23/04598/VOC

Type of Application/Proposal and Address:

Express House, White Abbey Road; Variation of condition 3 (permitted hours) of planning permission 20/00990/FUL: To change the permitted hours from 08:00 to 23:00 Mondays to Saturdays and 09:00 to 20:00 on Sundays and Bank or Public Holidays Sunday through to Thursday (including Bank Holidays) from 08:00 to 23:00 and Friday and Saturday 14:00 to 02:00 with the balcony closing at 11pm on all days.

Applicant:
Mr Ail

Agent:
Mr Andrew Keeling - AKPlanning

Site Description:

Express House is a two-storey brick built building located at the corner of City Road and White Abbey Road. The building wraps around the corner with the space behind occupied by a warehouse. The building is located in an area which has a mixture of uses including offices and retail as well as wholesale meat suppliers, commercial bakers and residential properties adjacent on Hardaker Street.

Relevant Site History:

23/03692/VOC Variation of Condition 3 (permitted hours) of planning permission 20/00990/FUL: To change the permitted hours from 08:00 to 23:00 Mondays to Saturdays and 09:00 to 20:00 on Sundays and Bank or Public Holidays to 14:00 to 02:00 Mondays to Saturdays and 14:00 to 02:00 Sundays, Bank or Public holidays. Decline to Determine due to issuing of Enforcement Notice 10.11.23.

23/01677/VOC Variation of Condition 3 (permitted hours) of planning permission 20/00990/FUL: To change the permitted hours from 08:00 to 23:00 Mondays to Saturdays and 09:00 to 20:00 on Sundays and Bank or Public Holidays to 14:00 to 02:00 Mondays to Saturdays and 14:00 to 02:00 Sundays, Bank or Public holidays Withdrawn 11.07.23.

20/00990/FUL Change of use from Use Class A1 to A3 cafe (dessert parlour) at first floor level Granted 06.05.2020.

19/05097/FUL Change of use to A3 (Restaurants and cafes) at first floor level Refused 26.02.2020.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP 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
SC9 Making Great Places
TR2 Parking Provision
EN8 Environmental Protection

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification. Expiry Date 14 September 2023. 99 representations have been received, 86 in support and 13 objections.

Summary of Representations Received:

The majority of the comments support the proposals and are from residents who live in Leeds and Halifax, who do not live within close proximity of the site.

Support Comments:

- Late opening hours accommodate people who finish work late.
- They provide a great service to the local community.
- An excellent establishment created to support the top of town.
- This business and the whole complex together with the phone wholesale shop have encouraged other business to make substantial private investment to enhance and bring back into use an area one which was neglected.
- The surrounding businesses are opened up until 2am as well as clubs and pubs this should only contribute to the success of the area and all the business around.
- The business deserves to have the option of opening up the same as neighbouring business, this will only encourage the growth of people visiting the area.

- To grow the city centre and its businesses and to attract more Bradford people in the near vicinity of the city need to be mindful that the city of Bradford needs to grow.
- The business in question makes an active effort to clean and keep tidy the local area with staff often cleaning the footpath and the area around the property.
- We need to support business.

Objections:

- This business is currently not abiding the rules of closing at 23.00. The business operates till around 2 or 3am every night; opening times can be checked/confirmed on Google.
- Issues with cars parking on Hardaker Street. Cars are parking on footpaths already causing a hazard and there is less space for our own cars. This should be residents parking only with permits.
- The noise from customers shouting and talking loudly, swearing and shouting in early hours of the morning is unacceptable and effects local residents, especially children and elderly.
- Littering has got worse here which has caused increase in rats.
- Area around is a peaceful small community of residents. 2am opening hours is not acceptable.
- Anti-social behaviour has risen here.
- Enforcement action is currently being taken.
- Smell of Shisha.
- Cars are parked on the pavements.

Consultations:

Highways – No objections.

Environmental Protection Nuisance – No objections.

Summary of Main Issues:

1. Principle.
2. Impact on Built Environment (Design, Scale & Appearance).
3. Impact on Neighbouring Occupants.
4. Impact on Highway Safety.
5. Other matters.

Appraisal:

1. Principle

This application seeks to vary condition 3 (permitted hours) of planning permission 20/00990/FUL: To change the permitted hours from 08:00 to 23:00 Mondays to Saturdays and 09:00 to 20:00 on Sundays and Bank or Public Holidays to 14:00 to 02:00 Mondays to Saturdays and 14:00 to 02:00 Sundays, Bank or Public holidays.

2. Impact on Built Environment (Design, Scale & Appearance)

Policy DS1 of the Core Strategy Development Plan Document for Bradford states that achieving good design planning decisions including Plans, development proposals, and investment decisions should contribute to achieving good design and high quality places. Policy DS3 of the Core Strategy Development Plan Document for Bradford states that urban character plans and development proposals should create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials.

No external alterations are proposed and therefore this aspect of the proposal cannot be assessed. Notwithstanding this it is considered that the surrounding residential dwellings are located at an acceptable distance from the site and there would be no overlooking issues.

3. Impact on Neighbouring Occupants

Application No 20/00990/FUL assessed the cafe and balcony area of the premises. This area is set away from the residential properties on Hardaker Street (separated by the studio use which includes the section of the terrace closest to these properties).

Officers felt that given the use proposed and close proximately to residential dwellings the hours of operation should be limited via a suitable condition which prevents the use operating beyond 11pm. The main concern being the resulting noise disturbance coming from the users of the balcony and the noise disturbance from cars when leaving the site which is near the residential properties. A noise report has been provided with this application which concentrates mainly on noise levels on Friday, Saturday and Sunday. An assessment of noise from the development, including noise from human activities externally and noise from internal cafe areas via the open entrance door was undertaken and the results of the assessment indicate that noise including the external seating area will not result in a change in noise level at the façade of the nearest Noise Sensitive Receptors and would not be expected to result in adverse impacts.

Noise from vehicles idling in the vicinity of the site has also been assessed. The results indicate that in the worst case, noise levels would be below the level at which adverse impacts are likely when considered in the context of the existing noise climate.

In light of this the proposed alternative hours of use have now been agreed with the agent and applicant to; Sunday through to Thursday (including Bank Holidays) from 08:00 to 23:00 and Friday and Saturday 14:00 to 02:00 with the balcony closing at 11pm on all days.

With this in place, and taking on board the location of the site off White Abbey Road as well as the level of ambient noise naturally experienced by residents, the change in the alternative hours of the existing use is not considered to result in a detrimental impact on the occupants of the residential properties in the immediate vicinity. There is compliance with policy DS5 of the Core Strategy Development Plan Document.

4. Impact on Highway Safety

The Highways officer has not raised any objections to the increase in opening hours.

5. Other matters

The supporting comments are from residents who do not live close to the application site with the majority as far away as Halifax or Leeds.

The objections are from residents who live close to the site and are affected by the proposals with a number of concerns in terms of noise, nuisance and indiscriminate parking, all of which have been addressed within the body of the report.

The remaining valid conditions imposed on the previous application should be repeated and updated as appropriate.

The premises is the subject of a Breach of Condition Notice for breaching the condition restricting operating hours. This has been effective since 23 March 2023. Monitoring of the situation is ongoing with reference to the current application.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

Equality Act 2010, Section 149: In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

For the reasons outlined above approval is recommended.

Conditions of Approval:

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

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

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below: -

- Location Plan and site plan received by the Council on 13.12.2023.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. The use of the first floor unit as a cafe as shown on plan 2019035(0_) 03 on application number 20/00990/FUL hereby approved shall be restricted to the hours from 08:00 to 23:00 Sunday through to Thursday (including Bank Holidays) and Friday and Saturday 14:00 to 02:00 with the balcony closing at 11pm on all days.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy DS5 of the Core Strategy Development Plan Document.

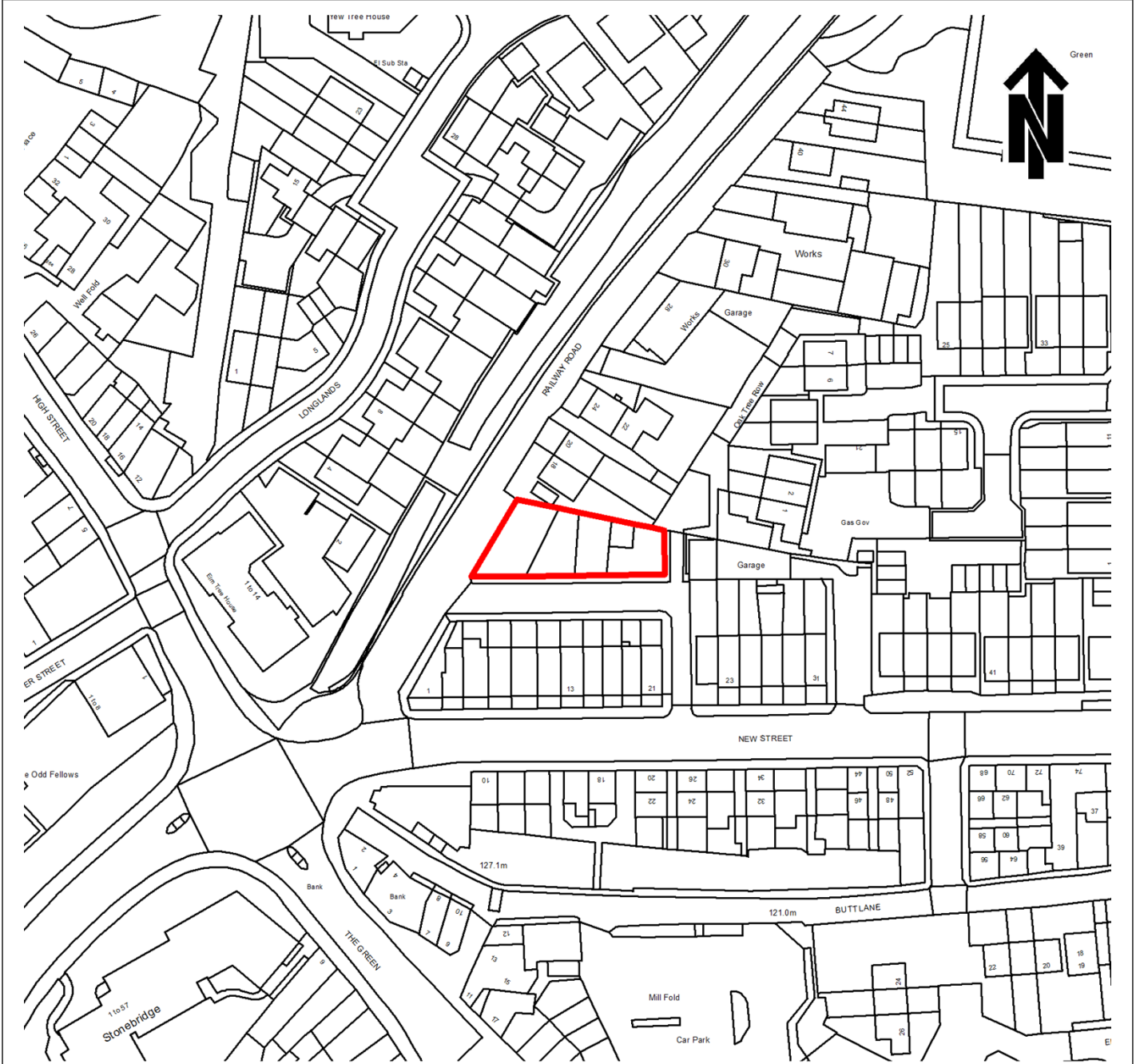
4. Before the first use of the cafe hereby approved, a screen shall be installed on the balcony area to separate the cafe from the studio space, as indicated on plan 2019035(0_)03 application no. 20/00990/FUL, the details of which shall first be submitted and approved in writing by the Local Planning 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 protect the amenity of nearby residents and to accord with Policies DS5, DS1 and DS3 of the Core Strategy Development Plan Document.

5. Before any part of the development is brought into use, the off street car parking spaces hereby approved shall be laid out, hard surfaced, marked into bays and drained within the curtilage of the site in accordance with the approved plan numbered JP-PLN1- 100A2 on application 18/04118/FUL. The car parking facilities provided shall then be kept available for use whilst ever the use exists.

Reason: To support the effective regulation of car parking provision serving the development, in the interests of amenity and highway safety, and in accordance with Policy TR2 and Appendix 4 of the Core Strategy Development Plan Document.

23/03815/FUL



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**Land North Of 1 To 21 New Street
Idle
Bradford**

27 March 2024

Item: F
Ward: IDLE AND THACKLEY
Recommendation:
TO GRANT PLANNING PERMISSION
SUBJECT TO A 106 AGREEMENT

Application Number:
23/03815/FUL

Type of Application/Proposal and Address:
Full planning application for the construction of a detached dwelling at Land North of 1 to 21 New Street, Idle, Bradford.

Applicant:
Mrs Samina Asif

Agent:
Mr Zeshan Khawaja

Site Description:
The application site is a rectangular shaped plot of land adjacent to the garden of 18 Railway Road and the unmade rear service road to houses 1 to 21 New Street, of which is located within a densely urban area of Idle. It is bounded by residential housing to the south, north and east, with wooded bank on the opposite side of Railway Road to the west. There is a commercial vehicle repair garage to the north along Railway Road and Idle recreation ground beyond. The plot of land encompasses a prefabricated garage and is enclosed by stone walling. There is evidence of fly tipping present on the site.

Relevant Site History:
82/08132/OUT - Residential Development - Granted - 12.01.1983
00/00865/FUL - Erection of a garage - Granted - 26.05.2000
13/04096/OUT - Construction of a single detached dwelling - Refused- 17.01.2014
22/04136/FUL - Detached dwelling - Refused - 08.09.2023

The National Planning Policy Framework (NPPF):
The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
HO9 Housing Quality
EN2 Biodiversity and Geodiversity
EN5 Trees and woodlands
EN7 Flood Risk
EN8 Environmental Protection
TR2 Parking Policy

Other Relevant Legislation

SPD08 - Householder SPD
SPD12 - Homes and Neighbourhoods: A Guide to Designing in Bradford
SPMSPD - South Pennine Moors SPA/SAC Planning Framework SPD

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application has been publicised by individual neighbour notification letters and a site notice. The publicity period expired on 2 January 2024.

The application was publicised by neighbour notification letters and a site notice with an overall expiry date of 17 November 2023

24 representations have been received for the application. However, it is noted that one person had commented on the application three times. The comments will therefore be registered as one representation.

In total 22 representations in objection. No comments of support received.

Summary of Representations Received:

- Unaffordable housing that provides no contribution to housing in the area for those that need it.
- There are so many derelict buildings that could be restored/converted instead of developing vital community green space.
- Increase in traffic and parked cars in an already congested area.
- Poor access and turning facilities on Railway Road.
- Block access to park entrance.

- Unsafe for children playing in the area.
- Unsafe for pedestrians and school children who cut through park via New Street and Railway Road.
- Bin collection for properties on New Street is taken from corner where development is planned. Where will 20+ bins be placed for collection without obstruction and inconvenience.
- Plans show boundary extends out of current stone wall making access impossible. This is objected to by the highways department in its current form.
- Access to number 18 is already compromised and causes issues. The location of the proposed driveway will make this worse.
- Damage to Railway Road which is an old cobbled street not suitable for heavy traffic.
- Harm to natural environment.
- Disturbance and loss of wildlife habitat that is vital to local community.
- Loss of trees.
- Dead wildlife (inc bats) found on clearing of the site.
- Distress caused to local residents when site was cleared with no environmental surveys on the loss of habitat and potential harm to biodiversity.
- Green space is important for mental wellbeing of the local community.
- Wildlife seen returning now the trees, hedges, shrubs and wildflowers have started re growing.
- Application fails to declare state of land before it was cleared and presence of protected bats on site.
- Disruption to roosting bats during construction.
- Concern for lack of replacement trees and planting.
- Negatively effect views surrounding houses.
- Loss of privacy to garden space.
- Loss of natural daylight and overshadowing of windows and gardens.
- Overlooking and loss of privacy to neighbours' windows.
- Overbearing large dwelling.
- Blocks the right of way of number 18.
- Congestion, noise nuisance and pollution during construction.
- Clearing the site already caused high levels of noise and dust and obstructed access.
- All the disruption for one house is not fair to surrounding neighbours.
- Hope Railway Road remains peaceful.
- Planning has already been rejected once why is it proposed again?
- All previous applications have refused with similar recommendations. The new plan ignores these recommendations.
- Unnecessary to shoehorn in another house in the area.
- Plans submitted do not accurately show the scale of neighbouring houses.
- The proposed house measures larger than the space can fit.
- Design, scale and materials are not in keeping with local character and surrounding houses.
- Render instead of traditional stone is visually unattractive.
- Not designed in mind of environmental considerations i.e. combi boiler instead of air source pump. Doesn't include solar panels or other energy efficient measures.
- There is some ruling from the council that if the buyer tried to develop on it, then a significant amount of monies made would go back to the council.
- Previous requests to rent this land from the owners for gardens and allotments for local residential and children have been rejected.

- Does not comply with policies DS2, DS3 SC2, SC5.
- No mention of drainage details for foul and surface water drainage.
- Concerns for flooding- basement of neighbouring properties flood in heavy rainfall and excessive run off from road. The site absorbs a lot of this water.

Consultations:

Highways - No objections. Conditions suggested.

West Yorkshire Police - No comments received.

Drainage - No objections. Conditions suggested.

Biodiversity - Object. The development would result in a net loss of biodiversity. [NB a S.106 agreement is required to address this satisfactorily.]

Summary of Main Issues:

1. Background.
2. Principle of development.
3. Impact on the built environment.
4. Impact on neighbouring occupants.
5. Amenity of future occupants.
6. Highway safety.
7. Biodiversity.
8. Drainage.
9. SPA/SAC.

Appraisal:

1. Background

This is a resubmission application for the construction of a detached dwelling. The previous application was refused on the grounds of poor design, highway safety, biodiversity, residential amenity and inaccurate information as set out in the relevant site history section.

The design put forward for consideration in this application addresses the issues for refusal.

The application site has a history of residential development. The site was part of the large plot that comprises that land which is where Numbers 18 and 20 Railway Road have been constructed (82/08132/OUT).

2. Principle of development

The principle of residential development on this unallocated site is considered acceptable. Whilst it is acknowledged to be a greenfield site, it is not designated as part of an asset or area of particular importance. The site is within the built-up area and in a relatively sustainable location.

Paragraph 11 of the National Planning Policy Framework requires that planning decision-takers should apply a presumption in favour of sustainable development - approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

For applications involving the provision of housing, the presumption applies in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

That is acknowledged to be the situation in Bradford District, within which the latest Housing Delivery Test results published on 14 January 2022 showed supply falling below this threshold. This needs to be given significant weight.

The details of this application remain subject to an assessment of the local impact of the development, and consideration against detailed Development Plan policies. Giving consideration to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3. Impact on the built environment

The proposed dwelling is a double fronted detached property. The dwelling provides accommodation over three floors plus basement storage with bedrooms served by dormers and roof lights in the roof space. A single storey lean to projection is provided at ground floor level. The scale and massing of this dwelling is notably bulky and dominating owing to this visible corner plot, however the visual dominance is reduced by the omission of unnecessary design features previously proposed.

