

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

G

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
A.	Poplars 521 Harrogate Road Bradford West Yorkshire BD10 0EP - 16/07250/HOU [Approve]	Eccleshill
B.	228 Parkside Road Bradford West Yorkshire BD5 8PW - 16/04818/FUL [Refuse]	Little Horton
C.	40 Brackendale Avenue Bradford West Yorkshire BD10 0SQ - 16/04378/FUL [Refuse]	Idle And Thackley
D.	Lime Tree Farm 8 Tong Lane Tong Bradford West Yorkshire BD4 0RP - 16/04200/HOU [Refuse]	Tong

Julian Jackson
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Portfolio:

Regeneration, Planning and Transport

Overview & Scrutiny Committee**Area:**

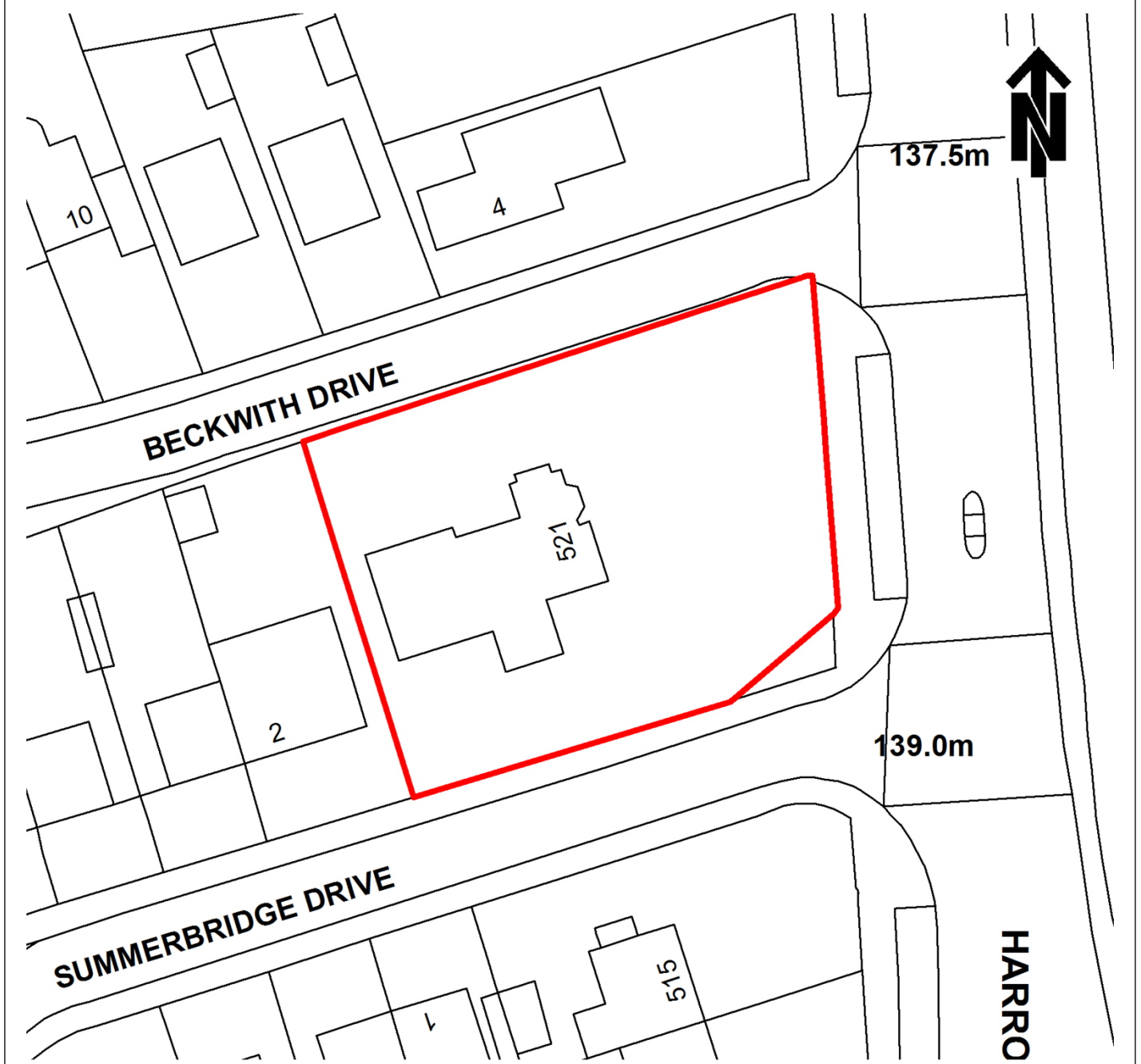
Regeneration and Economy



16/07250/HOU

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Poplars
521 Harrogate Road
Bradford
BD10 0EP

Item A

7 December 2016

Item Number: A
Ward: ECCLESHILL
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
16/07250/HOU

Type of Application/Proposal and Address:

A householder application for the construction of a boundary wall, detached garage and new gated access onto Harrogate Road and Beckwith Drive at 521 Harrogate Road, Bradford.

Applicant:
Mr W Akhtar

Agent:
Tractus AD Limited - Mr Asif Munir

Site Description:

The site consists of a large detached property set within generous grounds, mostly located to the front of the property and facing Harrogate Road. The surrounding area is mainly residential with properties of varied styles and sizes. The surrounding street scene contains a variety of boundary treatment types and heights. It appears some work has commenced on site in terms of clearance of vegetation and a change to the existing stone boundary that existed at the site previously.

