

# Report of the Strategic Director, Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 11 January 2017

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## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

| <u>Item</u> | <u>Site</u>  | <u>Ward</u>                   |
|-------------|--|-------------------------------|
| A.          | 25 Buttermere Road Bradford BD2 4JA -<br>16/08700/HOU [Approve]                          | <b>Bolton And Undercliffe</b> |
| B.          | 36 Santa Monica Road Bradford BD10 8QX -<br>16/08434/HOU [Approve]                       | <b>Idle And Thackley</b>      |
| C.          | Land East of 35 Springfield Avenue Bradford -<br>16/04724/FUL [Approve]                  | <b>Great Horton</b>           |
| D.          | 33 Spencer Road Bradford BD7 2EU -<br>16/08483/HOU [Refuse]                              | <b>City</b>                   |
| E.          | Interfaith Education Centre Listerhills Road Bradford<br>BD7 1HD - 16/05662/LBC [Refuse] | <b>City</b>                   |
| F.          | Land Rear of 112 Undercliffe Road Bradford -<br>16/07817/FUL [Refuse]                    | <b>Bolton And Undercliffe</b> |

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**Portfolio:**  
Regeneration, Planning &  
Transport

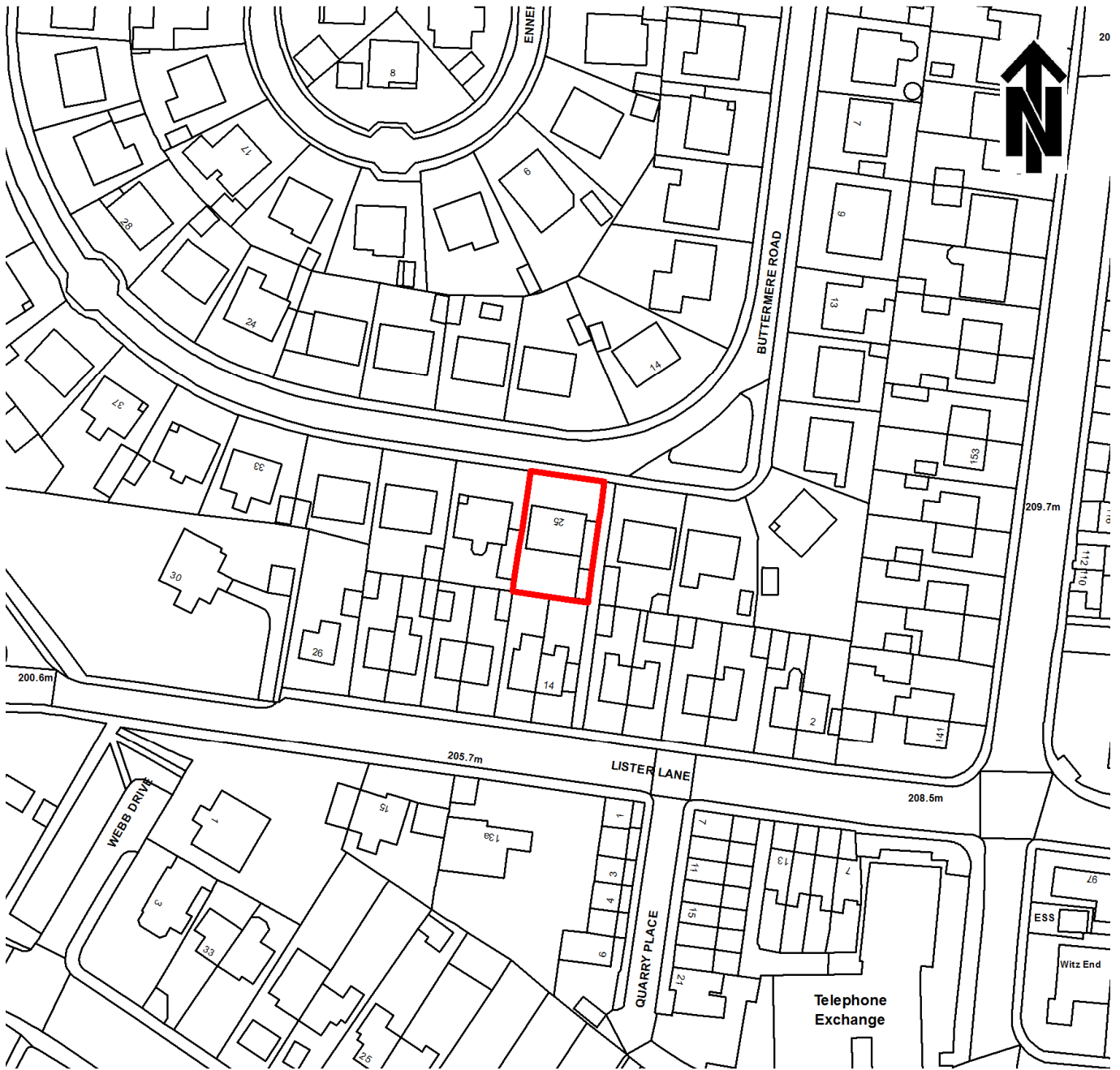
**Overview & Scrutiny Committee  
Area:**  
Regeneration and Economy



16/08700/HOU

City of Bradford MDC

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**25 Buttermere Road**  
**Bradford**  
**BD2 4JA**

11 January 2017

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

**Application Number:**  
16/08700/HOU

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

This is a full planning application for the construction of front and rear dormer windows, a side and rear extension to 25 Buttermere Road, Bradford.

**Applicant:**

Mr Nasrullah Khan

**Agent:**

Mr Shuaib Khan, Eskhanz

**Site Description:**

This is a detached bungalow within a street of similar properties. The properties immediately neighbouring the site have not been extended but there are others within this street which have been extended in a similar way to that proposed here. A public footpath which links Buttermere Road to Lister Lane runs along the eastern boundary.

**Relevant Site History:**

15/00448/HOU - Construction of single storey rear extension and convert from bungalow to house – Refused.

15/03902/HOU - Loft conversion with front and rear dormer windows and roof alteration – Withdrawn.

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

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

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

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

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

The site is unallocated on the RUDP.

***Proposals and Policies***

Policy UR3 The Local Impact of Development;  
Policy D1 General Design Considerations

Householder Supplementary Planning Document

**Parish Council:**

The site is not within a Parish.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters. The publicity period expired on 22 November 2016. To date, 22 objections have been received to the proposal.

**Summary of Representations Received:**

- Identical proposals have been refused previously.
- Residents are being notified of planning applications in this street on a regular basis and this is both time consuming and stressful.
- The raising of the roof would not be in keeping with the other properties in this street.
- If people want a large property they should buy a larger property rather than extending small properties.
- There is a need for small properties such as these.
- The approval of this application will set a precedent for other properties in the street which are already up for sale.
- The proposal will overlook neighbouring properties and will block light to them.
- The proposal does not provide sufficient off-street parking to cater for this development.
- Extra cars parked near the bend in Buttermere Road will make it dangerous for children to play out safely.
- The amount of construction work on Buttermere Road for some time now has disturbed the amenities of local residents and the current proposal will exacerbate this problem.
- The works will require scaffolding to be erected in the snicket and this would cause concerns with health and safety
- The large dormers are not in keeping with the original design of Buttermere Road.
- The development will affect the value of properties not converted.
- Additional room can be created in the loft with roof lights rather than the large dormer windows.
- The owner should have spoken with the neighbour's before submitted plans to the Council.
- Assume parking on the road would be illegal or a Council matter.

**Consultations:**

Highways Development Control - Following receipt of revised drawings no objections are raised to the proposal subject to a condition requiring the provision of the car parking spaces shown on the proposed site plan.

Rights of Way - Previously requests have been received for the closure of the footpath running along the eastern side of the site but this is not being pursued at this time. The proposed plans as submitted are likely to have an adverse impact on the footpath as it will create a dark, enclosed footpath. If planning permission is granted there will be a requirement for the footpath to be temporarily closed whilst the development takes place. The proposals should not encroach onto the existing width of the footpath.

**Summary of Main Issues:**

1. Visual Amenity.
2. Residential Amenity.
3. Highway Safety.
4. Other Issues Raised in Representations.

**Appraisal:**

**1. Visual Amenity**

The application proposes a numbers of extensions to this property to create additional living accommodation, principally at first floor level but also within an extension to the side of the building.

Initially the application proposed to raise the eaves and ridge height of the building however this aspect of the proposal has now been omitted. The application now proposes two 3m wide dormer windows to the front which are set above the eaves and below the ridge while restricting cladding to their side elevations. These dormer windows are of a design which complies with the Householder SPD. Similarly the front porch is not overly large and would not be harmful to visual amenity.