Dormers are commonly seen across the roofscapes of the Bradford District, often providing much needed space for larger families. However, dormers do not always form the basis of good design, particularly on streets that remain unspoilt by the inclusion of such features. Restricted to the rear only, the dormers will reduce the visual impact on the character of the street scene. It will largely reflect the character of the rear service road of New Street, where there is a small presence of rear dormers. On balance, the inclusion of the two proposed dormers is not considered to adversely harm the character of the area such to warrant refusal. The dormers comply with the design policy principles of the Councils Householder Supplementary Planning Document (SPD) and appear to be of a similar scale and design seen locally.

The facing materials proposed are render to the first-floor level with natural coursed stone to the ground floor level, with fibre cement roof tiles to the gable roof. uPVC is proposed for the window and door fittings. The materials are considered acceptable and will largely reflect the materials of the street scene which is predominantly natural course stone. The adjacent semi-detached pair (18 and 20 Railway Road) have a similar render to stone ratio and in this situation, the dwelling will not appear overtly discordant subject to a high-quality natural stone being used for construction.

The natural stone boundary wall is a positive feature to the landscape and is retained and integrated into the development. The wall with some hedgerows would be sufficient to provide privacy for future occupants whilst remaining aesthetically pleasing and in keeping with the character of the area.

The proposal will accord with policies DS1, DS2 and DS3 of the Core Strategy Development Plan Document.

4. Impact on neighbouring occupants

To the south of the application site is a row of terraced properties 1 to 21 New Street. The positioning of the dwelling is most likely to affect the residential amenity of Nos 11 and 13 New Street directly opposite.

The proposed dwelling measures approximately 10.8 metres to the boundary and 16.4 metres to habitable room windows. To ensure appropriate levels of privacy are retained the separation distances prescribed by the Councils adopted Homes and Neighbourhoods SPD requires 10.5 metres to the boundary and 21 metres between habitable room windows. Lesser distances will be considered if distances are indirect or effectively screened.

In this case, there are no habitable room windows in the side elevation of the proposed dwelling which would result in direct overlooking or loss of privacy of habitable room windows of the adjacent properties despite the insufficient separation distance. Owing to the service road and boundary treatments, it is not considered to result in loss of privacy to amenity space.

To maintain adequate outlook and daylight, the proposed dwelling should be positioned such as not to encroach within a 25-degree line drawn from the middle of any window of a habitable room. A sectional drawing has been provided for both 11 and 13 New Street. The sectional drawing confirms the proposed dwelling will clear a 25 degree line and as such will not have harm the residential amenities of occupants with regards to an overbearing physical presence on outlook or loss of daylight.

The proposed dwelling is not considered to adversely impact on the residential amenity of the adjacent 18 Railway Road. Whilst a proportion of the dwelling sits beyond the building line of number 18, the bulk clears a 45 degree line, with the remainder single storey. On the rear of a detached property, a 4metre extension would be permitted as to not affect residential amenity. A 3 metre single storey lean to is proposed. Off set from the boundary by 2.3-3 metres, this single storey element will not harm the neighbour's amenity. Approx 6.4-8 metres separation between the proposed dwelling and gable end of number 18 is proposed. At first floor level the windows appear to be non-habitable and at ground floor, a secondary window. Cumulatively, these mitigating factors ensure there is no harm to outlook.

There is no overlooking or loss of privacy of No 18 with habitable room windows facing into the private amenity space of the proposed dwelling and the embankment and road to the west.

Overall, the proposal adequately protects the amenity of neighbouring occupants according with policy DS5 of the Core Strategy Development Plan Document.

5. Amenity of future occupants

The proposed dwelling provides 5 bedrooms, with two separate lounges to the front and open plan kitchen dining and family room to the rear.

The Nationally Described Space Standards have been adopted by the Council in the Homes and Neighbourhoods: A Guide to designing in Bradford SPD to assess the suitability of internal space proposed of proposed new dwellings. The space standards state that the total minimum gross internal floor areas and storage for a 5-bedroom, three storey dwelling should be between 116-134sqm depending on the number of occupants. The dwelling meets those standards.

Habitable rooms have access to natural daylight, ventilation, and outlook.

To the rear, is a suitably sized garden which will provide occupants with space for recreational use as well as for drying laundry.

The proposal satisfies policies HO9 and DS5 of the Core Strategy Development Plan Document.

6. Highway safety

The proposal provides two off street car parking spaces to the site frontage, which complies with the parking standards contained in appendix 4 of the Core Strategy. This is acceptable.

The Councils Highways team have no objections to the access arrangements serving the development.

There are no highway or pedestrian safety implications according with policies DS4 and TR2 of the Core Strategy Development Plan Document.

7. Biodiversity

The history of land is suggested as being segregated garden land that was rented by the terraced properties along New Street. It is unknown when this use ceased and the land sold, but images available in the public domain indicate the plot of land became overgrown and a habitat for local wildlife. The plot has been cleared by the applicant, except for one large sycamore tree which remains and showed signs of regrowth at the time of the case officers site visit.

The application is accompanied by a Preliminary Ecological Appraisal (PEA) carried out by Oatlands Ecology, Revised August 2023 and a Small Sites Metric.

The PEA describes the site as being "typical of neglected former gardens with a species poor, rank grassland sward, some low growing scattered bramble and the remnants of scrub typical of brownfield sites along the boundaries". It is considered to have low ecological value.

This is disputed by officers with the scrub having ecological value in its own right and for bird nesting, bat foraging, amphibians such as toads and small mammals such as hedgehogs. This site is unlikely to support significant numbers of any protected or notable species but, prior to clearance, formed part of the larger mosaic of urban greenspace. Arguably, this urban setting makes the habitats which have been lost more valuable.

The PEA summarises that given the size of the site and the type and scale of the development, the creation of large areas of semi-natural / high value habitat is not feasible and an increase in area habitat biodiversity units cannot be achieved.

The Small Sites Metric shows the development will result in a loss of 0.0631 habitat units equivalent to a loss of 11.68%.

The development will therefore result in a net loss of biodiversity with no indication provided for how the applicant will resolve this loss and achieve the required level of net gain in order to comply with policy EN2 of the Core Strategy Development Plan Document and the requirements of the National Planning Policy Framework.

The PEA makes a number of recommendations including planting of species rich native hedgerow, modified grassland in the form of amenity lawns and bird and bat box provision. It is also stated the sycamore tree to the north east of the site is to be retained.

These recommended measures are welcome, however, the applicant should indicate how they propose to provide the 0.0631 area habitat units required to meet No Net Loss of Biodiversity units. It is accepted that on smaller schemes, such as this, less than 10% Biodiversity Net Gain could be negotiated, however, No Net Loss is not acceptable.

The ecologist notes the applicant does not own or have control of land off-site that could be used to off-set losses in Biodiversity Units. The ecologist recommends that the loss of biodiversity on the site should be compensated for through a financial contribution to secure biodiversity enhancements within the area. In the circumstances this is an appropriate way to deal with this issue and agreed by the Councils Biodiversity team.

The monetary value to ensure there is no net loss of biodiversity units from the development equates to £1,577.50 for biodiversity enhancements within this ward, or adjacent wards. At the time of writing, it is indicated that agreement to a formal Section 106 would be accepted by the applicant.

The mature sycamore tree to the northeast of the site is not statutory protected by a Tree Preservation Order however its retention is essential for the biodiversity of this site and is recommended by the ecologist that suitable tree protection measures in accordance with British Standard BS 5837 Trees in relation to design, demolition and construction be installed around the tree prior to works commencing on site.

The site is within a bat alert zone whereby there is an increased likelihood of a bat roost being present. The findings of the PEA indicate no features with the potential to support bats were observed on site and no field evidence of bats was observed during the survey. As such, the buildings and the sycamore tree within the site were considered to have a negligible potential to support a bat roost. These findings are not disputed by officers. Notwithstanding a footnote is suggested drawing the developer's attention to the presence of bats.

The proposal will satisfy policies EN2 and EN5 of the Core Strategy Development Plan Document

8. Drainage

The application site is located in flood zone 1, which has a low risk of flooding.

The Council's Drainage consultee has no objections to the development, however, recommend a number of conditions that would serve to ensure the site is properly drained and to accord with policy EN7 of the Core Strategy Development Plan Document.

9. The South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence

The application site is identified as being within Zone C, up to 7km of the SPA/SAC.

Policy SC8 of the Core Strategy Development Plan Document identifies where development involving a net increase in one or more dwellings in Zone C, it will be considered how recreational pressure that such development might cause, will be effectively mitigated.

A financial contribution is therefore required for the strategic mitigation of recreational impacts on the South Pennines Moors. This Habitat Mitigation Contribution payment of £375.61 per new dwelling can be paid upfront or the applicant can enter into a Unilateral Undertaking to secure the payment when development commences. Alternatively, the applicant can put forward on site mitigation.

The sum of £375.61 has been collected.

Community Safety Implications:

The impact on community safety is discussed in the appraisal above.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposal is considered acceptable in principle with weight afforded by the National Planning Policy Framework for presumption in favour of sustainable development. There are no adverse implications for visual amenity, residential amenity or highway safety. The impact on biodiversity has been carefully considered and is considered a financial contribution is appropriate to enhance biodiversity within the ward. There is compliance with planning policies of the Core Strategy Development Plan Document and the requirements of the National Planning Policy Framework.

Heads of terms for Section 106 Agreement

Provision of £1,577.50 to offset the loss of biodiversity on this site by providing Biodiversity Net Gain within this Ward or in adjacent Wards.

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. All trees shown on the approved drawings to be retained, including any trees whose canopies overhang the development site, shall be protected throughout the construction period with tree protection fencing or other tree protection measures that are in accordance with BS 5837: 2012 Trees In Relation to Construction.

Notwithstanding any details that were submitted with this planning application, the development shall not begin until a detailed Arboricultural Method Statement and/or a Tree Protection Plan, setting out full details of proposals to retain and protect trees within or adjoining the site during the development process, have been submitted to and agreed in writing by the Local Planning Authority. The Arboricultural Method Statement and/or Tree Protection Plan shall accord with recommendations contained in BS: 5837 and shall be complied with in implementing this planning permission.

Reason for pre-commencement condition: Trees on the site are of high amenity value and implementation of the tree protection measures prior to any development work beginning on the site is essential to ensure that trees are adequately protected in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

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

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

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

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

5. Before the development is brought into use, the associated off street car parking facility shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: To support the effective regulation of car parking provision serving the development, in the interests of amenity and highway safety, and in accordance with Policy TR2 and Appendix 4 of the Core Strategy Development Plan Document.

6. 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 DS4 of the Core Strategy Development Plan Document.

7. No development above damp course level shall take place until arrangements have been made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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

8. The sides of the dormer window hereby approved shall be clad using vertically hung slates of similar colour and finish to the existing roof slates.

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

9. The existing wall(s) along the boundaries of the site shall be retained during and after completion of the development and those parts of the boundary wall that are damaged or removed shall be made good using materials of similar appearance, and to a similar coursing to the remaining wall, prior to the first occupation of the development hereby permitted.

Reason: In the interests of visual amenity and privacy and to accord with Policies DS2, DS3 and DS5 of the Core Strategy Development Plan Document.

10. In the first planting season following the completion of the development, or in accordance with an alternative timetable for implementation that has been agreed in writing by the Local Planning Authority, the landscaping proposals detailed in the Preliminary Ecological Appraisal dated August 2023 shall be implemented in accordance with the submitted specifications and details.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall, where necessary, be removed and replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

11. The dwelling shall incorporate integral bird nest features (such as swift bricks) and integral bat roost features (such as bat bricks). These shall be installed in accordance with details of the number, location and type of feature that have first been submitted to and agreed in writing by the Local Planning Authority and they shall be retained thereafter.

Reason: To provide an enhancement of bird and bat habitat at the site and to accord with Policy EN2 of the Core Strategy Development Plan Document.

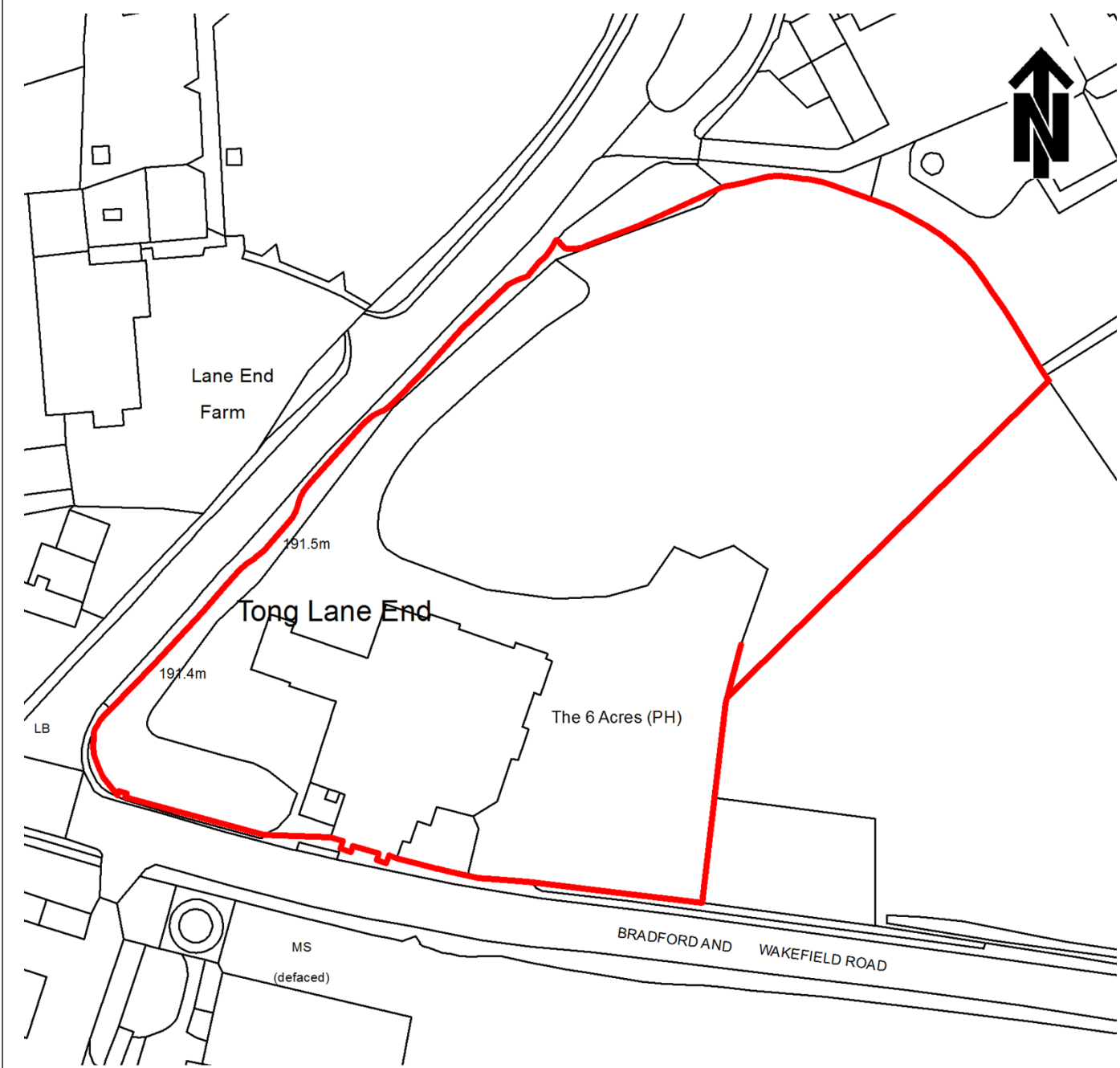
12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development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

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling comprising the approved development without the prior express written permission of the Local Planning Authority.

Reason: To ensure the retention of the open character of the area and to accord with policies DS2 and DS3 of the Core Strategy Development Plan Document.

23/04213/FUL



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The 6 Acres
119 Westgate Hill Street
Tong Bradford
BD4 0SF

27 March 2024

Item: G
Ward: TONG
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
23/04213/FUL

Type of Application/Proposal and Address:
Application for the relocation of access and alterations to access road, alterations to patio, car parking and extension at The 6 Acres/Walton View Hotel, Tong.

Applicant:
Mr Mohammed Hussain

Agent:
None.

Site Description:
The 6 Acres/Walton View Hotel is located at the junction of Tong Lang and Bradford Wakefield Road (B6135). The original public house The '6 Acres' is located to the south of the site facing onto Bradford Wakefield Road and is, at present, unused. It is a grade II listed building dating from c. 1800-20. The site, bounded by Tong Lane and Bradford Wakefield Road is part of the Adwalton Moor historic battlefield (30 June 1643)

To the rear is what is called the 'Walton View Hotel'. This comprises a two storey extension building which is attached to the rear of The 6 Acres. It was granted planning consent under permission 20/01877/MAF.

The planning permission has been implemented at the site is used as a hotel and, primarily as a wedding venue. This application relates to three elements of the development that do not benefit from planning permission. These are:

An altered access onto Tong Lane;
An extended patio area to the rear; and
Enclosed storage area to the side of the hotel.

Relevant Site History:
14/04386/MAF - Proposed two storey extension to rear to provide accommodation annexe and function room (amended plans received). Granted 12.10.2015
19/00224/FUL - Construction of marquee for use as party/wedding venue (retrospective). Refused 12.07.2019
20/01877/MAF - Two-storey extension to rear to provide accommodation annexe and function room. Granted 08.10.2020

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

SC7 Green Belt
SC9 Making Great Places
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
TR2 Parking Policy
EN3 Historic Environment
EN4 Landscape
EN8 Environmental Protection Policy
SPD05 Planning for Crime Prevention SPD

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters and a press advertisement and site notice which have an overall expiry date of 15 January 2024.

26 representations have been received objecting to the application.

Objections have been received from Judith Cummin MP and Ward Councillor.

Summary of Representations Received:

The road is regularly blocked/obstructed by visitors and parties at the hotel.
Visitors rev their engines and cause noise nuisance.
Fireworks are let off at night.

Consultations:

Historic England: The proposal site is within the setting of the Grade II listed 6 Acres pub, a Grade II listed barn to the north of the site and is within the Battle of Adwalton Moor which is a Registered Battlefield and therefore should be weighed highly in the determination of this application.

Historic England have concerns regarding the impact of the proposed roads/tracks on potential below ground archaeology.

Historic England recommends that the application can be determined in accordance with national and local plan policy, and on the basis of your specialist conservation and archaeological advice.

Battlefield Trust: The proposed development site lies within the nationally important site of the Battle of Adwalton Moor (1643) which is included in Historic England's Register of Historic Battlefields and, as such, is a designated heritage asset.

The loss of the rural character of the area to the north of the listed building, the impact of development on the setting of the battlefield and the potential loss of battlefield artefacts are judged by the Battlefield Trusts to represent harm to the Registered Battlefield. The planning application does not appear to identify any public benefits arising from the development.

Conservation: The 6 Acres is based upon a late 18th or early 19th century former roadside inn. This is Grade II listed but has been extensively extended in the past, in the 1990s with a large and rather incongruous 2 storey volume which rather dominates the low historic building and very recently with a large but more aesthetically pleasing extension to the north-east. The cumulative effect of past extensions and poorly presented parking and setting has a dominant effect on the heritage asset. The buildings also stand within the registered boundaries of the Adwalton Moor Battlefield.

