

Report of the Strategic Director, Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 12 April 2017

O

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	26 Carr Lane Bradford BD12 0QS - 17/00440/HOU [Approve]	Wyke
B	37 Norwood Street Bradford BD5 9PY - 16/05818/FUL [Approve]	Wibsey
C	405 Thornton Road Thornton Bradford BD13 3JN - 16/09509/FUL [Approve]	Thornton And Allerton
D	First Floor 519 Great Horton Road Bradford BD7 4EG - 16/09474/FUL [Approve]	Great Horton
E	Park Grange Medical Centre 141 Woodhead Road Bradford BD7 2BL - 17/00307/OUT [Approve]	City
F	Saleh Autos Ivanhoe Road Bradford BD7 3HY - 17/00097/FUL [Approve]	City
G	39 Beaconsfield Road Bradford - 17/00324/FUL [Refuse]	Clayton And Fairweather Green
H	Land North East Squire Lane Junction Duckworth Lane Bradford - 17/00376/FUL [Refuse]	Toller

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

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Portfolio:
Regeneration, Planning & Transport

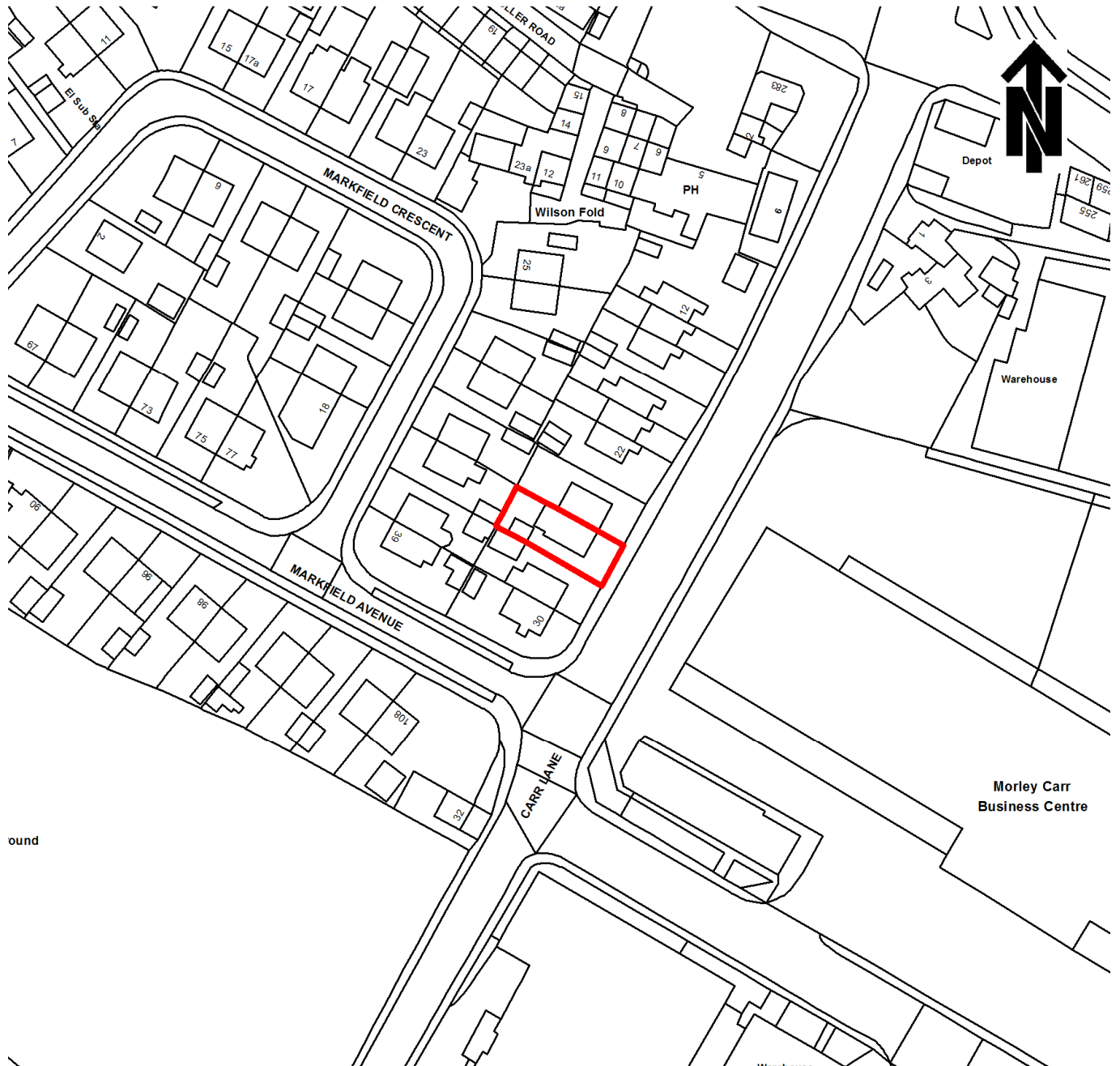
Overview & Scrutiny Committee Area:
Regeneration and Economy



17/00440/HOU

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26 Carr Lane
Bradford BD12 0QS

12 April 2017

Item: A
Ward: WYKE
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
17/00440/HOU

Type of Application/Proposal and Address:

This is a full planning application for the construction of a granny annex in the rear garden of 26 Carr Lane, Bradford, BD12 0QS. This is a retrospective application which follows the approval of a very similar scheme in 2016.

Applicant:
Mrs Tehmina Masud

Agent:
Mr Richard Blenkiron

Site Description:

The property is a semi-detached dormer bungalow, situated on the North West side of Carr Lane near its junction with Markfield Avenue. The “granny annex”, which is largely built, is constructed of brick and set well back from the front elevation of the dwelling. Extending into the rear garden, it is very close to the garage and garden of 35 Markfield Crescent, from where its dual pitched roof is visible.

Relevant Site History:

16/06984/HOU - Construction of granny annex to rear garden - Granted 11 October 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 adopted Replacement Unitary Development Plan (RUDP).

Proposals and Policies

The following RUDP policies are applicable to the proposal:

D1 – General design considerations

D4 - Community Safety

TM19A – Traffic management and road safety

UR3 – The local impact of development

The following policy document is also applicable:

Householder Supplementary Planning Document

Parish Council:

Not applicable.

Publicity and Number of Representations:

Advertised by neighbour notification letters. Expiry date 20 February 2017.

Four representations received - two objections, one in support and one letter of explanation from the applicant.

Summary of Representations Received:

Objections:

1. The granny annex is higher than the original plans by a considerable height resulting in the over shadowing of our property.
2. The height of the original plans showed that the height was to be no more than 0.7m higher than the adjoining garage at no 28 Carr Lane and in actual fact it is currently over double that height.
3. The new height of the roof and guttering of the granny annex virtually overhangs our boundary fence. In our opinion any heavy rain will cascade straight off the roof missing the guttering and on to our flat garage roof.
4. The structure of the building and position that it is in makes it feel as though all our privacy has been removed and our personnel space has been invaded.
5. Because of its overpowering size, we feel we will no longer be able to use and enjoy our rear garden which is our main outdoor space and which we have used for the last 27 years.
6. The height of the building is far higher than I expected it to be and what was indicated on the original plan.
7. I can see far more of the building from my French Doors which lead into my rear garden, than I expected.
8. As the property will be so close to the boundary, I am concerned about noise coming from within it.
9. If these revised plans are accepted, would this set a precedent for the area.

In support:

1. The writer of the letter has "absolutely no objection" to the proposal and is "more than happy for building work to continue".

Letter of explanation:

1. The annex is exactly the same as the plans except a slight difference with the height of some of the various elevations with respect to the corresponding ground level.
2. Under planning guidelines we understand that an outbuilding or garage should not exceed 4 metres in height. We have measured the height on site and it is below the 4 metre guideline. The height is normally taken from the highest part of the land.
3. The roof is also angled so the light will still shine into the gardens. It also must be noted that there is a cluster of other outbuildings/garages in this area.

Consultations:

Minerals and Waste - There are no apparent minerals or waste legacy issues that would have an adverse impact on the proposed development. No objections (Consultation on previous application)

Summary of Main Issues:

Impact on visual amenity.

Impact on neighbouring occupants.

Impact on highway safety.

Consideration of representations.

Appraisal:

Impact on visual amenity

This application is a resubmission of an application for a "granny annex" in the rear garden of a semi-detached dwelling, previously approved in October 2016 (reference: 16/06984/HOU). The current application has been triggered because the annex has not been built in accordance with the previous permission. Whilst retaining the same width and depth, the overall height of the new building has increased from 3.81 metres (m) to 3.99m, the eaves height has increased from 2.57m to 2.59m and the height above the adjacent garage has increased from 1.19m to 1.75m.

Set beyond the rear elevation of the dwelling, the position of the annex helps to ensure a safer and more secure environment and reduce the opportunities for crime and visually the building will not create a terracing effect in the existing line of dwellings. Viewed from Carr Lane, the building will be seen in the context of the adjacent garage, though it will be higher. However, the increase in height is relatively small and will not make the annex obtrusive in the context of the rear gardens of the adjacent properties and, although it is constructed of brick, which does not match the white finish of the parent dwelling, it will remain in keeping with the character and scale of the existing dwelling. The brick will be in keeping with the facing materials of the adjacent dwelling (28) - as will the brick and concrete flags of the proposed steps and the black painted balustrade - and the whole will not therefore be detrimental to visual amenity.

Impact on Neighbouring Occupants

The annex will be approximately 5.3 metres from the common rear boundary with 24 Carr Lane which, in view of its overall height (3.99 metres) is sufficient to prevent any adverse overbearing or overshadowing on the rear amenity area of number 24. Overlooking from the bedroom window will be prevented by the existing solid boundary fence.

To the west, the site borders 35 Markfield Crescent. Situated 150mm from the common boundary, the flat will be 2.59 metres to the eaves and 3.99 metres high, with the roof sloping away from the rear garden of 35. The roof slope will lessen the overbearing effect of the annex on the rear garden of 35 and in view of its height and relative position to 35, any overshadowing caused by the development would not be significantly greater than that of the previously approved development. It is not considered that any overshadowing or overbearing will be so adverse as to merit refusal of the application, or, as has been pointed out in one letter of objection, that "the granny annex is higher than the original plans by a considerable height resulting in the over shadowing of our property".