The proposed side extension replaces an existing car port and garage. The proposed side extension represents a visual improvement above the existing carport and garage as it will continue the scale and massing of the existing property. The side extension projects to the rear by 4m which is less than the current 7.7m projection of the garage. Initially this rear projection was to have a flat roof but it now incorporates a gabled roof. Subject to the use of matching materials this aspect of the proposal would not be harmful to visual amenity and is considered to comply with the Householder SPD.

Finally with regard to the rear dormer window, whilst this is much larger than generally allowed by the Householder SPD it is of a design and scale which could be constructed under permitted development rights granted to householders. Overall the proposal is not therefore considered to be harmful to visual amenity.

**2. Residential Amenity**

The proposed front and rear dormer windows retain more than 17m to the properties opposite and so would not cause any significant overlooking or loss of outlook.

The proposed side extension retains a separation distance of around 4.8m to the side of 23 Buttermere Road. This elevation appears to contain some habitable room windows and the proposed side extension would have some impact on these windows. It is noted however that permitted development rights granted to householders allow for the creation of single storey side extensions up to a maximum height of 4m. The proposed extension includes some accommodation within the loft and reaches a maximum height of around 4.85m. It is noted that the 23 Buttermere Road also sits at slightly higher level, further reducing any impact to these windows.

Given the above, the additional 0.85m above the 4m allowed by the permitted development rights is unlikely to cause any significant harm to the amenities of this neighbour. Overall subject to a condition removing permitted development rights for new windows within the proposed side extension the proposal is not considered to be harmful to residential amenity.

### **3. Highway Safety**

The proposal does reduce the depth of the existing drive and does substantially increase the size of this property. A proposed site plan has been provided which shows that three parking spaces are to be provided to the front of the property. There are also no parking restrictions on Buttermere Road. Although the proposal may lead to some increase in on-street parking, this is a relatively quiet residential street and so the proposal is unlikely to result in conditions which are prejudicial to highway safety

### **4. Impact on the Right of Way**

A public footpath linking Buttermere Road to Lister Lane runs along the eastern boundary of the site. Comments have been received from the Council's Rights of Way Officer raising concerns about this footpath being enclosed. As has already been noted permitted development rights granted to householders allows for the construction of side extensions up to a height of 4m. Consequently the current proposal at 4.85m does not have a significantly greater enclosing effect. It is also noted that the footpath is already enclosed on both sides by garages and tall boundary treatments. As a consequence of the above there is not considered to sufficient reason to refuse this planning application.

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

- Identical proposals have been refused previously.

Response - The previous refusal on this site was for a first floor extension to create a two-storey dwelling.

- Residents are being notified of planning applications in this street on a regular basis and this is both time consuming and stressful.

Response - The Council's is required to consider all applications that are put to it and is also required to notify neighbours of these applications.

- The raising of the roof would not be in keeping with the other properties in this street.

Response - This aspect of the proposal has now been omitted from the plans.

- The approval of this application will set a precedent for other properties in the street which are already up for sale.

Response - All applications are considered on their own merits and against the Council's adopted policies.

- The amount of construction work on Buttermere Road for some time now has disturbed the amenities of local residents and the current proposal will exacerbate this problem.

- The works will require scaffolding to be erected in the snicket and this would cause concerns with health and safety

Response - Whilst there will be some disturbance during building works this is a temporary period and planning applications are assessed on the impact of the completed development. With regard to the right of way any approval of this application will carry a series of footnotes which advise the applicant how to properly deal with the Right of Way during construction of the development.

- The development will affect the value of properties not converted.

Response - The value of land or properties is not a material planning consideration.

- Additional room can be created in the loft with roof lights rather than the large dormer windows.

Response - The Council is required to consider all applications that are made to it and the adopted Householder SPD and permitted development rights granted to householders allow for the construction of dormer windows.

- The owner should have spoken with the neighbour's before submitted plans to the Council.

Response - Whilst this is generally advisable, there is no legal requirement to this on developments of this scale.

- Assume parking on the road would be illegal or a Council matter.

Response - It is not illegal to park on the road and the Council would not have the authority to require people to park elsewhere.

### **Community Safety Implications:**

The proposed development does not present any community safety implications.

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

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

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

The proposed development as amended would not be harmful to visual amenity, residential amenity or highway safety. It would therefore comply with Policies UR3, D1 of the RUDP, the NPPF and the Householder Supplementary Planning Document.

### **Conditions of Approval:**

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

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

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

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

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

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

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

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

**Footnotes:**

The affected public right of way must not be obstructed by any plant, materials or equipment. Even the temporary storage of materials on the right of way is not permitted. Any obstruction of the route constitutes an offence under the Highways Act 1980 and will be pursued accordingly.

If essential works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. Please contact [Network.management@bradford.gov.uk](mailto:Network.management@bradford.gov.uk) for details.

No new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. The requirements of the Equality Act 2010 must also be considered.

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16/08434/HOU

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**36 Santa Monica Road**  
**Bradford**  
**West Yorkshire**  
**BD10 8QX**

11 January 2017

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

**Application Number:**  
16/08434/HOU

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

This is a householder planning application for the construction of a hip-to-gable roof conversion with front and rear dormer windows at 36 Santa Monica Road, Bradford.

**Applicant:**  
Mr Umair Khan

**Agent:**  
Khawaja Planning Services

**Site Description:**

The site is a semi-detached residential property, constructed of stone and pebbledash walls under a concrete tile roof. The local area is primarily residential and characterised by similar semi-detached bungalows.

**Relevant Site History:**  
Not applicable.

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

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

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

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

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

The site is unallocated.

***Proposals and Policies***

UR3 The Local Impact of Development

D1 General Design Considerations

TM19A Traffic Management and Road Safety

Householder Supplementary Planning Document (HSPD)

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was advertised by neighbour notification letters. The publicity period expired on 9 November 2016.

15 objections and 6 in support have been received.

**Summary of Representations Received:**

The letters of objection refer to:

- Overlooking.
- Not in keeping with surroundings.
- Building work started prior to permission being granted and neighbours being consulted.
- Inadequate kitchen/living space.
- Noise disturbance.
- Visually harmful.
- It is suggested that the buyer should have bought a bigger house.
- It is alleged that people supporting the application are not local residents.
- Roof lights as alternative to the front dormer window.
- Letters not sent to neighbours to notify of the application.

The letters of support refer to:

- Works started only require building regulations.
- Other houses in the area have extensions.
- House opposite has a dormer window.
- Completed house would add character to the area.

**Consultations:**

Not applicable.

**Summary of Main Issues:**

Impact on the local environment.

Impact on residential amenity.

Impact on highway safety.

Other matters.

### **Appraisal:**

The application is described as “proposed hip to gable conversion with front and rear dormer windows”, however, it should be noted that the proposed plans also indicate a change to the front elevation of the dwelling, with a window replaced with a door and window. The construction of a hip-to-gable roof conversion and rear dormer window would constitute permitted development by virtue of Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, if built separately to the front dormer window. Therefore, only the front dormer window and alterations to the buildings front elevation require planning permission and it would be unreasonable to refuse the application based on works that would otherwise not require planning permission.

At the time of the Officer’s site visit construction works had not started, however, it should be noted that works have subsequently begun on the hip-to-gable roof conversion and rear dormer window, i.e. those parts of the development that do not require planning permission. The following appraisal will therefore assess the proposed front dormer window and other external changes to the frontage on their planning merits and in accordance with relevant planning policies.

### **Impact on Local Environment**

The front dormer window measures 3 metres wide and retains a 750mm gap to the common boundary with the adjoining property. It will be finished with concrete tiles to match the existing roofing material and its size, design and position is acceptable and will not appear visually dominant on the property or detrimental to the street scene. The alterations to the frontage of the dwelling will be small scale and will not significantly affect the overall design and appearance of the dwelling.

Although several neighbours have commented that no other properties in the vicinity have similar extensions, the HSPD, adopted in 2012, allows the construction of dormer windows on the front of dwellings, even if there are no other front dormers in the same row of dwellings.

For these reasons, the front dormer window complies with the requirements of the HSPD and Policies UR3 and D1 of the RUDP.

### **Impact on Neighbouring Occupants**

The proposed front dormer window will not introduce any windows that would be closer to neighbouring properties than the existing windows. In any case, the distance between the window and neighbours’ properties exceeds the 7 metre and 17 metre distances required by the HSPD. As such, the dormer window would not result in any adverse impact on neighbouring occupants through overlooking, overbearing or overshadowing, thereby acceptable and compliant with policies UR3 and D1 of the RUDP and the HSPD.

### **Impact on Highway Safety**

The application does not include any alterations to the existing parking and access arrangements and therefore does not affect the existing driveway, which includes sufficient off-street parking for at least two vehicles. As such, the proposal poses no apparent harm to highway safety, thereby compliant with policy TM19A of the RUDP.

### **Other Planning Matters**

The proposal raises no other planning related matters that cannot be controlled successfully through appropriate conditions.

