

# Report of the Strategic Director, Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 21 February 2017

# K

## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	72 - 76 Thornton Road Bradford BD1 2DG-16/09552/FUL [Approve]	City
B.	City Hall Centenary Square Bradford BD1 1UH - 16/09259/LBC [Approve]	City
C.	Shibden Head Day Nursery 49 Halifax Road Queensbury Bradford BD13 2DT - 16/09072/FUL [Approve]	Queensbury
D.	40 Brackendale Avenue Bradford BD10 0SQ - 16/09282/FUL [Refuse]	Idle and Thackley
E.	5 Acre Lane Eccleshill Bradford BD2 2EH - 16/08354/HOU [Refuse]	Eccleshill
F.	70 Rooley Crescent Bradford BD6 1BX - 16/08375/FUL [Refuse]	Wyke

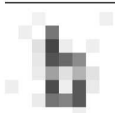
Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf  
Phone: 01274 434605

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

**Portfolio:**  
Regeneration, Planning and Transport

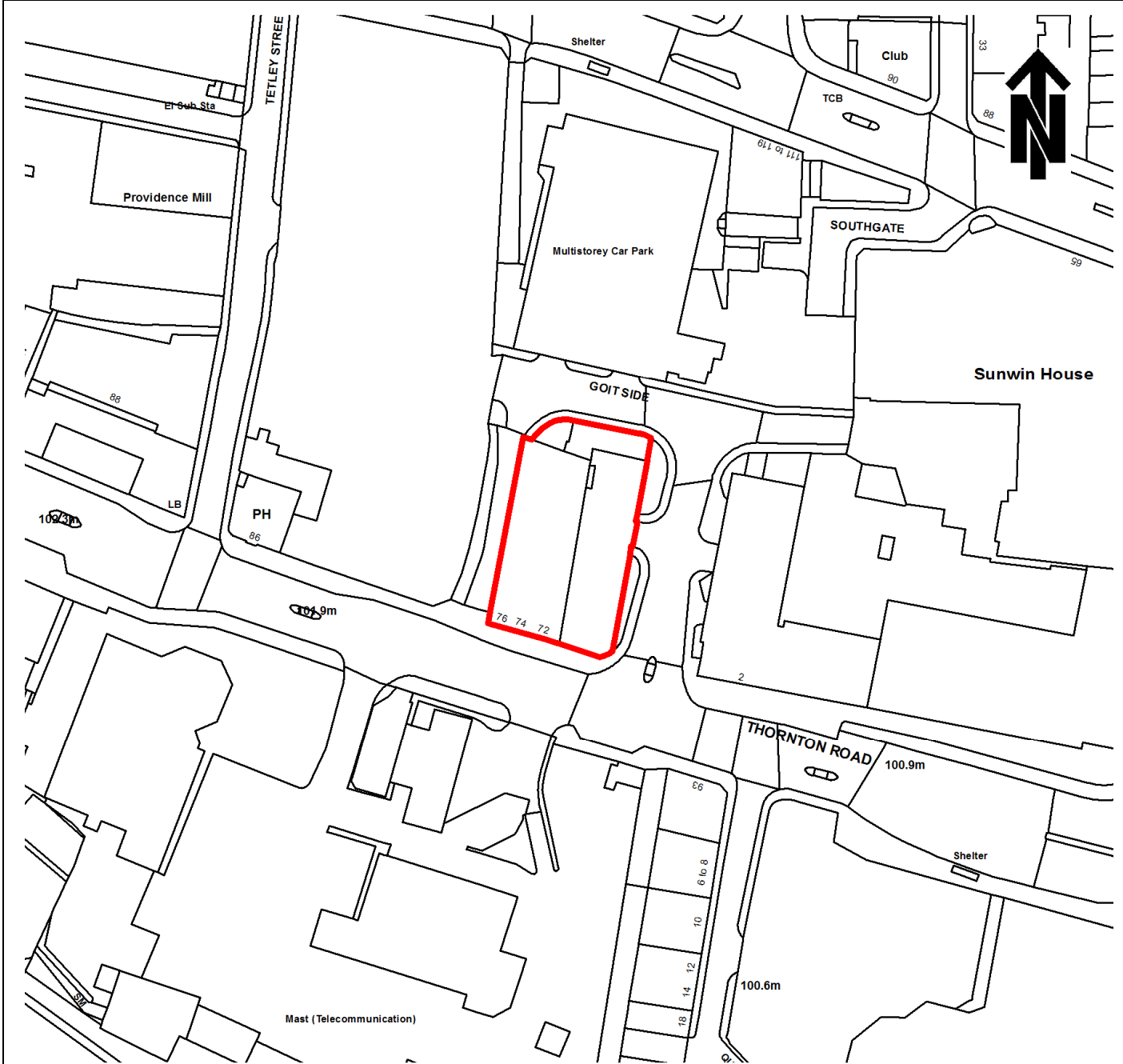
**Overview & Scrutiny Committee Area:**  
Regeneration and Economy



16/09552/FUL

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**72 - 76 Thornton Road  
Bradford BD1 2DG**

21 February 2017

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

**Application Number:**  
16/09552/FUL

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

A part retrospective application seeking to regularise the installation of two extraction flues, seven air conditioning units and two roller shutters at 72-76 Thornton Road, Bradford.

**Applicant:**  
Mr A Mahmood

**Agent:**  
Paj Riyat

**Site Description:**

This property is a three-storey former mill, situated on the north side of Thornton Road at its junction with Goitside. The property lies within the Goitside conservation area and is in close proximity to Bradford city centre. The mill has a car parking area to the side with access from Goitside. Beyond the site to the north is a large NCP multi-storey car park and on the opposite side of Goitside the newly built Jurys Inn hotel. To the West side the property has an enclosed service yard, beyond which is a cleared site currently enclosed by temporary fencing.

**Relevant Site History:**

12/04224/FUL - Change of use of part of first floor – Granted.

13/04619/FUL - Change of use of part first floor, second floor and third floor B1 offices and storage to 3 self-contained flats with new staircase to side – Refused.

14/01246/FUL - Change of use of part first floor, second floor and third floor B1 offices and storage to four self-contained flats with new staircase to side – Granted.

15/03958/FUL - Retrospective application for air conditioning units and extraction units – Refused due to harm to visual amenity.

16/04266/FUL - External alterations to include glazed entrance, stone boundary and installation of gates to front and timber fence to side – 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***

Goitside Conservation Area adjacent to an allocated Gateway Road.

***Proposals and Policies***

UR3 - The Local Impact of Development

D1 - General Design Considerations

BH7 - New Development in Conservation Areas

D11 – Gateways

P1 - Air Quality

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application has been publicised via a site notice and by an advert in the local press. The publicity period expired on the 7 February 2017. No representations have been received.

**Summary of Representations Received:**

Not applicable.

**Consultations:**

Design and Conservation – It has been verbally confirmed that the proposed scheme would be an acceptable solution, that would serve to mitigate the visual harm associated with the installed equipment.

**Summary of Main Issues:**

The main issue is whether the proposal safeguards the character and appearance of the host building and locality.