Relevant Site History:

16/04579/HOU: New boundary wall treatment with access gate and construction of detached garage, withdrawn 17.08.2016

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR3: The Local Impact of Development

D1: General Design Considerations

TM2: Impact of Traffic and its Mitigation

TM19A: Traffic Management and Road Safety

Householder Supplementary Planning Document (HSPD)

Parish Council:

N/A

Publicity and Number of Representations:

The application was publicity by individual notification letters. Expiry date of the publicity period was 21st September 2016.

Six objections to the proposal have been received.

Summary of Representations Received:

Works have commenced on site prior to planning permission being granted.

The proposed pedestrian gate onto Beckwith Drive is unacceptable in terms of increasing the likelihood of parking on Beckwith Drive.

There is no need for the pedestrian gate onto Beckwith Drive.

Consultations:

Highways Engineer: No objection to the amended plans shown pedestrian visibility splays.

Summary of Main Issues:

Visual impact

Residential amenity

Highway safety

Outstanding issues raised by representations received

Appraisal:

Visual Impact

The proposal is to replace the boundary treatments around the site with a wall, mostly rendered, which will vary in height from about 1.5 to 1.7 metres above ground level. Some work has started on the site. The proposed boundary treatments will not significantly harm the character of the street scene. The render will be noticeable but is separated by areas of brick to break up the impact of the wall. Furthermore, the surrounding street scene has a wide variety of boundary treatment types including fences, brick and stone walls, timber boundary treatments and ornate gateways. In this context the proposed boundary walls are not out of keeping.

The scheme also proposes a detached garage. This will be forward of the property but, due to site levels, will be located on a lower level than the surrounding land and will be largely screened from public view, therefore reducing its visual impact significantly.

Overall, the proposal is acceptable in visual amenity terms.

Residential Amenity

The location and height of the proposed boundary wall mean it will have little direct impact on any of the surrounding properties in terms of overbearing impacts. The same is true of the proposed detached garage which will site low within the site and will have no significant impacts on the surrounding properties as a result.

Highway Safety

The proposed boundary wall will not impede visibility significantly. Amended plans show the required pedestrian visibility splays onto Harrogate Road from the gated access point to the existing footway. A small pedestrian access is proposed onto Beckwith Drive, which raises no highway safety issues as it will not lead to significant conflicts with vehicles and pedestrians on this minor cul-de-sac. It is also likely that such an access point does not require planning permission in itself.

Outstanding Issues Raised by Representations Received

Works have commenced on site prior to planning permission being granted

Response: It would appear that some work has begun on site with the clearing of vegetation and the partial replacement of the existing boundary treatment.

There is no need for the pedestrian gate onto Beckwith Drive

Response: The specific need for the pedestrian access is not a material planning consideration; the impacts of the pedestrian access point are considered above.

Community Safety Implications:

None

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed replacement boundary treatments, gated access points and proposed detached garage are acceptable in terms of their impact on the character and appearance of the street scene and host property, and no significant adverse implications are foreseen in terms of residential amenity or highway safety. The proposal is therefore compliant with policies UR3, D1 and TM19A of the RUDP.

Conditions of Approval:

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

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

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

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

3. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered SR-1403-2 shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