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

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

The front dormer window is not considered harmful to visual amenity, residential amenity or highway safety and is therefore considered to comply with Policies UR3, D1 and TM19A of the Replacement Unitary Development Plan and the Supplementary Planning Guidance contained within the Council's Householder Supplementary Planning Document. The hip-to-gable roof conversion and rear dormer window do not accord with the requirements of the Householder Supplementary Planning Document and will create an incongruous feature in the street scene and visually unbalance the properties, thereby harmful to visual amenity, however, subject to compliance with the conditions imposed under Class B.2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, the hip-to-gable roof conversion and rear dormer window constitute permitted development and refusal cannot be justified.

### **Conditions of Approval:**

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

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

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

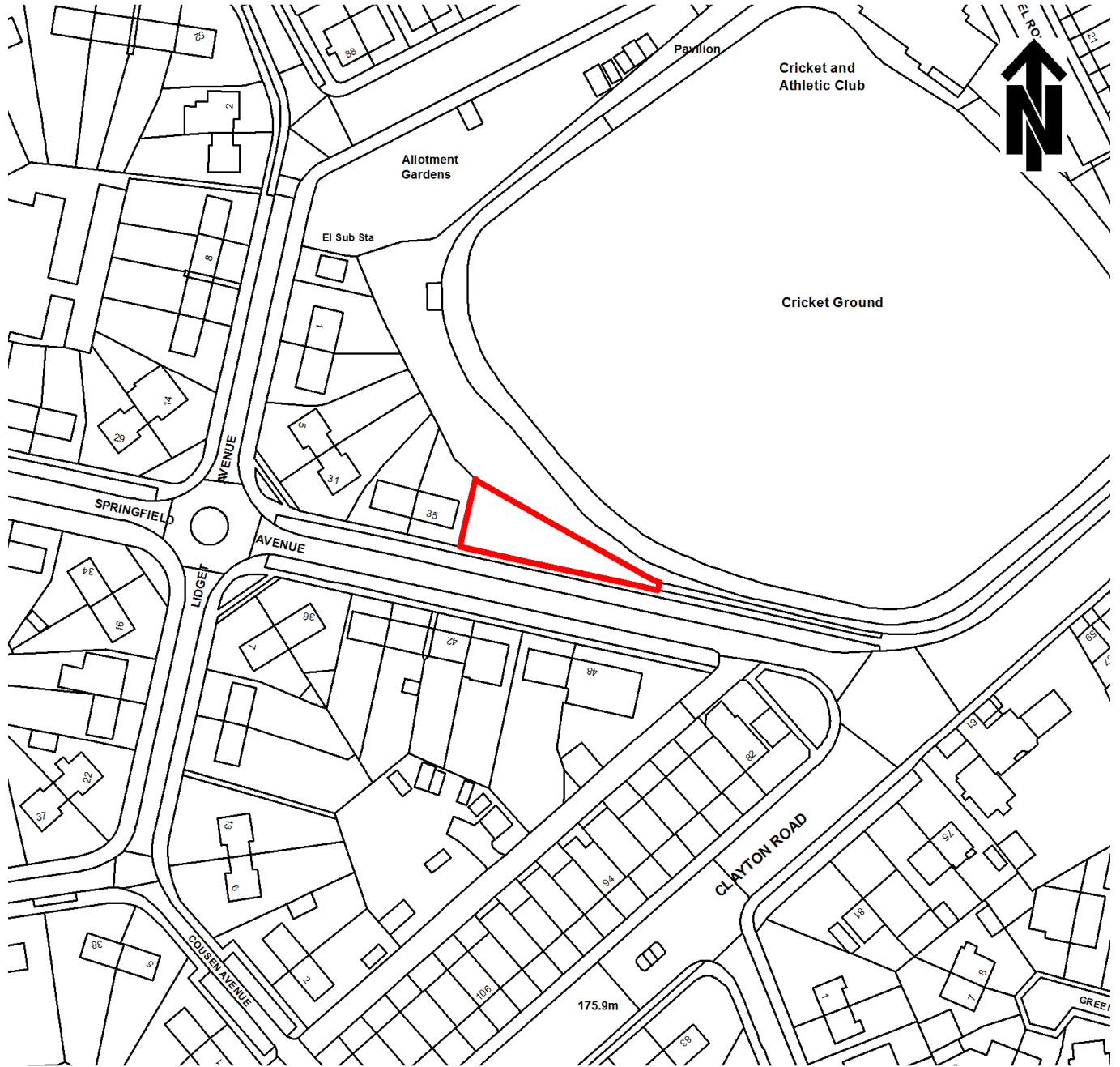
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

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16/04724/FUL

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**Land East Of 35 Springfield Avenue  
Bradford**

11 January 2017

**Item:** C  
**Ward:** GREAT HORTON  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**  
**APPLICATION WITH A PETITION**

**Application Number:**  
16/04724/FUL

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

This is a full planning application for the construction of two shop units with three one-bedroom flats above with associated car parking on land to the east of 35 Springfield Avenue, Bradford.

**Applicant:**

Mr Mohammed Parvaiz

**Agent:**

Michael Rowley

**Site Description:**

The site is formed of a triangular piece of undeveloped land to the east of 35 Springfield Avenue. The surrounding area is primarily residential, although there is a cricket ground directly to the North. The site is open onto Springfield Avenue but has boundary walls to the West and North.

**Relevant Site History:**

Not applicable.

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

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

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

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

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

The site is unallocated on the Replacement Unitary Development Plan.

***Proposals and Policies***

UDP1 Promoting Sustainable Patterns of Development

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

D1 General Design Considerations

D4 Community Safety

P7 Noise

NR16 Surface Water run off

TM2 Impact of Traffic and its Mitigation

TM11 Parking Standards for Non-Residential Developments

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was advertised by neighbour notification letters and site notice. The publicity period expired on 8 August 2016. The LPA has received two letters of objection and a petition of 36 signatures against the proposal.

**Summary of Representations Received:**

- Noise disturbance.
- Lack of parking.
- Increased traffic.
- Antisocial behaviour.
- Crime, vandalism and littering.
- Size of building will overcrowd the area.

**Consultations:**

Drainage – Details of foul and surface water drainage should be submitted for approval.

Public sewer close to site boundary, therefore Yorkshire Water should be consulted.

Permeable surfacing to be used for parking areas.

Environmental Health – Unclear what the end use will be, therefore not possible to assess potential for noise or odour issues.

Highways – Initial concerns regarding insufficient parking have been overcome following amendments to the proposal, which now provides five off-street parking spaces and minor alterations to the existing lay-by in order to provide a dropped crossing.



**Summary of Main Issues:**

Principle of development.  
Impact on the local environment.  
Impact on residential amenity.  
Impact on highway safety.  
Community Safety Implications.  
Other planning matters.

**Appraisal:**

The application proposes the construction of two shop units (use class A1) with three one-bedroom flats above. The proposal has been amended to reduce the size of the proposed building, alter its position within the plot, provide more off-street parking spaces, and further extend the existing lay-by.

**Principle of the Development**

The site is unallocated on the Replacement Unitary Development Plan (RUDP) and so is not protected for any particular uses other than those that accord with the general policies of the plan. The site is located in a primarily residential area, which is in a sustainable location, easily accessible by public transport in the form of regular bus routes on Clayton Road. The principle of the proposed retail and residential units is therefore acceptable in principle, subject to the local impact, as assessed below.

**Impact on the Local Environment**

The proposal involves the construction of a two-storey building, which will house two ground floor shops and three one-bedroom flats at first floor. It will be constructed of brick walls, concrete tile roof and UPVC windows and doors, which will be sympathetic to the appearance of surrounding properties. The plans have been amended to slightly reduce the size of the building and set it back from the highway to reduce its visual impact and ensure it remains in keeping with the appearance and character of the street scene.

A condition should be appended to the decision notice, if approving, to require the submission and approval of materials to ensure an appropriate finish. Subject to approval of appropriate materials, the scale, siting and choice of materials ensure that the building will not appear visually dominant or incongruous in the street scene, and will not harm the character or setting of the local area.

For these reasons, and subject to appropriate conditions, the proposal will not have a significant adverse impact on the local environment and is therefore acceptable and compliant with the requirements of the RUDP and the NPPF.

**Impact on Neighbouring Occupants**

The plans demonstrate that the scale and position of the proposed development would not adversely affect neighbouring properties through overbearing, overshadowing or loss of outlook for any habitable room windows or private amenity space. The proposal does not include any windows that would have unrestricted views of neighbouring properties. The proposed residential units would afford future occupants with acceptable living conditions and are therefore considered acceptable.

The proposed ground floor units would accommodate uses within the A1 use class and are therefore unlikely to generate significant noise, odours or other disturbances for neighbouring residents. Opening hours can be controlled by condition to prevent late night and early morning activity that might affect local residential amenity.