**Appraisal:**

The three storey mill building has a long and diverse planning history, which is reflected by the fact that the building now contains a number of different uses. The addition of shopfronts to the Thornton Road elevation and a new extension to the Goitside elevation, are notable alterations to the property that provide further evidence of the evolution of the building.

This application considers the works and equipment that have been installed to the service yard elevation. The application is in part retrospective as what is currently installed does not have the benefit of prior planning approval. In 2015, the two external flues and extraction equipment were the subject of a retrospective planning application, but permission was refused due to the harm to visual amenity.

The current proposal, seeks to overcome the visual amenity concerns by routing one of the flues internally, and by enclosing the remaining flue in a natural stone chimney stack. The application includes a new boundary treatment, consisting of stone walling and timber fencing. This would serve to screen the extraction equipment from wider views. The retention of two solid roller shutters positioned over the side entrance and side loading bay also form part of the proposal.

72-76 Thornton Road occupies a prominent position in terms of the Goitside conservation area, and is alongside an allocated gateway road close to the city centre. The buildings scale and character serve to further highlight the buildings prominence, as does the fact that the neighbouring site is undeveloped. The service yard and installations on the west side elevation, currently detract from the appearance of the building, and form strident and incongruous features in the street scene.

What is apparent is that the continued viable use of the building is desirable, and the needs of the business have to be weighed against the visual amenity requirements. The equipment installed is seemingly an operational necessity, and insisting on its removal could therefore jeopardise the business. In terms of the flues, this would also have consequences for the adequate dispersal of cooking fumes and odours. With this in mind, it is considered that the current scheme strikes an acceptable balance between the needs of the business, and the amenity of the locality. The works to the flues will ensure they will no longer be strident alien features to the side elevation, and the proposed boundary works not only serve to screen the service yard and equipment, they represent a notable visual improvement on the existing metal palisade fencing. The roller shutters will also be largely screened from view, and in their favour they do not have protruding boxes and they have a powder coated finish. The proposal is therefore considered to satisfy the requirements of policies UR3, D1, D11 and BH7 of the RUDP.

**Community Safety Implications:**

None foreseen.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposed scheme is considered to maintain the appearance of the host building and wider locality, whilst meeting the needs of the business satisfying the requirements of policies UR3, D1, D11 and BH7 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 materials to be used for the chimney stack and wall 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 safeguard the appearance of the Goitside Conservation Area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

3. Concurrently with the submission of a sample of the walling/chimney materials, a sample panel of those materials and type of pointing to be used shall be erected on site for inspection before development begins.

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

4. The external element of the extraction flues hereby permitted shall have a dark coloured finish and so retained.

Reason: In the interests of visual amenity and to accord with policies D1, UR3 and BH7 of the Replacement Unitary development Plan.

5. Before development commences on site details of the gate shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and so retained.

Reason: To ensure the use of appropriate detailing in the interests of visual amenity and to safeguard the appearance of the Goitside Conservation Area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

6. The finish to the timber fence and gate shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and so retained.

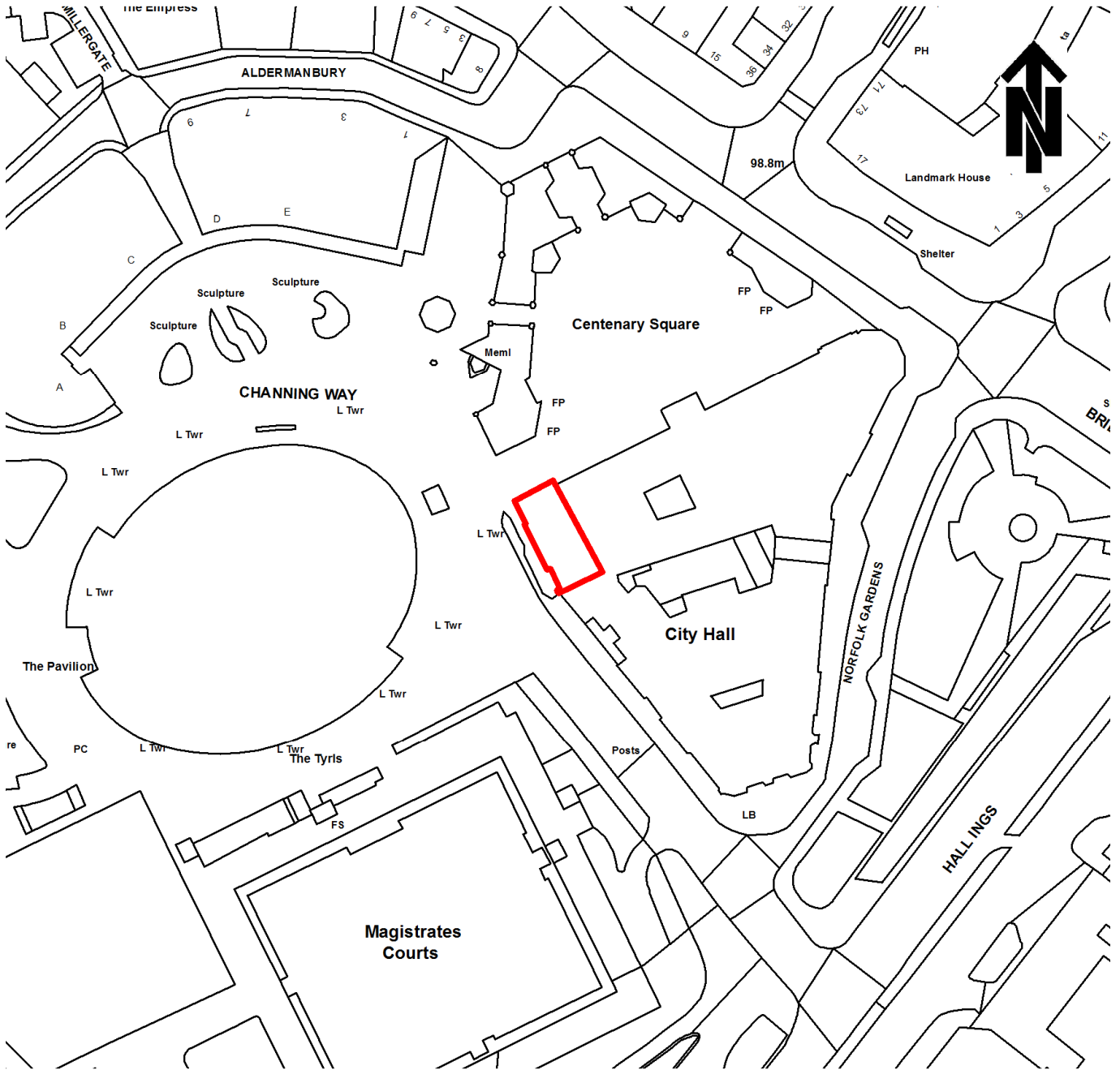
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to safeguard the appearance of the Goitside Conservation Area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

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16/09259/LBC

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**City Hall**  
**Centenary Square**  
**Bradford BD1 1UH**



**21 February 2017**

**Item: B**  
**Ward: CITY**  
**Recommendation:**  
**TO GRANT LISTED BUILDING CONSENT**

**Application Number:**  
16/09259/LBC

**Type of Application/Proposal and Address:**  
Refurbishment of the Council leader's office suite, City Hall, Centenary Square, Bradford, BD1 1UH.