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

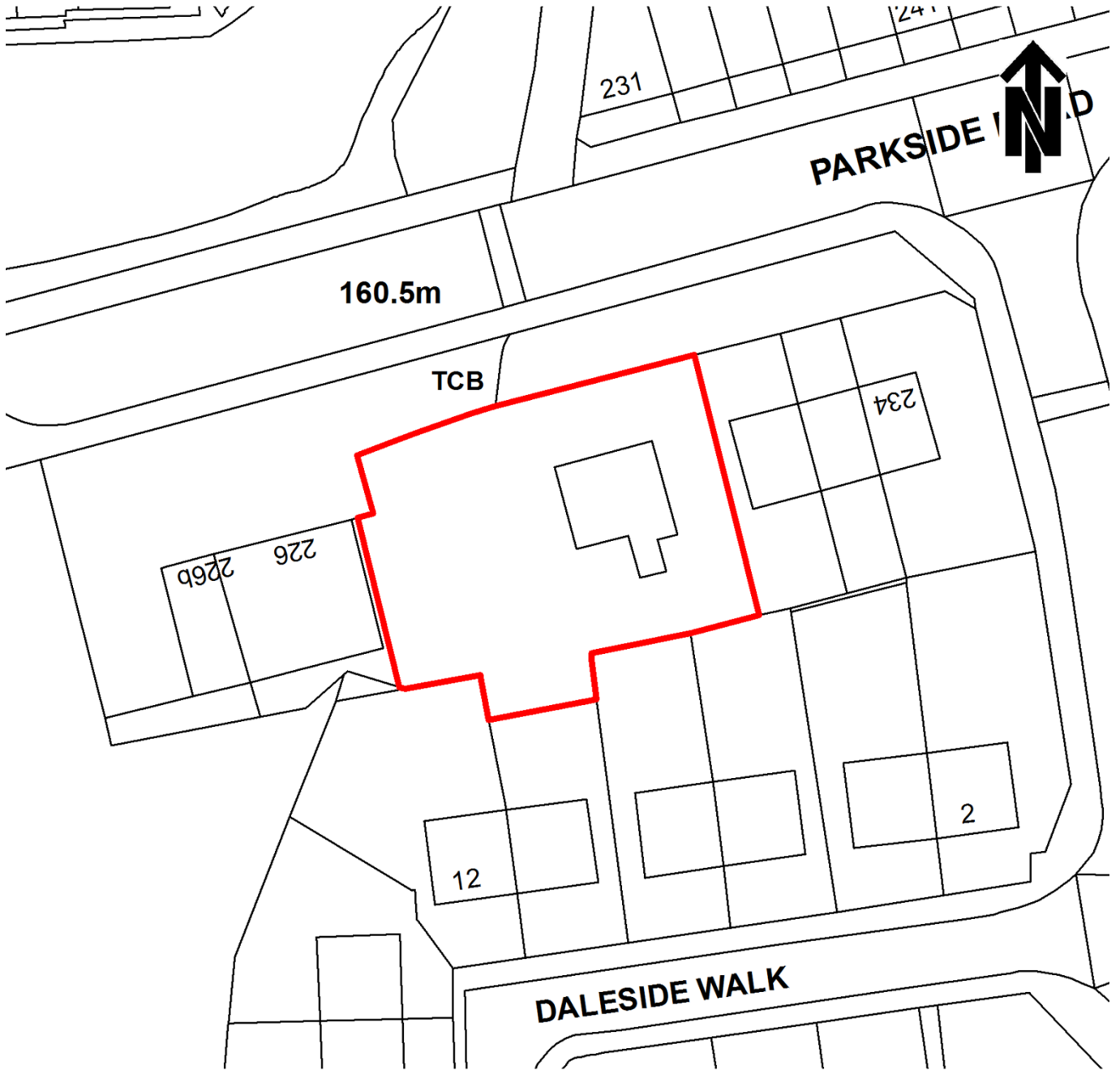
4. Before any development commences on site, full details, including all necessary calculations of those temporary and permanent works affecting the stability of the highway boundary walling shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: No details have been submitted of necessary retaining structures and such measures are necessary to protect the stability of the highway in the interests of safety and to accord with policies TM2 and TM19A of the Replacement Unitary Development Plan.

16/04818/FUL

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228 Parkside Road
Bradford
BD5 8PW

Item B

7 December 2016

Item Number: B
Ward: LITTLE HORTON
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
16/04818/FUL

Type of Application/Proposal and Address:
Demolition of existing derelict bungalow and construction of new two-storey place of worship (D1) at 228 Parkside Road, West Bowling, Bradford

Applicant:
Mr Syed Tehseen

Agent:
Sloan Architecture Ltd

Site Description:
The site is currently occupied by a brick built bungalow set within a large plot. The property is vacant and is showing signs of neglect with boarded up windows and overgrown amenity space. There is a convenience store and private vehicle hire booking office located immediately to the West of the application site, but the area is of a predominantly residential character.

Relevant Site History:
04/04867/OUT: Construction of commercial development with retail units at ground floor and flats at first floor. Refused 07.01.2005

10/05213/OUT: Demolish existing bungalow and construct five dwellings. Refused, 21.01.2011

11/00496/OUT: Demolition of existing bungalow and construction of five dwellings. Withdrawn 01.04.2011

11/02267/OUT: Demolition of existing bungalow and construction of five dwellings. Granted 12.08.2011

The National Planning Policy Framework (NPPF):

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

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

and future generations and by creating a good quality built environment with accessible local services;

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR3 - Local Impact of Development

D1 - General Design Considerations

P7 - Noise

TM2 - Impact of Traffic and Its Mitigation

TM11- Parking Standards of Non-Residential Developments

TM19A - Traffic Management and Road Safety

NR16 - Surface Water Run-Off and Sustainable Drainage

Parish Council:

Bradford Trident Community Council

Publicity and Number of Representations:

The application was publicised by site notice and neighbour notification letters. The expiry date for comments in connection with the application was 27th July 2016. 84 letters and a petition containing 85 signatures in objection, and 227 letters of support, have been received.

Summary of Representations Received:

In Objection:

Inadequate parking provision

Increased congestion

Sufficient provision of places of worship in the area

Adverse noise implications for neighbouring residents

Objections submitted without raising any material planning concerns.

In Support:

Essential facility for the growing community on Parkside Road

Improvement on existing facilities in the area

Improved educational facilities for adults

Promote respect for elders and neighbours

Reduce crime and drugs in the area

Consultations:

Bradford Trident Community Council- No comments received.

Drainage- In the event that planning permission is granted a condition should be imposed requiring the submission of a foul and surface water drainage strategy to be approved prior to

the commencement of development. A footnote should also be imposed alerting the developer to the presence of a nearby public sewer and of the need to consult Yorkshire Water for a view of the impact of the development on the public sewerage system.

Minerals Section- No objection subject to the imposition of a planning condition requiring that in the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details of which must be submitted to the Local Planning Authority for approval in writing before the expiration of 1 month from the date on which the contamination was found.

Environmental Health Noise Nuisance- Object to the use of the site as a place of worship outside of the hours 07.30 to 20.00 hours.