Subject to a condition relating to opening hours, the proposal is considered unlikely to have a significant adverse impact on residential amenity and is therefore compliant with policies UR3, D1 and P7 of the RUDP and the NPPF.

### **Impact on Highway Safety**

The site is accessed from Springfield Avenue, near the junction with Clayton Road. The amended plans now indicate five off-street parking spaces within the site. The proposal also indicates that the existing lay-by, currently used for parking, will be extended and dropped crossings provided for access to the two parking areas.

The level of off-street parking provision, together with parking availability within the lay-by is considered to provide an appropriate level of parking provision and suitable access to the site, which will minimise pressure for on-street parking. Additionally, the site is located close to bus routes serving the city centre. The proposal is considered acceptable in terms of its impact on highway and pedestrian safety and accords with the requirements of policies TM2, TM11, TM12 and TM19A of the RUDP.

### **Community Safety Implications**

Whilst anti-social behaviour, crime and vandalism is generally a matter for the Police, paragraph 69 of the NPPF states that decisions should promote a 'safe and accessible environment where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'. It is considered that this proposal does not pose any significant apparent community safety implications and accords with the requirements of Policy D4 of the RUDP and the NPPF.

### **Other Planning Matters**

The proposal raises no other planning related matters that cannot be controlled successfully through appropriate conditions or footnotes where necessary.

### **Community Safety Implications:**

There are no apparent community safety issues.

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

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

**Reason for Granting Planning Permission:**

The proposed development will have no significant detrimental impact on the local environment, residential amenity or highway safety and subject to relevant conditions, the proposal is therefore considered to comply with the requirements of policies UDP1, UR2, UR3, D1, D4, P7, TM2, TM11, TM12A and TM19A of the Replacement Unitary Development Plan and the National Planning Policy Framework.

**Conditions of Approval:**

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

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

2. 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. The use of the retail units shall be restricted to the hours from 07:30 to 22:00.

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

4. Prior to the first use of the hereby approved development, all areas indicated to be used for vehicular access and parking on the approved plans shall have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) this shall be so retained, free of obstructions and available for the use specified on the submitted plans for the lifetime of the development.

Reason: In the interests of amenity, flood risk and highway safety, and in accordance with policies NR16 and TM19A of the Replacement Unitary Development Plan.

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

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

6. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

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

7. The development shall be constructed so that there is no building or foundation pressure within three metres of the nearest side of the public sewer without the prior written permission of the Local Planning Authority.

Reason: To avoid damage to the public sewer in the interests of pollution prevention and to accord with Policy UR3 of the Replacement Unitary Development Plan.

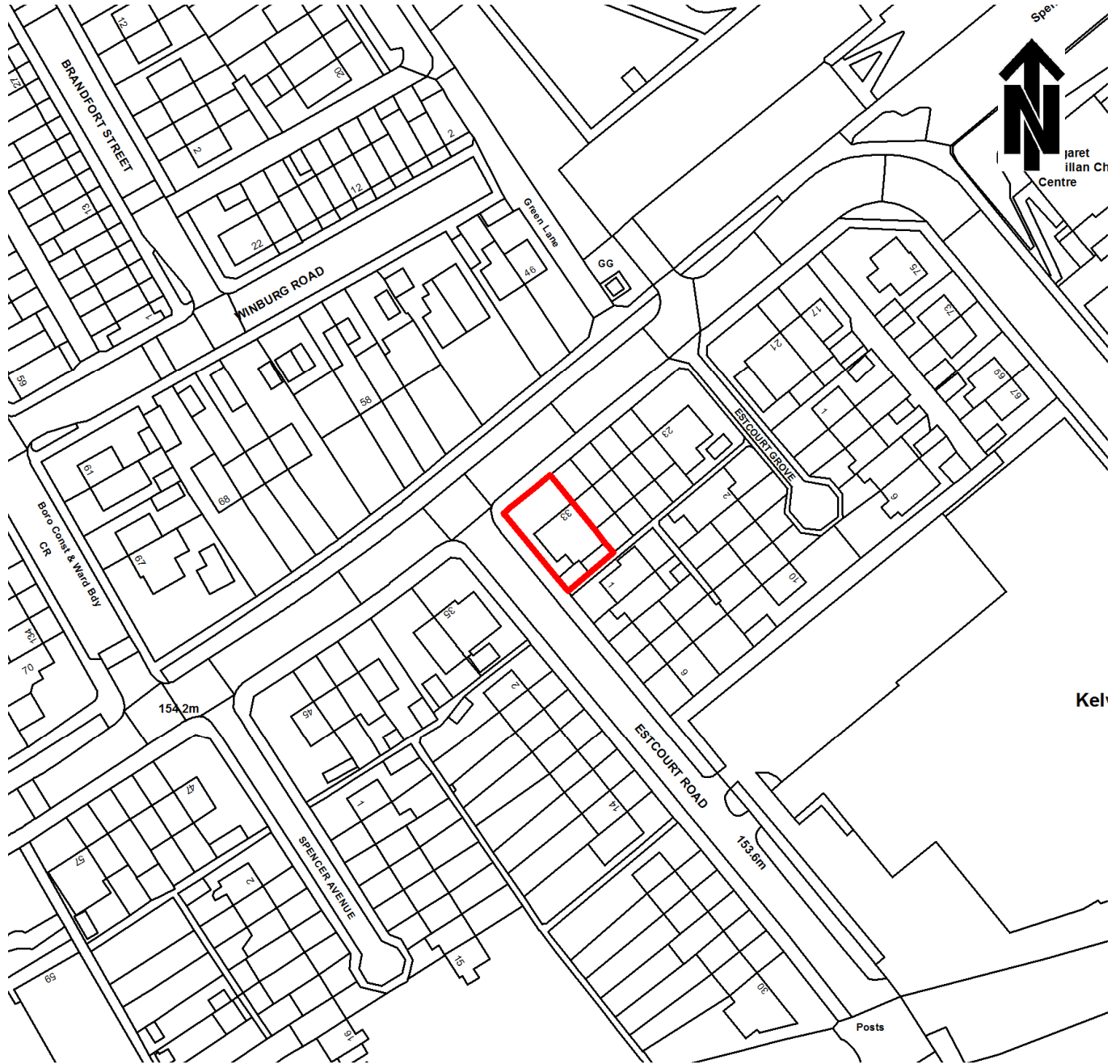
**Footnotes:**

1. The developer is advised that a public sewer exists close to the site boundary. The Sewerage Undertaker (Yorkshire Water) must therefore be consulted for a view of the impact of the development on the public sewerage system. The granting of planning permission does not override the requirement for the developer to obtain any necessary consent from Yorkshire Water in respect of the sewerage system.
  2. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority). Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)
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16/08483/HOU

City of Bradford MDC

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**33 Spencer Road  
Bradford  
BD7 2EU**

11 January 2017

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

**Application Number:**  
16/08483/HOU

**Type of Application/Proposal and Address:**  
An application for the construction of a front extension at 33 Spencer Road, Bradford.

**Applicant:**  
Mr Mohammed Halim

**Agent:**  
Mr Jeff Redmile

**Site Description:**  
The application dwelling is an end of terrace property constructed of stone to the ground floor cill with the remainder constructed of blockwork render, beneath a slate roof. The surrounding area is predominantly residential consisting of terraced properties.

**Relevant Site History:**  
08/05320/FUL-Construction of single storey rear extension - Granted - 13.10.2008.  
12/04067/HOU-Construction of extension to front of property - Refused - 04.12.2012.  
13/01838/HOU-Extension to front of property - Refused - 13.06.2013.  
15/04722/HOU-Single and two storey extension to front - Refused - 12.11.2015.  
13/00001/APPHOU-Construction of extension to front of property - Dismissed - 11.02.2013.

**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

TM2: Impact of Traffic and its Mitigation

TM19A: Traffic Management and Road Safety

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was publicised by neighbour notification letters. The expiry date for comments in connection with the application was 9 November 2016. No representations were received in connection with the application.

The application is required to be determined by the Bradford Area Planning Panel as the applicant is related to an elected member.

**Summary of Representations Received:**

None received.

**Consultations:**

None required.

**Summary of Main Issues:**

Background.

Visual Amenity.

Residential Amenity.

Highway and Pedestrian Safety.

**Appraisal:**

**Background**

The application site has a history of refused planning applications and a dismissed appeal relating to part two storey, part single storey front extensions. The most recent application (15/04722/HOU) was refused for the following reason:-

The proposed extension by reason of its size and prominent siting on the front elevation of a dwelling that is part of a regularly arranged terrace would form an obtrusive feature in the street scene. It would be detrimental to visual amenity and the character of the area and contrary to policies D1 and UR3 of the adopted Replacement Unitary Development Plan and the Householder Supplementary Planning Document.