**Applicant:**  
Mr Kevin Foulstone (BMDC Architectural Services)

**Agent:**  
Not applicable.

**Site Description:**  
The Leader's suite is housed in part of the original Bradford Town Hall which was constructed in 1873 to the designs of Lockwood & Mawson and subsequently extended between 1905 and 1909.

**Relevant Site History:**  
14/01976/LBC - Replace existing ground floor windows with new to match existing – Granted - 22.09.2014.

**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***

City Centre Conservation Area.

***Proposals and Policies***

BH4 - Alteration, Extension or Substantial Demolition of Listed Buildings.

**Parish Council:**

Not In a Parish.

**Publicity and Number of Representations:**

The application was publicised by site notice and press advertisement. The expiry date for comments in connection with the application was 13 January 2017. No letters of objection or support were received.

**Summary of Representations Received:**

None received.

**Consultations:**

Design and Conservation - The proposed works do not present any issues or risk of harm to the heritage asset, subject to confirmation of the final ceiling heights, which can be dealt with by a condition.

Historic England - The application should be determined in accordance with national and local planning policies and on the basis of the Councils expert conservation advice.

Victorian Society - No objection subject to the submission of further detailing in respect of new ceiling heights.

**Summary of Main Issues:**

Impact on the Character and Appearance of the Grade I Listed Building.

**Appraisal:**

Impact on the Character and Appearance of the Grade I Listed Building.

The proposed small scale proposals form part of a wider on-going programme of works for the refurbishment of City Hall.

The submitted plan indicates that the suspended ceilings are to be removed from the waiting area and meeting room, as well as a stud wall from the waiting area. The suspended ceilings and stud wall are later additions to the building and their removal is not considered to have an adverse impact on the heritage asset. The works will have a positive impact on the building, as replacement of the ceilings provides an opportunity for the use of an improved treatment and an improved relationship between the ceilings and the arched and circular external windows.

At this stage it is not possible to determine the condition of the original ceilings as they are obscured from view. In the event that the original ceilings are in a suitable condition it is proposed that the original cornicing will be re-instated. If the condition of the ceilings is not suitable then it is proposed that a new suspended ceiling with integral lighting will be fitted. As such it is considered necessary to impose a condition requiring the submission of further details relating to the ceiling treatments and finished ceiling heights to be approved in writing.

In conclusion it is considered that the proposed works do not present any issues or risk of harm to the Grade I listed building, subject to the submission of further details reserved by a planning condition. The proposals are therefore considered to accord with the NPPF and policy BH4 of the Replacement Unitary Development Plan.

**Community Safety Implications:**

The application does not present any community safety implications.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Listed Building Consent:**

The proposed development is not considered to result in any adverse implications in respect of the host grade I listed building. As such the proposal is considered to accord with policy BH4 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. Following the removal of the existing suspended ceilings as detailed on drawing No ID/1505A01/2/2 details of the new ceiling treatments and heights shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

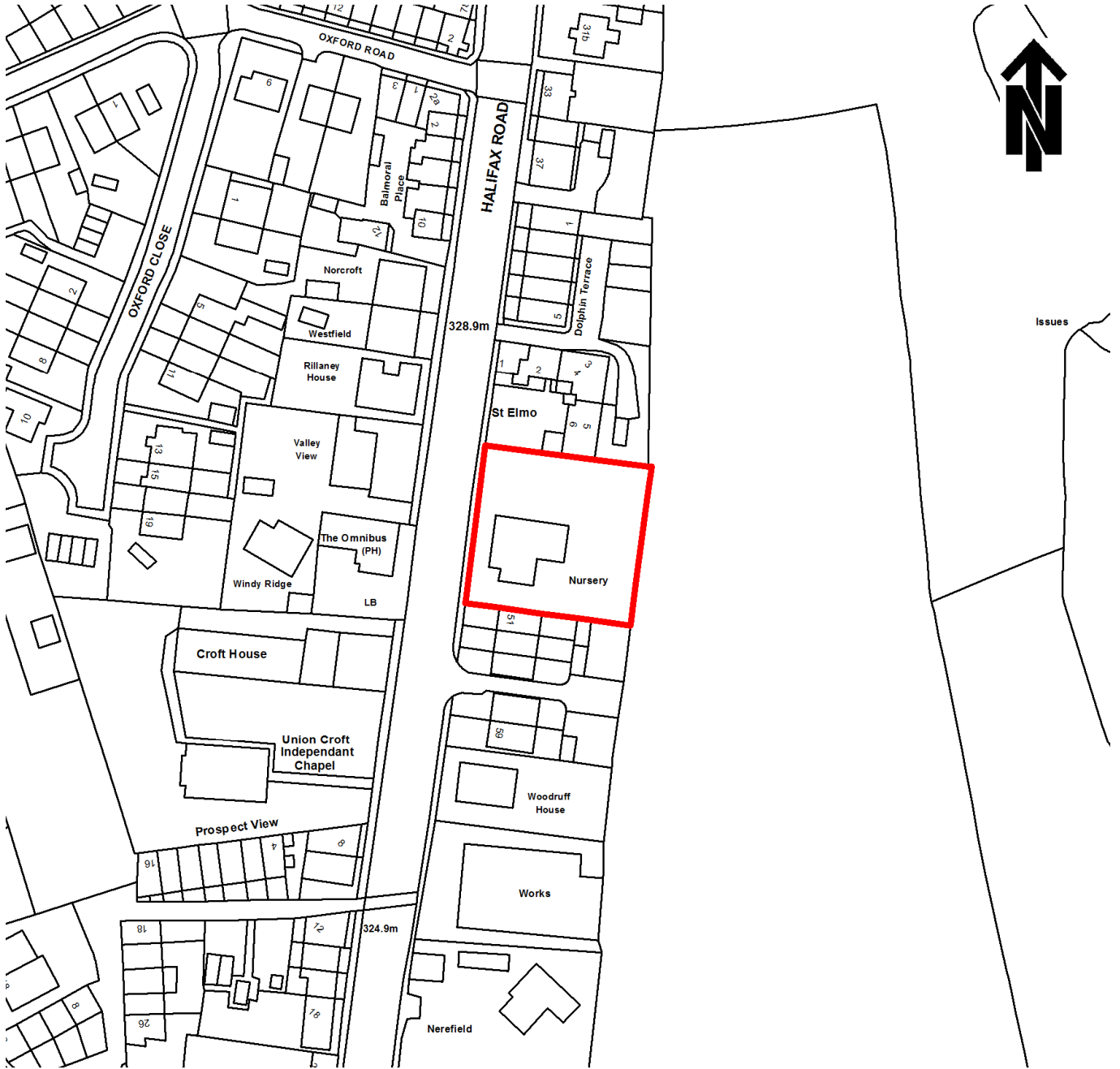
Reason: In the interests of the character and appearance of the listed building and to accord with policy BH4 of the Replacement Unitary Development Plan.