South of the site, an existing garage at 28 Carr Lane will largely screen the proposal from its (28) rear garden. The annex will be approximately 1.75 metres higher than the garage, but since the rear garden of 28 is south of the site, it is not considered that the increase in height will result in any adverse overshadowing or overbearing.

Impact on Highway Safety

Despite the loss of a domestic garage, whose place the granny annex has taken, sufficient space will remain within the site for the parking of two cars. There will not be any significant displacement of vehicles on to the public highway and the creation of an annex will not increase the number of vehicle trips to and from the site by a significant degree. On this basis, there are no adverse implications for highway safety.

Consideration of representations

With regard to the neighbour notification process, four representations have been received - two object to the proposal, one supports it and one is a letter of explanation. Some of the points raised have already been considered in this report.

The plans from the previous application indicate that the proposal will be 1.19 metres above the adjacent garage, rather than 0.7m. This has increased to 1.75 metres with the current application, though the increase is not, as claimed, "over double that height".

The granny annex is slightly set off the rear boundary of the site and the plans indicate that adequate guttering can be provided within the site.

As the flat does not adversely overlook neighbouring properties or gardens, it is not considered that any existing privacy has been removed and, since the flat has been built within the curtilage of the site, it is not considered that existing personal space has been "invaded", though it is possible that this concern arises from a perception, as does the concern that, "Because of its overpowering size, we feel we will no longer be able to use and enjoy our rear garden which is our main outdoor space and which we have used for the last 27 years". Whilst perception is a material consideration, it is not, in this case, considered to be one of sufficient weight to refuse the application.

Expectations of height and view are personal matters, rather than planning matters and the "original plan" referred to in one letter of objection is not a matter for consideration as part of the current application.

Noise is a material consideration, but since a granny flat is in itself not inherently noisy, this is a material consideration of little weight.

The acceptance of the submitted plans will not create a precedent, since every application is determined on its merits.

The comments in support of the application and the explanatory comments in the applicant's letter are noted.

For clarification, the site is not within the curtilage of any listed building.

Community Safety Implications:

The proposal raises no community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The annex will not be detrimental to visual amenity, neighbouring amenity or highway safety and its position is such as to reduce the opportunities for crime. It is therefore in accordance with the requirements of policies D1, D4, TM19A and UR3 of the adopted Replacement Unitary Development Plan as well as the guidance in the supplementary planning document for householders.

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 only be occupied or used in connection with and ancillary to the occupation of the existing dwelling and shall at no time be severed and occupied as a separate independent unit.

Reason: To prevent the undesirable establishment of a separate independent unit in the interests of amenity and highway safety and to accord with policies D1, UR3 and TM2 of the adopted Replacement Unitary Development Plan.

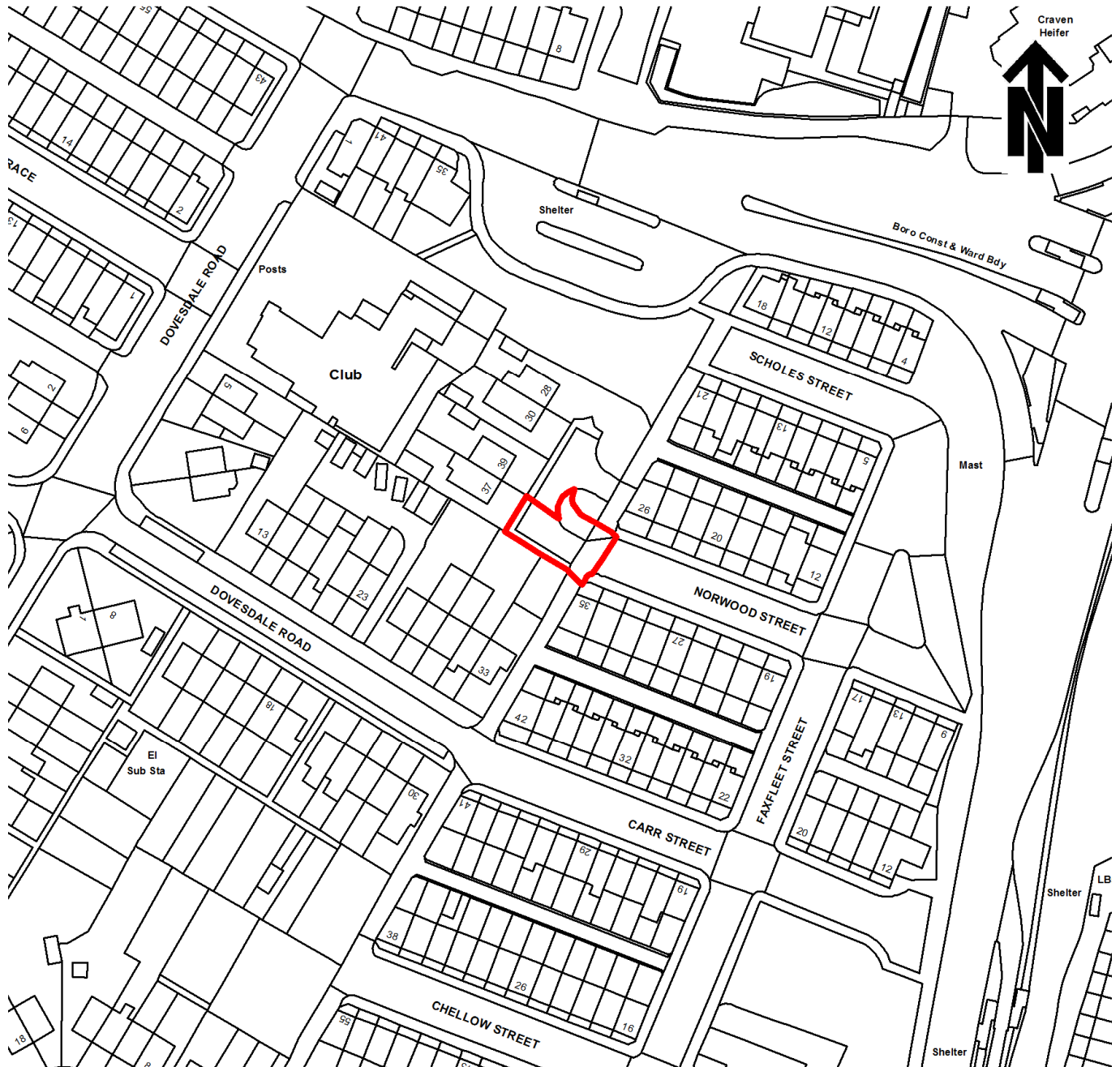
3. No dormer windows, rooflights or other openings in the roof slope above the rear elevation of the flat hereby approved (as shown on the approved plans) shall be constructed without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking in the interests of neighbouring amenity and to accord with policies D1 and UR3 of the adopted Replacement Unitary Development Plan.

16/05818/FUL

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37 Norwood Street
Bradford BD5 9PY

12 April 2017

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

Update:

This application was deferred from the planning panel meeting of 19 October 2017 in order to give the applicant an opportunity to resolve the civil issues that had arisen with neighbouring residents on Dovesdale Road which consisted mostly of access issues and the closure of an adopted pathway between the applicant's property and nos 25-33 Dovesdale Road.

Further information supplied by the applicant has confirmed that the unadopted path to the rear of the properties on Dovesdale Road has been fenced off and blocked by the neighbouring residents and not by the applicant. The civil issues in this regard have not been resolved or progressed by the applicant despite attempts to do so since the deferral of the application in October 2016.

The fence installed by the applicant has not restricted or blocked the access to the properties on Dovesdale Road – the adopted access has been blocked from Norwood Street and simply requires the removal of the fence to once again allow access to the properties concerned. The applicant, by installing the fence to his boundary, has not impeded access to the properties concerned. However, it is maintained, as previously, that such issues do not constitute material planning considerations and that the proposed scheme is acceptable in planning terms as per the main body of the original officer report below. The above issues highlighted require resolution between the parties concerned and this will be unaffected should planning permission be granted.

Application Number:
16/05818/FUL

Type of Application/Proposal and Address:

A full planning application for the change of use of a section of the adopted highway to private domestic curtilage and creation of new access to serve the remaining properties at land at 37 Norwood Street, Bankfoot, Bradford. This application was deferred from the planning panel meeting of 19 October 2016 for a period of six months.

Applicant:
Mr Arfan Kapre

Agent:
A Al-Hassan

Site Description:

The site consists of an area of adopted highway located at the termination of Norwood Street. Access to other properties is gained via this part of the highway. The surrounding area is composed of terraced properties with the area being almost entirely in residential land use.

Relevant Site History:

None.

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR3	The Local Impact of Development
D1	General Design Considerations
TM2	Impact of traffic and its mitigation
TM19A	Traffic management and road safety

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was originally publicised by site notice and individual notification letters. Expiry date of the publicity period was 7 September 2016. The following representations had been received:

Two letters of objection.

Written objection from a Wibsey Ward Councillor with a request to refer the application to planning panel.

Summary of Representations Received:

Prevention of access to surrounding properties.

Applicant has commenced certain works without planning permission – obstructing right of way and installation of a fence.

Modification works have started to the highway without permission being given.

Blocking of the rear access to existing dwelling.

Consultations:

Highways: No objections – a Section 278 Agreement will be needed for the new access.

Summary of Main Issues:

Highway safety.

Visual impacts.

Residential amenity.

Outstanding issues raised within representations received.

Appraisal:

Highway safety

The proposal is not considered to result in any highway safety implications. Norwood Street runs from Fairfax Road and terminates at the rear of nos 26 and 35 Norwood Street. The proposal will change the use of an area of adopted highway to the rear of no 37 Norwood Street into domestic curtilage. A new access will be formed to serve nos 28 and 30 Norwood Street. The area is little used by vehicles as there is no through route and vehicle speeds are very low in the vicinity of the site. The proposal will not result in any implications for vehicles using this area as vehicles do not park in the area affected or use it as a turning area. Appropriate resurfacing will be carried out where necessary within the highway.