The above refusal related to a part single storey, part two storey front extension, whereby the proposed extension had a depth of 1.25 metres and a total width of 5.25 metres. The single storey aspect of the extension abutting the boundary of 31 Spencer Road was surmounted by a mono-pitch roof. The two storey aspect of the extension was offset from the boundary of 31 Spencer Road, with a width of 2.4 metres. This aspect of the extension was located centrally on the frontage and surmounted by a pitched roof with a hip.

This proposal relates to the provision of a single storey front extension with a depth 1.25 metres and a width of 5.25 metres, spanning the entirety of the frontage of the original dwelling. The extension would be surmounted by a mono-pitched roof which would terminate below the cill level of the first floor windows

### **Visual Amenity**

The application unit is a two storey dwelling occupying a corner position at the juncture of Spencer Road and Estcourt Road. The dwelling is the end property in a row of six and it has been previously extended with the addition of a large two storey side extension and a single storey porch. The side extension is setback by 1 metre at the first floor level.

The original terrace of houses has a simple form with flat front elevations and a long hipped roof. The dwelling at the opposing end of the terrace has been extended with an unfinished two storey side extension which is recessed by 1 metre at the first floor level. The application dwelling benefits from a front porch, as does 25 Spencer Road, but these structures do not significantly interrupt the simple form of the terraced row.

The HSPD advises that in conventional housing layouts, whether it be detached, semi-detached or terraced, houses are likely to be of similar design and set at regular distances from the road. In these types of area, the uniform appearance of the street is an important characteristic that would be disrupted by any extension to the front of a house. For this reason, front extensions are unlikely to maintain the character and quality of the original house and wider area. In this instance the proposed extension, by reason of its size and prominent siting on the front elevation of a dwelling that is part of a regularly arranged terrace, would form an obtrusive feature in the street scene. It would be detrimental to visual amenity and the character of the area and contrary to policies D1 and UR3 of the adopted RUDP and the HSPD.

### **Residential Amenity**

The proposed extension is not considered to result in any adverse implications for neighbouring occupants.

### **Highway and Pedestrian Safety**

Following the construction of the proposed extension sufficient car parking would be retained to ensure that no adverse highway or pedestrian safety implications would be incurred, compliant with policy TM19A of the RUDP.

### **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.

**Recommendation:**

To refuse planning permission.

**Reasons for Refusal:**

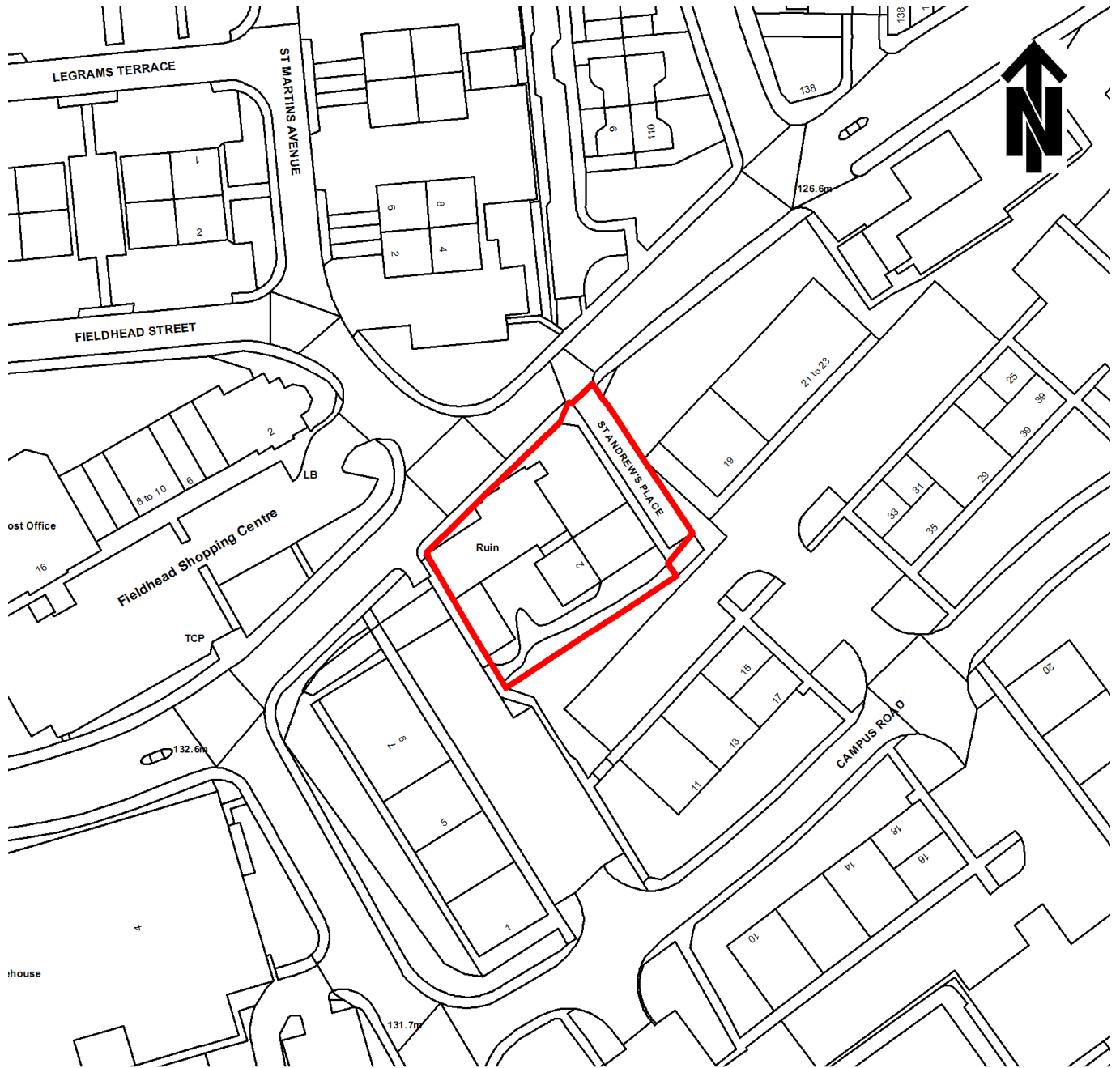
The proposed extension by reason of its size and prominent siting, on the front elevation of a dwelling that is part of a regularly arranged terrace, would form an obtrusive feature in the street scene. It would be detrimental to visual amenity and the character of the area and contrary to policies D1 and UR3 of the Replacement Unitary Development Plan and the Householder Supplementary Planning Document.

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16/05662/LBC

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**Interfaith Education Centre**  
**Listerhills Road**  
**Bradford**  
**BD7 1HD**

11 January 2017

**Item:** E  
**Ward:** CITY  
**Recommendation:**  
**TO REFUSE LISTED BUILDING CONSENT**

**Application Number:**  
16/05662/LBC

**Type of Application/Proposal and Address:**  
A Listed Building Consent application for the demolition of the grade II listed former St Andrew's School including schoolmaster's house and alterations to the boundary walls, Listerhills Road, Bradford.

**Applicant:**  
Mr Mohammed Jamil

**Agent:**  
Mr William Cartwright

**Site Description:**  
The site consists of the grade II listed former St Andrew's School, schoolmaster's house and boundary walls. The complex was significantly fire damaged in 2009 but despite the fire damage the major part of the building survives and its architectural character remains clearly legible. The site is partially covered by hard standing including a car park accessed from St Andrew's Place and a former playground to the rear of the building. The site is adjoined by Listerhills Park of Science Commerce to the South, East and West. To the North of Listerhills Road there are a variety of commercial uses including retail premises and hot food takeaways.

**Relevant Site History:**  
97/02679/LBC - Refurbishment and conversion of school house to residential study centre - Granted - 01.04.1998.  
97/02680/FUL - Refurbishment and conversion of school house to residential study centre - Granted - 01.04.1998.

**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***

BH2- Demolition of Listed Buildings

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was publicised by the Council through a site notice and neighbour notification letters. The expiry date for comments in connection with the application was 26 August 2016. A letter of support was received from a City Ward Councillor but no materials issues in support of the proposal were provided. One letter of representation was received in objection to the application.

**Summary of Representations Received:**

The submitted representation did not raise any specific material considerations in objection to the proposal. Further details were requested from the objector and these will be reported orally to the Planning Panel in the event that they are received.

**Consultations:**

Design and Conservation - Object to the proposal on the grounds of insufficient justification for the demolition of the listed building and substantial harm incurred by the total loss of the listed building.

Historic England - The submitted information is insufficient and it does not clearly demonstrate, in accordance with paragraph 133 of the NPPF, why the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or how all four tests have been sufficiently applied. Historic England opposes the development in its current form and urges that amendments are secured to reduce the harm to the grade II listed building.