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**Shibden Head Day Nursery**  
**49 Halifax Road Queensbury**  
**Bradford BD13 2DT**

**21 February 2017**

**Item: C**  
**Ward: QUEENSBURY**  
**Recommendation:**  
**TO GRANT TEMPORARY (18 MONTHS) PLANNING PERMISSION**

**Application Number:**  
16/09072/FUL

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

Retention of temporary modular unit for extended period of 18 months originally approved under 13/02315/FUL and 11/02242/FUL. Shibden Head Day Nursery, 49 Halifax Road, Queensbury, Bradford, BD13 2DT.

**Applicant:**

Mrs Wray, Shibden Head Day Nursery.

**Agent:**

Not applicable.

**Site Description:**

The site consists of a large detached stone built nursery property with a hard surfaced curtilage. To the north of the host building is a modular unit in situ which is subject of this application. Protected trees are located along the east boundary of the site within the stone boundary wall. Access to the site is gained off Halifax Road. Residential properties are located to the north of the site and a public house opposite the site.

**Relevant Site History:**

02/04253/CLP - Certificate of lawfulness for proposed use of premises as pre-school/day nursery - Granted 11.02.2003.

03/00560/FUL - Construction of extension to existing nursery - Granted 04.04.2003.

10/01020/FUL - Retaining of baby play area, shelter and disabled ramp and construction of shelter to rear of building - Granted 11.05.2010.

11/02242/FUL - Installation of a modular unit to form before and after school club and holiday club. To be used for community use. 5 year initial application due to expense of a stone building - Granted 12.09.2011.

13/02315/FUL - Installation of temporary modular unit to provide space for Out of School Club and Pre School Day care - Granted 02.08.2013.

16/03362/FUL - Construction of mezzanine floor - Granted 21.06.2016.

**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***

The application site is just outside the green belt boundary which commences towards the east of the site. Halifax Road forms part of the National and Local Cycle Network and the Bus Priority Network on the RUDP.

***Proposals and Policies***

UR3	The Local Impact of Development
D1	General Design Considerations
NE5	Retention of Trees on Development Sites
UDP4	Economic Regeneration
TM19A	Traffic Management and Road Safety
D3	Disabled access
TM2	Impact of Traffic
TM11	Parking

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised by way of a site notice and neighbour notification letters. The overall expiry for the publicity was 2 January 2017.

At the time of writing this report 19 objection and 50 supporting representations had been received.

**Summary of Representations Received:**

The following is a summary of the keys issues raised:

**Support of application:**

- Portacabins not resulted in any issues. This area was previously used as a larger playground.
- On-street parking not solely related to nursery but local shops and pub. Traffic is high along Queensbury but not as a result of the nursery.
- People parking on road side are there for matter of minutes to drop off and pick up.
- All local schools and nurseries have same issues.
- Refusal would result in job losses.
- Queensbury community have already lost a swimming pool and bank.
- Serve community, local children and families. Refusal would cause parents issues with loss of out of school provision and unable to work.
- Manager advises parents and staff about parking considerately to others.
- Many staff walk to and from work.
- There is an adequate keep clear sign before the entrance of the setting which enables easy entrance and exit from the car park and Management have in the past reported any vehicles illegally parked which would obstruct a view.
- Objections from rival Child Care provider.

**Objections:**

These are essentially on Highway safety grounds:

- Modular units occupying parking spaces. Lack of off-street parking leading to on-street parking increasing blind spots and parents pull into middle of road.
- Lack of turning provision.
- Entrance width only allows one car to get in or out at a time whereby holding up traffic
- Road safety issues particularly including children. Recent accident (sourced from social media)
- Would add to already high traffic volume along Halifax Road, Queensbury.

**Consultations:**

Highways: Granting of planning permission would not have adverse implications for highway safety and therefore raise no objections from a highways point of view.

**Summary of Main Issues:**

Principle.

Business.

Visual amenity.

Trees.

Residential amenity.

Highway safety.

Access.

Address representations.

## **Appraisal:**

### **Principle**

The site is an existing playground and car park area serving a day nursery. The same modular units are in situ to that approved in earlier applications 13/02315/FUL and 11/02242/FUL. Under both these applications a 5 year temporary planning permission was granted for each of the units. The design and access statement states that the application seeks planning permission for a before and after school club and holiday club which caters for varying hours for parents. A further 18 months temporary permission is sought allowing the Applicant to make alternative arrangements for the services accommodated in the temporary structure. Given the site is currently operating under the same use and has similar opening hours, a further 18 months temporary permission is considered reasonable time in which to allow the Applicant to make the required alternative arrangements that are being sought.

### **Business**

The proposal is welcomed as it would allow a reasonable time for the Applicant to seek alternative arrangement for the current child care provisions. This would allow the continuation of employment and would comply with policy UDP4 of the Replacement Unitary Development Plan and growth of employment and would comply with Governments NPPF policy under paragraphs 18 to 22.

### **Visual amenity**

The proposed development relates to the installation of a temporary building located towards the rear of the site adjacent to a group of residential properties. The appearance and siting are identical to those granted approval under 11/02242/FUL and 13/02315/FUL. The buildings remain in good condition and are set well back from the highway. Consequently the proposal is not considered to unduly harm the character of the street scene. Whilst the building is large it does not over-dominate the car park area. The impact of the development would be limited to an acceptable time of 18 months.

### **Trees**

A protected tree is located to the rear boundary of the site adjacent to the boundary wall. Due to the non-intrusive foundations with limited contact points with the ground it is not considered the development would harm the protected tree. The development would therefore not impact on the protected tree and policy NE5 and NE6 are satisfied.

### **Residential amenity**

Potential for noise nuisance to adjacent properties has to be assessed. However this is business already in operation has not attracted any objections on these grounds. The nearest property to the proposed building is St Elmo which is a residential property immediately to the north. There are only high level windows located on the rear of this property for additional light only. The development proposed therefore does not result in overbearing impacts to the occupants of this property.

Account has been taken of the high background noise from Halifax Road and Environmental Protection have not raised any objections under previous applications.

The development is considered to be acceptable in terms of residential amenity and accords with UR3 and D1 of the RUDP.



### **Highway safety**

It is noted that this application does not add any floor-space beyond that previously granted temporary permission. The existing access and parking arrangements are not affected by the proposal. There is car parking within the site for up to 10 vehicles, though this is unmarked. This car park is not used by staff and is primarily reserved for parents dropping off children by car. Whilst the car park can get busy at pick-up and drop-off times it generally operates well as not all children start and finish at the same time.

As far as Officers are aware there have been no significant highway safety problems arising at this site over the past 5 years since the temporary buildings were initially approved. Moreover the highway situation at this site is no different to any other school/nursery situated along a major transport route.

The Councils Highway Section has not raised any objections and given the above the proposed is not considered to give rise to any material highway safety issues. As such the development satisfies the requirements of policies TM2, TM11 and TM19A of the RUDP.