Highways Development Control- There is sufficient parking available on nearby streets to cater for any excess demand at peak times, such as Friday afternoon prayers, for a building of this size, as many car drivers are at work. Prayers during festivals such as Ramadan tend to be in the evening when people are at home, which will not cause any significant detriment to highway safety or residential amenity. Furthermore, many of the worshippers are likely to walk to the site and the increased capacity of this proposal compared to the existing facility at 134 Parkside Road should reduce the numbers of worshippers driving to other mosques. On this basis no objections are raised.

Summary of Main Issues:

Principle

Visual Amenity

Residential Amenity

Highway and Pedestrian Safety

Drainage

Appraisal:

Principle

The application site is unallocated within the RUDP and therefore developing the site for use as a place of worship (Use Class D1) is acceptable in principle subject to the local impact of the development.

Visual Amenity

The proposed building would be constructed of Yorkshire stone to the front elevation with blockwork render to all other elevations beneath a slate roof. The building would also have Yorkshire stone quoins and window surrounds on the West elevation. This area of Parkside Road is predominantly comprised of stone-built properties surmounted by slate roofs. Properties at the rear of the site are constructed of blockwork render and are surmounted by tile roofs. As such the proposed use of natural stone to the front elevation and blockwork render to all other elevations would not result in any significant adverse visual amenity implications.

The building would have a width of 13.7 metres and a depth of 15 metres. The building would protrude marginally beyond the front elevation of the terrace of residential properties to the East and the parade of shops to the West but this would not result in any significant adverse

visual amenity implications. The building would have an eaves height and ridge height which is commensurate with the surrounding two-storey dwellings on Parkside Road and therefore the size and scale of the building would be appropriate within the street scene.

For these reasons the proposal accords with the requirements of policies UR3 and D1 of the RUDP.

In the event that planning permission is granted a condition could be imposed requiring the submission of details of the proposed boundary treatments. This is particularly important to ensure that the Parkside Road frontage of the development is in keeping with nearby boundary treatments and to provide screening for the proposed bin storage area.

Residential Amenity

The site is located in a predominantly residential area with dwellings abutting the site to the East on Parkside Road and to the South on Daleside Walk. The application proposes the construction of a place of worship and the agent has confirmed that the site would be used as a mosque replacing a smaller nearby facility. The building would have a total floor area of 411sqm, with approximately 246sqm of congregation space. Owing to its size the building has significant potential to attract a large number of visitors at any one time.

The initial submission proposed unrestricted hours of use. However this was subsequently revised to 07:00-23:00 after concerns were raised over the impact of the use on the residential amenity of neighbouring residents. Hours of operation can be controlled by planning conditions as a means of protecting the amenity of neighbouring residents. Paragraph 206 of the NPPF advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Thus a condition may be unreasonable where it is unduly restrictive and should not be imposed if the restriction effectively nullifies the benefit of the permission.

In this instance permission is sought for a mosque and one of the core functions of this use is carrying out prayers. Prayers are ordinarily conducted at five separate times throughout the day. The first prayer 'fajr' would usually take place at dawn before sunrise, with three further prayers conducted throughout the day before the last prayer, 'isha', takes place between sunset and midnight. The applicant has provided a detailed calendar of prayer times for each day of the year, which shows the first prayer would be before 07:00 on every day of the year. The final prayer would be conducted after 23:00 from mid-May until mid-August.

Consequently the proposed use cannot operate within the hours of 07:00-23:00 as suggested by the applicant. In any case the Council's Environmental Health Noise Nuisance Department have suggested that hours of use should be restricted to 07:30-20:00 to avoid any adverse residential amenity implications as a result of noise and disturbance.

In conclusion the proposed mosque would be likely to result in a large number of comings and goings of visitors, potentially late into the evenings and/or in the early mornings, which would result in noise and disturbance to the detriment of the residential amenity of the present and future occupiers of nearby residential dwellings, contrary to policies UR3, D1 and P7 of the RUDP.

Highway and Pedestrian Safety

The submitted plans indicate that the proposed place of worship would be served by a car park which would take access from Parkside Road. The consultation response provided by Highway Development Control does not take issue with the provision of the new access subject to a condition requiring that the access and parking area are provided prior to the first use of the development.

Appendix C of the RUDP requires a maximum provision of 1 off-street car parking space per 25sqm for places of worship. Based on the gross floor area this would generate a need for 18 off-street spaces to serve the proposed development. The submitted plan indicates that the proposed development would be served by a total of 8 off street spaces including two disabled bays, leaving a deficiency of 12 spaces. It should be noted that RUDP Policy TM11 and Appendix C, with their focus on maximum car parking standards no longer reflect national parking policy. Paragraph 39 of the NPPF and a supplementary government statement published on 25th March 2015 provide the most upto date advice on parking and indicate that "local planning authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that it is necessary to manage their local road network". In this context the consultation response provided by Highways Development Control advises that there is sufficient on-street parking in the surrounding area to ensure that the proposed level of parking provision would not result in any adverse highway or pedestrian safety implications. The proposed development is therefore acceptable in light of policies TM2, TM12 and TM19A of the RUDP and the NPPF.

Drainage

The proposed development would not result in any adverse implications in respect of drainage subject to the imposition of a condition requiring that before the development commences, details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works, are submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme shall then be implemented in full before the first occupation of the development. The aforementioned requirements are sufficient to ensure that the development would not result in any adverse drainage implications and that it would accord with policies UR3 and NR16 of the RUDP.