Visual impacts

There will be limited visual impacts as a result of the proposal – a new fence line will be constructed to mark out the new access area but this will have limited impacts upon the character of the street scene.

Residential amenity

There are considered to be no significant implications for amenity – the use of part of the highway will change to domestic curtilage however such a use is considered compatible with the surrounding area which is predominant residential and will not lead to any significant noise or disturbance to the surrounding properties.

Outstanding issues raised within representations received

Prevention of access to surrounding properties.

This is not relevant to the application and is an issue between the parties concerned.

Applicant has commenced certain works without planning permission – obstructing a public right of way and installation of a fence.

As above – there is no sign of alterations to the highway at this time.

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 in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed change of use of the adopted highway to private domestic curtilage is considered acceptable in principle and will not result in significant issues or implications for highway safety, residential amenity or visual impact on the street scene. The proposal is considered to be in compliance with policies UR3, D1, TM2, and TM19A of the replacement Unitary Development Plan.

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 any works towards construction of the development commence on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of Replacement Unitary Development Plan. 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.

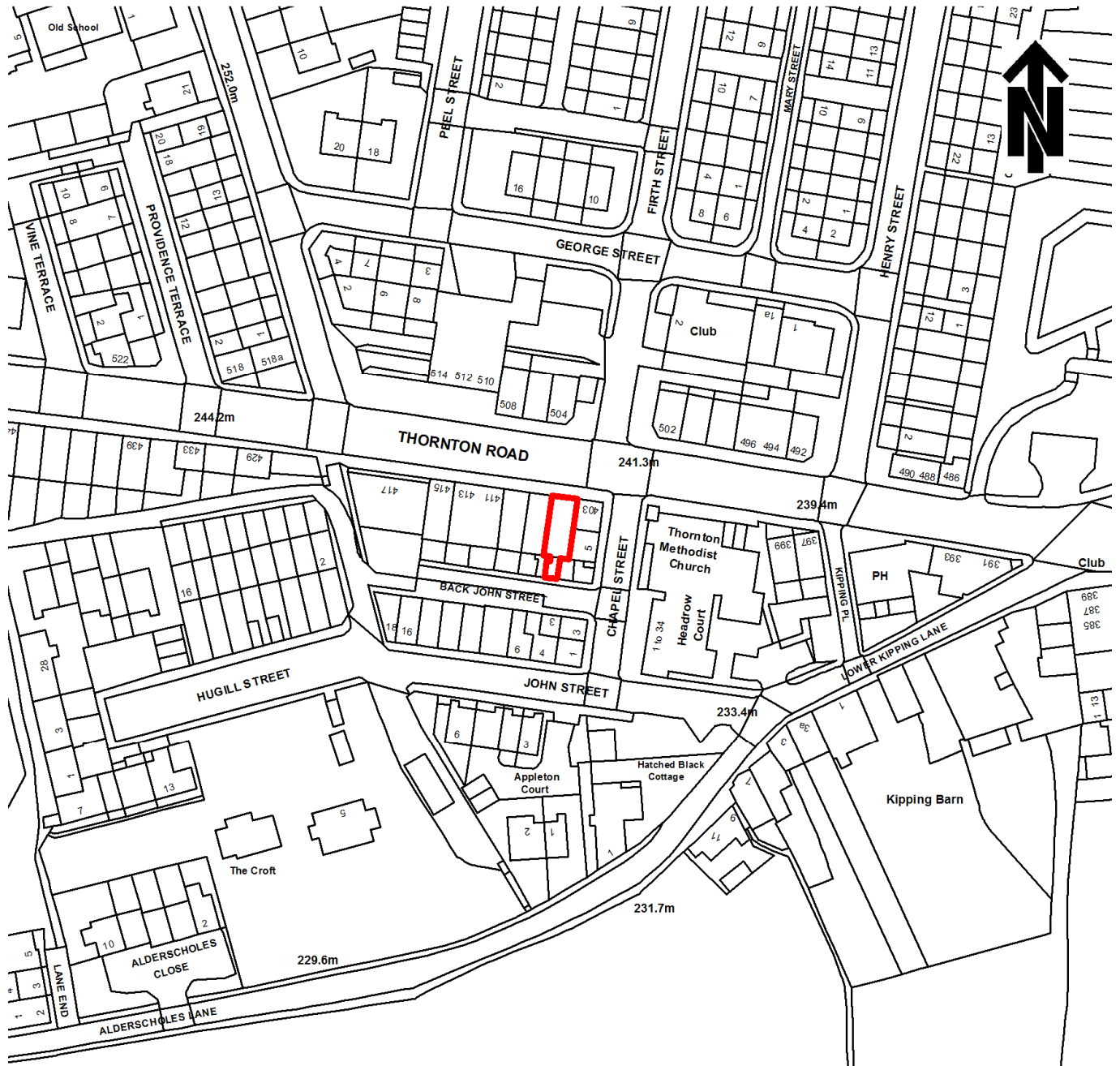
Footnote:

Where the closure or diversion of the highway is involved, there is a legal procedure under Section 247 of the Town and Country Planning Act 1990 which will have to be undertaken before any part of the planning permission may be implemented. The planning permission does not in itself alter the status of a public highway and it will be necessary for an Order to be obtained formally extinguishing the public highway. Until such time as the highway is extinguished work to it in connection with the carrying out of this development may be unlawful. Details of the procedures may be discussed with Mrs Anisah Naz (Highway Records Officer).

16/09509/FUL

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**405 Thornton Road
Thornton
Bradford BD13 3JN**

12 April 2017

Item: C
Ward: THORNTON AND ALLERTON
Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
16/09509/FUL

Type of Application/Proposal and Address:

A full planning application for the change of use of the property from class A1 retail to class A5 hot food takeaway at 405 Thornton Road, Thornton, Bradford.

Applicant:
Mr S Ali

Agent:
Andrew Redmile

Site Description:

The site is currently in retail use and is located within the designated local centre of Thornton village. The unit is part of a row of properties in varying uses, but predominantly in retail uses. The wider area includes the settlement of Thornton village.

Relevant Site History:

94/02001/COU: Conversion from shop to hot food takeaway – granted 20.09.1994.

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

Local centre.

Proposals and Policies

UR3	The Local Impact on the Environment
D1	General Design considerations
TM2	Impact of Traffic and its Mitigation
TM11	Parking Standards for non-residential developments
TM19A	Traffic management and road safety
P7	Noise

Hot Food Takeaways Supplementary Planning Document

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised by site notice and individual notification letters. Expiry of the publicity period was 1st March 2017. To date, the following representations have been received:

Thirteen written representations objecting to the proposal.

Two representations in support.

A petition objecting to the proposal with 44 signatures.

Summary of Representations Received:

No need for another takeaway in the area – too many already

Potential to cause anti-social behaviour

Highway safety implications

Adverse impacts of the use from noise, disturbance, litter and fumes

The use is unacceptable in principle – it is too close to the local primary school

Consultations:

Highways: No objection to the proposal.

Environmental health: No objections subject to conditions.

Drainage: No comments.

Summary of Main Issues:

Principle of use.

Residential amenity.

Visual amenity.

Highway safety.

Outstanding matters raised within representations.

Appraisal:

Principle of Use

The premises are located within the designated Local Centre of Thornton village. The site is also located within 400 metres of a local primary school. It is however considered that the principle of the use is acceptable as the 400m exclusion zone around schools or public areas of open space set out in the Hot Food Takeaways SPD only applies to proposals outside of the designated City, Town, District and Local Centres.

In regard to principle 1 of the Hot Food Takeaways SPD, although there are other hot food outlets close to the site (three in the row of properties to which no. 405 is part and two additional outlets opposite the site), it is not considered that the overall level and concentration of class A5 uses is so great as to warrant refusal of planning permission. There is still considered to be adequate provision within the local centre for other retail uses of appropriate scale to enable the vitality and viability of the centre to be maintained.

Residential Amenity

There is potential for the use to generate additional noise and disturbance given the nature of the proposed class A5 use. Such disturbance may be predominantly from users of the site and associated vehicle movements. However, the site is located within a local centre whereby noise and activity levels are higher than for a purely residential area and adverse impacts on amenity are likely to be lower. It appears that the upper floors of the buildings may be in residential use, however, the occupants will experience higher levels of noise due to the commercial location. It is considered with restrictions to the hours of operation and control over the extraction system shown on the plans to minimise external and internal noise transfer, that significant amenity issues will not occur.

Visual Amenity

No external alterations are proposed to the building. The only external change will be the routing of the proposed extraction system which will terminate with a modest flue through the existing chimney of the property. It is considered that the proposed modest flue, to be painted matt black, will not result in any significant visual impact on the building or the street scene.

Highway Safety

The proposed change of use is likely to generate short visit trips. It will not result in significant additional traffic generation and there is on-street parking to the frontages of the row of buildings. Parking on street is not restricted at the location and is considered sufficient to cater for demand as a result of the class A5 use. The site is also located within a local centre and will to some degree offer a local amenity and serve a local catchment whereby linked trips and other modes of transport are likely to be used. Thornton Road is sufficiently wide to allow on street parking whilst maintaining a free flow of traffic. Given this, it is considered that the proposal will not result in any significant adverse highway safety implications.

Outstanding Matters Raised within Representations

Potential to cause anti-social behaviour.

Response - This is not a material planning consideration as any anti-social behaviour would be a police matter.

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 change of use from class A1 to A5 is considered acceptable in principle in this local centre location and in compliance with the Hot Food Takeaways Supplementary Planning Document. No significant implications are foreseen in terms of highway safety, visual amenity and residential amenity. The proposal is considered to be in compliance with policies UR3, D1, P7, TM2, TM11 and TM19A of the Replacement Unitary Development Plan and guidance contained within the National Planning Policy Framework (NPPF).

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 premises the subject of this decision shall not be open for business between the hours of midnight and 0800 and no customer shall be served or otherwise make use of the premises between these hours.

Reason: In order to safeguard the amenity of nearby residents and to accord with the requirements of the council's policy for cafes, restaurants and takeaways and to accord with Policy UR3 of the Replacement Unitary Development Plan.