### **Access**

The requirement of the RUDP policy D3 requires proposals to have an adequate means of access for people with physical disabilities. The submission involves a modular building type with a ramp whereby complying with policy D3 of the RUDP.

### **Address representations**

The main grounds of both objections and support is on the issue of Highway safety which have been addressed in this report. Other matters are addressed as following:

- Refusal would result in job losses.
- Serve community, local children and families. Refusal would cause parents issues with loss of out of school provision and unable to work.

Response - Issues noted and have been taken into account.

- Queensbury community have already lost a swimming pool and bank.

Response - Not a material planning consideration.

- Objections from rival child care provider.

Response - All representations are considered on their relative merit.

### **Community Safety Implications:**

There are no apparent community safety implications.

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

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

**Reason for Granting Planning Permission:**

The proposal is welcomed as it would allow a reasonable time for the Applicant to seek alternative arrangement for the current child care provisions thus allowing the continuation of employment encouraged by the policy UDP4 of the Replacement Unitary Development Plan and by the Governments National Planning Policy Framework policy under paragraphs 18 to 22. The proposed siting of a temporary building for a temporary period within the playground of Shibden Head Day Nursery is considered to be acceptable in terms of visual and residential amenity and is not considered to result in harm to the protected tree located to the rear of the site. Furthermore the development is not considered to raise material highway safety concerns. Subject to the attached conditions the development will satisfy with policies UDP4, UR3, D1, NE5, D3, TM2, TM11, TM19A and NE5 of the Replacement Unitary Development Plan.

**Conditions of Approval:**

1. The building hereby permitted shall be removed and the site restored to its former condition on or before the 21 August 2018 unless the Local Planning Authority has previously permitted its retention for a further period.

Reason: The Local Planning Authority is prepared only to grant planning permission on a temporary basis in view of the nature of the building, in the interests of longer term visual amenity and to accord with Policy UR3 of the Replacement Unitary Development Plan.

2. Unless otherwise agree in writing by the Local Planning Authority the use of the premises hereby approved shall be restricted to the hours from 0700 to 1830 Mondays to Fridays and the premises shall not be open for the proposed use as Out of School Club and Pre School Day care on Saturdays and Sundays and any Public Bank Holidays.

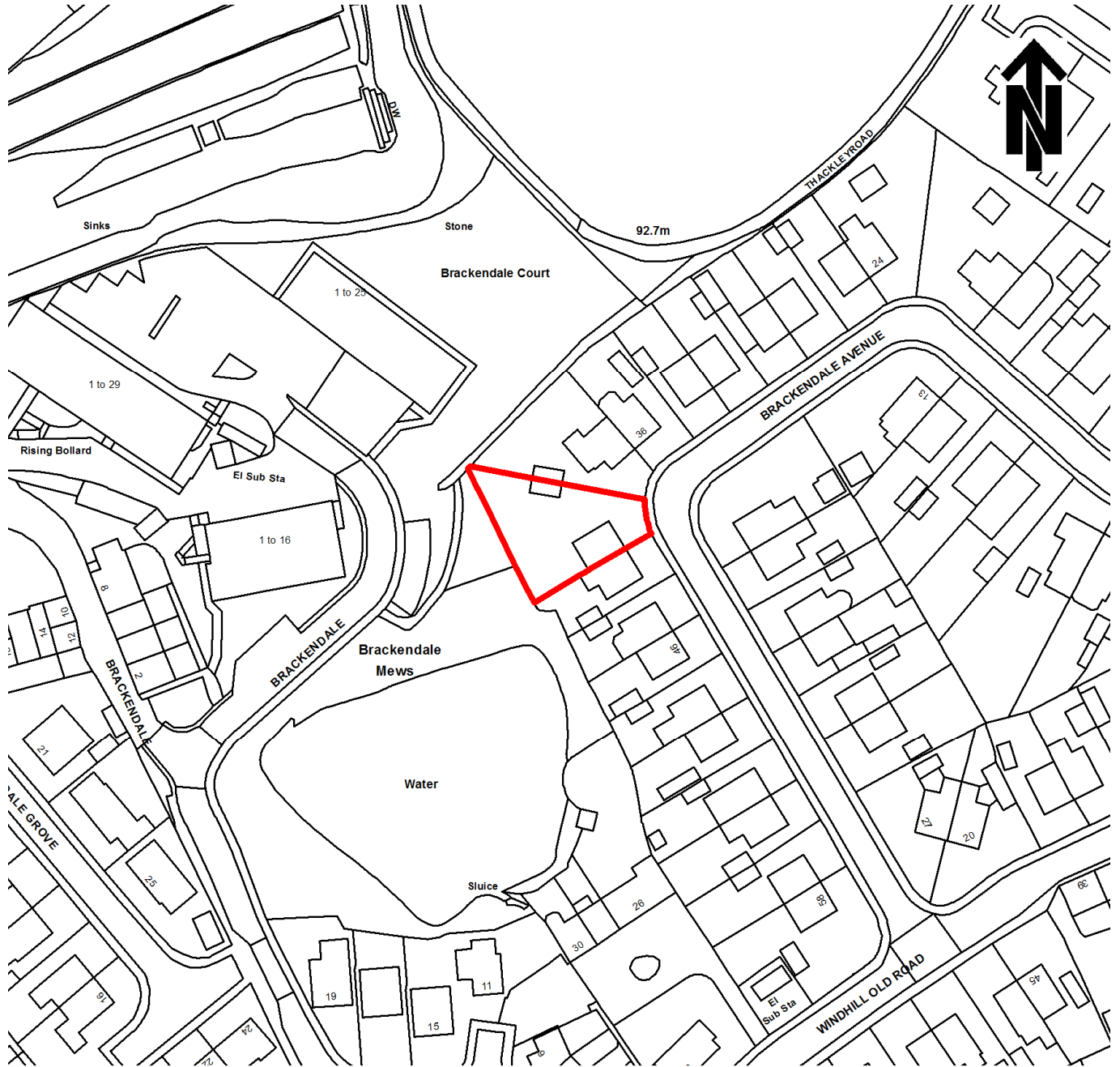
Reason: In order to safeguard the amenity of nearby residents and to accord with the requirements of Policy UR3 of the Replacement Unitary Development Plan.

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16/09282/FUL

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**40 Brackendale Avenue  
Bradford BD10 0SQ**

21 February 2017

**Item:** D  
**Ward:** IDLE AND THACKLEY  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**  
**APPLICATION WITH A PETITION**

**Application Number:**  
16/09282/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. This application is a resubmission of application 16/04378/FUL, previously refused.

**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 in level as the site joins a small area of woodland to the rear. 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:**

16/04378/FUL: Construction of single detached dwelling – refused 08/12/2016; adverse impact on the protected trees to the rear of the site.

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

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

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

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

**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:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised by site notice and individual neighbour notification letters. Expiry date of the publicity period was 14 January 2017. At the time of report preparation, the following representations had been received:-

- Nineteen individual objections to the scheme.
- Seven representations in support of the scheme.
- A petition objecting to the application with 54 signatures.
- A written objection from a local Ward Councillor.