The surface, layout and appearance of the access track, whilst causing minor visual change, is not regarded as having a significant impact on the appreciation of the site of the battlefield. It is behind the hedge, and from the east, forms a minor visual change but the presence of the buildings of The Six Acres is more evident.

Any adjustments to layout in the existing surfaced car park east of the pub would not have any impact as this area is already hard surfaced and somewhat incongruous.

The patio is regarded as having a very modest impact beyond that of the approved and constructed recent extension. The access link to the north of this must remain insignificant and unsurfaced.

Highways: There is no objection to the revised plans; subject to the service yard being separated from the car park.

Environmental Protection: The proposed development is in close proximity to both commercial properties including farms and equestrians, and also to residential properties on, Tong Lane, Westgate Hill Street and Drighlington.

In order to reduce the likelihood of noise complaints being made to this Department, I must advise that works of construction should be carried out during the recognised permitted working hours for works of this nature.

During the construction phase there will be dust generated on the site and therefore, it is recommended using techniques to suppress dust.

Minerals and Waste: No objection.

Summary of Main Issues:

1. Principle of the Development in the Green Belt.
2. Visual Amenity.
3. Residential Amenity.
4. Access and highway Safety.
5. Biodiversity.
6. Heritage significance.

Appraisal:

The application was deferred from the Area Planning Panel that convened on 24 January 2024 it was resolved "That the application be deferred in order for additional highways considerations to be addressed by the applicant".

1. Principle of the Development in the Green Belt

The site is located in the West Yorkshire green belt. The proposed use of the site as a wedding venue has been established and this application does not relate to its continued use as a wedding venue nor the behaviour of guests attending the site.

Access from Tong Lane

The 2020 permission included a new access road onto Tong Lane positioned in line with the function room. This has not been installed. Further along Tong Lane around 160m from the junction with Bradford and Wakefield Road was a former field entrance, this access point has been upgraded with a tarmac verge crossing and curved walls to either side of the entrance. Inside the site, the access is surfaced in crushed stone and runs parallel to Tong Lane. This does not benefit from planning permission.

As presently constructed, the access is unacceptable as its visibility and width are both substandard. What is proposed is the establishment of a new access point around 30 m to the southwest of the current, unauthorised, access.

The National Planning Policy Framework 155(b) allows for 'engineering operations'. The formation of an access and track is an engineering operation which does not, therefore, represent inappropriate development, provided it preserves the green belt's openness and does not conflict with the purposes of including land within the green belt.

The land to the north east of the building is laid out as grazing land. It is undeveloped and forms part of a historic battlefield. The laying down of hard surfacing does not reduce the openness of the green belt. The plans show that the intention is to introduce a one-way system in able to manage the better flow of traffic coming to and from the site. The intention is that this access track is used infrequently and by the wedding party only. The remainder of visitors to the site would access and egress from Bradford and Wakefield Road.

Part of the development is the laying of an access along the rear of the building. This runs parallel to the rear of the building and connects the car park to the right of the building with that to the left.

Outdoor seating area

This area has been laid out, without planning consent, to the rear of the hotel, on the north side of the building. At present, it projects around 8m from the rear of the hotel and is bounded by the access track. There is no physical barrier between the seating area and the field and, as such, there is no way to prevent the guests of the hotel spreading out into the field. There has been, in the past, a marquee located in this field for use by the hotel. It is important to note that the planning permission for the hotel does not include this area within the defined curtilage of the hotel. However, the hotel has a fully glazed north facing elevation with bi-folding doors opening into the field. It is, therefore, reasonable to allow an extension to the use of the hotel into the land on the north side of the hotel. However, this does not mean that the use should encroach into the green belt. That being the case, it is proposed to reduce the size of the seating area to a width of 4m measured from the rear wall of the hotel and to instal a physical barrier to act to demark the extent of the hotel curtilage and distinguish it from the agricultural field.

Enclosed Storage Area

This is an existing open storage area formed between the side of the hotel and a retaining wall. This area has been altered by spanning a roof across it and thus enclosing it. This is a minor alteration with no impact on the openness of the green belt.

Other matters

Objections that have been raised concerning parking, traffic congestion, noise nuisance and general disruption caused by the hotel. It has to be noted that this application does not address the established use of the hotel and cannot add conditions to its use. The assessment is restricted solely to matters pertaining to the planning application.

2. Visual Amenity

The location of the site is beyond the urban edge of Tong and is located in a rural setting. The works to the site have, to a large extent been the implementation of the 2020 permission. The works to the side of the building are of minor scale and amount to a roof spanning a small outdoor storage area and as such, does not impact visual amenity.

The access off Tong Lane, as presently constructed, is deemed to be detrimental to highway safety and visual amenity. It comprises a former field entrance and so has not introduced a new opening onto the highway, per se, however, its use has increased significantly as has the nature of the vehicles using it. It is proposed to relocate the access further along Tong Lane nearer to the junction with Braford and Wakefield Road. With suitable walls or fencing/hedging to either side of the junction and the closing up of the unauthorised access, the creation of a new junction onto Tong Lane would not cause visual harm. The impact of the access on highway safety is considered in section 4.

The circulation area to the rear of the building extends the curtilage of the use into the field to the rear. The proposed development sees this extend 4m from the rear of the building. This is a suitable sized area to allow for guests to circulate outside without encroaching into the countryside. The present, unauthorised area, extends 8m from the rear of the building. The relatively modest size of the patio area would not impact negatively on visual amenity.

It is intended to erect fencing along the field side of the access road so as to demark the edge of the curtilage of the venue and separate it from the field to the north east.

In terms of the impact that the development would have on a visual amenity of the locality, it is of a relatively small scale and seeks to resolve the outstanding unauthorised development at the site.

3. Residential Amenity

A number of objections to the application have been received and these relate, primarily to the use of Tong Lane for guests arriving to the site.

The 2020 permission included an access onto Tong Lane, however, this has not been constructed. The access that is in use is further along Tong Lane and is close to the entrance to Tong Lane Farm Shop on the other side of the road. This has led to the road being blocked by visitors to the site as they turn into the site off Tong Lane.

The other matter that has been raised relates to the use of the site and the behaviour of guests and visitors. The behaviour of guests is outside of the scope of the local planning authority and is a matter for Environmental Protection and/or the police to investigate.

The proposal seeks to address the impact on the highway network by introducing a one-way system at the site taking access and egress from Bradford and Wakefield Road. The access off Tong Lane would then be restricted to use by the wedding party. This should have the effect of significantly reducing the number of cars using Tong Lane.

The entrance to the car park off Bradford and Wakefield Road is the established access and, as such, has been well used over the years and is of an acceptable standard. This becomes the de facto entrance and exit point to the site. The 2020 permission granted the laying out of a car park to the west of The 6 Acres up to the boundary with Tong Lane.

Part of this area is used as a service yard. There is an access point into it to the left of the hotel off Bradford and Wakefield Road. This is not suitable for regular use by visitors/guests. A gate has been put across this access to restrict its use.

Taken together, the development intends to concentrate the majority of vehicle movements to the Bradford and Wakefield Road (B6135). As a classified road it is more appropriate to accommodate the increase in vehicle movements to and from the venue and it is considered that with suitably worded conditions, this can be achieved and would help to reduce the disamenity presently experienced by local residents.

The use of the patio area and the storage space do not have a significant impact on the amenity of nearby residents. Objectors have mentioned fireworks being let off from the site. Releasing fireworks cannot be controlled by the local planning authority but it has been noted and is matter for Environmental Protection.

It has been suggested that a condition be added to reduce dust from construction works, however the scale of the development and the level of construction work required of such that it is unlikely to generate large levels of dust.

4. Access and highway safety

The management of the car parking is a suitable solution to the existing problem created by using Tong Lane. By refocusing the access and egress to the car park to Bradford and Wakefield Road there should be a reduction in the number of vehicles using Tong Lane. This is preferred since this is the long established car park and is the historic access point into the site.

The development improves the current situation by restricting the use of the Tong Lane access point and introduces a one-way system to ensure there is no egress from the site onto Tong Lane. This can be achieved by the installation of signage in the site.

It has been established that the current access onto Tong Lane, that has been created without planning permission, is substandard and has led to a negative impact to safety of users of the highway. Moreover, the verge crossing passes over Council owned land without permission.

Therefore, it is important that this issue is satisfactorily resolved. It is proposed to close off the unauthorised access onto Tong Lane and create a new junction to the south of the current one. Including it in the application allows for it to be created to the correct standard with appropriate visibility splays and road width.

It also allows for conditions to be added to prevent the continual use of this junction. It has been raised by objectors that the use of Tong Lane has resulted in the road being obstructed and blocked by convoys of guests coming to and from the venue. It is, therefore proposed that this access is gated so as to control access.

The service yard access to the west of the hotel is to be restricted by the erection of a wall across the yard to physically prevent access into the car park from this entrance point. That would mean that this junction is used only for service vehicles such as deliveries and refuse.

In conclusion, Bradford and Wakefield Road is a major arterial route into Bradford from the south east M62/M621 junction and is more appropriate for carrying higher levels of traffic. With suitable signage around the site and the restricted use of the upgraded Tong Lane access it is considered that the proposal can be supported.

5. Biodiversity

The works that have been undertaken to date and those proposed here would have minimal impact on the existing level of biodiversity. The NPPF requires development to enhance biodiversity (para 150, 180). Improvements to the boundaries of the site, particularly along Tong Lane would have the effect of being a biodiversity benefit. It should be borne in mind that the works are of very limited impact on biodiversity.

6. Heritage significance

In determining this application there is a statutory duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

The original public house, The 6 Acres, is a Grade II listed building. The proposed development does not directly impact the listed building and as such would have a neutral impact on the heritage significance of the listed building.

The site occupies part of the Adwalton Moor Registered battlefield site. The site is in the northern margins of the larger north western section of the battlefield. Nearby Westgate Hill was the starting point of the Parliamentary forces and as such this is an important area in terms of its heritage significance.

The patio area and the storage area are contained within the environs of the building and as such do not protrude into the battlefield. The access road off Tong Lane crosses over the battlefield and causes disruption to the open field. The physical disturbance of the land has the potential to impact archaeological artefacts associated with the battlefield. Unfortunately, the works having already been carried out means that any potential archaeological artefacts along the route of the access may have been lost without being recorded.

A metal detector survey was undertaken at the wider site by the West Yorkshire Archaeology Service in 2022. The submitted documents do not suggest that the route of the access road was surveyed.

The new access has had a demonstrable impact on the open undeveloped character of the battlefield and as such has had a detrimental impact on its heritage significance. This damage to the heritage significance of the battlefield has to be weighed against the public benefit of the scheme.

The access road has to be seen in the wider context of the overall development. The access onto Tong Lane is part of the redevelopment of the site granted in 2020. The location of the access does not benefit from planning permission and it is therefore necessary to consider the desirability of granting the new access in the location proposed. It is possible and, indeed recommended that, if members are minded to grant permission then conditions are attached that would restrict the use of the access. This would have the benefit of reducing the journeys to and from the site and the experience of the historic battlefield.

The battlefield trust has suggested that, if permission is granted, then a condition be added requiring an archaeological survey be carried out on any new ground disturbance. However, the development does not propose any further ground disturbance, such a condition would therefore not be necessary.

It is considered that, as part of the wider scheme to develop the site, the proposed access the crosses a part of the historic battlefield is not of such significance to warrant a recommendation for refusal in this instance.

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 equality of opportunity between different groups and foster good relations between different groups."text"

Reason for Granting Planning Permission:

The proposed development represents a small incursion into the green belt. Balanced against the use of the site and the restriction of the NPPF in respect of green belt, the proposal is not considered to represent inappropriate development.

The use of the accesses, in a conditioned way, which would see the majority of traffic coming and going from the B6135 rather than from Tong Lane. This will help to relieve the present problems regarding traffic obstructing the highway.

The seating area and the covered storage area are of a minor scale and are of a neutral impact on the overall character of the area. The impact of the development on the historic battlefield has been considered and is concluded to be acceptable.

Conditions of Approval:

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

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

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:

Site Layout 001 Rev D dated 11.03.2023.
Existing Site Layout received 21.12.2023

Reason: For the avoidance of doubt and in the interests of good planning.

3. Prior to the creation of the access onto Tong Lane, hereby approved, a layout and elevation plans showing the junction surfacing and drainage shall be submitted for the approval of the local planning authority. Once approved the development shall be completed in accordance with such details and the said accesses shall be laid out, hard surfaced and drained within the site in accordance with the approved plan and completed to a constructional specification first approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

4. The access onto Tong Lane, hereby approved, shall be restricted for vehicles entering the site at wedding only and shall be used only by the wedding party. When not in use the access shall be restricted by physical barrier to be agreed in writing with the local planning authority and then shall be used in accordance with such detail for the life of the development.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with policies TR2, DS4 and DS5 of the Local Plan for Bradford.

5. Within three months of the date of this decision and prior to the development being brought into use, the extent of the curtilage (being marked on a plan showing the positions, design, height and materials of boundary treatments to the curtilage) shall be submitted to and approved in writing by the Local Planning Authority. The boundary details so approved shall then be provided in full within six months of the approval of the details and shall thereafter be retained as long as the development is in use.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with policies TR2, DS4 and DS5 of the Local Plan for Bradford.

6. On completion of the access onto Tong Lane, hereby approved, a one-way vehicular system shall be operated as shown and in accordance with drawing 001 Rev D. The type, size and location of signage shall be agreed in writing prior to installation, once agreed the signage shall be retained and maintained as long as the development is in use.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with policies TR2, DS4 and DS5 of the Local Plan for Bradford.

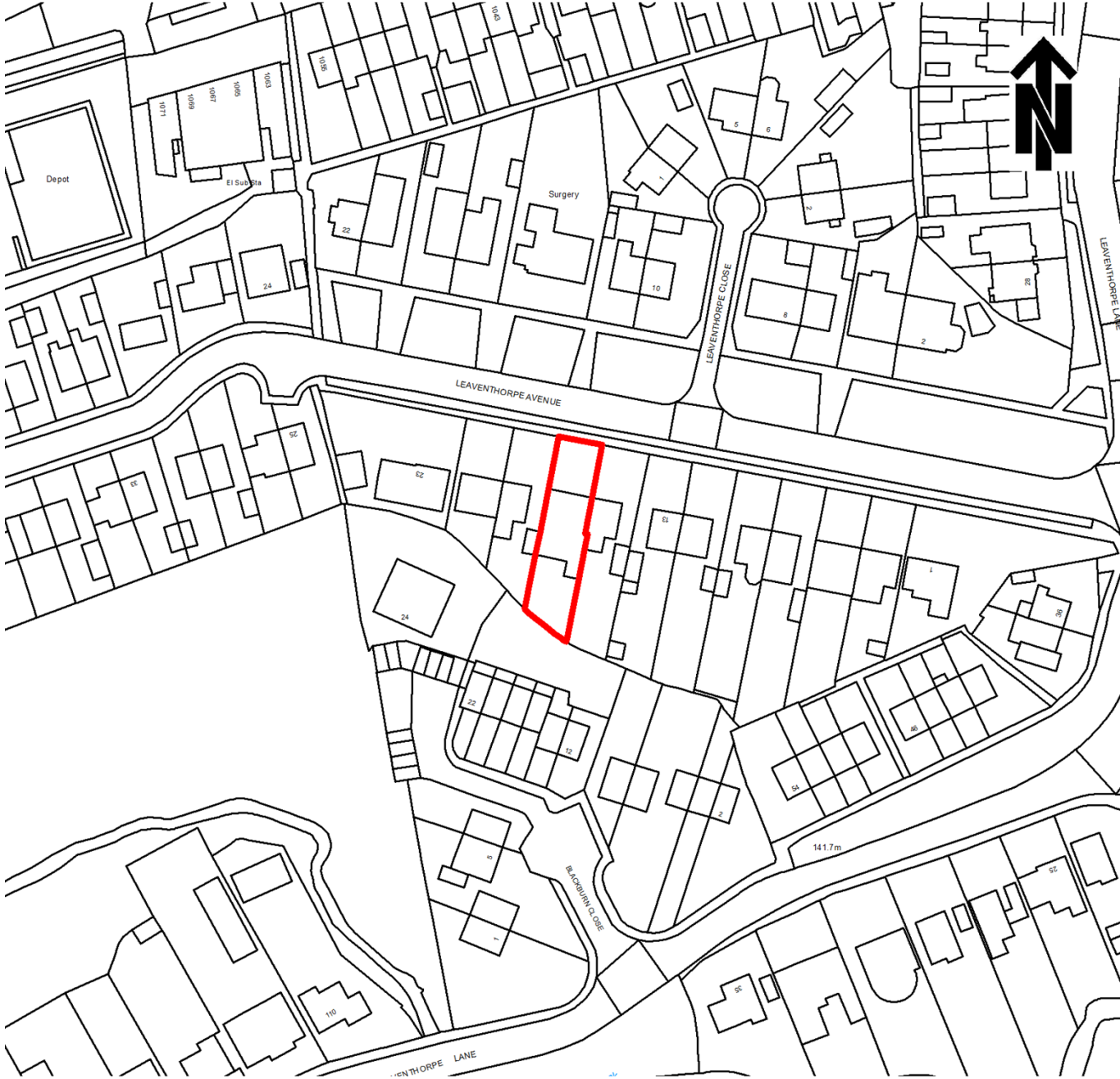
7. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, surfaced and drained within the site in accordance with the approved plans.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

8. The outdoor seating area/patio shall not be used outside the hours of 23.00 to 09.00.

Reason: In order to safeguard the amenity of nearby residents and to accord with Policy DS5 of the Core Strategy Development Plan Document.

24/00198/HOU



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**17 Leventhorpe Avenue
Bradford
BD8 0ED**

27 March 2024

Item: H
Ward: CLAYTON AND FAIRWEATHER GREEN
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
24/00198/HOU

Type of Application/Proposal and Address:

The application is a householder application for a retrospective rear conservatory, raised patio area with metal railings, timber fence to side boundary and new proposed rear outbuilding to create store at 17 Leaventhorpe Avenue, Bradford, BD8 0ED.

Applicant:

Mr Mazhar Abdur-Rahman

Agent:

Mr Zeshan Khawaja - Khawaja Planning Services

Site Description:

Number 17 Leaventhorpe Avenue is a semi-detached property located in a residential area. The dwelling has been extended recently comprising a loft conversion, two storey extension and first floor extension.

To the rear is an enclosed garden with a land level that is noticeably lower than the finished floor level of the house. A conservatory and raised patio area has been constructed without planning consent. This was the subject of an application that was refused permission on 23.08.2023.

Relevant Site History:

18/05042/PNH - Construction of single storey rear extension of the following dimensions:

Depth of proposed extension from rear wall: 6.0m

Maximum height of proposed extension: 4.0m

Height to eaves of proposed extension: 3.0m

Prior Approval Not Required - 21.12.2018

19/01146/HOU - Single storey side extension, hip to gable conversion with front and rear dormer windows Granted -17.05.2019

19/02965/HOU - Front and rear dormer windows with hip to gable roof conversion and two storey side and first floor rear extensions Granted - 06.09.2019

23/02205/HOU - Rear conservatory, raised patio area, metal railings and timber fence to side boundary (retrospective) Refused - 23.08.2023 for the following reason:

“The scheme is for a retrospective 3 metre projecting conservatory on top of an existing 6 metre projecting extension creating a total 9 metre projection where the Householder Supplementary Planning Document only supports extensions with a 3 metre projection from the original rear wall on semi-detached properties. The retrospective conservatory due to its cumulative excessive projection is therefore considered to have significant detrimental impact of overshadowing and oppression to the rear windows and amenity space of 15 Leventhorpe Avenue. The scheme therefore fails to accord with Policy DS5 of the Core Strategy Development Plan Document and the Householder Supplementary Planning Document.”