Further Issues Raised by Representations

An objection has raised concern that there is already a sufficient provision of places of worship in the area. However, whilst the presence of other existing places of worship in the area is noted, the specific need for the development is not a planning matter and so in itself does not amount to a reason for refusal of this application.

Community Safety Implications:

The application does not present any community safety implications.

Equality Act 2010, Section 149:

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

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

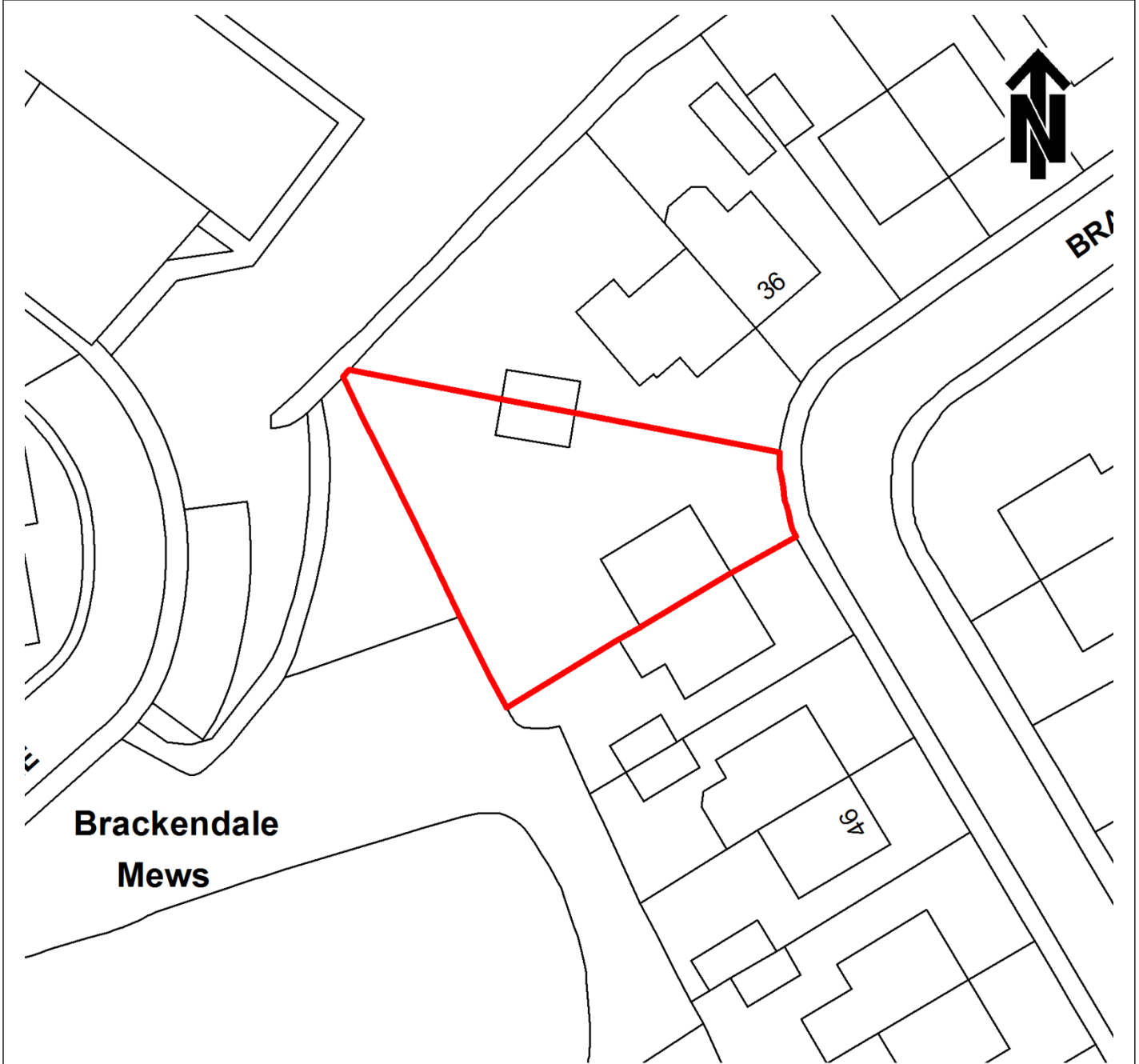
Reasons for Refusal:

1. The proposed mosque would be likely to result in a large number of comings and goings of visitors, potentially late into the evenings and/or in the early mornings, which would result in noise and disturbance to the detriment of the residential amenity of the present and future occupiers of nearby residential dwellings, contrary to policies UR3, D1 and P7 of the RUDP.

16/04378/FUL

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**40 Brackendale Avenue
Bradford
BD10 0SQ**

Item C

7 December 2016

Item Number: C
Ward: IDLE AND THACKLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
16/04378/FUL

Type of Application/Proposal and Address:
A full planning application for the construction of one dwelling within the garden area of 40 Brackendale Avenue, Thackley, Bradford.

Applicant:
Mrs Paula Horrell

Agent:
Mr Michael Ainsworth

Site Description:
The site comprises the garden area of the existing property at 40 Brackendale Avenue. It is a sloping site, reducing its levels as the site joins a small area of woodland to the rear of the site. The surrounding area is mainly residential with a fairly uniform pattern of development composed mainly of semi-detached bungalow properties. Access to the site is directly from Brackendale Avenue via a private shared drive.