**Summary of Representations Received:**

The application would be in breach of covenants on the land.

The scheme will lead to adverse impacts on the visual character of the street scene.

The development will adversely affect mature protected trees on the site.

This revised application does little to address the previous reason for refusal.

The development will result in loss of openness within the street and estate.

**Comments received in support of the application:**

The development would be beneficial to the area providing additional housing supply.

The site is an appropriate location for the new development.

The development proposed is sympathetic to the area and will cause no significant adverse effects.

**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 – changes to the scheme make little difference.

Drainage: No objection subject to conditions.

Minerals and Waste: No comments received.

Environmental health: 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:**

A recent planning application on this site for a very similar proposal was refused by the Area Planning Panel on 7 December 2016 for the following reason:

‘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.’

It is in this context that this planning application is considered.

**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 elevations of the proposed dwelling now contain habitable room windows; however, these do not directly overlook amenity areas of the adjacent properties. The side windows overlook the driveway of no. 38 and provide sufficient facing distance to the main amenity area of this property. To the other side of the proposed dwelling, there is sufficient facing distance achieved to the amenity area of the property at 40 Brackendale Avenue (10 metres achieved).

### **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 proposed scheme is little changed from that submitted under 16/04378/FUL. The dwelling has been moved approximately 300mm further from the protected trees to the rear boundary of the site and side elevation windows have been created to attempt to provide further outlook and light into the habitable rooms. The tree survey has not been updated to take into account the revised location of the dwelling. It is considered that changes proposed do not sufficiently address the impacts of the development on the protected trees. The main outlook for the habitable rooms will be to the rear of the site and there remains the amenity area for the new dwelling which will be affected by shade cast from the protected trees. This will lead to future pressure for the trees to be pruned or removed to allow improved living conditions for the future occupants of the dwelling. Overall, it is considered that the dwelling will still have unacceptable impacts on the protected trees to the rear of the site.

### **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 application would be in breach of covenants on the land  
Response - This is not a relevant planning consideration

The scheme will lead to adverse impacts on the visual character of the street scene  
Response - Appraised in the report under 'visual amenity'

The development will adversely affect mature protected trees on the site  
Response - Appraised under 'impact on protected trees'

This revised application does little to address the previous reason for refusal  
Response - Noted

The development will result in loss of openness within the street and estate  
Response - Appraised in the report under 'visual amenity'

### **Community Safety Implications:**

No significant 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 in relation to consideration of this application.

**Reasons for Refusal:**

1. The proposed development will 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.
-



16/08354/HOU

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**5 Acre Lane  
Eccleshill  
Bradford BD2 2EH**

**21 February 2017**

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

**Application Number:**  
16/08354/HOU

**Type of Application/Proposal and Address:**  
This is a householder planning application for the retention of a static caravan in use as a residential annex at 5 Acre Lane, Bradford.

**Applicant:**  
Mrs Marion Majors

**Agent:**  
Not applicable.

**Site Description:**  
The site comprises an end terrace residential property, constructed of brick and pebbledash walls under a tile roof. The local area is primarily residential and characterised by a mix of semi-detached and terraced properties. The static caravan the subject of this application sits in the rear garden of the host property.

**Relevant Site History:**  
14/01299/HOU - Construction of granny annex - Granted 20.05.2014.

15/00108/HOU - Retrospective application for granny annexe to rear of property - custom built static caravan - Refused 12.03.2015 (subsequent appeal dismissed on 13.10.2015).

16/00041/APPENF - Appeal against Enforcement Notice - Dismissed 18.07.2016.

**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***

The site is unallocated on the Replacement Unitary Development Plan.

***Proposals and Policies***

UR3 The Local Impact of Development

D1 General Design Considerations

TM19A Traffic Management and Road Safety

Householder Supplementary Planning Document

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was advertised by neighbour notification letters. The publicity period expired on 7 December 2016.

One representation has been received from the Bradford East MP, who has requested the application be referred to Area Planning Panel on the basis that there is insufficient accommodation available and accessible in the main house. Also, the removal of the external living accommodation would affect the applicant and her family, who would not have the resources to demolish and make alternative provision.

**Summary of Representations Received:**

As above.

**Consultations:**

Occupational Therapy – The Occupational Therapy Team confirms that they have a record of the occupant's disability, but do not have any evidence of any specific needs or requirements.

**Summary of Main Issues:**

Background information.

Impact on the local environment.

Impact on residential amenity.

Impact on highway safety.

Other matters.

**Appraisal:**

**Background Information**

The application seeks retrospective planning permission for the retention of a cream coloured static caravan to be used as a granny annex in the rear garden of a residential dwelling. This application is an almost identical resubmission of a previously refused application (15/00108/HOU), also made retrospectively, for the retention of the same static caravan, which was installed on site circa June-August 2014.

Prior to the installation of the static caravan, planning application referenced 14/01299/HOU was granted for a granny annex in the rear garden of the host building. This was to be constructed of brick walls and tiled roof, which would have been sympathetic and in keeping with the host building and local area.

Following approval of the brick annex building, the applicant installed the static caravan and after discussions with the Planning Enforcement Team, submitted a new planning application seeking permission for its retention (application 15/00108/HOU). A letter providing brief details of the occupant's health issues accompanied the application, explaining why the annex is necessary and enables the applicant's daughter to provide care for the applicant, who now lives in the static caravan. Application 15/00108/HOU was refused for the following reasons:

1. The proposed development would, by reason of the size, design and choice of materials, represent an unwelcome and strident feature, which would appear visually dominant and incongruous with the existing buildings, and therefore harmful to the visual amenity and character of the street scene. For this reason, the proposal is unacceptable when measured against Policies UR3 and D1 of the Council's Replacement Unitary Development Plan and the Householder Supplementary Planning Document.
2. The proposed development would introduce one or more windows, which would overlook or be overlooked by habitable room windows and/or private amenity space of the existing neighbouring properties at close quarters. As such it would be detrimental to the amenity and privacy of existing and future residents and would be contrary to the Supplementary Planning Guidance contained within the Council's Householder Supplementary Planning Document and Policies UR3 and D1 of the Replacement Unitary Development Plan.

The applicant subsequently appealed against the refusal of application 15/00108/HOU, with the Planning Inspector dismissing the appeal on 13th October 2015. The Inspector found that "the caravan, due to its size, design and materials, appears out of keeping...constitutes an alien and discordant feature in its residential setting and...is an unwelcome addition to the local area." The Inspector also referred to the use of the annex as "accommodation for the appellant and elderly mother, both of whom require care and support". The Inspector reiterated that "planning permission has been granted for a granny annex" (see application 14/01299/HOU) but found that the personal circumstances do not outweigh the harm identified.

This resubmission once again seeks permission for the retention of the static caravan for use as a granny annex. The only difference between this current application and the previously refused application is the description and supporting information. The "description of proposed works" now provides a brief outline of the appellant's situation and requirement for the caravan; it states that the caravan is for the use of the applicant's disabled mother and that the applicant provides full time care. A copy of the applicant's "Physically Disabled Person's Certificate of Registration" accompanies this resubmission, but the application is not supported by any further supporting information or justification for the retention of the caravan, which would overcome the previous reasons for refusal and subsequent appeal decision.