This decision is presently the subject of an appeal.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 Achieving Good Design
DS3 Urban Character
DS5 Safe and Inclusive Places

Other Relevant Legislation

Householder Supplementary Planning Document

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by neighbour notification letters that expired on 04.03.2024 and one representation has been received objecting to the application and one supporting the application from Ward Councillor requests that the application go to the Area Planning Panel if officer recommendation is for refusal.

Summary of Representations Received:

Objecting comments raise the following issues:

The scheme is located on neighbouring land.
The scheme causes overshadowing.

Consultations:

None.

Summary of Main Issues:

1. Principle of the development.
2. Impacts on Residential Amenity.
3. Impacts on Visual Amenity.

Appraisal:

1. Principle of the Development

The application is for a retrospective rear conservatory, raised patio area, metal railings and timber fence to side boundary and for a proposed outbuilding. The application site is neither a listed building nor within a conservation area and so is not statutorily protected from such works.

The only difference between this application and that previously refused is a letter from a GP for the retrospective works that were previously refused, and the inclusion of proposed outbuilding. In terms of the medical condition of one of the household members this was raised in the previous refused application and no documentation have been submitted from the Council's Occupational Therapy Section that the retrospective is required to meet the needs of that person. Given this very limited weight is to this and it does not outweigh the harm cause by residential amenity outline in the Impacts on Residential Amenity section below of this report.

2. Impacts on Residential Amenity

The adjoining semi-detached property 15 Leaventhorpe Lane has planning permission for a two-storey side extension, one-storey rear extension, hip to gable extension with front and rear dormer windows under reference number 22/05085/HOU. Under this application the single storey extension had a projection of 6 metres. This permission has not been started therefore the assessment of residential amenity against 15 Leaventhorpe Lane will be assessed against how the site currently exists.

The scheme is for a retrospective 3 metre projecting conservatory on top of an existing 6 metre projecting extension creating a total 9 metre projection. The Householder Supplementary Planning Document, which is used to support Core Strategy policies, supports extensions with a 3m projection on semi-detached properties. This is, primarily to protect the amenity and living conditions of adjacent residents. The conservatory, due to its excessive projection, has a significant and demonstrably detrimental impact on the adjacent residents by causing overshadowing and oppression to the rear windows and amenity space of 15 Leaventhorpe Avenue.

The scheme clearly fails to meet the guidance of the SPD. In turn, the conservatory fails to accord with Policy DS5 of the Core Strategy Document which states, inter alia, that development should "Not harm the amenity of existing or prospective users and residents."

The scheme also seeks to retain a raised balcony which is not considered to have significant adverse impact of overshadowing and oppression to neighbouring properties. The scheme provides 1.8 metre screening which prevents overlooking to 19 Leaventhorpe Lane. It is important that this screening is retained whilst the balcony remain in situ.

Due to the combination of the orientation of the site, the size, scale, and siting of the proposed outbuilding at the bottom of the garden is sufficient distance away from the neighbouring properties to cause any significant adverse effects of overlooking, overshadowing or oppression.

3. Impacts on Visual Amenity

The rear conservatory, raised patio area, metal railings and timber fence to side boundary do not harm the visual amenity of area in terms of its scale, size, design, materials and roof pitch and form used and is considered to be subservient to the host dwelling.

The proposed outbuilding is acceptable in terms of its scale, size, design, materials and roof pitch and form used and is considered to be subservient to the host dwelling.

The proposed scheme is considered acceptable in terms of visual amenity and therefore accord with Policies DS1 and DS3 of the Core Strategy Plan document, the Householder SPD and the NPPF

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 equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

Reasons for Refusal:

The 3 metre projecting conservatory to the rear of an existing 6 metre projecting extension creates a total development with a 9 metre projection along the boundary with number 15 Leaventhorpe Avenue where the Householder Supplementary Planning Document supports extensions with a 3 metre projection on semi-detached properties. The conservatory due to its excessive projection is therefore considered to have significant detrimental impact of overshadowing and oppression to the rear windows and amenity space of 15 Leaventhorpe Avenue. The scheme therefore fails to accord with Policy DS5 of the Core Strategy Document and the Householder Supplementary Planning Document.

It is therefore recommended to refuse planning permission.

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 27 March 2024

J

Summary Statement - Part Two

Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(19)
Decisions made by the Secretary of State - Dismissed	(6)

Richard Hollinson
Assistant Director (Planning, Transportation and Highways)

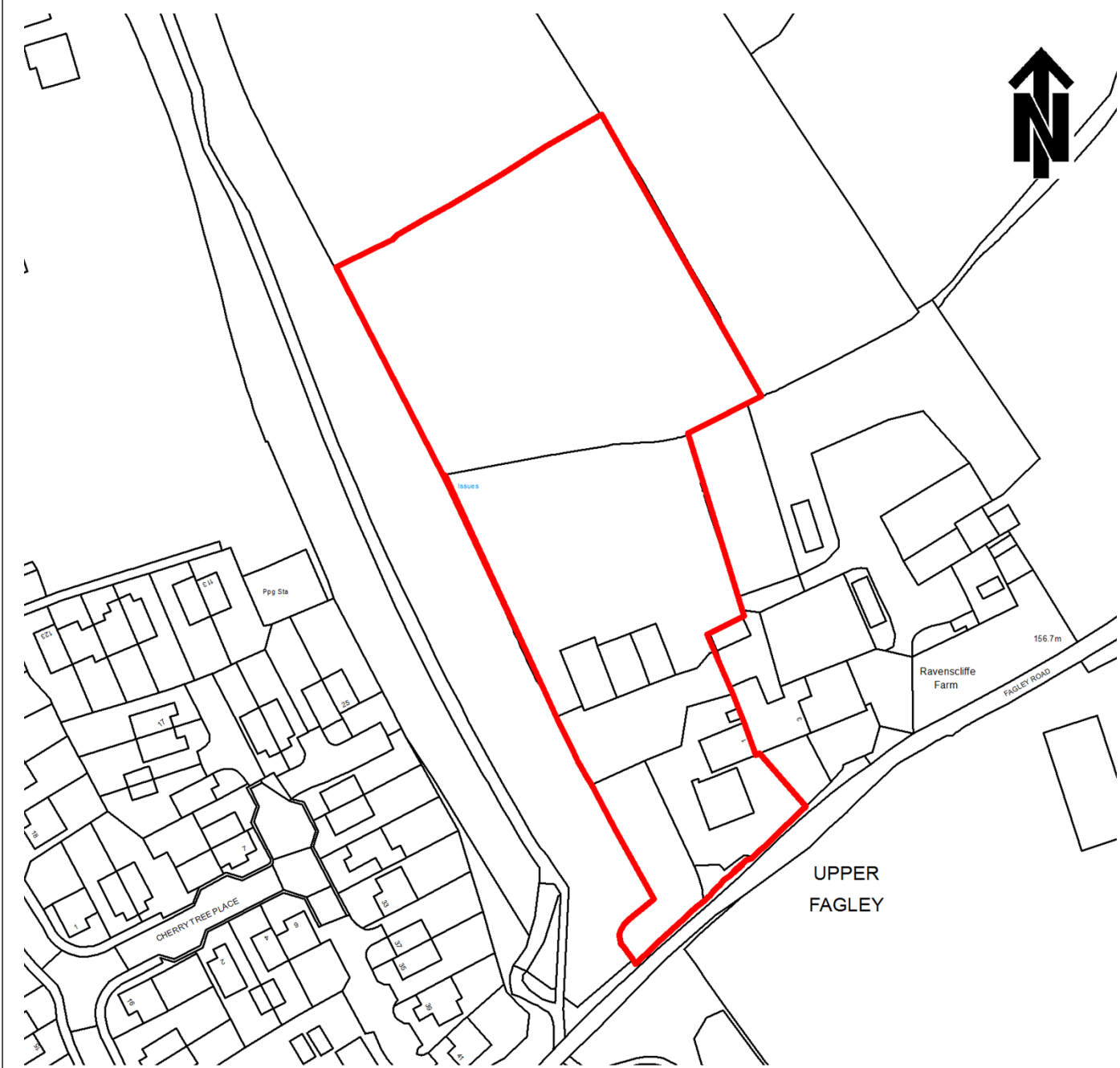
Report Contact: Amin Ibrar
Phone: 01274 434605

Email: amin.ibrar@bradford.gov.uk

Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

20/01278/ENFLBC



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**1 Ravenscliffe Farm
Fagley Road
Bradford
BD2 3QN**

27 March 2024

Item Number: A
Ward: ECCLESHILL
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01278/ENFLBC

Site Location:
1 Ravenscliffe Farm, Fagley Road, Bradford, BD2 3QN

Breach of Planning Control:
Unauthorised single storey structures.

Circumstances:
In September 2020 the Council received an enquiry regarding development works on the land.

An inspection showed that two single storey structures had been erected on the land, for which the Council had no record of planning permission having been granted.

Retrospective planning application reference 22/01261/FUL for the structures was refused by the Council in June 2022 and an appeal against the decision was dismissed by The Planning Inspectorate in March 2023.

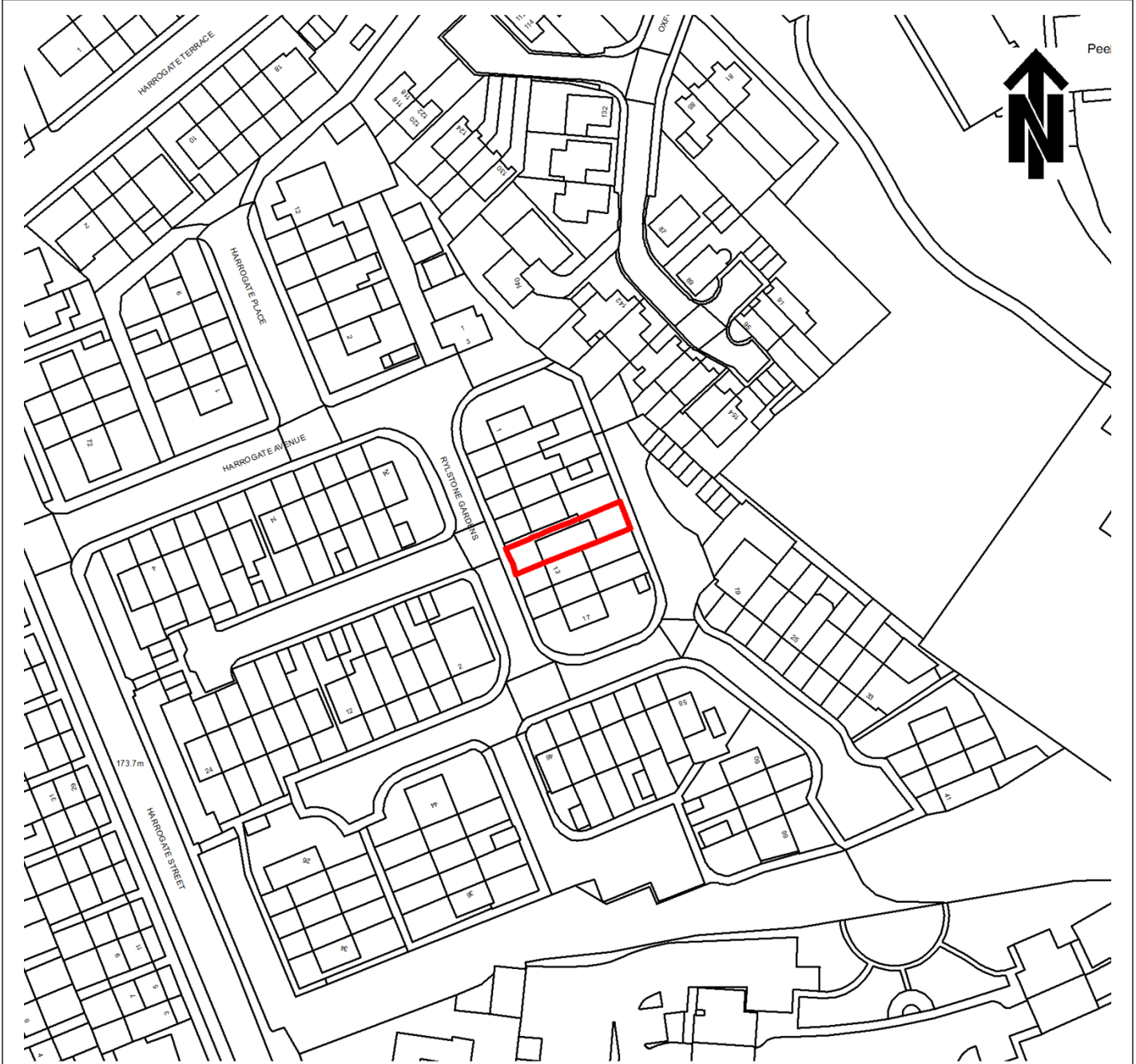
The landowner has been requested to rectify the breach of planning control, however no action has been taken.

On 22 January 2024 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the two unauthorised single storey structures are detrimental to visual amenity by virtue of their design and appearance, forming incongruous features on the land and detracting from the appearance of the adjacent listed buildings, contrary to Policies DS1, DS3 and EN3 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

22/00082/ENFUNA



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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11 Rylstone Gardens
Bradford
BD3 0LJ

27 March 2024

Item Number: B
Ward: BOLTON AND UNDERCLIFFE
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
22/00082/ENFUNA

Site Location:
11 Rylstone Gardens, Bradford, BD3 0LJ

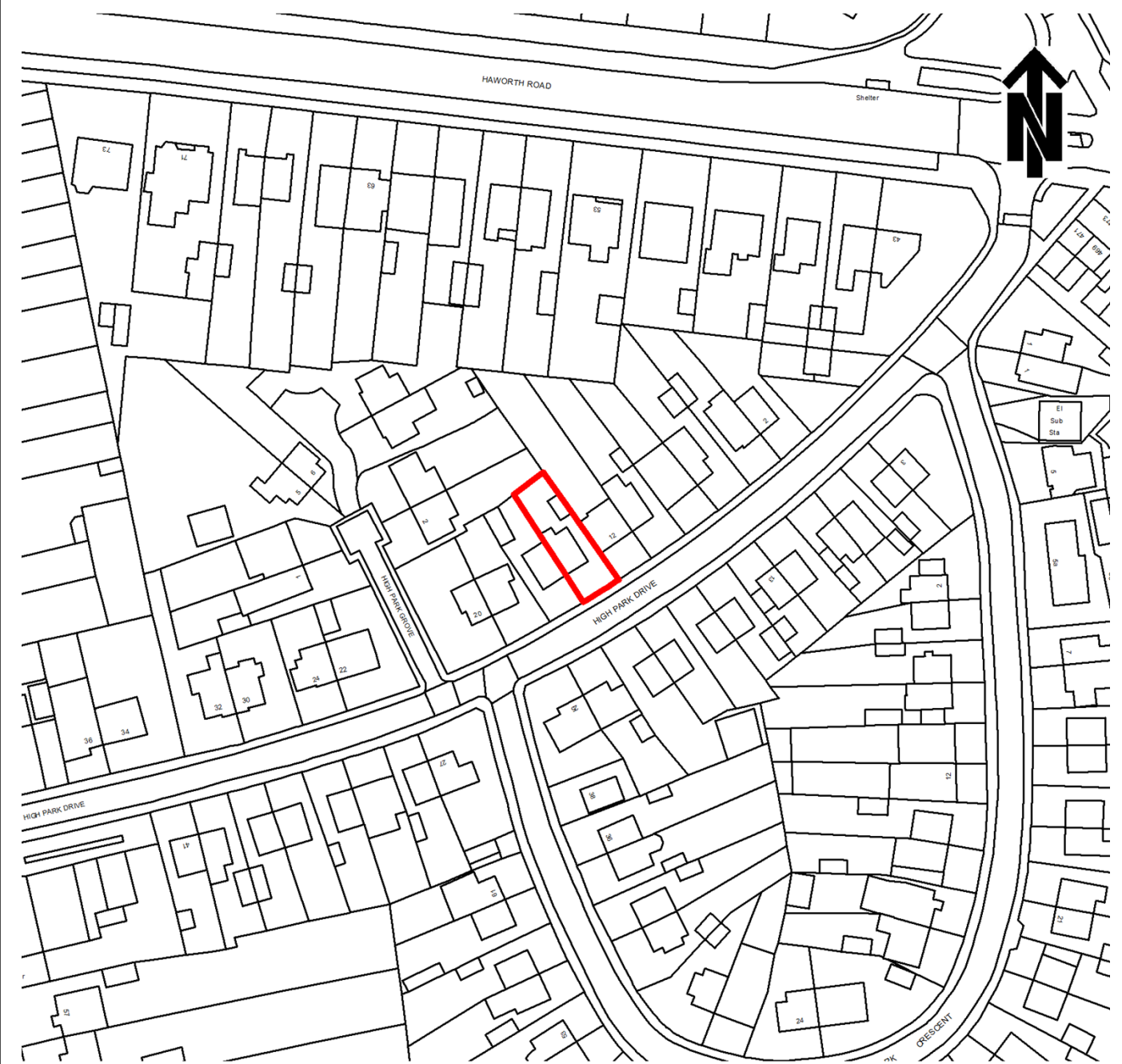
Breach of Planning Control:
Unauthorised rear dormer window.

Circumstances:
An inspection of the property in January 2022 showed that a rear dormer window had been constructed, for which the Council had no record of planning permission having been granted.

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

On 7 February 2024 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised rear dormer window is detrimental to visual amenity by virtue of its design and appearance, forming an incongruous feature on the building and in the street scene, 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 principles of the National Planning Policy Framework.

22/00073/ENFUNA



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**14 High Park Drive
Bradford
BD9 6HS**

27 March 2024

Item Number: C
Ward: HEATON
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
22/00073/ENFUNA

Site Location:
14 High Park Drive, Bradford, BD9 6HS

Breach of Planning Control:
Without planning permission, the erection of a double gate, gate post and fence panel.