3. The external flue hereby permitted shall be finished in matt black as specified on the submitted plans and retained as such thereafter.

Reason: In the interests of visual amenity and to accord with policy UR3 of the replacement Unitary Development Plan

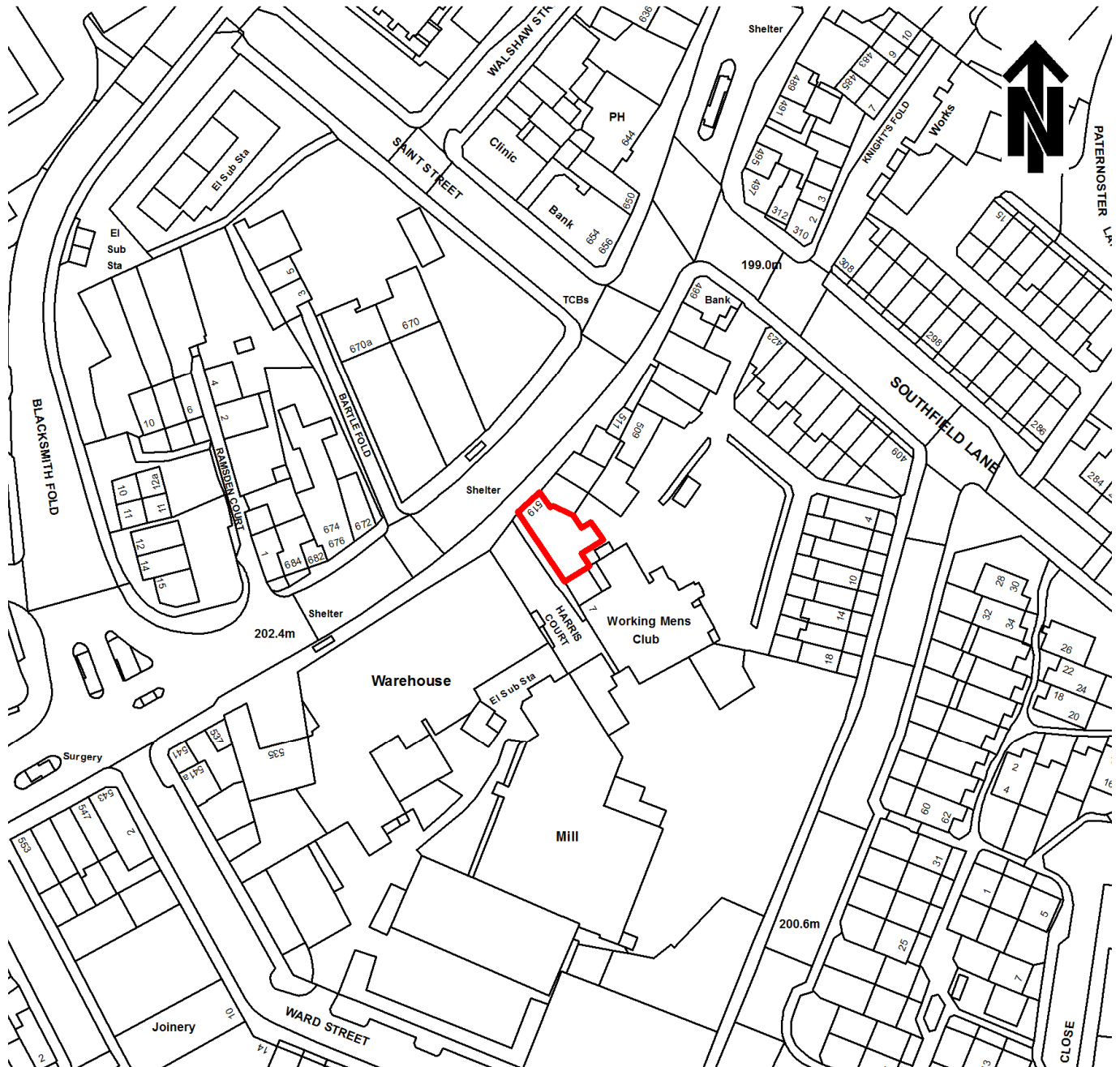
4. Prior to commencement of the class A5 use hereby permitted, full details of a the fume extraction system shown on the submitted plan including a scheme for noise attenuation in connection with the extraction system, shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall then be installed at the premises in strict accordance with the approved details and retained whilst ever the use persists at the site.

Reason: To reduce noise and vibration transfer within the building and to accord with policies UR3 and P7 of the replacement Unitary Development Plan.

16/09474/FUL

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**First Floor 519 Great Horton Road
Bradford BD7 4EG**

12 April 2017

Item: D
Ward: GREAT HORTON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/09474/FUL

Type of Application/Proposal and Address:

This is a full planning application for the change of use of the first floor of a building to a beauty treatment salon and Thai spa at 519 Great Horton Road, Bradford.

Applicant:
Moli Nok

Agent:
Mr Chris Eyres

Site Description:

The site comprises the first floor of a building that sits at the junction of Great Horton Road and Harris Court. The first floor is currently vacant and there is a William Hill betting office at ground floor. Access to the first floor of the building is from Harris Court, which in turn provides access onto Great Horton Road. The surrounding area consists primarily of retail and commercial uses, a working men's club is adjacent to the site, and there are some residential properties nearby.

Relevant Site History:

11/01405/FUL - Change of use of first floor offices to 2 self-contained flats, with ground floor access to bin storage area - Granted 23.05.2011.

11/01406/FUL - Change of Use from garage to shop, including shop front and security shutter with first floor flat over - Granted 23.05.2011.

11/03663/FUL - Installation of new shop front, satellite dish, air conditioning condensers including minor building works - Granted 07.10.2011.

16/01769/FUL - Change of use form bakery to residential - Granted 13.05.2016.

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 not allocated for any specific land-use in the RUDP; however, it is included within the Great Horton District Centre and Great Horton Conservation Area. Taking account of policies saved for the purposes of formulating the Local Plan for Bradford, the following RUDP policies are applicable to the proposal.

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
BH7	Development within Conservation Areas
CL1	Development within Centres
P7	Noise
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 applicable.

Publicity and Number of Representations:

The application was advertised by neighbour notification letters, site notice and a press advert. The publicity period expired on 17 February 2017. The LPA has received objections from two Ward Councillors, one of whom has requested the application be referred to Area Planning Panel for determination.

Summary of Representations Received:

- Antisocial behaviour.
- Noise and disturbance.
- Impact on community.
- Impact on businesses.
- Increased traffic.
- Impact on highway and pedestrian safety.
- Limited parking.
- Impact on conservation area.

Consultations:

Drainage – No comments.

Highways – Previous approval for two flats at the property. Whilst there is no off-street parking provision, it is small scale and therefore likely that parking can be accommodated on street, where there are existing waiting restrictions to deter indiscriminate parking. No highways objection to the development.

Summary of Main Issues:

Principle of 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 proposes the change of use of the first floor of the building to a beauty treatment salon and Thai spa. No external alterations to the building are proposed. The first floor will be accessed from Harris Court and the first floor accommodation will include a reception, staff room, changing rooms, and four treatment rooms.

Principle of the Development

The site is not allocated for any specific land-use in 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. However, the site is located within the Great Horton District Centre, where policy CL1 of the RUDP is applicable.

RUDP Policy CL1 advocates new leisure and entertainment facilities in district centres providing proposals are 'appropriate in scale to the role of the centre and the size of the catchment that the centre serves'. Paragraph 23 of the National Planning Policy Framework (NPPF) also promotes developments that contribute towards ensuring the vitality of defined centres by encouraging a variety of uses, including leisure uses.

The proposed development would be of modest scale, and uses such as this are generally low-key and quiet. The proposed development would not undermine the viability or vitality of the district centre and would accord with the requirements of policy CL1 of the RUDP. As such, the proposal is acceptable in principle, subject to the local impact, as assessed below.

Impact on the Local Environment

The proposal involves only a change of use and does not include any physical alterations to the building. Any future alterations to windows, doors, signage, etc., may require additional planning permission or advertisement consent. The proposed development will therefore have no adverse impact on the local environment, thereby acceptable and compliant with the requirements of policies UR3, D1 and BH7 of the RUDP.

Impact on Neighbouring Occupants

The site is located within an established commercial area, although it is noted that there are some residential properties nearby. The proposed use is of a nature that is generally quiet and inconspicuous, where the generation of noise, odours and other disturbances would be unlikely.

The application proposes opening hours of 10:00 to 20:00 seven days a week. As previously stated, the use is unlikely to result in noise and disturbance to any local residents and considering the location of the building and the point of access, these hours of operation are considered reasonable and unlikely to give rise to any adverse amenity implications.

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

Impact on Highway Safety

The building faces onto Great Horton Road, which is a busy main road providing access to the city centre and local services and facilities. The proposal does not include any dedicated off-street parking provision; however, the unit is small scale and includes four treatment rooms. There are regular bus routes serving Great Horton Road and there are bus stops close to the site, providing customers the option of using public transport. The proposed use will likely function through an appointment system and the number of customers visiting the unit at any one time will be dictated by the small size of the unit and number of treatment rooms available. These factors would serve to regulate traffic activity and demand for parking. The Highways Officer has confirmed that on street parking availability can accommodate demand for parking. Furthermore, existing waiting restrictions will deter indiscriminate parking on the local highways.

As such, the proposal is considered acceptable in terms of its impact on highway and pedestrian safety and accords with the requirements of policies TM2, TM11 and TM19A of the RUDP.

Other Planning Matters

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

Outstanding matters raised by representations

All other matters raised by representations have been addressed in the assessment above.

Community Safety Implications:

Concern has been raised regarding the potential for antisocial behaviour, noise and disturbances, and a negative impact on the community from the proposed development. The issue of potential noise and disturbance has been addressed above and is not expected to be a significant concern with this proposal.

It should be noted that antisocial behaviour, crime and vandalism is generally a matter for the Police, however, 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 paragraph 69 of the NPPF.

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 considered to comply with the requirements of policies UDP1, UR2, UR3, D1, D4, P7, TM2, TM11 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. The use of the unit shall be restricted to the hours from 10:00 to 20:00.