### **Impact on Local Environment**

The static caravan remains sited in the rear garden of the host property, which is an end of four terraced dwellings, located in a predominantly residential area, where the majority of properties are semi-detached. The host dwelling is constructed of brick and pebbledash walls with a tile roof. It should be noted that the host building has the potential to accommodate extensions to the side and rear, which could provide considerable additional living accommodation.

As found with the previous application and the subsequently dismissed appeal, the size, design and materials of the static caravan are out of keeping and constitute an alien and discordant feature in the residential setting, and have therefore created an unwelcome addition to the local area. The unit is a large, cream coloured static caravan, which sits prominently in the garden of the host building. The appearance of the structure is considered unacceptable and the personal circumstances cited in the application do not outweigh the harm identified.

For this reason, the static caravan is harmful to the character and appearance of the local environment, thereby contrary to policies UR3 and D1 of the Replacement Unitary Development Plan and the Householder Supplementary Planning Document.

### **Impact on Neighbouring Occupants**

The static caravan is slightly elevated above ground level with several windows facing towards neighbouring properties; nevertheless, the Planning Inspector found that the existing boundary fencing would partly obstruct views from the windows across neighbouring gardens and any further overlooking could be overcome through the use of blinds or curtains. The Inspector therefore concluded that the static caravan would not have a significant adverse impact on the living conditions of the occupiers of nearby residential properties. For this reason, it would be unreasonable to refuse the application based on harm to residential amenity, as identified in the previously refused application. The overall impact of the proposed development on neighbouring occupants is therefore acceptable.

### **Impact on Highway Safety**

The proposal retains the existing driveway and off-street parking provision. A sufficient amount of off-street parking space remains within the site boundary. Therefore, the proposal has a minimal impact on 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.

**Reasons for Refusal:**

1. The static caravan, by reason of its size, design and choice of materials, represents an unwelcome and strident feature, which appears visually dominant and constitutes an alien and discordant feature in its residential setting, and therefore harmful to the visual amenity and character of the local area. For this reason, the proposal is unacceptable when measured against Policies UR3 and D1 of the Council's Replacement Unitary Development Plan and the Householder Supplementary Planning Document.
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16/08375/FUL

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**70 Rooley Crescent  
Bradford BD6 1BX**

21 February 2017

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

**Application Number:**  
16/08375/FUL

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

This is a full planning application for the construction of a detached dwelling within the rear garden of 70 Rooley Crescent, Bradford.

**Applicant:**

Mr & Mrs A Saleh

**Agent:**

Mr Allan Booth, Rance Booth Smith Architects

**Site Description:**

This is the long rear garden of 70 Rooley Crescent which is a detached dwelling within a wholly residential area. The other properties in this street are of varied designs and sizes including new dwellings on land to the east and west. There is open land to the south which is designated as Urban Greenspace on the Replacement Unitary Development Plan. The land drops away towards the south with a particularly sharp drop in the position of the proposed dwelling.

**Relevant Site History:**

There have been a number of planning applications on this site for extensions and alterations to the existing building but none which are directly relevant to the current application. A pre-application enquiry was received in April 2016 (16/03223/PMI) seeking advice on a residential scheme on this site. Whilst the principle of development was accepted some concerns were raised in regards to the impact of the development on the neighbouring properties.

**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

Policy H7 - Housing Density - Expectations

Policy H8 - Housing Density - Efficient Use of Land

Policy TM2 - Impact of Traffic and Its Mitigation

Policy TM12 - Parking Standards for Residential Developments

Policy TM19A - Traffic Management and Road Safety

Policy NE4 - Trees and Woodland

Policy NE5 and NE6 - Retention and Protection of Trees on Development Sites

Policy NR16 - Surface Water Run Off and Sustainable Drainage Systems

**Parish Council:**

The site is not within a Parish.

**Publicity and Number of Representations:**

The application was advertised with a site notice and neighbour notification letters. This publicity period expired on 15 November 2016. Three objections to the proposal, and one e-mail in support from a Wyke Ward Councillor, have been received. The Ward Councillor asks for the application to be referred to the Area Planning Panel for determination if officers are minded to refuse it.

**Summary of Representations Received:**

**In objection:**

- There is conflicting information on the drawings. One shows the dwelling alongside 72A Rooley Crescent and another drawing shows it being constructed in front of this property.
- The proposed dwelling will overshadow habitable rooms and the rear garden of this property.
- The window in the side of the property will overlook the neighbouring properties.
- A section of the curtain walling will also allow direct views of habitable rooms and the rear garden of 72A Rooley Crescent.

- The balcony will also allow clear views into neighbouring gardens and habitable rooms.
- Excavations and ground works may have an impact on the foundations of the neighbouring properties.
- The current design is not in keeping with the houses in the local area.
- A foul water drain runs through part of the front garden of 70 Rooley Crescent. Assurances should be received that this will not be damaged should the development take place.

### **In support**

- Moving the property further north would be detrimental to the overall site.
- The proposal is for an ergonomically environmentally friendly designed 'green' property.
- It is a good use of available land.
- The proposal divides the land equally between the old and new build.
- It does not restrict views from the existing property.

### **Consultations:**

Highways Development Control - No objections subject to conditions requiring the provision of the vehicular access and off-street car parking facilities.

Drainage - No objections subject to conditions requiring the approval of foul and surface water drainage details. This should also require an investigation of the potential use of sustainable drainage techniques to dispose of surface water from the development.

Environmental Health - Concur with the findings of the submitted Phase 1: Desk Top Study Report and a series of conditions are required to secure phase 2 site investigation and a remediation strategy.

Coal Authority - Concur with the findings of the submitted Phase 1: Desk Top Study Report that there is a risk posed by the proposed development. A condition requiring intrusive site investigations and any necessary remedial works should be attached to any approval of this application.

### **Summary of Main Issues:**

1. Principle of the Development.
2. Residential Amenity.
3. Visual Amenity.
4. Highway Safety.
5. Land Stability and Contamination Issues.
6. Other Issues Raised in Representations.

### **Appraisal:**

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

This site is unallocated on the RUDP and so it is not protected for any particular uses other than those which accord with the general policies of the plan. The site is currently part of the rear garden of 70 Rooley Crescent and so it is a greenfield site. The surrounding area is mainly residential with open land to the rear. There are new build dwellings on land to the east and west of the site.

It is well publicised that Bradford has experienced a sizeable and persistent under delivery of housing for many years and also does not have a five-year supply of deliverable sites as required by the NPPF. The approval of this application would make a contribution towards meeting this housing need on an allocated housing site. The principle of residential development on this site is therefore considered to be acceptable. The proposed development achieves a relatively low housing density of only around 10 dwellings per hectare. This is however a long thin site with a restricted access to Rooley Crescent and any significant increase in density would be difficult to accommodate without causing harm to neighbouring amenities and visual amenity.