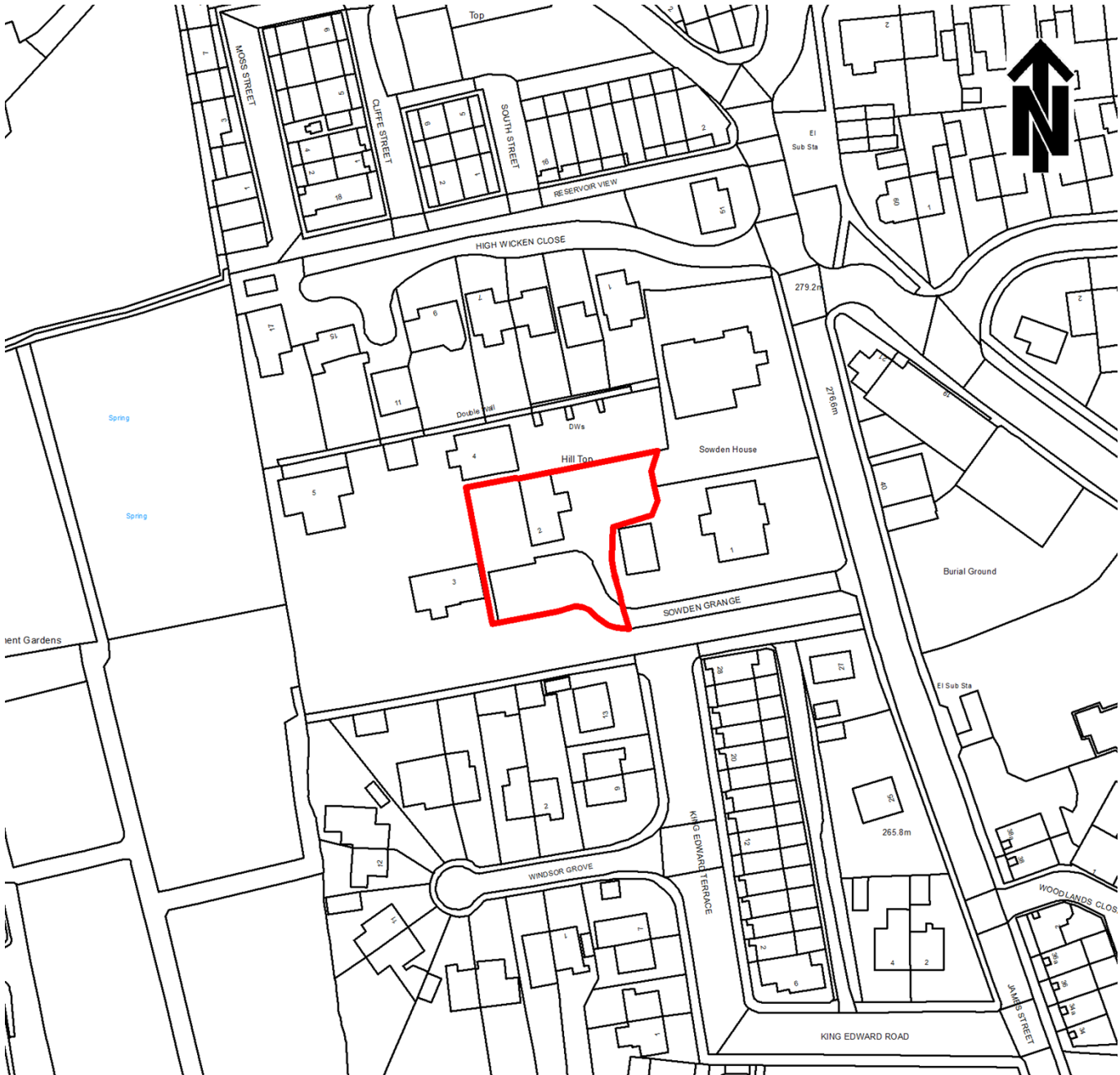
Circumstances:
The Local Planning Authority has received an enquiry regarding the above development.

On 1 September 2023, planning permission was granted for a gate and fence at the property. The planning permission granted show the gate set back from the highway and the first three fence panels reduced to one metre in height. A site visit revealed that works carried on site do not accord to the planning permission and therefore unauthorised.

The matter continues to remain unresolved, it is considered expedient to issue an Enforcement Notice because the gate and fence restrict the visibility of drivers from vehicles emerging from 12 High Park Drive to the detriment of the safety of other road users and pedestrians.

On 30 January 2024, the Planning Manager (Enforcement and Trees) authorised enforcement action requiring the owner of the property to remove the double gate, the gate post and remove part of the fencing, all arising materials from the land or, reduce the height of the double gate, the gate post and fence between point A to point B to a height not exceeding 1 metre in height from ground level and remove all arising materials from the land or, alter the gate and fence in order that it accords with planning permission reference 23/02441/HOU, dated 1 September 2023, and all its terms and conditions.

23/00449/ENFAPP



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2 Sowden Grange
Thornton
Bradford
BD13 3TH

27 March 2024

Item Number: D
Ward: THORNTON AND ALLERTON
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
23/00449/ENFAPP

Site Location:
2 Sowden Grange, Thornton, Bradford, BD13 3TH

Breach of Planning Control:
Unauthorised three-storey building.

Circumstances:
Between July 2023 and October 2023, the Council received enquiries regarding a building being constructed at the property.

An inspection showed that a three-storey building had been erected within the curtilage of the property, for which the Council had no record of planning permission having been granted.

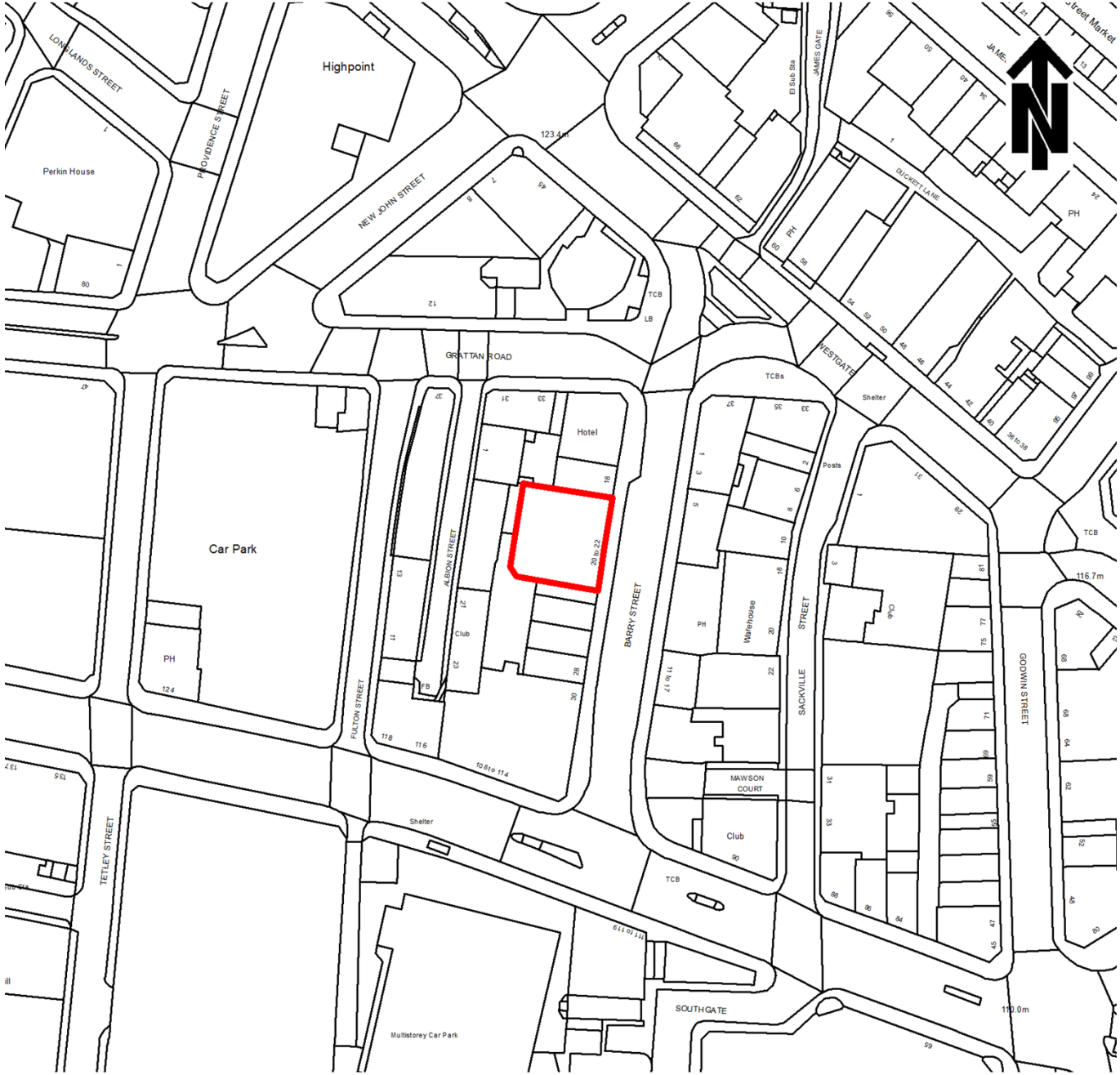
Retrospective planning application reference 23/04610/HOU for the three-storey building was refused by the Council on 1 February 2024.

On 12 February 2024 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised three-storey building is detrimental to visual and residential amenity by virtue of its position, size and design and forms an incongruous feature on the land, contrary to policies DS1, DS3 and DS5 of the Core Strategy Development Plan Document, the Council's adopted Householder Supplementary Planning Document and the principles of the National Planning Policy Framework.

23/00025/ENFUNA



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**22 Barry Street
Bradford
BD1 2AW**

27 March 2024

Item Number: E
Ward: CITY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
23/00025/ENFUNA

Site Location:
22 Barry Street, Bradford, BD1 2AW

Breach of Planning Control:
Unauthorised externally mounted roller shutters.

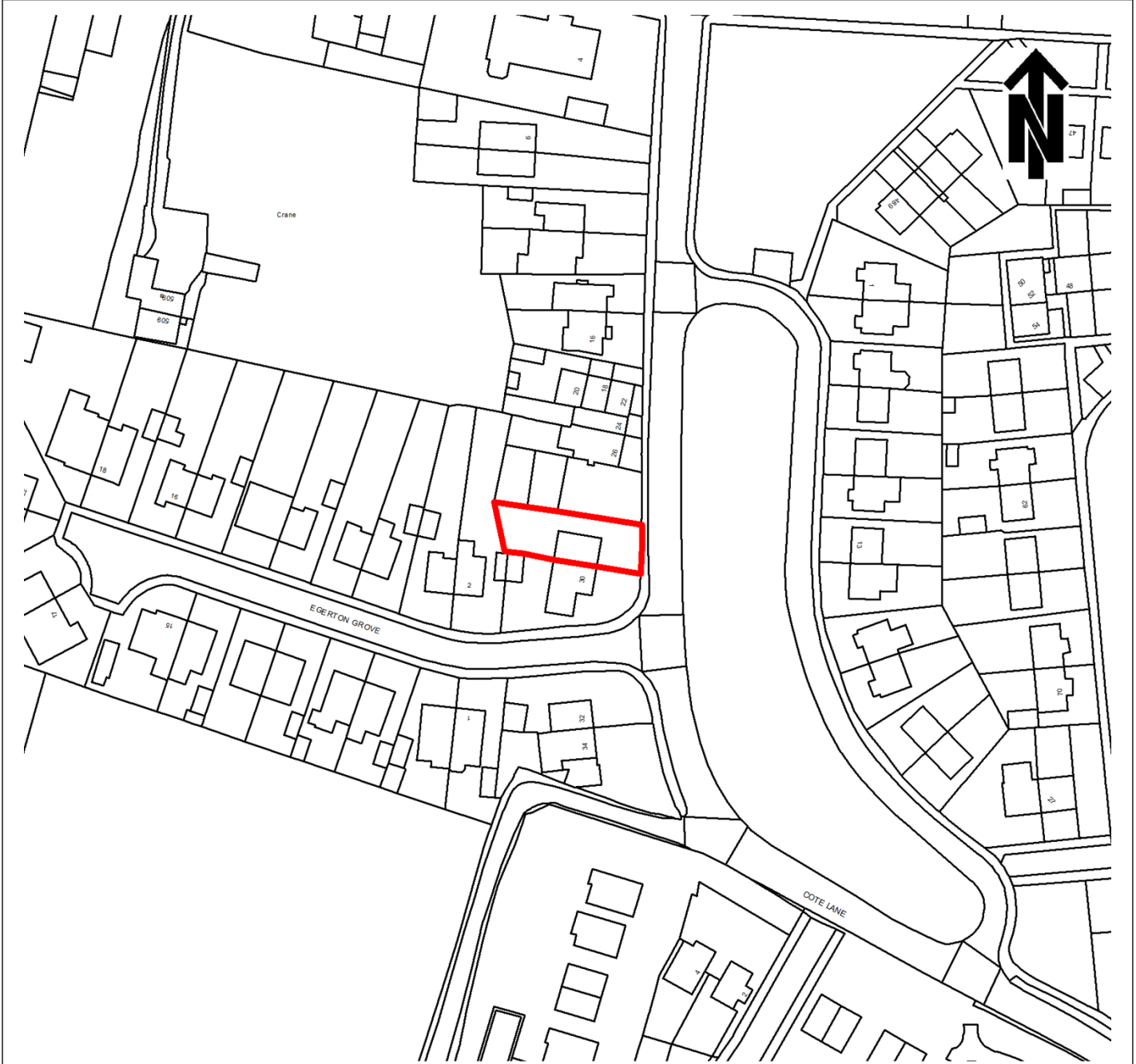
Circumstances:
In January 2023 the Council received an enquiry regarding alterations to the shop property, which stands within the City Centre Conservation Area.

An inspection showed that three externally mounted roller shutters had been installed to the front 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 take action to rectify the breach of planning control, however no action has been taken.

On 17 January 2024 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the three unauthorised externally mounted roller shutters and guide rails are detrimental to visual amenity by virtue of their design and appearance, forming incongruous features on the building and within the City Centre Conservation area, contrary to Policies DS1, DS3 and EN3 of the Council's adopted Core Strategy Development Plan Document, the Council's adopted Shopfront Design Guide, the Council's adopted A Shopkeepers Guide to Securing Their Premises Supplementary Planning Document and the principles of the National Planning Policy Framework.

22/00289/ENFCOU



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**28 Cote Lane
Bradford
BD15 8LA**

27 March 2024

Item Number: F
Ward: THORNTON AND ALLERTON
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
22/00289/ENFCOU

Site Location:
28 Cote Lane, Bradford, BD15 8LA

Breach of Planning Control:
Unauthorised mixed use for residential purposes and for storage of motor vehicles.

Circumstances:
Following complaints received in this office, a site visit confirmed that the above residential property is being used for the storage of motor vehicles. There has been no positive response to challenge letters sent to the owners/occupiers of the property.

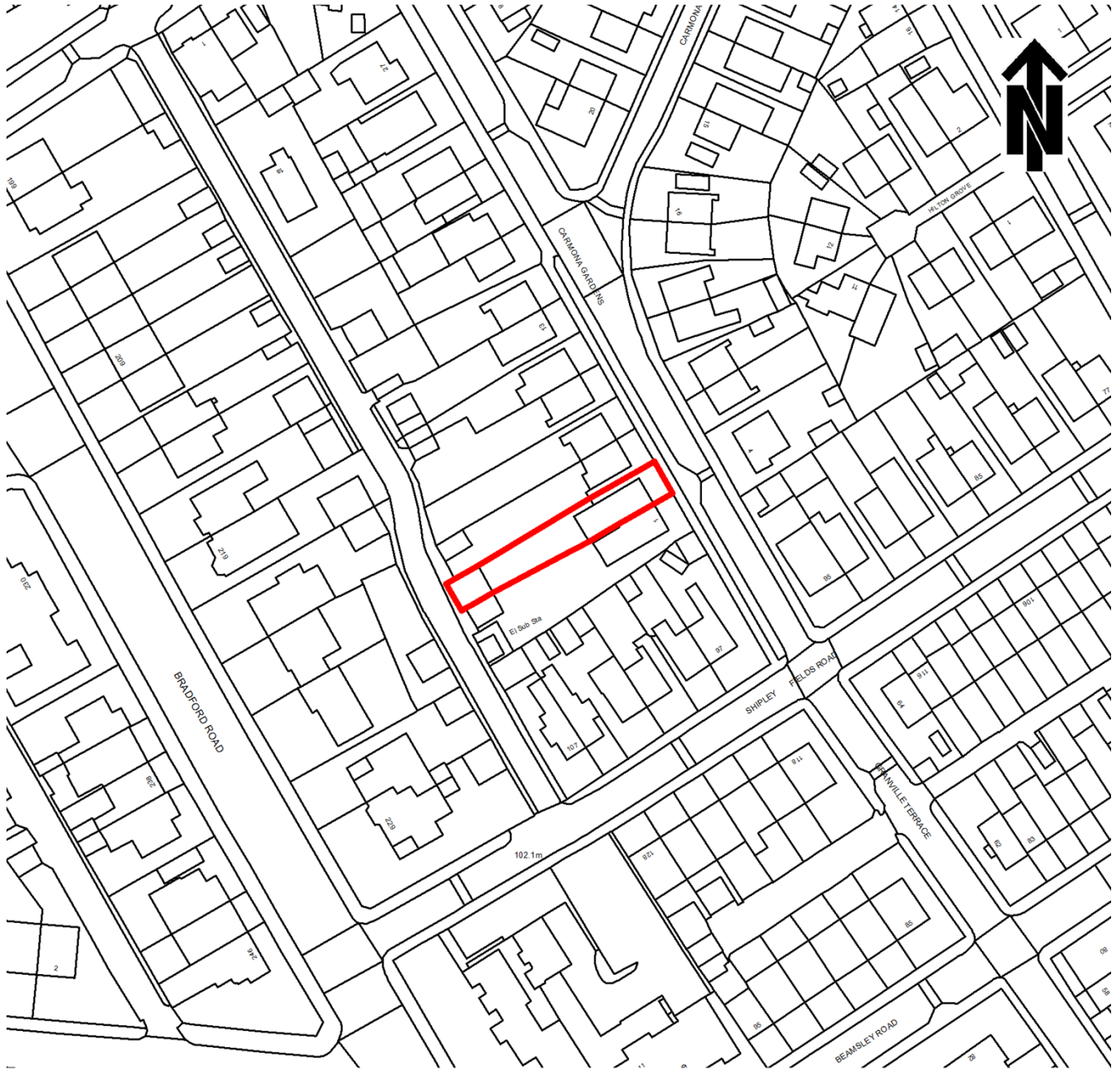
The unauthorised motor vehicle storage use is increasing and the activity associated with such use results in a detrimental impact on the residential amenity of the neighbouring properties and highway safety, contrary to policies SC9, DS1, DS4, DS5 EN8 and TR2 of the Core Strategy Development Plan Document.

On the 20 February 2024 Planning Manager (Enforcement and Trees) authorised enforcement action requiring a cessation in the unauthorised use.

20/01611/ENFUNA



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**3 Carmona Gardens
Shipley
BD18 2AF**

27 March 2024

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

Enforcement Reference:
20/01611/ENFUNA

Site Location:
3 Carmona Gardens, Shipley, BD18 2AF

Breach of Planning Control:
Unauthorised alterations to garage structure.