Victorian Society West Yorkshire Group - Demolition of this damaged but valued building is unacceptable. Despite its dilapidated condition the merits of the building outweigh its loss.

Ancient Monuments Society - Object to the proposal on the grounds that the application does not provide sufficient information to justify the loss of the listed building. No consent has been given anywhere in England for the total demolition of a principal listed building in the last three years. That record should only be broken in the face of an overwhelming argument in favour of demolition. This application does not begin to mount such a case.

The Council for British Archaeology - No comments received.

The Georgian Group - No comments received.

Society for Protection of Ancient Buildings - No comments received.

Regeneration Team - No comments received.

**Appraisal:**

An application for de-listing was rejected by English Heritage on 5 January 2015. The report noted that despite the fire damage the major part of the building remains and its architectural character remains clearly legible. The schoolmaster's house was also noted as retaining numerous interior features. The report therefore concluded that the criteria for listing remained fulfilled.

As the building retains its grade II listed status Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 remains applicable. This section of the Act places a statutory duty on the Local Planning Authority to ensure that when considering whether to grant listed building consent for any works special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The NPPF advises that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the assets conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building should be exceptional. At the local level this is enshrined in the requirements of policy BH2 of the RUDP.

Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

1. The nature of the heritage asset prevents all reasonable use of the site; and
2. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
3. Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
4. The harm or loss is outweighed by bringing the site back into use.

This proposal would result in the near total loss of the heritage asset, with the exception of some of the boundary walls and the West facing wall of the building up to the first string course. The submitted information identifies that the proposal would achieve the following substantial public benefits:-

The removal of a dangerous structure that directly abuts a public highway and is a danger to the public, in particular pedestrians using the footway.

The removal of a building that is harmful to visual amenity because of its dilapidated state and its replacement with a development that will improve visual amenity.

A reduction in opportunities for crime and anti-social behaviour including drug and alcohol abuse and fly tipping which are an on-going problem.

The delivery of 8 new dwellings on a sustainable brownfield site in a District that does not have an up-to-date five year housing land supply.

In terms of public benefit it is necessary to assess whether the benefits identified from the near total demolition of the building are greater than the benefits produced by a scheme to retain the listed building. In this regard it is considered that all of the benefits identified by the applicant could be achieved with the retention of the listed building, with the exception of the delivery of 8 new dwellings on the site. It is accepted that the Council does not have an NPPF compliant five year supply of housing land and that paragraphs 14 and 49 of the NPPF are therefore applicable. However the demolition of this listed building would not guarantee the provision of eight dwellings as the acceptability of this number of properties is subject to the assessment of a separate planning application. In any case, in the event that the stated number of properties can be provided it is considered that this would only make a very small contribution towards housing supply and not one which would constitute a substantial public benefit which would outweigh the loss of the listed building.

As demolition of the listed building would not result in a substantial public benefit that would outweigh its loss the proposal must fulfil all of the four criteria specified in paragraph 133 of the NPPF. The information submitted by the applicant in respect of each criterion is discussed in the following report sections.

The nature of the heritage asset prevents all reasonable use of the site. The submission states that because a significant proportion of the site is occupied by buildings, it is not feasible to put the site to beneficial use whilst the buildings remain standing and in a dilapidated and dangerous condition.

It is considered that the submitted information fails to provide a comprehensive assessment of the structural condition of the entire site including the schoolmaster's house. This information is essential so that a detailed understanding of the condition of the heritage asset can be gained and appropriate options can be considered for the retention of all of, parts of, or none of the heritage asset. Until such information is available it cannot be concluded that the nature of the heritage asset prevents all reasonable use of the site.

No viable use can be found in the medium term through appropriate marketing to enable conservation. The submitted information states that it is not possible to repair any of the building because of safety concerns. However, this position has not been substantiated by a detailed structural assessment. Notwithstanding the aforementioned safety issue the agent argues that no viable use can be found for the heritage asset because property values in the area are low and the cost of restoring the building would exceed its end market value by more than £1,000,000. In support of this figure the agent has submitted a building works estimate (Row Allan, AJ/DA/AT/6155a) which places the restoration cost at between £1,506,000 and £1,702,000.

The submitted cost estimate has been carried out without a defined end use in mind and with no details of the specification or materials used. In light of these caveats it is considered that the accuracy of the estimate is questionable and that it should be ratified with the submission of a variety of quotes, as would be expected for a project of this scale. Additional cost estimates were requested by the Local Planning Authority but the agent declined to provide them stating that this would incur considerable cost without any prospect of arriving at a different conclusion.

It is accepted that the cost of restoring the building is likely to exceed its end market value. However this was also the case at the time the building was acquired. The submission advises that the current owner "did not fully appreciate the scale of the challenge they were taking on". However, the listed status of the building is a matter of public record and both its listed status and fire damaged condition were made explicitly clear in the marketing material produced at the time the building was acquired. It is therefore difficult to reconcile the argument that the building was acquired without knowledge that the cost of its renovation would exceed its end market value.

The submission indicates that the site has been extensively marketed between 2013 and March 2016. The most recent marketing was carried out by Fitzpatrick Commercial via an advertisement on the website with offers invited of £150,000 or over. In light of the acknowledged substantial costs involved in restoring the site it is considered that offering the site for sale for anything other than a nominal amount cannot be considered as appropriate marketing for the purposes of Paragraph 133 of the NPPF, as such a figure is likely to prohibit any interest from the outset.

Conservation by grant funding or charitable or public ownership is demonstrably not possible. The submission advises that the only available sources of grant funding are from the Heritage Lottery Fund under either the Heritage Grants or Our Heritage programmes. It is stated that the issue with advancing bids under either initiative is that the owner of the building must be a charity, non-profit organisation or a public body and as a private company the applicant is not eligible to apply for a grant.

However it is considered that grant funding may be available from the Heritage Lottery Fund under the Heritage Enterprise grant programme. The Heritage Enterprise programme is specifically designed to bridge the funding gap that prevents a historic asset in need of repair from being returned to a beneficial and commercial use. Grant funding under this initiative is dependent on there being a 'Conservation Deficit', whereby the existing value of the heritage asset plus the cost of bringing it back into use is greater than the value of the asset after development has been completed. This programme is aimed at funding the repair of listed buildings where costs are between £100,000 and £5 million.

It is considered that the Heritage Enterprise grant programme may provide a viable means of securing grant funding for the restoration of this building. The submitted application does not include information indicating that any attempt has been made to secure grant funding under this programme and until such a time that this has taken place it cannot be concluded that conservation of the building by grant funding is demonstrably not possible.

The harm of loss is outweighed by bringing the site back into use. The value of this building as a heritage asset was reaffirmed by English Heritage as recently as January 2015 when an application for its de-listing was rejected. In retaining the listed status it was reasoned that despite the fire damage the major part of the building remains and its architectural character is clearly legible. Consequently it remains the statutory duty of the Local Planning Authority to ensure that when considering whether to grant listed building consent for any works special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is in the above context that the near total loss of the listed building is considered against any benefits that can be achieved by bringing the site back into use. It is considered that the only identifiable benefit of this proposal that cannot not be achieved alongside the retention of the listed building is the provision of 8 new dwellings. It is accepted that the Council does not have an NPPF compliant five year supply of housing land and therefore there is a presumption in favour of sustainable development. However paragraph 14 of the NPPF makes clear that where the development plan is out of date permission should not be granted if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted.

As such although the provision of dwellings would make a very small contribution towards alleviating a lack of housing land supply across the district it is considered that this would not constitute a benefit which would outweigh the loss of the grade II listed building the retention of which is expressly required by the NPPF. It should also be noted that the retention of the listed building could in itself facilitate the provision of a number of residential units in the event that an appropriate conversion is undertaken, thus the housing supply benefits of demolishing the building are further diminished.

**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:**

The application as submitted provides insufficient information to justify the demolition of the grade II listed building. It has not been demonstrated that the loss of the building is necessary to achieve substantial public benefits and the information does not satisfy the criteria specified in paragraph 133 of the National Planning Policy Framework. This proposal is therefore contrary to the National Planning Policy Framework and Policy BH2 of the Replacement Unitary Development Plan.