Relevant Site History:
None

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR2: Promoting Sustainable Development

UR3: The Local Impact of Development

H7: Housing Density - Expectation

H8: Housing Density - Efficient Use of Land

TM2: Impact of Traffic and its Mitigation

TM12: Parking Standards for Residential Developments

TM19A: Traffic Management and Road Safety

D1: General Design Considerations

NE4: Trees and Woodlands

NE5: Retention of Trees on Development Sites

Parish Council:

N/A

Publicity and Number of Representations:

The application was publicised by site notice and individual neighbour notification letters.

Expiry date of the publicity period was 24th July 2016. At the time of report preparation, the following representations had been received:-

Seven individual letters and one petition, of 30 signatures, in objection

Eight representations in support

Summary of Representations Received:

In Objection:

Adverse impact on visual amenity; the proposed development is out of keeping with the street scene.

The land should not be developed due to covenants placed upon it.

Adverse effect on the public right of way to the rear of the site.

Adverse effects on the trees to the rear of the site on third party land.

In Support:

The proposal is sympathetic to the houses around it.

There is a national and local shortage of housing.

The proposal would not raise any major adverse effect.

No specific reasons for support provided.

Consultations:

Highways: No objection.

Rights of Way: No objection.

Trees: Objection to the proposal due to proximity to the protected trees and future pressure on those trees.

Drainage: No objection subject to conditions.

Minerals and Waste: No comments received.

Summary of Main Issues:

Principle of development
Residential amenity
Visual impact
Impact on protected trees
Highway safety
Outstanding issues raised by representations received

Appraisal:

Principle of Development

The principle of development is acceptable as there is a lack of a 5 year housing land supply in the Bradford District and guidance in the NPPF states that applications for residential development should be considered favourably in these circumstances. This site could make a small contribution to the housing targets in the District and would constitute sustainable development.

Residential Amenity

The proposal is sufficiently distant from the surrounding properties to prevent any significant adverse impacts on the amenities of the surrounding properties. The closest property (38 Brackendale Avenue) is angled away from the proposed house and when taking into account changes to the land levels and the modest height of the proposed dwelling, there will be no significant adverse effects in terms of overbearing or overshadowing impact. The side elevation facing this property is also left blank to prevent the possibility of overlooking.

Impacts on the host property are acceptable as the proposed dwelling is of modest height and is to be located at a lower level to the existing property. This serves to reduce the impact on the existing house in terms of loss of outlook, overshadowing and overbearing.

Overall, the proposed scheme is acceptable in terms of residential amenity.

Visual Impact

The proposed dwelling would have a limited impact on the street scene; it will be located to the rear of the site and on a lower level than the existing bungalow property that, combined with its modest footprint and height, would reduce its visual impact. The overall design and materials are broadly consistent with the surrounding properties and will not result in significant visual detriment to the street scene.

Impact on Protected Trees

The site backs onto an area of woodland covered by a group tree preservation order. The development proposed will result in the dwelling being within close proximity of three protected trees located just beyond the rear site boundary. There will be a physical impact on the protected trees in terms of the requirement to trim the crown spread and effects on future growth. Furthermore, there will be future pressure on the trees due to the proximity of the dwelling and the inclusion of habitable room windows facing the trees. There will be shade cast and overbearing effects on the new dwelling and its amenity area which will lead to the requirement to prune or remove the trees once the dwelling is occupied. Amended plans have been received to show the proposed dwelling being moved 300mm further from the protected trees, but this is not sufficient to prevent significant impacts on the trees. For these reasons, the development is considered to be contrary to policies NE4 and NE5 of the Replacement Unitary Development Plan.

Highway Safety

The proposed scheme makes provision for on-site parking in the form of two spaces, one within the existing single storey garage and access will be taken from the existing shared driveway. The increase in vehicle movements in connection with the proposed house would be small and would not result in any significant adverse highway safety implications.

Outstanding Issues Raised by Representations Received

The land should not be developed due to covenants placed upon it

Comment: This does not preclude development in terms of planning considerations. The covenant would not be affected should planning permission be granted and is a private issue.

Adverse effect on the public right of way to the rear of the site

Comment: The proposed scheme would not affect the right of way to the rear of the site as there is a physical separation and the scheme will not result in obstruction or diversion of this footpath.

Community Safety Implications:

None significant

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 in relation to consideration of this application.