Overall the principle of the development is therefore considered to be acceptable subject to its local impact.

## **2. Residential Amenity**

The proposed dwelling is set around 24.5m away the rear wall of the host dwelling. It is to be a split level property with the northern side of the building being single storey and the southern side would be two storeys. The proposed dwelling is sufficiently distant from the existing dwelling to avoid causing any significant harm.

There is a new build dwelling on land to the east of this site which is known as 72A Rooley Crescent. As a result of the slope of the land there is a raised patio immediately to the rear which drops down into a lower garden area. The proposed dwelling would project just over 8m beyond the rear wall of this property and would have a maximum height of around 6.65m. It is therefore considered that the proposed dwelling will be an overbearing feature resulting in the loss of outlook and overshadowing of the rear garden area and the nearest habitable room window in the rear of 72A Rooley Crescent.

In addition to the above the proposed dwelling incorporates a first floor balcony running along the full length of the building. This would allow clear and elevated views into the rear garden areas of properties 72A and 72B Rooley Crescent.

It is possible to overcome these issues by moving the proposed dwelling further north within the site and redesigning the balcony to introduce screening to the side facing the neighbouring properties to prevent overlooking. The building could be moved without causing harm to the amenities of the existing dwelling at 70 Rooley Crescent and be positioned so that it would not affect the neighbouring properties.

The applicants have not agreed to do this as they are concerned about the impact on a mature planting screen within the site and the additional cost of excavating land to construct the development. These reasons do not justify the harm to residential amenity identified above. It is clear that this site is large enough to accommodate a dwelling of the scale proposed without causing harm to residential amenity but this option has not been pursued. As a consequence and for the reasons given above the proposal is considered to be unacceptable in regards to its impact on the amenities of neighbouring properties.

### **3. Visual Amenity**

The application proposes to construct a contemporary split level dwelling at a point in the site where the levels drop away sharply. The proposed dwelling would incorporate large amounts of glazing to its curved southern elevation to provide clear views of the open land to the south from the main living areas on the upper floor. The lower floor will be partially buried within the ground with the exposed sections to the south being faced with a rain-screen cladding system. The sides to the western elevation will be partially faced in reclaimed stone and partially in rain-screen cladding. The eastern elevation is to be faced in through-coloured render.

The proposed roof will have a skewed 'V-shape' when viewed from the side with the roof of the garage and the roof of the main house rising away from each other. The roof of the garage is to incorporate solar panels and the main house is to have a single ply membrane with a powder coated metal edge to accentuate the building's roof. The proposed dwelling, whilst not conventional or similar in character to the surrounding dwellings, is not considered to be harmful to visual amenity. In the event of an approval conditions are required to secure full details of the proposed facing and roofing materials and window and door details.

The application also proposes to run an access road along the western boundary of the site and create a new vehicular access to serve this dwelling. This will be the only visible alteration from Rooley Crescent and although some planting will be lost it is not considered to result in any significant harm to visual amenity. None of the trees or other vegetation within the site is the subject of preservation orders. It is indicated that the road will have a permeable surface and details of this could also be secured via an appropriately worded condition. A separate condition requiring the approval of landscaping details would also be required.

As a consequence, notwithstanding the significant concerns raised in regards to the impact on the neighbouring dwelling, subject to conditions the proposal would not be harmful to visual amenity.

### **4. Highway Safety**

It is proposed to create a new access into Rooley Crescent and an access road is to run along the western boundary of the site. The proposal will also introduce a garage and driveway parking with a turning area and does not affect the existing parking and access arrangements for the host dwelling. Rooley Crescent itself is a relatively quiet road and sufficient visibility splays are incorporated at the junction of the new access road and this road. Subject to conditions the proposal is not therefore considered to be harmful to highway safety.

### **5. Land Stability and Contamination Issues**

The site is immediately adjacent to a large, now closed, municipal landfill site known as Odsal Wood Tip. Landfill gas is known to be present and the waste mass and venting trench is located along part of the north-eastern boundary. The application is supported by a phase 1 desk top study report which recommends that boreholes are installed to monitor gas and groundwater, samples are analysed and a risk assessment report prepared. The Council's Environmental Health Officer concurs with the findings of this report and recommends a series of conditions should the application be approved.

The site also lies within an area in which there is high likelihood of encountering coal mining features and hazards which could be affected by the proposed development. Records indicate that there is mine entry shaft either within, or within 20m of the planning boundary. The phase 1 desk top study report finds that the mine entry is sufficiently distant to not pose any significant undue risk to the stability of the development. The Coal Authority advises that intrusive site investigations should be carried out to determine whether any mitigation measures are required to ensure the safety and stability of the proposed development. These investigations should be the subject of conditions on any approval of this proposal.

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

### **In objection:**

- There is conflicting information on the drawings. One shows the dwelling alongside 72A Rooley Crescent and another drawing shows it being constructed in front of this property.  
Response - This has been clarified with revised drawings. The proposed dwelling sits in front of 72A Rooley Crescent.
- The window in the side of the property will overlook the neighbouring properties.  
Response - This window has now been omitted from the proposed drawings.
- A section of the curtain walling will also allow direct views of habitable rooms and the rear garden of 72A Rooley Crescent.  
Response - The section of glazing referred to would not allow clear views of neighbouring properties. There are concerns in regards to overlooking from the raised balcony which are discussed above.
- Excavations and ground works may have an impact on the foundations of the neighbouring properties.  
Response - The proposed dwelling is wholly within the applicant's land and the development could be carried out without affecting neighbouring land or properties. Should damage occur to neighbouring properties this would be a private matter and not an issue that could be resolved via the planning process.
- A foul water drain runs through part of the front garden of 70 Rooley Crescent. Assurances should be received that this will not be damaged should the development take place.  
Response - Any approval of this application will carry conditions requiring the approval of foul and surface water drainage.

### **In support**

- Moving the property further north would be detrimental to the overall site.  
Response - There is sufficient land within the site to move the property further north. This would overcome the identified harm to residential amenity whilst still maintaining a substantial garden area for the existing property.

- The proposal is for an ergonomically environmentally friendly designed 'green' property.  
Response - There is no mention within the application documents of this being an 'eco-dwelling' or environmentally friendly property. In any case this would not override the harm to residential amenity discussed above.
- It does not restrict views from the existing property.  
Response - This is true, however it does affect the amenities of the adjacent property which is contrary to the Council's adopted policies.

**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.

**Reasons for Refusal:**

1. The proposed development would by reason of scale, massing, proximity to the shared boundary and siting to the west of the nearest neighbour (72A Rooley Crescent) create an overbearing feature which would overshadow and have an overbearing impact on habitable room windows in the rear of the neighbouring property and its private rear garden area. This is considered to be contrary to Policy UR3 of the Replacement Unitary Development and the National Planning Policy Framework.
  2. The proposed development includes a raised balcony area which will allow clear views of the rear garden areas of neighbouring properties (72A and 72B Rooley Crescent). This is considered to result in significant harm to residential amenity which is considered to be contrary to Policy UR3 of the Replacement Unitary Development and the National Planning Policy Framework.
-