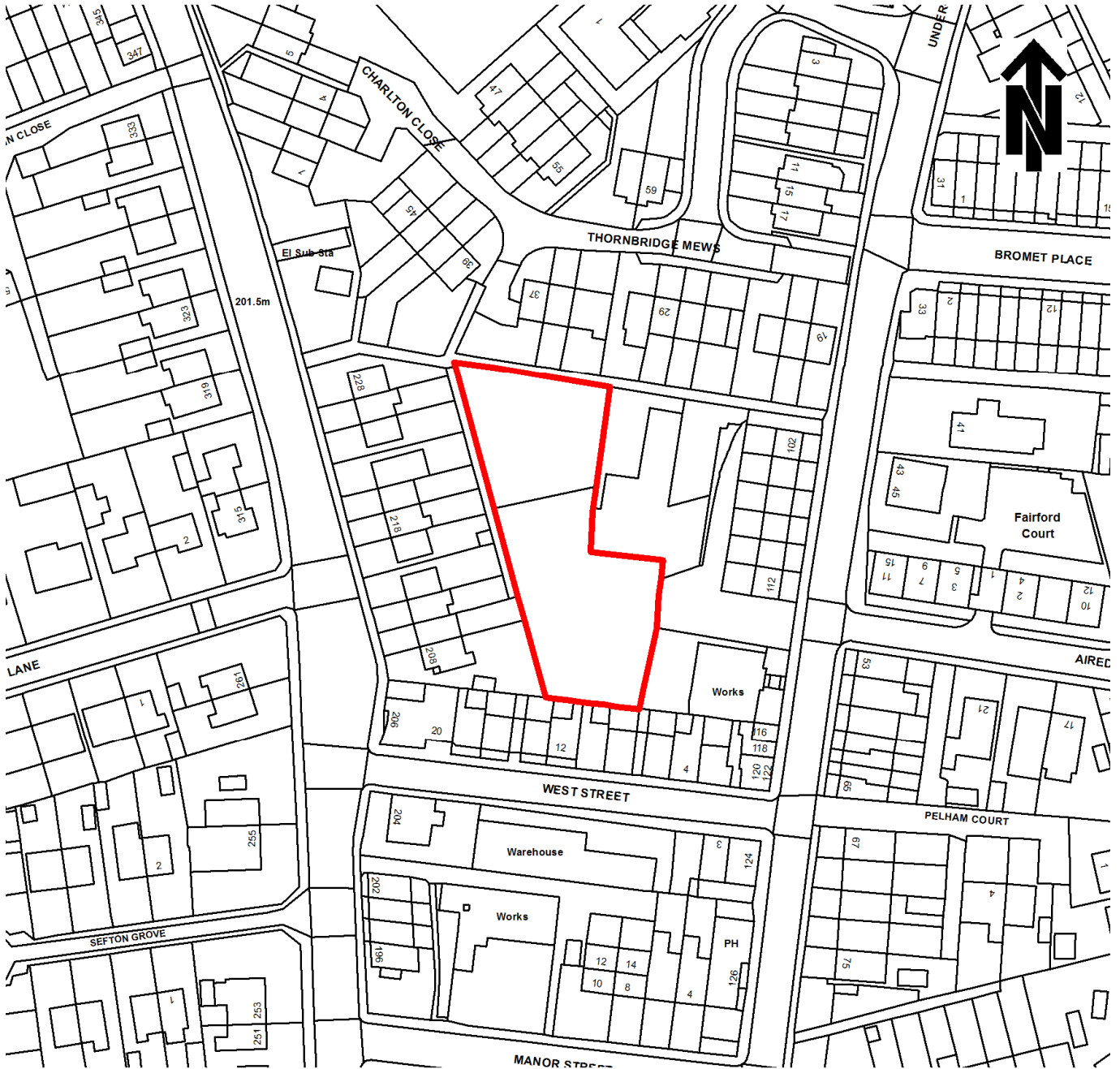
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16/07817/FUL

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**Land Rear Of 112 Undercliffe Road  
Bradford**

11 January 2017

**Item:** F  
**Ward:** BOLTON AND UNDERCLIFFE  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
16/07817/FUL

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

This is a full planning application for the construction of three pairs of semi-detached dwellings and one detached dwelling on land to the rear of 112 Undercliffe Road, Bradford.

**Applicant:**

Mr Mohammed Sabir

**Agent:**

Mr Aadil Patel (Faum Architecture)

**Site Description:**

The site is a relatively flat piece of land, which is currently overgrown with trees and other vegetation, and has some minor tipping evident on parts of the site. Access to the site is from Undercliffe Road, although at present it can also be accessed from the public footpath that abuts the northern boundary of the site. The surrounding area is primarily residential in nature, although to the east of the site are two light industrial/business uses.

**Relevant Site History:**

15/00828/OUT - Construction of 7 dwellings - Withdrawn 06.07.2015.  
15/03354/OUT - Construction of 7 dwellings - Granted 16.10.2015.

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

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

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

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

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

The site is unallocated on the Replacement Unitary Development Plan.

***Proposals and Policies***

UDP1 Promoting Sustainable Patterns of Development

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

D1 General Design Considerations

D4 Community Safety

D5 Landscaping

H7 and H8 Housing Density

NR16 Surface Water run off

P5 Development Close to Former Landfill Sites

P6 Unstable Land

TM2 Impact of Traffic and its Mitigation

TM12 Parking Standards for Residential Properties

TM19A Traffic Management and Road Safety

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was advertised by site notices and neighbour notification letters. The publicity period expired on 16 November 2016.

The application generated two objections.

**Summary of Representations Received:**

The letters of objection refer to:

- Loss of light.
- Privacy issues.
- Overshadowing.
- Existing properties will face onto proposed buildings and have views obscured.
- Visual appearance does not match local buildings.
- Construction work could threaten fragile boundary/kitchen wall, which would need rebuilding.
- Bats and foxes sighted in the area.
- Proposed properties are too high and too close to neighbours.
- Noise and disturbance from the proposed use and operating hours will disturb neighbours.

**Consultations:**

Rights of Way – Public footpath 186 abuts the northern boundary of the site. Although the route is well used, there have been previous requests for the closure of the route due to crime, antisocial behaviour, dumping and graffiti. Development of the land would help alleviate these issues. Unclear what boundary treatments are proposed, but any treatments should be robust to encourage safe use of the footpath. Recommended footnote if approving.

Minerals and Waste – Site is close to a former landfill site and as such, a condition relating to land contamination and unstable ground is suggested if approving the application.

Drainage – Details of temporary management of surface water runoff during each phase of the development should be approved prior to each phase of the development. A public sewer exists close to the site boundary; Yorkshire Water should be consulted. Details of a scheme for foul and surface water drainage to be submitted for approval. Permeable surfacing required. Developer must investigate the potential for sustainable drainage techniques.

West Yorkshire Police – Suggested detailing for boundary treatments to improve security and reduce opportunity for crime and antisocial behaviour. Off-curtilage parking spaces should be marked out to prevent disputes. External lighting and windows and doors to Secured by Design standards.

Highways Development Control – No objections to the principle of a residential development. However, the proposal has increased the size of properties/number of bedrooms and there is concern that there is insufficient off-street parking for the development. It is unclear whether the layout can accommodate the turning manoeuvres of a refuse vehicle. The red line boundary should include the access road from Undercliffe Road. Therefore, Highways cannot support the application in its present form.

**Summary of Main Issues:**

Principle of the development.

Impact on the local environment.

Impact on residential amenity.

Impact on highway safety.

Other planning matters.

Outstanding matters raised by representations.

**Appraisal:**

The application seeks full planning permission for the construction of seven dwellings on land to the rear of 112 Undercliffe Road. A previous application (15/03354/OUT) received outline consent with all matters reserved for a similar proposal for 7 dwellings. During the course of this application, the agent submitted several amended plans and additional information in an attempt to overcome concerns identified regarding various aspects of the proposed development; these will be discussed in detail below.

**Principle of the Development**

The National Planning Policy Framework (NPPF) has introduced a presumption in favour of sustainable development. The site is previously developed land (brownfield) having once accommodated a court of garages. The surrounding area is primarily residential in nature, although directly to the East of the site are two light industrial/business uses. Access to the site will be via Undercliffe Road. The site is currently overgrown, with some minor tipping evident on parts of the site. The adjacent businesses do not appear to have created any issues for existing residential properties in terms of noise and other disturbances. The site is unallocated on the Replacement Unitary Development Plan (RUDP) and is therefore not protected for any uses other than those that accord with the general policies of the RUDP.

In terms of delivering a wide choice of high quality homes, the NPPF states that local planning authorities should boost significantly the supply of new housing and goes on to state that 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites. Where there has been a persistent under-delivery of housing the LPA should identify an additional 20%. The Council's Strategic Housing Land Availability Assessment, 2015 update report indicates that there is a substantial shortfall in housing land relative to these requirements.

In these circumstances, in accordance with NPPF paragraph 49, 'relevant policies for the supply of housing should not be considered up to date.' Consequently, the provisions of paragraph 14 of the NPPF should be applied. Paragraph 14 indicates that where the development plan is out of date, planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF.

The site is situated in a sustainable location, relatively close to services and facilities, and public transport in the form of regular bus routes. These factors weigh significantly in favour of the scheme and as with the extant approved outline consent, the principle of housing development on this site is considered acceptable.