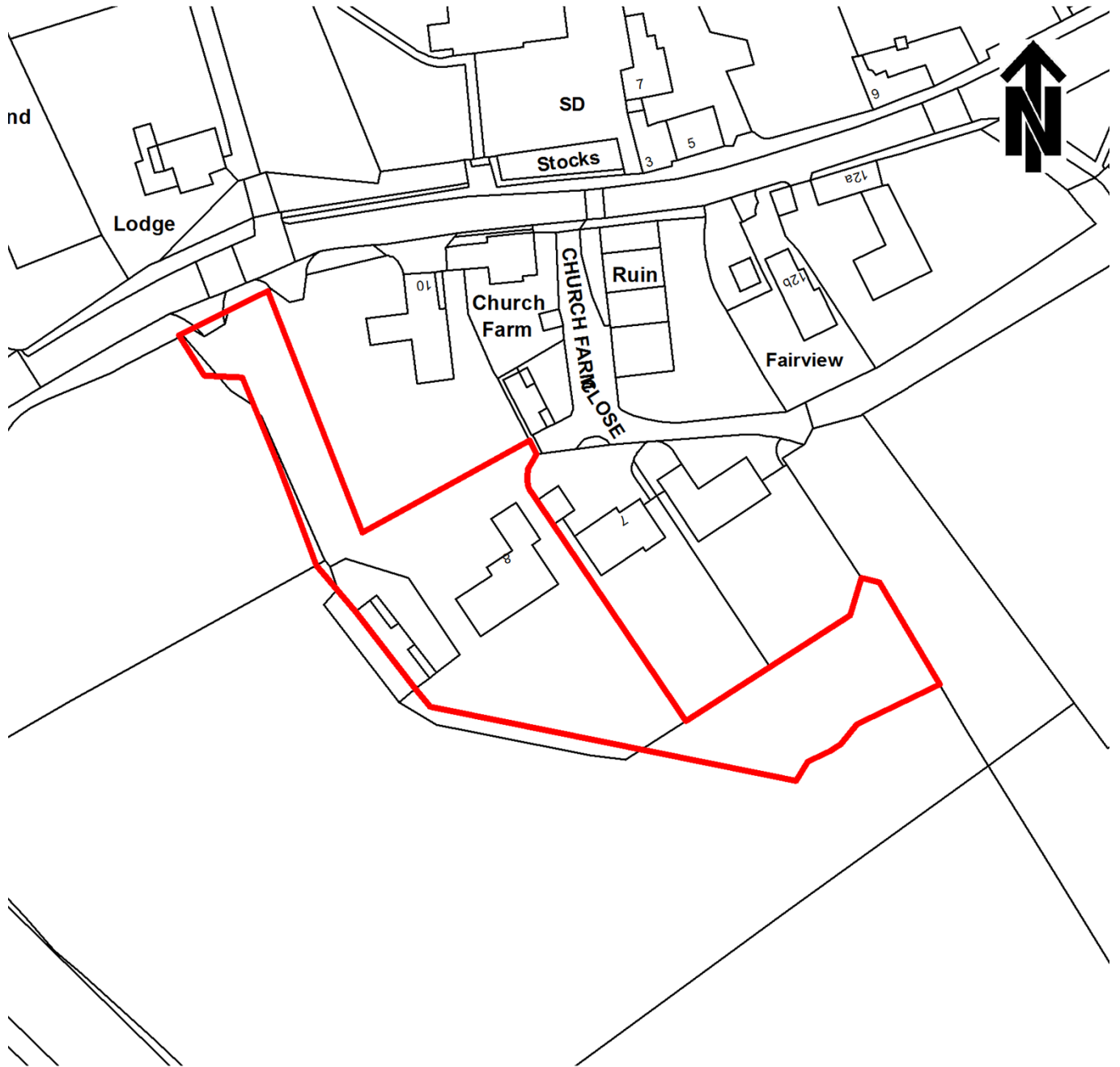
Reasons for Refusal:

1. The proposed development is likely to result in adverse impacts on the protected trees to the rear of the site due to the proximity of the proposed dwelling to the trees, resulting in works required to the tree canopies and future pressure to prune or fell the trees to allow acceptable living conditions for future occupants of the dwelling. The proposal is therefore contrary to policies NE4 and NE5 of the Replacement Unitary Development Plan.

16/04200/HOU

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Lime Tree Farm
8 Tong Lane
Tong
Bradford BD4 0RP

Item D

7 December 2016

Item Number: D
Ward: TONG
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
16/04200/HOU

Type of Application/Proposal and Address:

Planning permission is sought, for the construction of a side extension to form a swimming pool with self-contained accommodation above at Lime Tree Farm, 8 Tong Lane, Tong, Bradford

Applicant:
Mr and Mrs Pennock

Agent:
Mr Nick Witcomb

Site Description:

Lime Tree Farm, 8 Tong Lane is a large modern detached dwelling set within a large curtilage, on the fringe of Tong village. The property is set back from the highway, part of a three dwelling development, on a site formerly the location of redundant agricultural buildings. The property is two storeys with additional rooms provided in the roof space and above an adjoined double garage. The property also includes a small stable block alongside the house. On the fringe of the built environment, the property shares boundaries with neighbouring dwellings to the East and North, but has open fields beyond the remaining boundaries.

Relevant Site History:

06/02615/FUL & 06/02765/LBC - Conversion and extension of existing barn with construction of garage, demolition of farm buildings and construction of 2 new dwellings – Granted

08/04403/FUL & 08/04402/LBC - Division of barn conversion into two dwellings and demolition and rebuilding of existing barn – Granted

09/03684/FUL - Extensions to and conversion of existing barn to form single dwelling and two new-build dwellings and double garage - Granted

11/04824/FUL & 11/04825/LBC - Renewal of permission 08/04403/FUL dated 20.11.08: Division of barn conversion into two dwellings and demolition and rebuilding of existing barn – Granted

12/04869/FUL - Demolition of farm buildings and construction of three detached houses, construction of stable block proposed pond and new vehicular access for plot 1 use only – Granted

12/03937/FUL - Renewal of planning permission 09/03684/FUL: Extensions to and conversion of existing barn to form single dwelling and two new-build dwellings and double garage – refused on insufficient information

13/00984/FUL & 13/01583/LBC Amendments to existing planning permission 11/04824/FUL: Division of barn conversion into two dwellings and demolition and rebuilding of existing barn - Granted

13/05177/FUL & 13/05178/LBC - Alteration to previously approved barn conversion and attached dwelling (13/00984/FUL & 13/01583/LBC) to form two detached dwellings - Granted

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt

Proposals and Policies

UR3: The Local Impact of Development

TM2: Impact of traffic and its mitigation

TM12: Parking standards for residential developments

TM19A: Traffic management and road safety

D1: General Design Considerations

GB1: New Building in the Green Belt

GB5: Extension and Alteration of Dwellings in the Green Belt

Householder Supplementary Planning Document (HSPD)

Parish Council:

Not applicable

Publicity and Number of Representations:

The application has been publicised via site notice and individual neighbour notification letters. The publicity expired on 4th August 2016. Eight written representations have been received; one objecting to the proposal and seven in support.