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

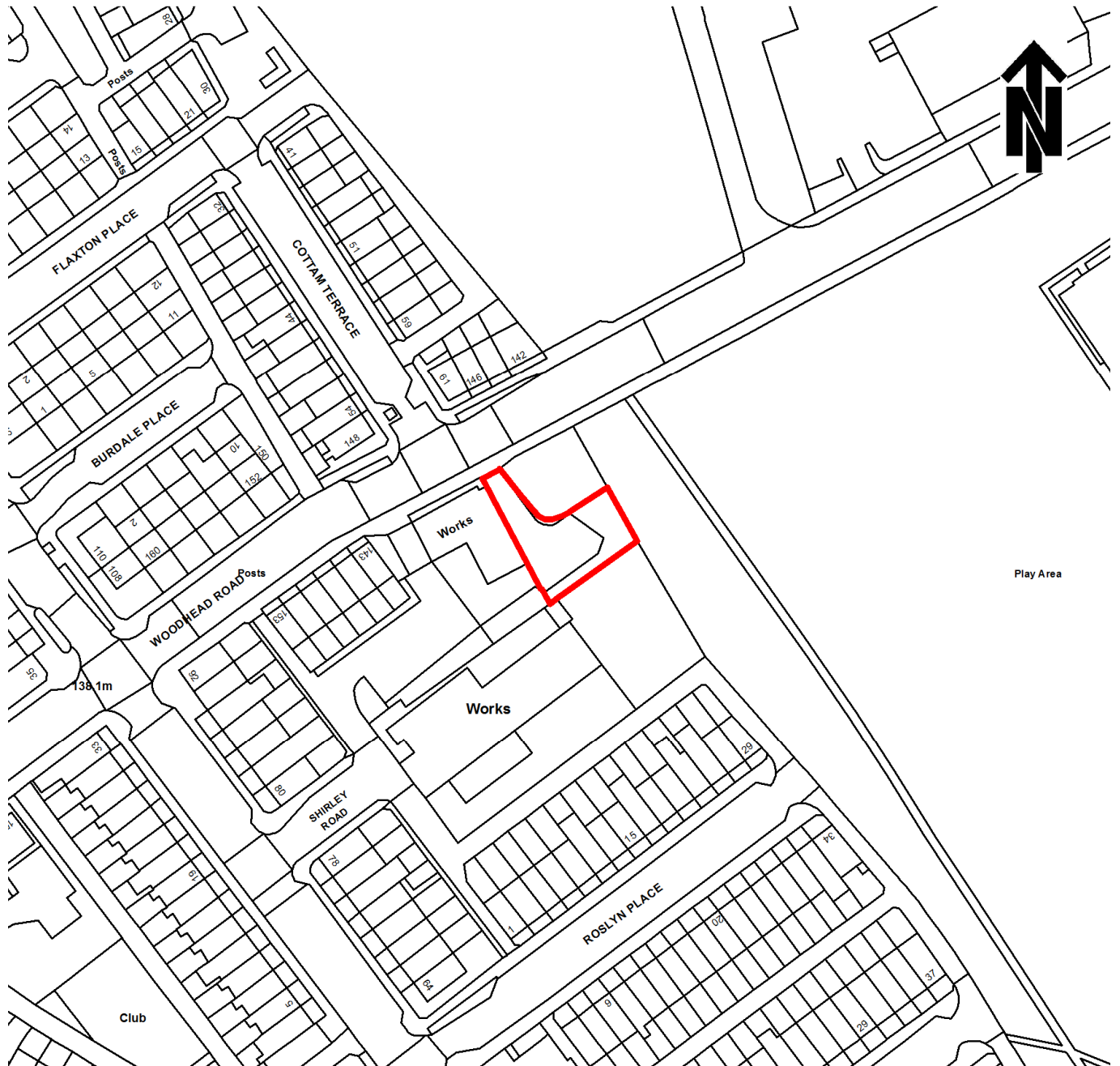
Footnote:

Please note that the permission hereby granted is for the change of use only. Any external alterations, such as flues, shutters, signage, etc., are likely to require the benefit of a separate permission(s).

17/00307/OUT

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Park Grange Medical Centre
141 Woodhead Road
Bradford BD7 2BL

12 April 2017

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

Application Number:
17/00307/OUT

Type of Application/Proposal and Address:

An outline planning application for eight apartments on land at 141 Woodhead Road, Bradford. All matters are reserved for later approval.

Applicant:

Dr Mohammed Azam

Agent:

Tractus AD (Asif Munir)

Site Description:

The site is located close to an existing car park and medical centre. Open land exists to the east of the site. The surrounding area is mainly residential with public open space to the east of the site. Commercial buildings and parking areas exist to the south of the site.

Relevant Site History:

05/00648/FUL: development of land to form new car park for the medical centre – Granted 14.04.2005

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

Part existing recreation open space.

Proposals and Policies

UR3	The Local Impact on the Environment
D1	General Design considerations
TM2	Impact of Traffic and its Mitigation
TM11	Parking Standards for non-residential developments
TM19A	Traffic management and road safety
OS3	Playing fields
CF6	Community Priority Areas

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised by site notice and individual notification letters. Expiry of the publicity period was 17 February 2017. To date, the following representations have been received:

Eight representations objecting to the proposal
One objection from a local ward councillor

Summary of Representations Received:

Highway safety issues, lack of parking and high capacity of Woodhead Road
Loss of view and residential amenity
Crime issues in the area

Consultations:

Highways:	No objections
Environmental health:	Suggest a phase I report is submitted
Minerals and waste:	No significant concerns raised
Drainage:	No response received.

Summary of Main Issues:

1. Principle of development.
2. Matters reserved.
3. Contamination.
4. Outstanding issues raised within representations received.

Appraisal:

Principle of development

The application is submitted in outline with all matters reserved; therefore the principle of development is under consideration only at this stage. The site is located within a community priority area and is partly located within an area designated as existing recreation open space (only the extreme eastern part of the site). In terms of the principle of development, given the constraints of the site it is unlikely that it could be effectively used as a community facility/use – it is located within the ownership of the medical centre and is limited in terms of its area and connection with other sites. It is considered that housing or residential accommodation to meet local needs is also a priority under policy CF6 and this site will make a small contribution in this respect. Furthermore, with a lack of a 5 year housing land supply with Bradford, the proposal for residential accommodation should be considered favourably under the terms of the National Planning Policy Framework (NPPF) and given this it is not considered that policy CF6 would be significantly prejudiced by the proposal.

In terms of policy OS3 and the existing playing fields designation, only part of the site falls within its area. The site is separated clearly from the area of existing playing fields to the east by a boundary fence and is not considered to have any material impacts upon the designation nor does it form part of it. It is also considered that the site would be incapable of forming an acceptable playing field due to its small scale and would not lead to a deficiency of this provision in the local area. Overall, it is considered that the development would not significantly prejudice the provisions of policy OS3. The principle of residential development at the site is therefore considered acceptable.

Matters reserved

All other matters are reserved. It is considered that the indicative details shown on the plans demonstrate that the site can be developed successfully without significant adverse effects arising in terms of amenity, highway safety, and contamination. The indicative design shown on the plans is considered unsympathetic in terms of its scale, height, some of the materials proposed and dominance within the site. However, given that all matters are reserved, a sympathetic design, materials and scale for the proposed scheme can be achieved when a reserved matters application is submitted. It is therefore considered that full control over the final details of the scheme is retained.

Contamination

The Environmental Health officer has suggested that a phase I desktop contamination report shall be submitted prior to determination of the application, however, the closest landfill site to the area has been filled with inert waste and is not considered to be a significant source of gas migration. The historic maps show unspecified works on or close to the site, however, much of the site and surrounding area have been redeveloped since this time and hard surfaced. It is considered that any likely contamination will have been remediated and/or sealed in during these operations and that the overall risk to end users of the site will be low. Overall, it is not considered there is a sufficient suspicion of land contamination to warrant the submission of a phase I desktop report. A condition is considered appropriate though to report and remediate any unexpected contaminated material found during construction work at the site.

Outstanding issues raised within representations received

Crime issues in the area

Response - The development is not considered to result in increased opportunities for crime and anti-social behaviour. Any application for reserved matters will be required to comply with secured by design principles.

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 residential development of the site will provide a useful contribution to the overall new housing targets for the Bradford district and is likely to meet a defined local need. The proposal is not considered to lead to any significant material effects on the existing playing fields designation and will support the community priority area designation by providing residential accommodation to meet local needs. It has been demonstrated that the site can be developed for residential use without significant impacts in terms of residential amenity, highway safety and visual amenity. The proposed development is considered to be in compliance with policies UR2, UR3, D1, TM2, TM12, TM19A, CF6 and OS3 of the replacement Unitary Development Plan and guidance contained within the National Planning Policy Framework (NPPF).