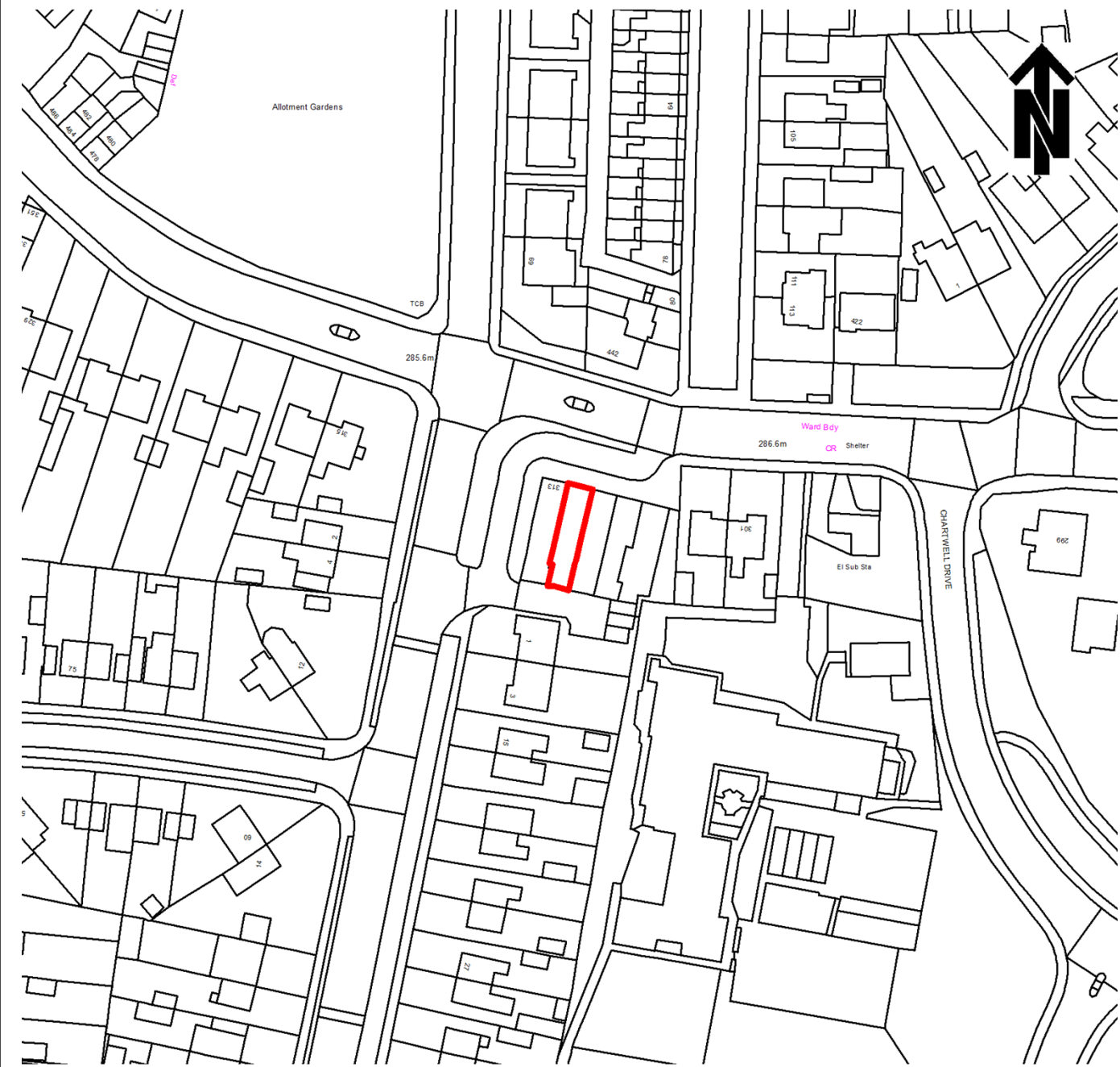
Circumstances:
In August 2020 the Council received an enquiry regarding alterations to a garage structure at the property.

An inspection showed that alterations had been made to the design and height of a garage structure in the rear garden area of the property, for which the Council had no record of planning permission having been granted.

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

On 27 February 2024 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised alterations to the garage structure are detrimental to visual amenity by virtue of the design and appearance of the resulting structure, which forms an incongruous feature on the land and within the street scene, contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

21/01123/ENFUNA



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311 Beacon Road
Bradford
BD6 3DQ

27 March 2024

Item Number: H
Ward: QUEENSBURY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
21/01123/ENFUNA

Site Location:
311 Beacon Road, Bradford, BD6 3DQ

Breach of Planning Control:

Without planning permission, the installation of an extractor flue on the rear elevation of the building.

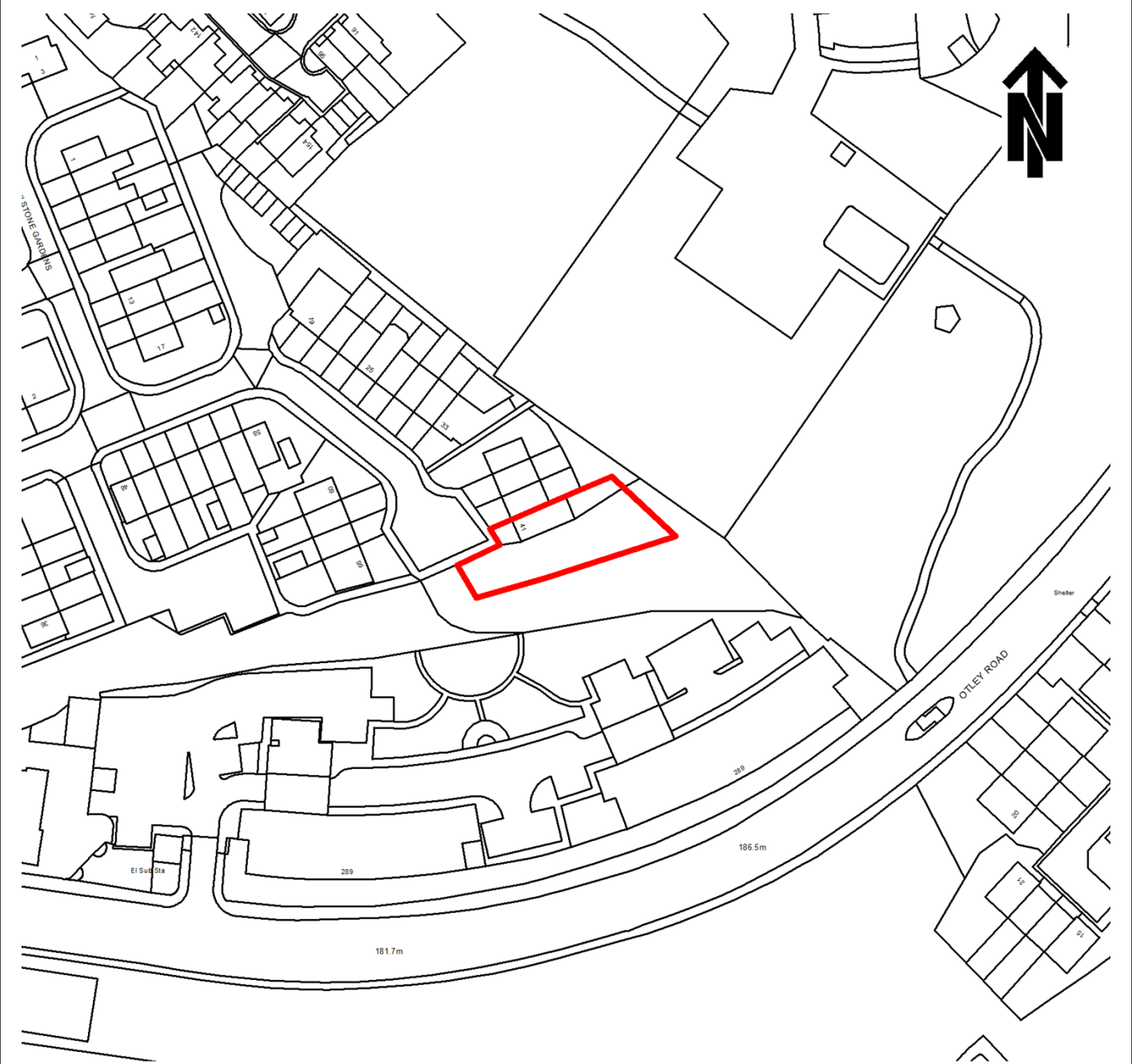
Circumstances:

Following an enquiry received in this office in December 2021, a site visit revealed the above breach of planning control. Despite a request from the Local Planning Authority and the submission of a retrospective planning application the matter remains unresolved.

It is considered expedient to issue an Enforcement Notice because the extractor flue due to its size, position and untreated metal finish dominates the rear elevation of the building to the detriment of the local environment. Additionally, the extraction flue is located within close proximity of habitable room windows and it does not discharge at a height sufficient to disperse odours adequately. Consequently, the flue has an adverse impact upon the amenity of residential occupiers by reason of noise and odour nuisance.

The Planning Manager (Enforcement and Trees) authorised enforcement action on the 23 January 2024 requiring the removal of the extractor flue and all means of fixing from the rear of the building and remove all resulting materials from the land.

20/01208/ENFUNA



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**41 Rylstone Gardens
Bradford
BD3 0LJ**

27 March 2024

Item Number: I
Ward: BOLTON AND UNDERCLIFFE
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01208/ENFUNA

Site Location:
41 Rylstone Gardens, Bradford, BD3 0LJ

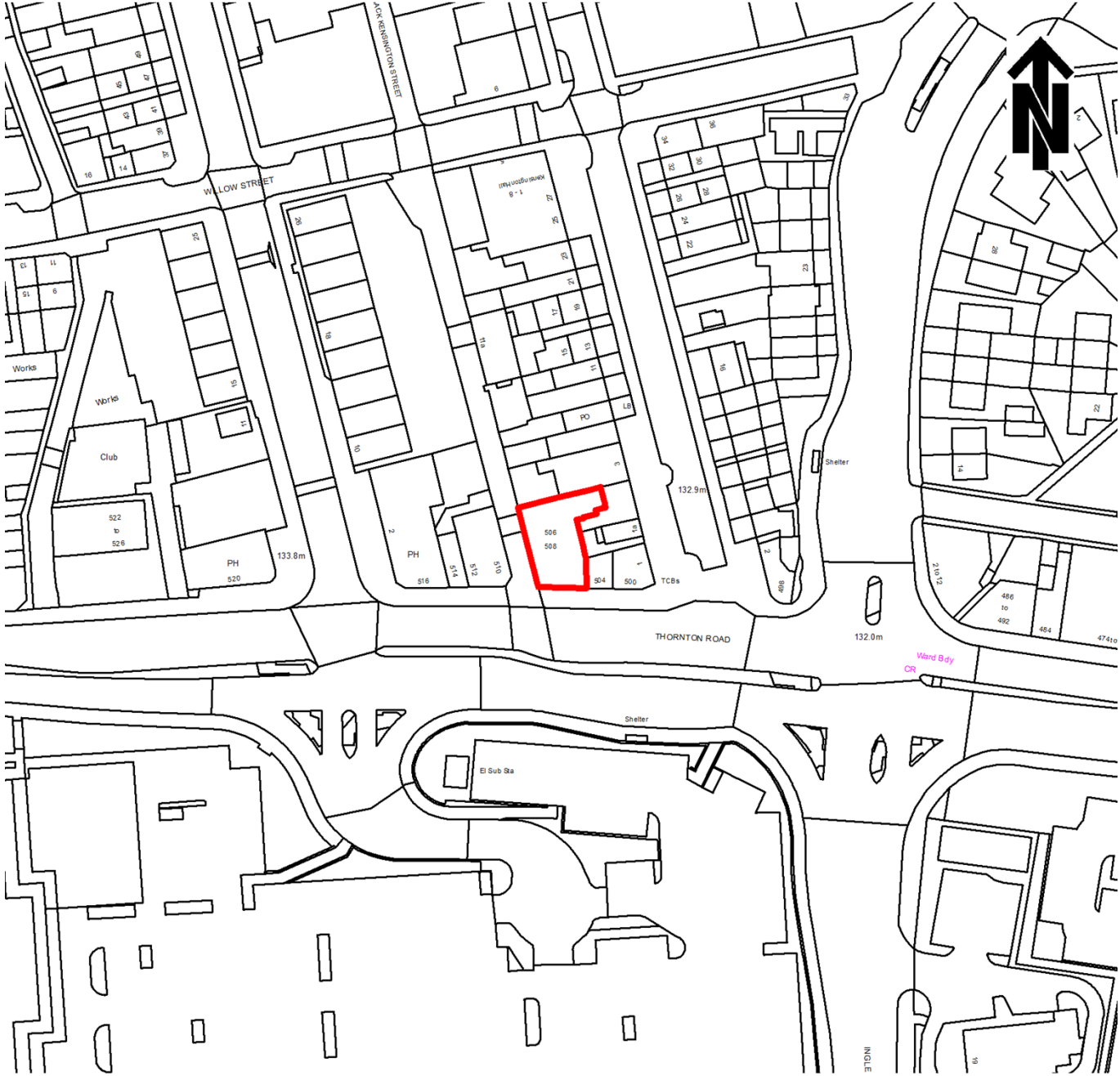
Breach of Planning Control:
Unauthorised rear dormer window.

Circumstances:
An inspection of the property in January 2022 showed that a rear dormer window had been constructed, for which the Council had no record of planning permission having been granted.

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

On 7 February 2024 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised rear dormer window is detrimental to visual amenity by virtue of its design and appearance and forms an incongruous feature on the building, 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 principles of the National Planning Policy Framework.

19/00548/ENFUNA



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508 Thornton Road
Bradford
BD8 9NA

27 March 2024

Item Number: J
Ward: TOLLER
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
19/00548/ENFUNA

Site Location:
508 Thornton Road, Bradford, BD8 9NA

Breach of Planning Control:
Unauthorised externally mounted roller shutters.

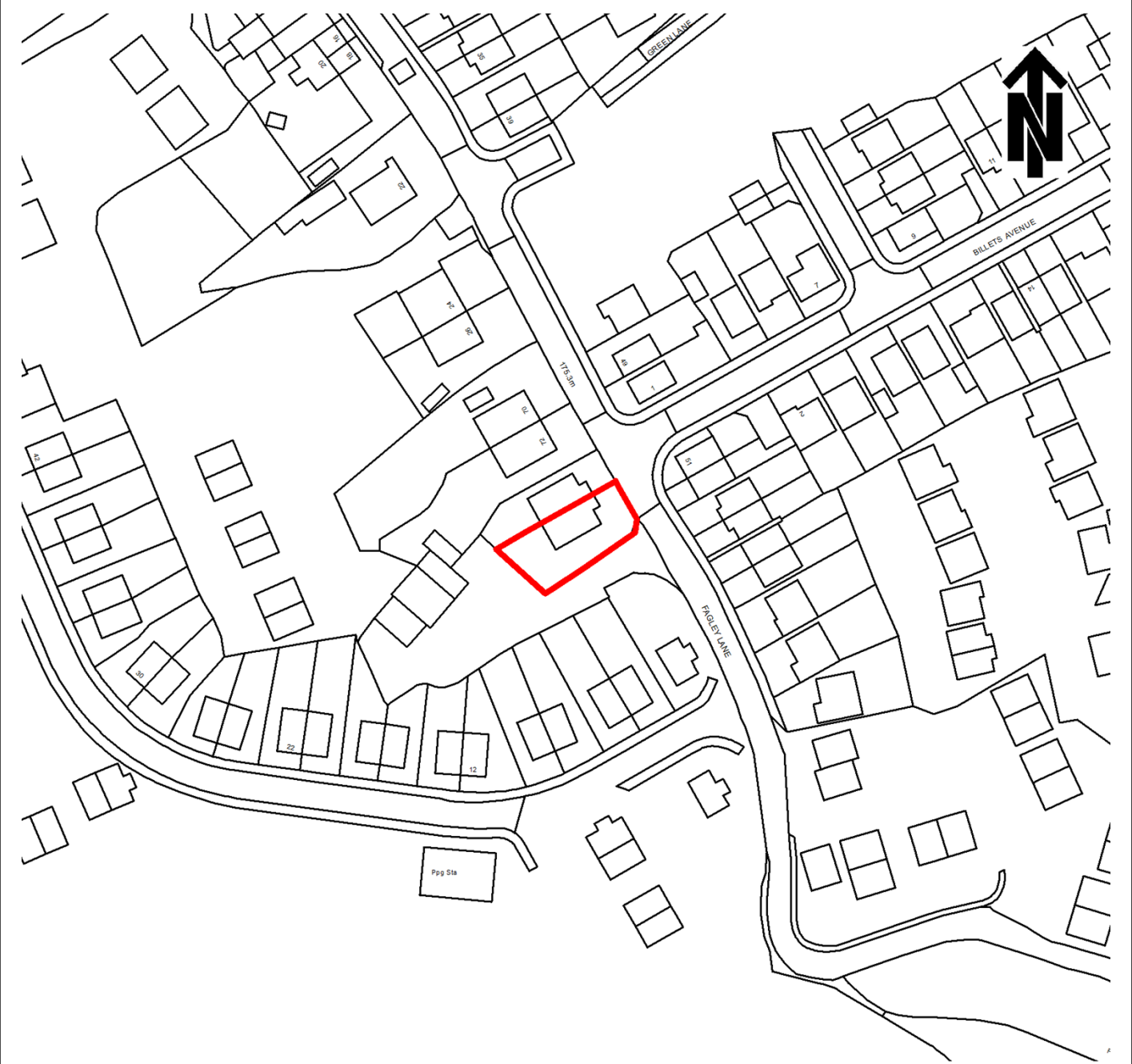
Circumstances:
In February 2020 planning permission reference 19/05046/FUL was granted by the Council to convert the former public house building into retail use.

An inspection showed that two externally mounted roller shutters had been installed to the front elevation of the building, for which the Council had no record of planning permission having been granted.

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

On 3 January 2024 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the two unauthorised externally mounted roller shutters, shutter boxes and guide rails are detrimental to visual amenity by virtue of their design and appearance, forming incongruous features on the building and in the street scene, contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan Document, the Council's adopted Shopfront Design Guide, the Council's adopted A Shopkeepers Guide to Securing Their Premises Supplementary Planning Document and the principles of the National Planning Policy Framework.