Summary of Representations Received:

The representation received objecting to the proposed development does so on the grounds that the extension represents a disproportionate addition harmful to the Green Belt and contrary to the requirements of the NPPF, the RUDP and the HSPD

The representations received in support cite the benefits of the extension to the disabled occupant, and the limited visual impact of the extension.

Consultations:

Minerals – There are no apparent minerals or waste legacy that would have an adverse impact on the development.

Coal Authority – The property does not fall within a coal authority high risk zone.

Design and Conservation – No response as the site is outside the conservation area.

Occupational Therapy – An assessment and recommendations for adaptations within the main dwelling is on-going.

Summary of Main Issues:

Principle

Residential Amenity

Visual Amenity

Highway Safety

Appraisal:

Principle

The property falls within the Green Belt where both national and local planning policies seek to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts are their openness and their permanence. To this end new development is tightly controlled within the Green Belt. Nevertheless, provision is made within the RUDP for extensions and alterations to dwellings in response to changing circumstances. It is noted however, that whilst extensions to dwellings within the Green Belt may be acceptable in principle, proposals will be strictly controlled to ensure that they do not detract in any way from the character of the Green Belt or of the original dwelling. To this end Policy GB5 stipulates the following criteria for new development:

(1) it does not adversely affect the character of the Green Belt;

(2) it does not adversely affect the character of the original dwelling and any adjacent buildings;

(3) it does not result in disproportionate additions over and above the size of the dwelling as originally built.

In respect of point 3 the Council's HSPD (Section 14) states that: If a dwelling is within the Green Belt, extensions including garages and outbuildings should not result in a disproportionate addition over and above the size of the dwelling as originally built or as

existed on 1 July 1948. Where proposals result in an addition of over 30% of the original cubic volume, they are likely to be considered disproportionate.

Lime Tree Farm is one of three large detached dwellings granted planning permission in replacement of a large former agricultural building. The agent has indicated the property is approximately 1400 cubic metres and the proposed side extension has a volume of approximately 657 cubic metres, giving a percentage increase of 46%. These figures differ from those reached by the Council which indicate an approximate cubic volume of 1600 cubic metres for the existing property, and 1200 cubic metres for the extension, resulting in a percentage volume increase of around 70%. In any event these figures demonstrate that the extension significantly exceeds the 30% increase indicated in the HSPD, and by definition results in a disproportionate addition within the Green Belt.

Justification has been submitted in respect of the extension, due to the special needs of a disabled occupant at the property, with the extension primarily to provide facilities beneficial to the care, treatment and quality of life of this occupant. Existing treatment commitments place great demands on the family, and these are only anticipated to increase as the disabled occupant enters mainstream education. This carries weight in the appraisal and determination of the planning application and offers some justification for an extension beyond the requirements highlighted above. The scale of the proposed extension is however still excessive and beyond what would be essential for the special requirements of the disabled occupant. In addition to the large pool (measuring some 11 by 6 metres) the ground floor has a lobby area, a store, a pool store, w.c, physio area, changing room and plant room.

The Council's Occupational Therapy Team are continuing assessment but have indicated recommendations will be solely for internal alterations to the main dwelling. Notwithstanding this, the Local Planning Authority has indicated a willingness to support a reduced scheme, as it is accepted that a hydrotherapy pool can provide a key component in providing on-going treatment for the disabled occupant; unfortunately a compromise could not be reached.

It is therefore concluded that whilst special circumstances exist for an extension, in this instance these does not outweigh the concerns in respect of the Green Belt and where the government, in paragraph 88 of the NPPF, notes local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Residential Amenity

The proposal raises no concerns in respect of neighbouring amenity. The host property is situated in a large curtilage a sufficient distance away from neighbouring properties to ensure the extension will not harm the occupants' amenity.

Visual Amenity

In visual amenity terms, whilst the proposal is of a significant size and does not necessarily read as an extension of the main property given its scale, it is clearly a well-designed extension sympathetic in style and appearance to the host property. The only visual concern would therefore be as a result of the scale and massing, and the associated impact on the openness of the Green Belt identified above.

Highway Safety

The proposal raises no highway safety concerns as the property has a large drive and ample off-street parking.

Community Safety Implications:

None foreseen

Equality Act 2010, Section 149:

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

Reasons for Refusal:

The proposed extension would, by reason of its substantial scale and massing, represent a disproportionate addition to the host building resulting in harm to the openness of the Green Belt and would cause harm through inappropriateness. The development proposed is therefore contrary to Policy GB5 of the Replacement Unitary Development Plan and guidance contained within the National Planning Policy Framework.