Conditions of Approval:

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Before any development is begun plans showing the:

- i) access,
- ii) appearance
- iii) landscaping
- iv) layout,
- v) and scale

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

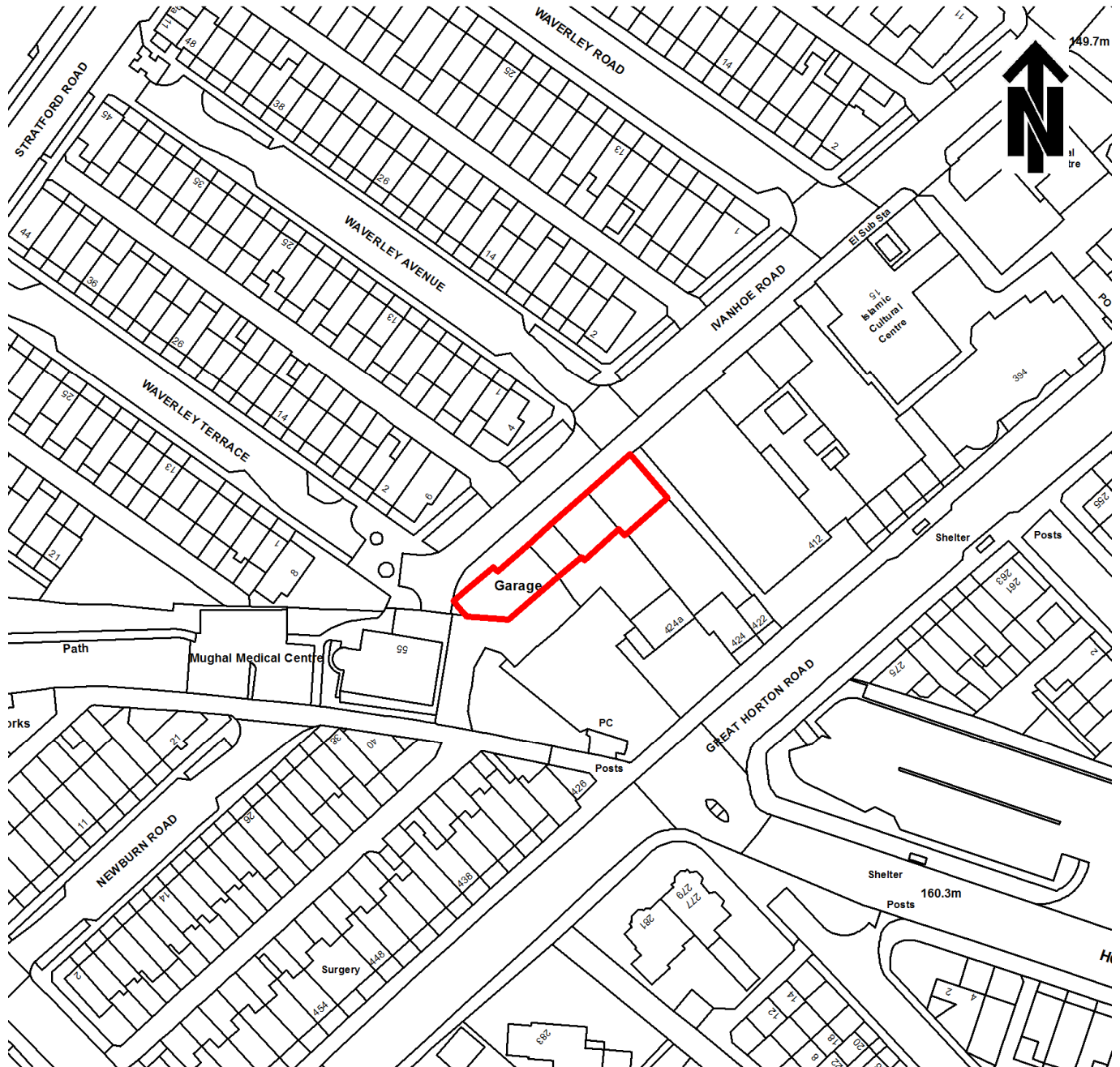
4. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details of which must be submitted to the Local Planning Authority for approval in writing before the expiration of 1 month from the date on which the contamination was found. If remediation is found to be necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing; following completion of measures identified in the approved remediation scheme and prior to the commencement of the use of the approved development a verification report must be prepared and submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination are minimised, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

17/00097/FUL

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Saleh Autos
Ivanhoe Road
Bradford BD7 3HY

12 April 2017

Item: F
Ward: CITY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
17/00097/FUL

Type of Application/Proposal and Address:

A full application for the conversion of first floor storage into four self-contained flats at Saleh Autos, Ivanhoe Road, Bradford.

Applicant:

Mr Sidat

Agent:

Zeshan Khawaja, Khawaja Planning Services

Site Description:

A stone built two storey building under a concrete tile roof fronting onto Ivanhoe Road. The site is located within a largely residential area consisting of terraced housing, however there are a number of employment generating uses along Ivanhoe Road including an MOT station, retail units and doctors surgery at the end of Ivanhoe Road which can be accessed on foot. A Mosque is also located on the end of Ivanhoe Road. There are no parking restrictions on Ivanhoe Road and a turning area is located at the end.

Relevant Site History:

96/01511/FUL Erection of two storey extension to car repair garage REFUSE 16.07.1997

97/03318/FUL Two storey extension to car repair garage GRANT 05.03.1998

10/04513/FUL Construction of end building to form garaging and offices GRANT
18.01.2011

12/02805/FUL Construction of first and second floor extensions with front and rear dormer windows and two retail units GRANT 24.09.2012

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 for a specific land use but is located just outside the Horton Grange Local Centre.

Proposals and Policies

UDP3	Quality of Built and Natural Environment
UR3	The Local Impact of Development
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
D1	General Design Considerations
D4	Community Safety
NR16	Surface Water Run Off and Sustainable Drainage Systems

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by way of a site notice placed in the vicinity of the site and individual neighbour notification letters. The statutory publicity period expired on the 8 of February 2017. At the time of report preparation there were 97 objections, 43 letters of support and 3 further representations.

A local Ward Councillor also raised concern regarding representations that have been received which may not actually be from the individual who has signed the letter. In response it is worth clarifying that individual representations are taken at face value and the material planning considerations raised are considered as part of the officer appraisal.

Summary of Representations Received:

Objections:

Busy Roads / Congestion.

Response: Ivanhoe Road is busy and congested as it stands due to a number of existing uses in the area including a mosque a doctor's surgery existing MOT and due to terraced housing with no off-street parking. Four flats can be created without the need for a formal application.

Accidents.

Response: Four flats can be created without the need for a formal application.

Access bus having difficulty parking up.

Response: Four flats can be created without the need for a formal application.

Loss of on-street parking.

Response: Four flats can be created without the need for a formal application. It is not considered appropriate for a TRO restricting parking along Ivanhoe Road due to the need for on-street parking for local residents.

Overlooking.

Loss of privacy.

Response: The minimum facing distances to the front are achieved.

Visitors of the doctors parking on Ivanhoe Road.

Response: This is an existing situation and noted when assessing this application.

Waste disposal having problems.

Response: It is not considered this development will significantly change the situation in terms of refuse collection.

Support

The applicant is a nice person.

The garage is not massively busy.

No issues for emergency vehicles.

Good way to prevent crime.

Consultations:

Rights of Way: Footpath 157 Bradford West abuts the site but there is no objection subject to standard requirements being followed.

Drainage: No comment.

Highways Development Control: Initially required the following:

1. Four parking spaces to be provided to the side.
2. Formally close part of the highway along the site frontage on Ivanhoe Road for the steps whilst maintaining a minimum 2m wide footway.
3. Fund the provision of the Traffic Regulation Order to prohibit parking within the immediate vicinity of the site.

Following the receipt of information to indicate that the flats could be created as permitted development the Highways Officer noted that there are existing problems with access and parking in the area and the application should consider funding a TRO.

Summary of Main Issues:

Background.

Principle.

Visual amenity.

Residential amenity.

Highway Safety.

Drainage.

Appraisal: Background

A previous application relating to a first floor and second floor extension and change of use of garaging to two retail units was approved under planning permission 12/02805/FUL. This application has been implemented in part in that retail units have been created at ground floor but not yet occupied by an end user. The first floor extension has been built and dormer windows have been added to the front and rear elevations. The windows and dormer windows do not relate to what was approved but visually they are considered to look acceptable and an improvement in design terms.

This application therefore relates to the change of use of the storage areas above the retail units to residential and for the physical alterations to the building that differ from what was originally approved in 2012 as detailed above.

Principle

In terms of the change of use from storage to flats, permitted development rights, contained within Class G, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 allow for two flats above a retail unit. The principle of the two flats above the ground floor retail is therefore acceptable and could be undertaken without the need for a formal planning application. The surrounding area is largely residential with some commercial uses along Ivanhoe Road and Great Horton Road to the rear of the site. The development relates to those uses and is acceptable in principle subject to other material planning considerations which shall be discussed below.

Visual amenity

The appearance of the building as shown on the proposed plans is considered to be acceptable. The dormer windows as shown on the amended plans are in keeping with the property and the wider street scene. The stone used in the construction is in keeping with the area and the fenestration of the openings is acceptable in design terms. The dormers to the front and rear as built have a small area of white UPVC cladding under the windows, this is shown as being slate on the amended plans for the front dormers and lead flashing on the rear dormers. A condition is recommended that before the flats are occupied the cladding is changed. Steps will be added to the front elevation to four of the door openings which are considered to be acceptable. The development is acceptable in terms of visual amenity and policies UR3 and D1 of the RUDP. There are no roller shutters to the shops and for clarity a footnote has been added making the developer aware that planning permission is required for roller shutters.

Residential amenity

The use of the upper floors as four self-contained apartments does not raise any concerns in terms of overlooking. A commercial unit is located to the rear of the site therefore there are no concerns with overlooking at the rear. Distances of over 17 metres are achieved to the end terrace properties opposite the front elevation of the property which is in line with adopted guidance contained within the Householder SPD. The development does not cause any harm in terms of loss of light or overbearing effects. The development is considered to be acceptable in terms of its impact on residential amenity and policies UR3 and D1 of the RUDP.

Highway Safety

The existing property has permission for retail at ground floor with storage above. Permitted development rights under Class G allow for four flats to be created above the retail units without the need for a formal planning application. As there are some limited changes to the front and rear elevation in terms of window sizes and dormer sizes a planning application has been submitted to regularise the development. The development could result in a minor increase in on-street parking demand in an area that at times suffers from a limited amount of on-street parking. The use of the upper floors as four flats does not require planning permission and this is a significant 'fall-back' position which weighs in favour of approving this application. It would be unreasonable to refuse the application on the grounds of increased on-street parking when the four flats could be implemented without an application being submitted.

Whilst highways would like the applicant to consider funding a Traffic Regulation Order (TRO) paragraph 206 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects."

Given the applicant would not need to apply for planning permission for the change of use to flats it is not considered reasonable to attach a planning condition requiring the provision of a TRO. If this application was not granted then the upper floors above the shops could still be used for 4 flats. Furthermore the parking issues on Ivanhoe Road are caused in part by the mosque, doctor's surgery and existing MOT station. Whilst the flats may slightly add to this it could be argued a planning conditions for a TRO is not relevant to the development to be permitted given the parking issues are already occurring and would not be significantly increased by this development.