21/00697/ENFCON



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**72B Fagley Lane
Bradford
BD2 3NS**

27 March 2024

Item Number: K
Ward: ECCLESHILL
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
21/00697/ENFCON

Site Location:
72B Fagley Lane, Bradford, BD2 3NS

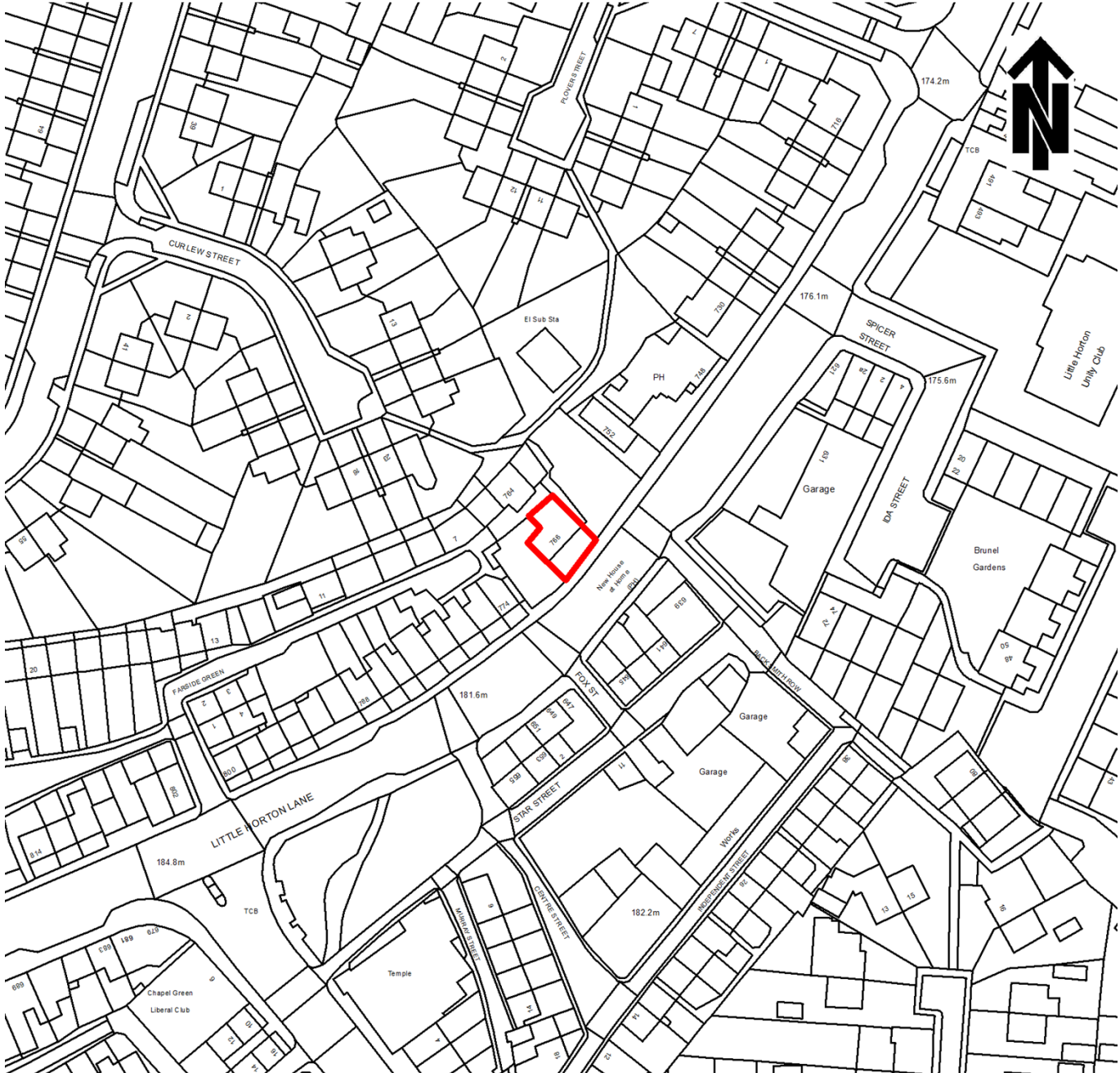
Breach of Planning Control:
Breach of condition 4 of planning permission reference 17/06432/FUL.

Circumstances:
Planning permission reference 17/06432/FUL for the construction of a pair of semi-detached houses on land at 72 Fagley Lane was granted by the Council in March 2018.

In the interests of highway safety, condition 4 of the planning permission requires a section of the existing boundary wall to be reduced in height for visibility purposes. The condition has not been complied with and the property owner has not rectified the breach of planning control as requested.

On 23 January 2024 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice (Breach of Condition). It is considered expedient to instigate Enforcement (Legal) Action in the interests of highway safety and to accord with Policy TR2 of the Council's adopted Core Strategy Development Plan Document.

22/00337/ENFCOU



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766 Little Horton Lane
Bradford
BD5 9BL

27 March 2024

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

Enforcement Reference:
22/00337/ENFCOU

Site Location:
766 Little Horton Lane, Bradford, BD5 9BL

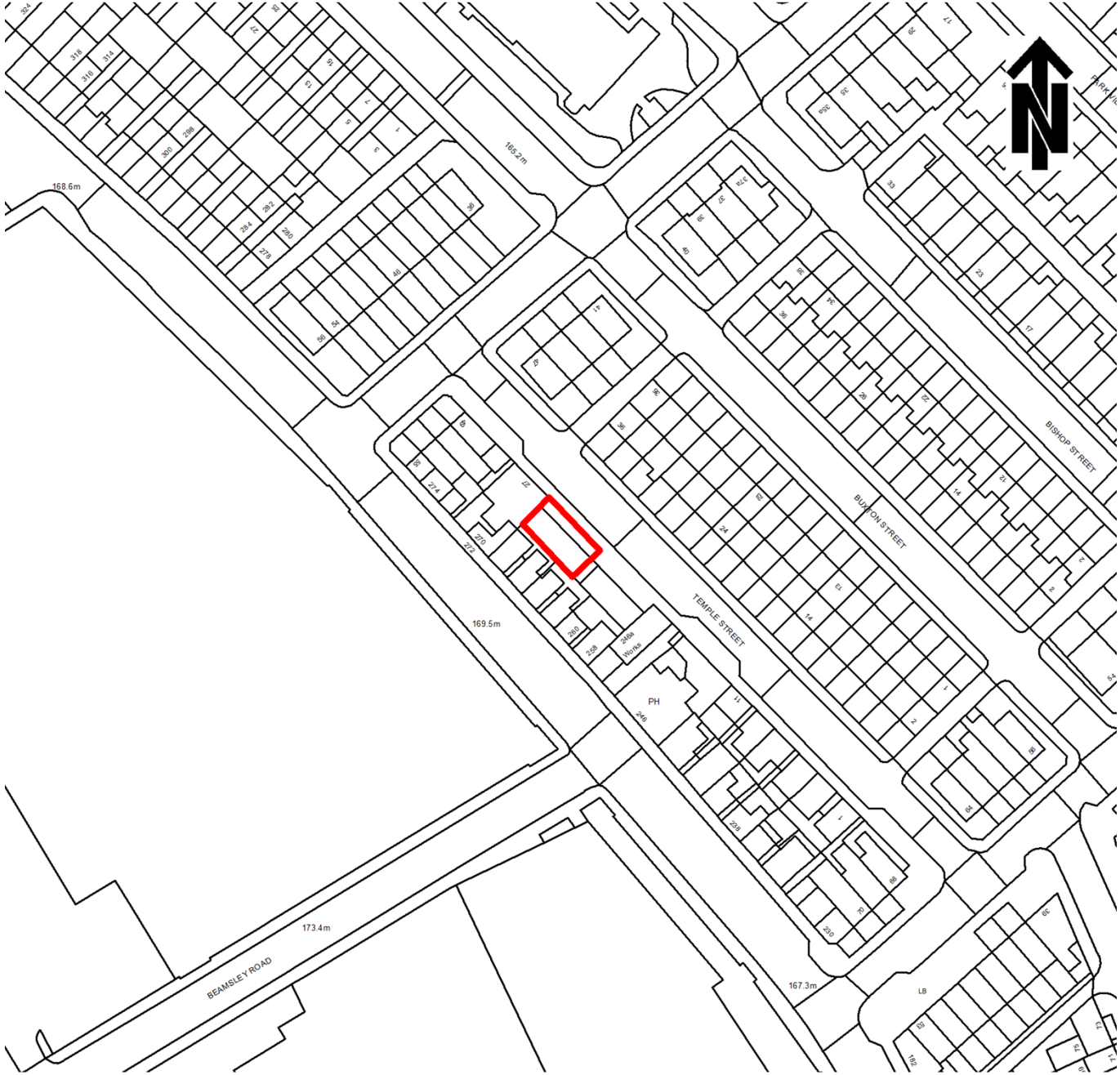
Breach of Planning Control:
Without planning permission, the construction of a canopy and supporting structures.

Circumstances:
Following a complaint an inspection revealed the above breach of planning control. Despite requests from the Local Planning Authority, the unauthorised works remain in situ.

The canopy and supporting structures form an incongruous feature which is of significant detriment to visual amenity and street scene due to its prominent siting, height and poor design on the front elevation of the property.

The Planning Manager (Enforcement and Trees) authorised enforcement action on the 22 January 2024 requiring the owner to dismantle the canopy and all supporting structures and remove all resulting materials from the land.

23/00238/ENFUNA



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**Land Adjacent To
27 Temple Street
Bradford**

27 March 2024

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

Enforcement Reference:
23/00238/ENFUNA

Site Location:
Land Adjacent To 27 Temple Street, Bradford

Breach of Planning Control:
Unauthorised storage container.

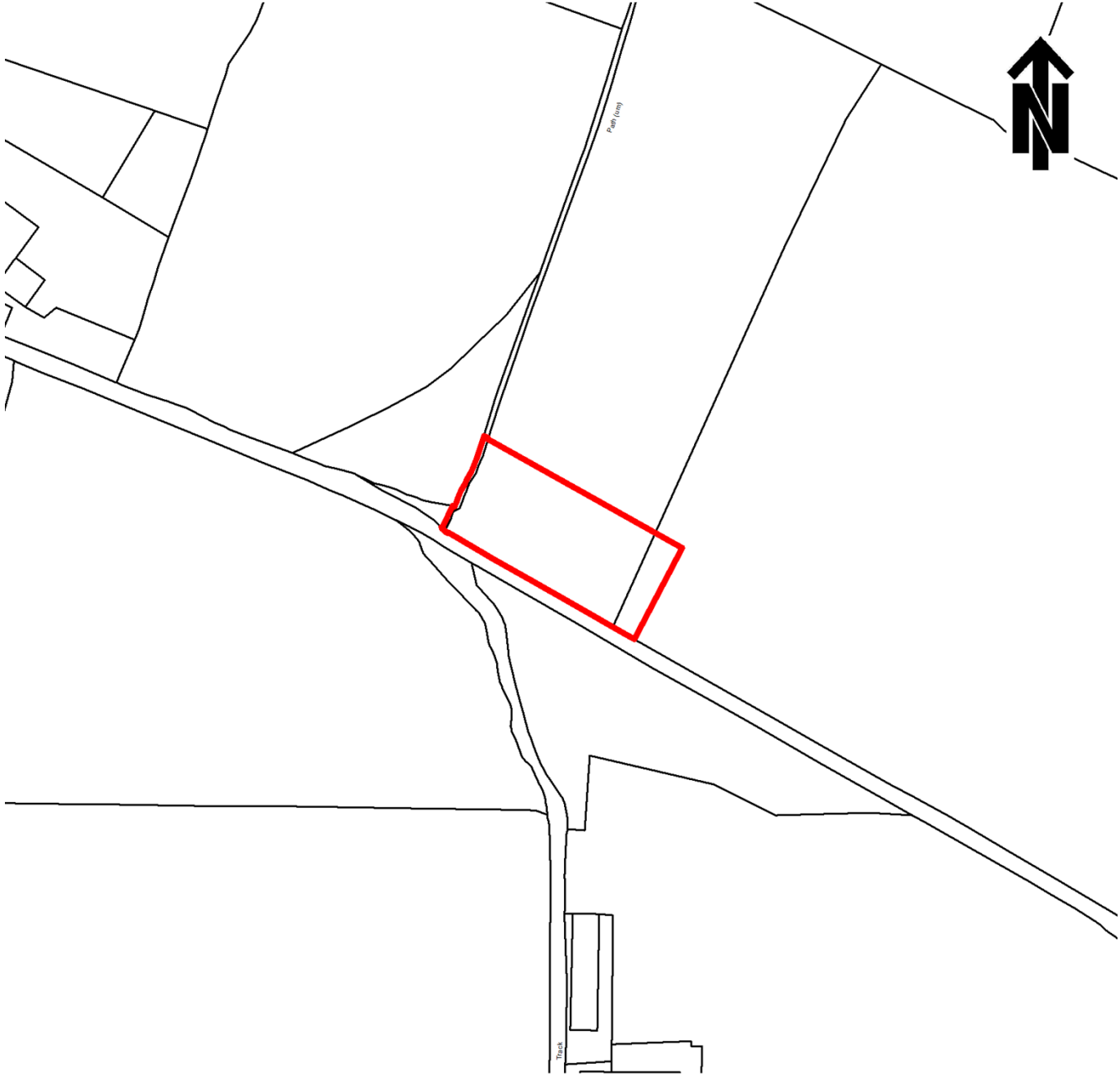
Circumstances:
In May 2023 the Council received an enquiry regarding the siting of a container on the land.

An inspection showed that a metal storage container had been sited on the land, for which the Council had no record of planning permission having been granted.

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

On 12 February 2024 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised metal storage container is detrimental to visual amenity by virtue of its position, design and appearance, forming an incongruous feature on the land and within the North Park Road Conservation Area, contrary to Policies DS1, DS3, EN3 and SC9 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

22/00896/ENFUNA



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**Land At Cliffe Lane
Thornton
Bradford**

27 March 2024

Item Number: N
Ward: THORNTON AND ALLERTON
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
22/00896/ENFUNA

Site Location:
Land At Grid Ref 410319 433346 Cliffe Lane, Thornton, Bradford

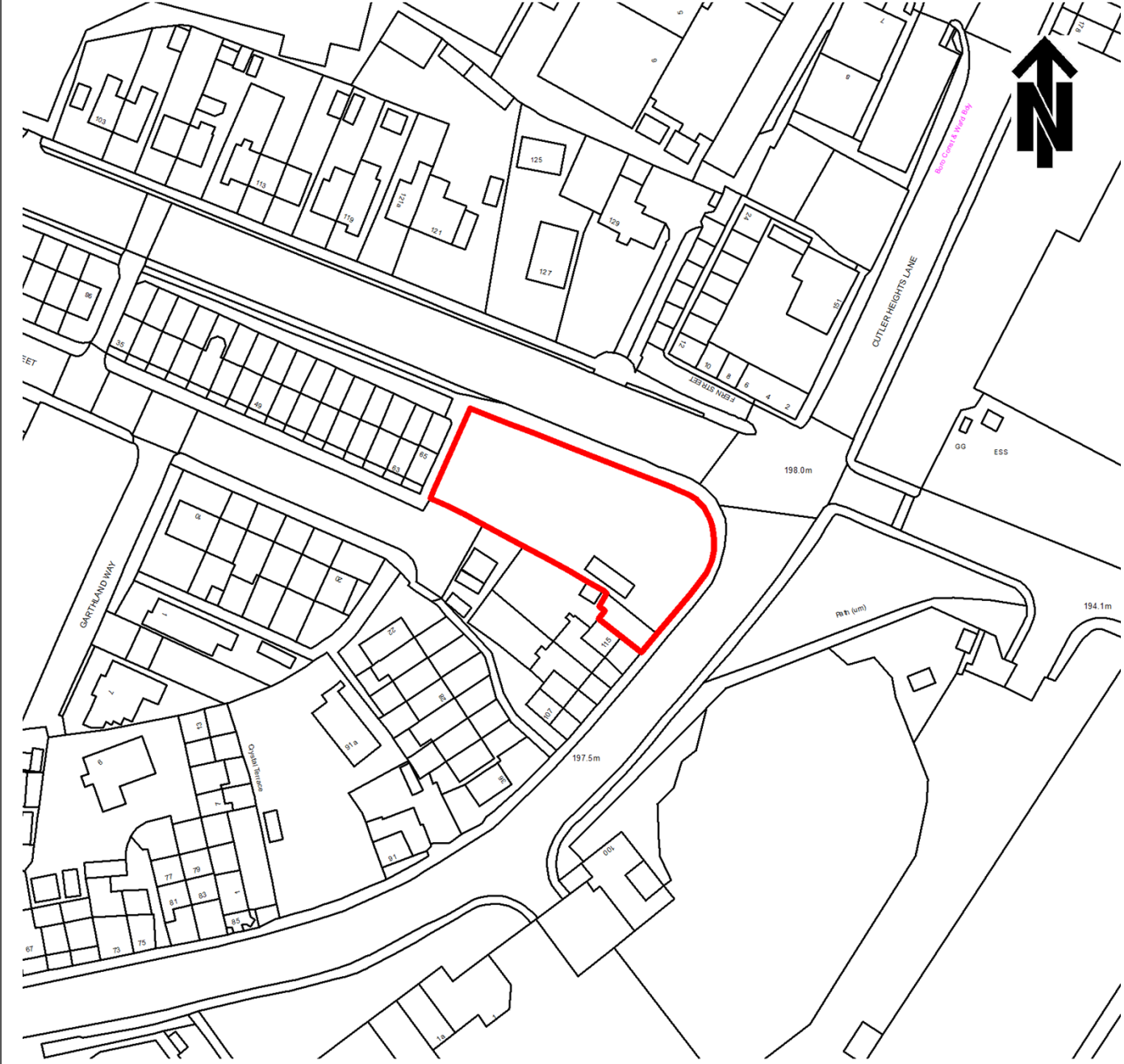
Breach of Planning Control:
The installation of timber stables and connected engineering operations consisting of a level platform (hardstanding).

Circumstances:
Following complaints received in this office, a site visit carried out in April 2022 revealed that the above unauthorised works had been carried out on land within the green belt area.

The owner of the premises has not responded to the challenge letters sent by the Council and the unauthorised development remains as described.

The Planning Manager (Enforcement and Trees) authorised enforcement action on 3 January 2024 as the development is contrary to Policy EN4, DS1, DS2 and NPPF Section 13 (Protecting Green Belt Land).

19/01031/ENFUNA



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**Land North Of
115 Cutler Heights Lane
Junction Fenby Avenue
Bradford**

27 March 2024

Item Number: O
Ward: BOWLING AND BARKEREND
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
19/01031/ENFUNA

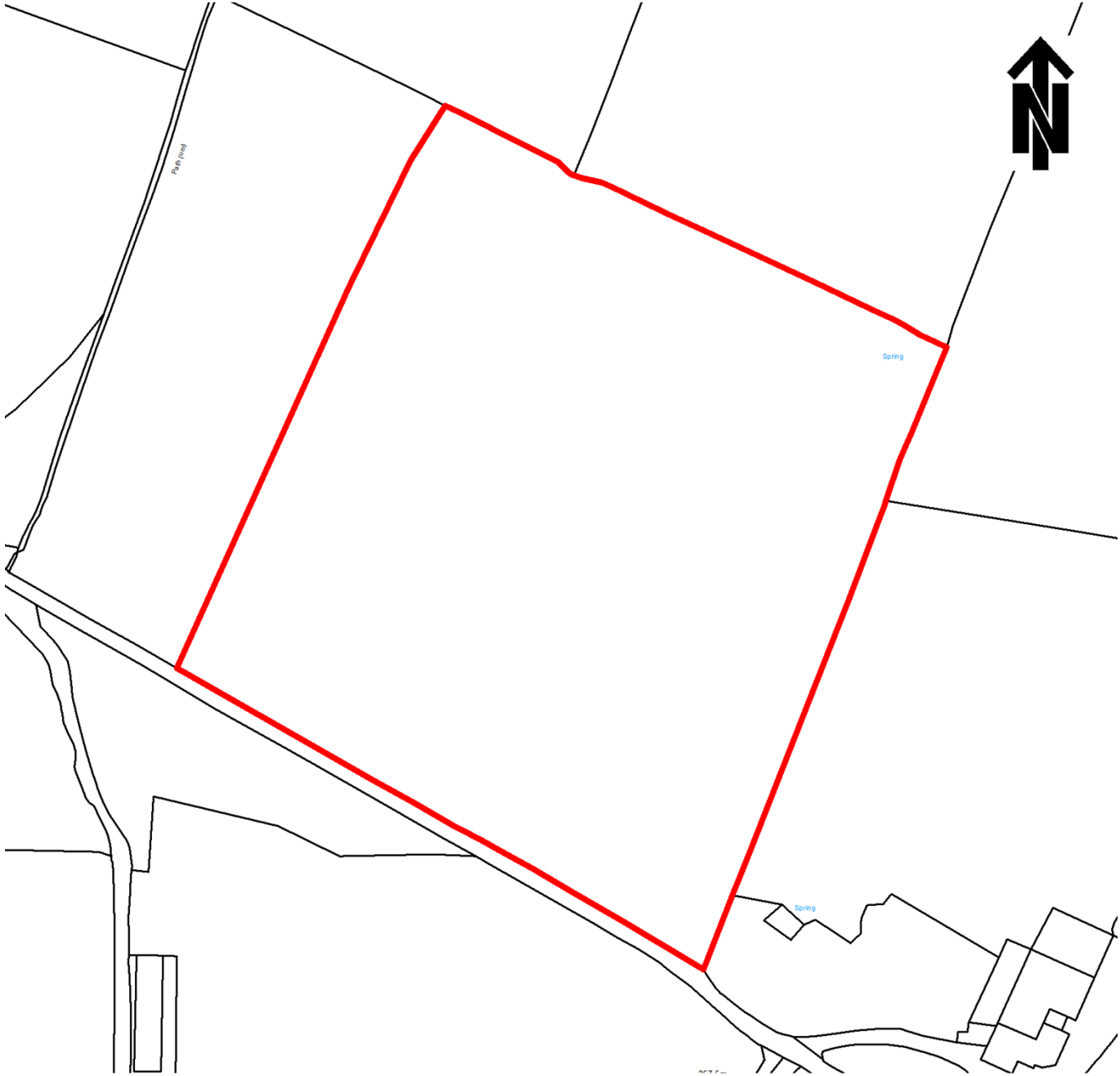
Site Location:
Land North Of 115 Cutler Heights Lane Junction Fenby Avenue, Bradford

Breach of Planning Control:
Unauthorised use of land for the storage, sale and supply of motor vehicles.