### **Impact on the Local Environment**

The proposal includes three pairs of semi-detached dwellings and one detached dwelling, with associated landscaping works, hardsurfacing and access road. The proposed site layout is similar to that indicated in the outline consent, although the footprint and scale of the proposed dwellings are larger than previously indicated, with some changes to the indicated parking layout to compensate for the changes to the size and position of the proposed dwellings. It should be noted that the application for outline consent reserved all matters for later consideration, but provided indicative drawings, which clearly demonstrated that the site could comfortably accommodate seven dwellings.

The footprint and scale of the proposed dwellings would result in a somewhat cramped and overdeveloped site, where each of the proposed dwellings will appear cramped within their plot, particularly with regards to plot 7, which will appear overly large within the plot, extending close to the plot boundaries and with little amenity space around the building. A reduction in the footprint and scale of the proposed dwellings would help alleviate the visually cramped and overdeveloped appearance of the site.

The buildings would be constructed of appropriate materials, with natural stone and white render walls, stone window heads and surrounds, timber doors and natural slate roofs. The proposed (amended) site plan shows areas of hard and soft landscaping, including block paving (vehicular parking areas), flag paving (pedestrian access around dwellings), stone walls and timber fencing (boundary treatments), grass and planting areas, and an access road to be surfaced to LPA standards. However, the proposed site plan and proposed roof plan (Drawing Number 16056-P-02-A) still include annotations referring to existing boundary treatments and features within the site (including 'post & wire fence', 'dilapidated wood post & wire fence', and 'brick wall'). Although new hard and soft landscaping is proposed, it appears from this plan that existing features could also be retained, which would be inappropriate and detrimental to the visual appearance and setting of the site, and therefore, the lack of clarity

prohibits a full and proper assessment of the visual impact on the setting and appearance of the site. It is also noted that the application form identifies that there are no trees or hedges on the site, however, the site is currently overgrown and is divided into two parts by a row of trees/hedges that run East-West across the site. It is noted that none is subject of a tree protection order and would not be worthy of retention.

Due to the excessive size and position of the proposed dwellings and the various inconsistencies on the proposed site plan(s), the proposal would result in a visually cramped, enclosed, and overdeveloped appearance of the site. As such, the proposal is considered harmful to the visual amenity of the local area and therefore contrary to the requirements of policies UR3, D1 and D5 of the RUDP and the NPPF.

### **Impact on Neighbouring Occupants**

The proposal would result in significant adverse impact on the occupants of adjacent dwellings and future occupants of the proposed dwellings. Plots 5 and 6 would be sited 5.2 metres from the rear boundary and maintain only 10.8 metres to the rear elevations of properties on West Street. Neither of these proposed dwellings includes upper floor habitable room windows in their rear elevations so overlooking of properties on West Street is not a concern. However, the lack of full size habitable room windows affects the living conditions of future occupants, with some proposed bedrooms reliant on high-level windows only. The lack of outlook for some of the proposed bedrooms is inappropriate and new developments should not be designed with substandard living conditions built into their layout.

Each of plots 1 - 4 include habitable room windows serving the first floor lounges, which would cause mutual overlooking between plots 2 and 3, and also result in overlooking of private amenity space of properties on Idle Road. These four dwellings would also introduce 16 bedroom windows in the rear elevations facing neighbouring dwellings on Thornbridge Mews. Although the proposed site plan indicates a window-to-window separation distance of 17 metres, the introduction of 16 windows at an elevated level would result in a perception of overlooking for neighbours. The scale and slightly elevated position of plots 1 to 4 would also cause overbearing, a loss of outlook and overshadowing of those properties to the North (on Thornbridge Mews).

Plot 7 would introduce a large dwelling abutting the rear boundary of properties on Idle Road and would create an overbearing feature, which would also result in overshadowing of adjacent properties due to its scale and proximity to neighbouring properties.

The proposal also includes conflicting information regarding proposed boundary treatments, which makes it unclear how residential curtilages of existing and proposed dwellings will be delineated.

The proposed development would therefore cause unacceptable harm to residential amenity of present and future occupants. As such, fails to comply with the requirements of policies UR3 and D1 of the RUDP and the NPPF.

### **Impact on Highway Safety**

The previous outline consent (15/03354/OUT) provided indicative drawings to show seven 3-bedroom dwellings. This proposal now seeks permission for four 5-bedroom dwellings and three 6-bedroom dwellings. Plots 1, 2, 3 and 6 have two off-street parking spaces within their plots, but plots 4 and 5 have only one space each on-site and one space on-street, and plot 7 relies entirely on off-plot parking provision (two spaces adjacent to plot 6). The proposed site plan indicates that some parking could be within turning areas or a 2-metre wide lay-by opposite plots 5 and 6. The level and location of parking provision is inadequate and would likely result in competition and conflict for off-plot parking spaces.

The location plan has been updated to amend the red line to include the access road to Undercliffe Road and the application form has been updated to provide Ownership Certificate B as the access road is outside the applicant's ownership. The amended proposed site plan also now indicates the turning manoeuvres of a refuse vehicle.

The level of parking provision is therefore considered inadequate for a development of this scale and would result in vehicles parking and manoeuvring on the internal access road and potentially on Undercliffe Road, to the detriment of highway safety. The proposal therefore fails to accord with the requirements of policies TM2, TM12 and TM19A of the RUDP.

### **Other Planning Matters**

The proposal raises no other planning related matters that cannot be controlled successfully through appropriate conditions.

### **Outstanding matters raised by representations**

Existing properties will face onto proposed buildings and have views obscured.

Comment: The visual and residential impact of the development has been assessed above. However, the loss of a view is not a material planning consideration and cannot be taken into account in the assessment of the application.

Construction work could threaten fragile boundary/kitchen wall, which would need rebuilding. Noise and disturbance from the proposed use and operating hours will disturb neighbours.

Comment: These issues can be controlled through separate legislation and consents, such as building regulations and environmental protection.

### **Bats and foxes sighted in the area.**

Comment: The site is not located within a bat alert zone, but if the application were approved, a condition requiring a survey of the site to ascertain any wildlife value could be appended to the decision.

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

**Reasons for Refusal:**

1. The proposed dwellings identified as Plots 1 to 4 would have an adverse impact on the amenities of the occupants of Nos. 33, 35, 37 Thornbridge Mews by reason of overlooking from upper floor habitable room windows, and overbearing, loss of outlook and overshadowing of private amenity space and habitable room windows due to the size and position of the dwellings. The proposed development would be contrary to Policies UR3 and D1 of the Replacement Unitary Development Plan and guidance contained within the Council's Householder Supplementary Planning Document.
2. The proposed dwellings identified as Plots 2, 3 and 4 would introduce side facing windows serving the first floor lounges which would cause mutual overlooking between Plots 2 and 3, and would cause overlooking of Nos 222 and 224 Idle Road from the first floor side facing window in Plot 4. As such, the proposed dwellings would be detrimental to the amenity and privacy of existing and future residents and would be contrary to guidance contained within the Council's Householder Supplementary Planning Document, and Policies UR3 and D1 of the Replacement Unitary Development Plan.
3. The proposed dwellings at Plots 5 and 6 would be reliant on high-level windows for light and outlook, which would result in substandard living conditions for future occupants, as they would fail to provide appropriate outlook from proposed bedrooms. The proposal would therefore be contrary to Policies UR3 and D1 of the Replacement Unitary Development Plan and the National Planning Policy Framework.
4. The proposed dwelling at Plot 7 would have an adverse impact on the amenities of the occupants of Nos 212, 214 and 216 Idle Road by reason of overbearing, overshadowing and a loss of outlook due to the size and position of the proposed dwelling. For this reason the proposal would be would be contrary to Policies UR3 and D1 of the Replacement Unitary Development Plan.
5. The proposed dwellings would, by reason of their position and excessive size, result in a visually cramped, enclosed and overdeveloped appearance of the site and would therefore fail to accord with the requirements of policies UR3 and D1 of the Replacement Unitary Development Plan and the National Planning Policy Framework.
6. The proposed development fails to provide suitable and sufficient accommodation within the site for resident and visitor parking. Consequently, there would result increased vehicle manoeuvring and parking of vehicles within the highway, to the detriment of pedestrians and the safe and free flow of traffic. For this reason, the proposal is unacceptable when measured against Policies TM2, TM12 and TM19A of the Council's Replacement Unitary Development Plan.



7. Notwithstanding the above reasons for refusal, the application as submitted provides inconsistent information, which prohibits its full and proper consideration by the Local Planning Authority. In particular, the proposal provides conflicting information regarding proposed landscaping and boundary treatments, with the site plans indicating both the existing boundary treatments and site features in addition to further proposed treatments. Therefore, it is unclear what boundary treatments will consist of, how individual residential plots and parking areas will be delineated, and how the proposal will affect the overall setting and appearance of the site.
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