The plans have been amended to show the 4 parking spaces and a bin storage area on land to the side of the building which has previously been used for storing vehicles. This addresses one of the concerns raised by highways.

Finally the extent of the curtilage of the property and the highway needs clarifying. This can be done separately with the applicant and the highways section. Clearly there will need to be steps added to the entrance and this will extend onto land in front of the premises but this can be achieved without reducing the pavement width to less than 2 metres. The ownership of the land would not change the fact that steps added to the front of the entrance doors would not harm the two way flow of pedestrian movements along the pavement. The agent has signed certificate B regarding ownership to ensure the correct procedure has been followed. Footnotes should be attached to any approval of this application pointing the developer to correct procedures for dealing with this issue.

Subject to the parking being implemented as shown on the submitted plans and the correct legislation being followed in relation to land ownership the development will comply with policies TM2, TM12, TM11 and TM19A of the RUDP.

Drainage

There are no insurmountable drainage considerations, policy NR16 of the RUDP is satisfied.

Community Safety Implications:

There are no foreseen community safety implications, policy D4 of the RUDP is satisfied.

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 change of use from storage to flats as shown on the submitted plans is considered to be acceptable in terms of visual and residential amenity and does not raise highway safety concerns that would justify refusal of the application.

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 first occupation of the apartments hereby approved the white upvc cladding below the windows on the front and rear dormers shall have been replaced with a blue slate or similar in appearance to match the dormer cheeks as shown on the approved plans and shall be retained as such thereafter.

Reason: In the interests of visual amenity and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan and guidance contained within the Council's adopted Householder Supplementary Planning Document.

3. Before first use of the retail units, the off-street car parking spaces shall be laid out, hard surfaced, sealed, marked into bays and drained within the curtilage of the site in accordance with the approved plan numbered 17/2049/SS7 received on the 23rd of March 2017. The parking shall be kept available for use whilst ever the use subsists.

Reason: In the interests of highway safety and to accord with policies TM2, TM11, TM12, TM19A of the Replacement Unitary Development Plan.

4. Before first occupation of the apartments hereby approved, the bin storage area shall be marked out and kept available for use thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety and to accord with policies UR3, D1, TM2, TM11, TM12 and TM19A of the Replacement Unitary Development Plan.

Footnotes:

1. The applicants are advised to check that the development hereby approved lies wholly within the land within their control and does not encroach onto the highway as the granting of planning permission does not override the need to obtain the consent of any neighbouring land owners affected by the development and go through the relevant legislation.
2. Where the closure or diversion of the highway is involved, there is a legal procedure under Part X of the Town and Country Planning Act 1990 which will have to be undertaken before any part of the planning permission may be implemented. The planning permission does not in itself alter the status of a public highway and it will be necessary for an Order to be obtained formally extinguishing the public highway. Until such time as the highway is extinguished work to it in connection with the carrying out of this development may be unlawful.

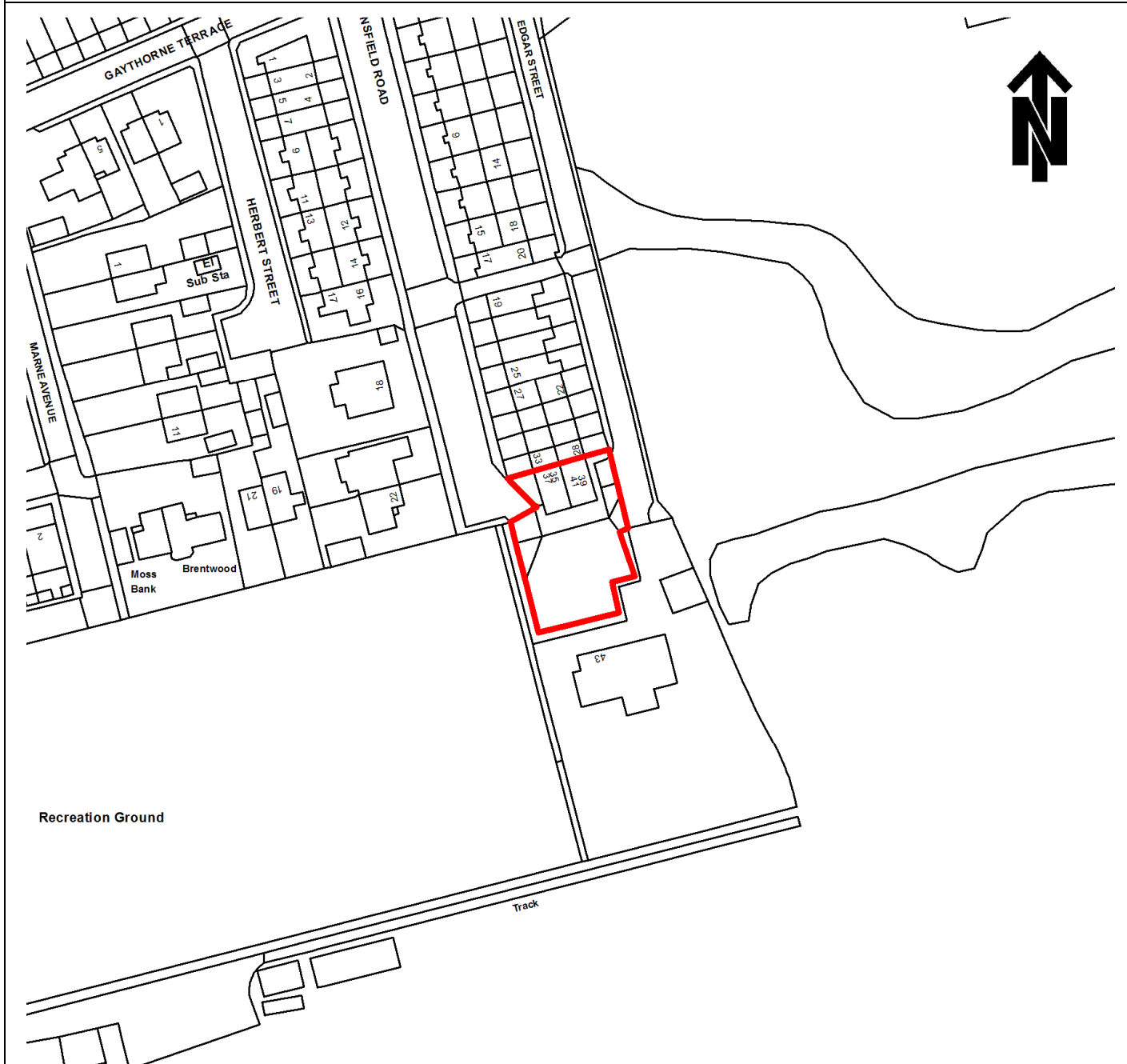
Details of the procedures may be discussed with Anisah Naz of the Highway Registry Service on 01274 433707. If no objections are received to the Order (or if the objections are resolved), and the Order is made, then and only then, may the development be implemented in accordance with the approved plans.

3. Please note that the development hereby approved must only be carried out strictly in accordance with the approved plans. Any deviation from them such as the addition of roller shutters must be agreed with the Local Planning Authority before such work is carried out.
 4. Please note that advertisement consent may be needed for any external signs on the building. You should contact the Transportation and Planning Service for further information.
-

17/00324/FUL

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**39 Beconsfield Road
Bradford**

12 April 2017

Item: G
Ward: CLAYTON AND FAIRWEATHER GREEN
Recommendation:
TO REFUSE PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
17/00324/FUL

Type of Application/Proposal and Address:

A full retrospective planning application for retention of changes to the rear elevation of the building in relation to the dormer windows at 39 Beaconsfield Road, Clayton, Bradford. This application is a resubmission of application 16/08604/FUL made in retrospect for the same development the subject of this application.

Applicant:
SFL (Yorkshire) Ltd

Agent:
J O Steel consulting

Site Description:

The site consists of a terraced building which has been converted into three apartments (planning permission 14/01285/FUL). The surrounding area is mainly residential with terraced housing predominant. Green belt land is located beyond the site to the east. The planning permission has been implemented; however, it is uncertain as to whether the units have been occupied.

Relevant Site History:

14/01285/FUL: Construction of extension to form three self-contained flats - Granted
15.07.2014

16/08604/FUL: Construction of extension to form three self-contained flats – retrospective application to retain changes to rear elevation as approved by 14/01285/FUL - Refused
15.12.2016 (adverse visual impact and inaccurate/missing information)

The National Planning Policy Framework (NPPF):

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR3 The Local Impact on the Environment

D1 General Design Considerations

Householder Supplementary Planning Document, adopted 2012

Parish Council:

Clayton Parish Council

Publicity and Number of Representations:

The application was publicised by site notice, press notice and individual notification letters. Expiry date of the publicity period was 3 March 2017. To date, the following representations have been received:

A petition in support of the application with 9 signatures.

Written comments in support of the scheme from a Baildon Ward Councillor.

Summary of Representations Received:

The appearance of the dormers windows as built is acceptable.

Consultations:

Clayton Parish Council: No comments received.

Summary of Main Issues:

Visual amenity.

Residential amenity.

Outstanding issues raised by representations received.

Appraisal:

Visual impact

The application is made to retain changes made to the rear elevation of the building and newly constructed extension, which was granted planning permission in July 2014. This planning permission has been implemented in terms of the change of use and the extension; however, the dormer windows constructed to the rear elevation differ from those approved. They are larger, clad in what appears to be painted timber and extend to within 100 mm of the eaves of the roof of the building. Whilst none of the dormer windows exceed the width limitation set within the Householder SPD, they fail to fully comply with the guidance contained within the SPD as they contain non-matching materials to their front and side faces and extend too far towards the eaves of the building to be sympathetic to its character. The dormer windows also differ quite significantly in terms of their size and collectively they are considered to result in an unsympathetic and prominent addition to the building, harmful to visual amenity.

Residential amenity

The dormer windows are not considered to result in any significant or direct overlooking of the adjacent properties. Their relative modest scale and massing also prevent unacceptable overshadowing to the adjoining terraced properties.

Outstanding issued raised by representations received

The petition received raises support for the rear dormer windows in terms of their appearance and scale – the assessment of their visual impact is contained above in the main body of the report.