Circumstances:
The subject land is situated on busy road junction it was cleared of all vegetation and fenced off as a storage area. The unauthorised storage use was challenged by the Council which resulted in the submission of a retrospective planning application, subsequently refused by the Council. The use has intensified over time and now includes all the uses described above resulting in highways safety concerns. It is considered that the use is contrary to policies SC9, EN8, DS1, DS4, DS5 and TR2 of the Council's Core Strategy Development Plan Document and Section 9, paragraphs 114,115 and 116 of the National Planning Policy Framework.

The Planning Manager (Enforcement and Trees) authorised enforcement action on 23 January 2024, requiring the cessation of the unauthorised use.

22/00037/ENFAPP



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**Land North Of Cliffe Lane
Thornton
Bradford**

27 March 2024

Item Number: P
Ward: THORNTON AND ALLERTON
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
22/00037/ENFAPP

Site Location:
Land North Of Cliffe Lane, Thornton, Bradford

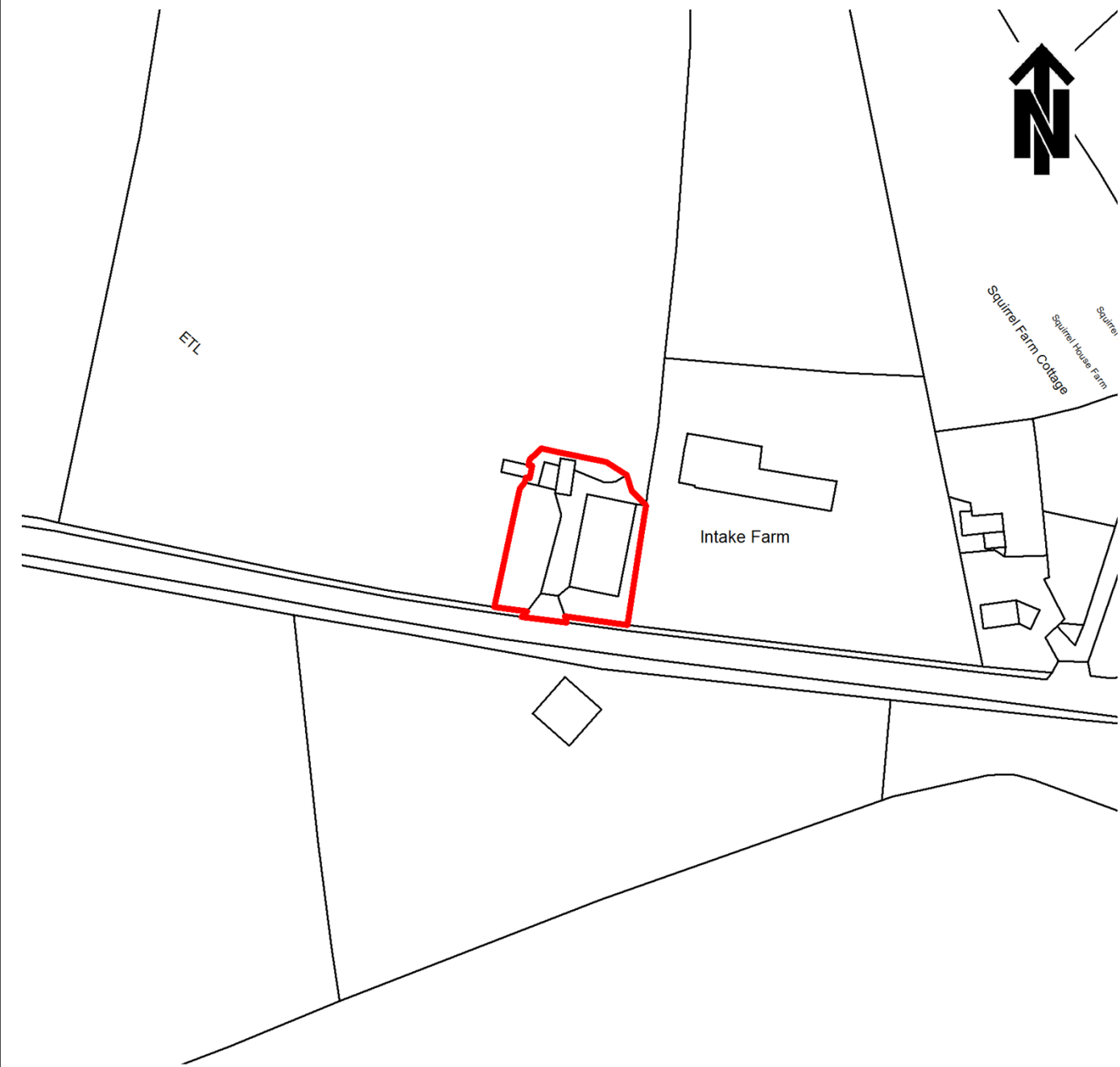
Breach of Planning Control:
Unauthorised engineering operations forming two horse menages and connected area of hardstanding and access track on land within the green belt.

Circumstances:
Following a complaint received in this office a site visit carried out in April 2022. revealed that the above unauthorised engineering operation had been carried out.

The owner of the premises has not responded to the challenge letters sent by the Council and the land still remains as described.

On 3 January 2024 the Planning Manager (Enforcement and Trees) authorised the issue of an Enforcement Notice as the development is contrary to policies EN4, DS1, DS2 and NPPF Section 13 (Protecting Green Belt Land).

21/00796/ENFUNA



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**Land West Of Intake Farm
Cragg Lane
Thornton Bradford**

27 March 2024

Item Number: Q
Ward: THORNTON AND ALLERTON
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
21/00796/ENFUNA

Site Location:
Land West Of Intake Farm, Cragg Lane, Thornton, Bradford

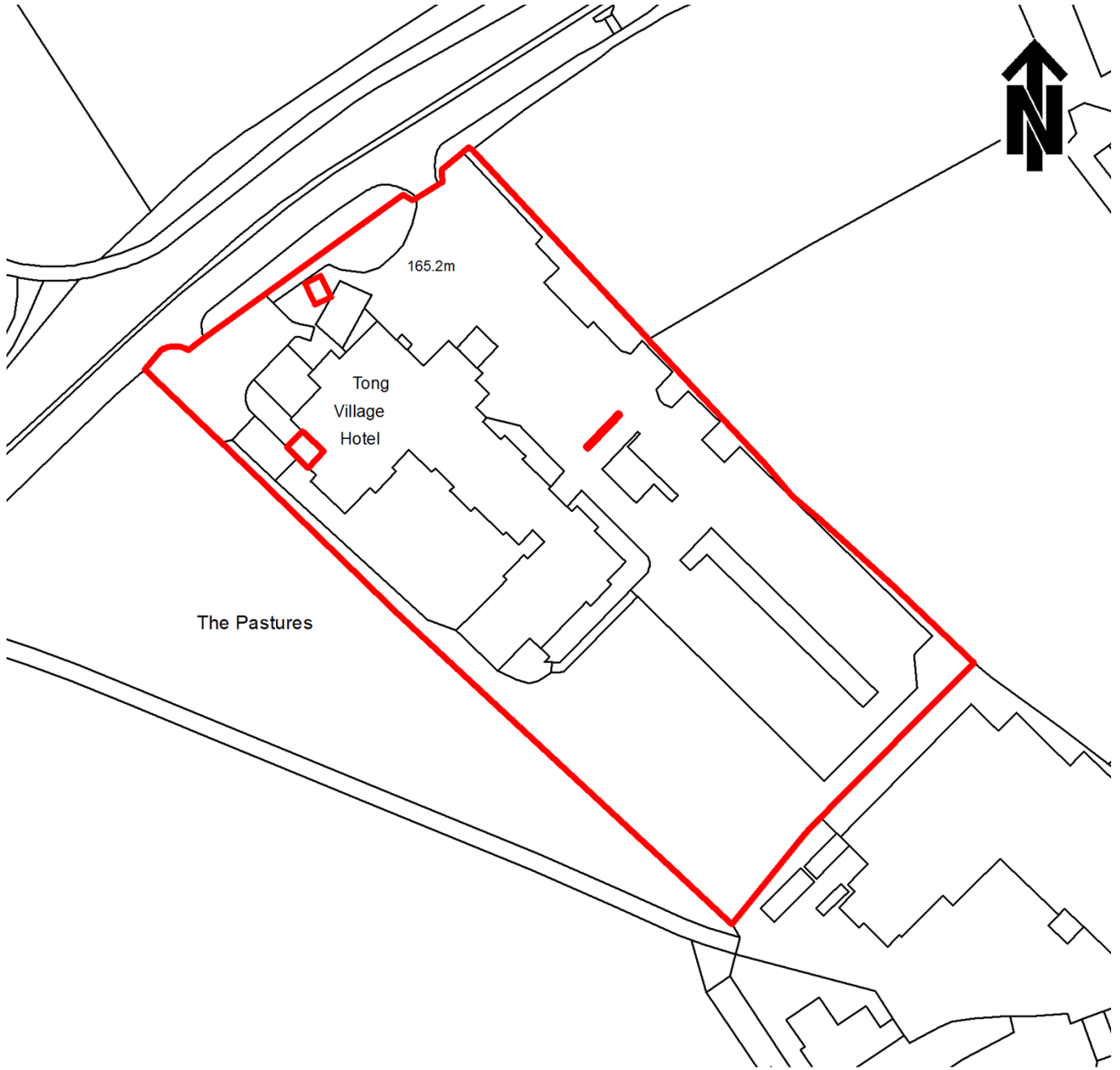
Breach of Planning Control:
Without planning permission the construction of a building on a land.

Circumstances:
The Local Planning Authority has received enquiries regarding the above development. Despite requests, owners/occupiers of the property have taken no action to rectify the breach of planning control and the matter remains unresolved.

It is considered expedient to issue an Enforcement Notice as the building is harmful to the openness of the green belt.

The Planning Manager (Enforcement and Trees) authorised enforcement action on 19 June 2023 requiring the owners of the land to demolish the building and remove all resulting materials from the land, break up and remove the concrete base and footings and restore the land to its former condition by applying 600mm of clean topsoil and seeding with perennial ryegrass.

21/00730/ENFUNA



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**The Pastures Tong Lane
Tong
Bradford
BD4 0RP**

27 March 2024

Item Number: R
Ward: TONG
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
21/00730/ENFUNA

Site Location:
The Pastures, Tong Lane, Tong, Bradford, BD4 0RP

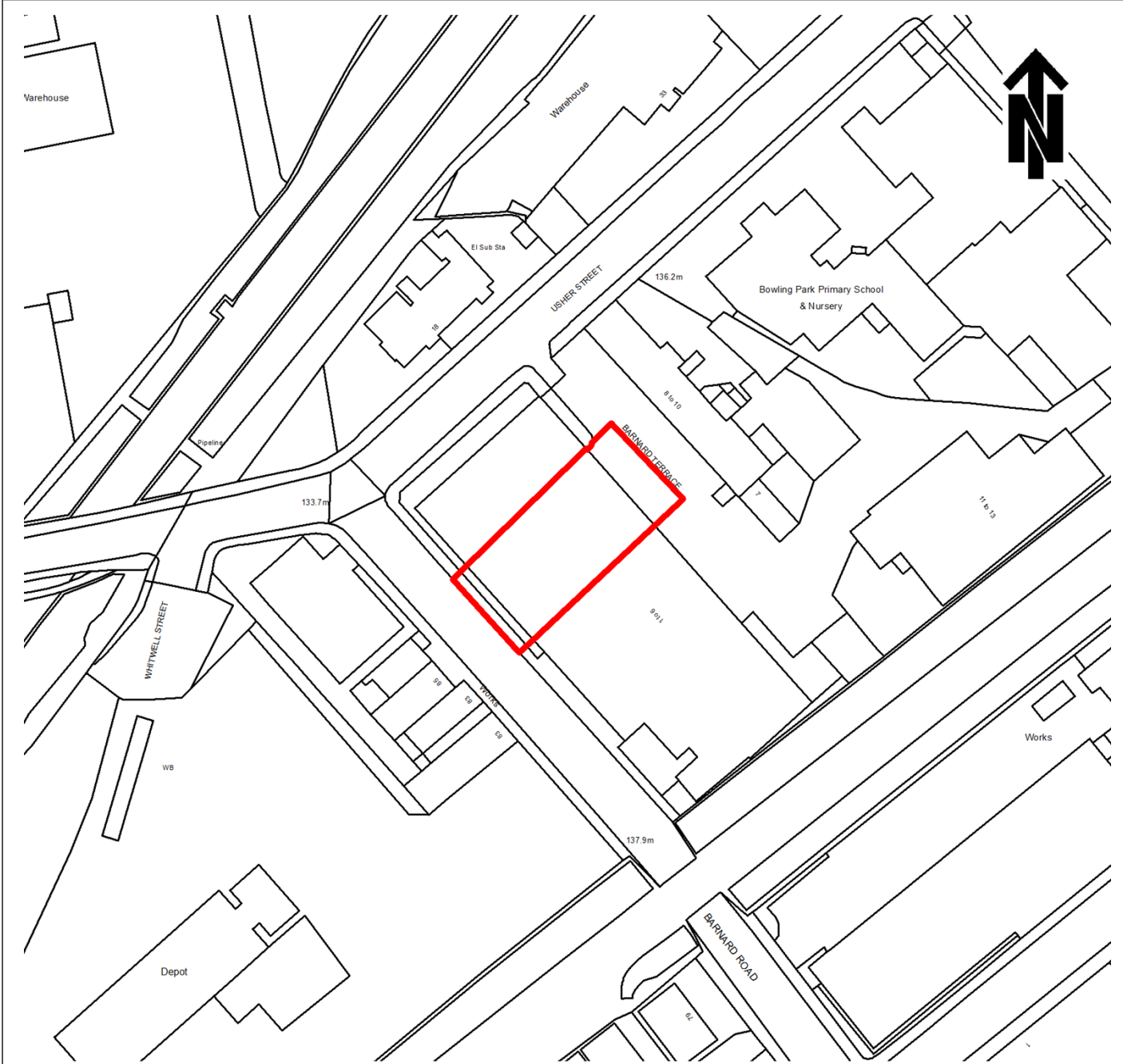
Breach of Planning Control:
Without planning permission, the construction of a marquee structure.

Circumstances:
Following a complaint received a site inspection revealed the above breach of planning control.

Despite requests from the Local Planning Authority, the unauthorised works remain in situ. The unauthorised marquee structure is inappropriate operational development in the green belt and is detrimental to visual amenity by virtue of its appearance, size, intrusiveness and use of materials.

The Planning Manager (Enforcement and Trees) authorised enforcement action on the 31 January 2024, requiring the owner to demolish and remove the unauthorised marquee, removing all resulting materials from the land.

22/00593/ENFUNA



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Unit 2 Usher Street Business Park
Usher Street
Bradford
BD4 7DS

27 March 2024

Item Number: S
Ward: BOWLING AND BARKEREND
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
22/00593/ENFUNA

Site Location:
Unit 2, Usher Street Business Park, Usher Street, Bradford, BD4 7DS

Breach of Planning Control:
Unauthorised door opening and roller shutter.

Circumstances:
In November 2022 planning application reference 22/03904/FUL for the formation of a new door opening at the property was refused by the Council. No appeal was made or further application submitted.

Following enquiries received in 2023, a site inspection carried out revealed that a new door opening with roller shutter had been formed in the south-west facing elevation of the property, for which no planning permission having been granted.

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

On 16 January 2024 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised door opening in the south-west facing elevation of building is detrimental to highway safety due to increased vehicle movements and increased activity on the adjacent public footway and road. The roller shutter door is detrimental to visual amenity by virtue of its design and appearance, forming an incongruous feature on the building and in the street scene.

DECISIONS MADE BY THE SECRETARY OF STATE

Appeals Allowed

There are no Appeal Allowed Decisions to report this month

Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
T	Manningham (ward 19)	14 Woodview Terrace North Avenue Bradford BD8 7AH Appeal against Enforcement Notice - Case No: 21/00060/ENFUNA Appeal Ref: 23/00016/APPENF
U	Tong (ward 25)	38 Shetcliffe Lane Bradford BD4 9RH Demolition of detached garage and construction of one detached dwelling with off street parking - Case No: 23/01669/FUL Appeal Ref: 23/00082/APPFL2
V	Thornton And Allerton (ward 23)	4, 6, 8 John Street Thornton Bradford BD13 3JS Replace the fenced yard areas at the rear of 4, 6 and 8 John Street with rear porch / utility room extensions (retrospective) - Case No: 23/01928/HOU Appeal Ref: 23/00057/APPFL2
W	Clayton And Fairweather Green (ward 08)	43 Beaconsfield Road Bradford BD14 6LQ Raise in roof height, dormers to front, side and rear, side extension, rear extension roof alterations and alterations to dwelling - Case No: 23/01981/HOU Appeal Ref: 23/00072/APPHOU
X	Great Horton (ward 11)	563 Great Horton Road Bradford BD7 4EF Appeal against Enforcement Notice - Case No: 20/01222/ENFUNA Appeal Ref: 23/00034/APPENF

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
Y	City (ward 07)	Former 138 To 140 Thornton Road Bradford BD1 2DX Site redevelopment to include the siting of a container to form a cafe (Use Class E), construction of covered decking area, car parking, installation of LED screen, new boundary treatments and ancillary structures - Case No: 23/00030/FUL Appeal Ref: 23/00077/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

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

Notice Upheld

There are no Notice Upheld to report this month

Notice Varied and Upheld

There are no Notice Varied and Upheld to report this month

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