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.

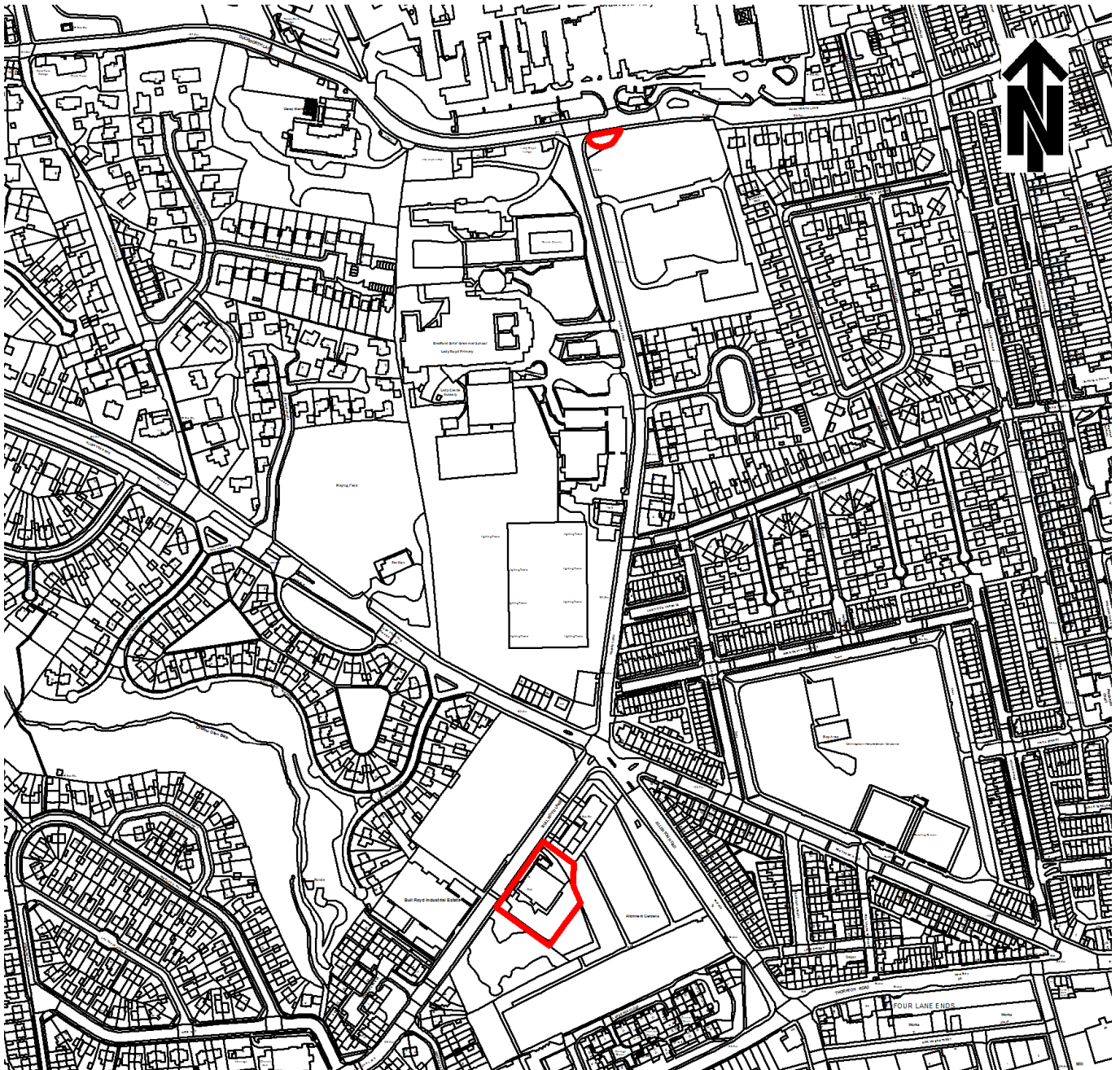
Reasons for Refusal:

1. The existing rear elevation dormer windows are contrary to the Householder Supplementary Planning Document due to their proximity to the eaves of the building and existence of non-matching cladding materials to the front elevations and side cheeks. The existing development is therefore contrary to policies UR3 and D1 of the replacement Unitary Development Plan and guidance contained within the Householder Supplementary Planning Document.
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17/00376/FUL

City of Bradford MDC

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**Land North East Squire Lane Junction
Duckworth Lane
Bradford**

12 April 2017

Item: H
Ward: TOLLER
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
17/00376/FUL

Type of Application/Proposal and Address:

A full application for the construction of a private hire telephone booking office at Land North East of the junction between Squire Lane and Duckworth Lane, and the use of land at Bullroyd Lane for the parking of seven private hire cars.

Applicant:
Mr Mohammed Nawaz

Agent:
Mr Jeff Redmile

Site Description:

The main application site is located alongside Duckworth Lane at its busy signalised junction with Squire Lane and opposite the main emergency access of Bradford Royal Infirmary. The site is presently vacant but was formally a bus terminus and some hard-surfacing is still visible on site. There are no dropped crossings remaining and the site is separated from Duckworth Lane by a timber rail. A low stone wall and mature tree bound the rest of the site.

The off-site parking is provided at the Al Hakim Institute on Bullroyd Lane. The provision involves the use of 7 existing parking spaces to the rear of the building.

Relevant Site History:

11/04124/FUL - Change of use of former bus terminus to satellite private hire booking office for pick up only – Refused on grounds of inadequate parking provision, harm to the safe and free flow of traffic and harm to protected trees. The Local Planning Authorities (LPA) decision was upheld at appeal.

12/01699/FUL - Construction of private hire telephone booking office and use of land at Wallis Street for the associated parking of the private hire vehicles – Refused on grounds of highway safety, failure to adequately provide off street parking, and for using land allocated for employment use. The LPA's decision was upheld on appeal.

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

Both sites are Unallocated.

Proposals and Policies

UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
TM2	Impact of Traffic and its Mitigation
TM10	The National and Local Cycle Network
TM11	Parking Standards for Non-Residential Developments
TM19A	Traffic Management and Road Safety
D3	Access for People with Disabilities
D4	Community Safety
D1	General Design Considerations
BH4A	Within the Settings of Listed Buildings
NE5	Retention of Trees on Development Sites
NE6	Protection of Trees During Development
NR16	Surface Water Run Off and Sustainable Drainage Systems

Parish Council:

Not in a Parish.

Publicity and Number of Representations:

The application has been publicised by individual neighbour notification letters and a site notice. The publicity period expired on 1 March 2017, 98 representations have been received 41 in support and 57 in objection including one from the Local Ward Councillor.

Summary of Representations Received:

The representations in support make the following points:

- Eyesore the application will result in environmental improvements

The representations in objection raise the following concerns:

- Highway and pedestrian Safety
- Traffic Congestion
- Obstruction of ambulances

Consultations:

Highways Development Control – The private hire booking office has not overcome previous reasons for refusal that were upheld at appeal. The proposal is likely to attract customers to the site and generate demand for pick-ups by private hire vehicles. This would involve vehicles waiting and slowly manoeuvring at the approach to a busy signalised junction, and immediately adjacent to the main entrance to the Bradford Royal Infirmary. This would be detrimental to the free flow of traffic, including emergency vehicles, and highway safety in conflict with policies TM2 and TM19A of the Replacement Unitary Development Plan.

Trees – Raise no objections to the principle following the submission of additional information, but require the level of any pruning to be agreed.

Design and Conservation – Subject to the use of appropriate materials and control of security measures no objections are raised.

Drainage – Condition required demonstrating the proposed use of soakaways is suitable.

West Yorkshire Police – No objections to the development, and will introduce more natural surveillance along Duckworth Road/BRI Entrance.

Summary of Main Issues:

1. Principle of development.
2. Impact upon pedestrian and highway safety.
3. Impact upon the local environment.
4. Impact upon mature protected trees.
5. Impact upon neighbouring occupiers.

Appraisal:

This is the third application seeking permission to introduce a taxi booking office in this location. Two previous planning refusals for very similar schemes have both been upheld at appeal. The first application related to a booking office which was intended as a pick up point only, and involved vehicles entering and exiting the site. The second application was solely for a booking office with satellite parking provided off Wallis Street.

The current application seeks permission for a booking office with satellite parking provided at the Al Hakim Institute on Bullroyd Lane within the existing car park.

1. Principle of development

The site is unallocated on the Replacement Unitary Development Plan (RUDP). As such the principle of the use would be considered acceptable, with the potential use only being constrained by the local impact of the development. The main issues will now be considered:

2. Impact upon pedestrian and highway safety

The proposed taxi booking office is intended to be operated as a booking office with satellite parking for 7 private hire vehicles provided off Bull Royd Lane. A letter of agreement for the use of the parking has been submitted in support of the application, but as it stands the land is not within the control of the applicant, which would raise concerns about the on-going availability of this land.

The most recent planning refusal related to an application for a private hire booking office with satellite parking proposed on land at Wallis Street. Whilst the Inspector in dealing with a previous appeal noted, as a general rule, that customers were unlikely to start and end their journey at the booking office, the prospect could not be entirely discounted. It was also noted that some element of passing trade could be reasonably anticipated, with the booking office occupying a prominent position alongside a busy road and adjacent to the hospital. As such the inspector concluded that it is reasonable to envisage that the office would be likely to attract some customers to the site, even if it is not its intended function. The inspector also noted that the applicant intended to introduce signage, but noted that whilst this demonstrated intent, these measures would be difficult to uphold.

The application is essentially the same as the refusal noted above, with the main difference being the revised location for the satellite parking. The parking is now closer to the site, and is now a two minute drive away rather than five minutes. The Inspector did note that the Council's concerns regarding the continued use of satellite parking could be addressed by condition, whereby if the land became unavailable the use would cease until alternate arrangements are agreed. Alternatively a Section 106 legal agreement would be required ensuring the continued availability of the land whilst ever the booking office was in operation. The use of the land in principle has raised no objections from the highway officer, but this is not considered to overcome the previous concerns, and even at the reduced distance still retains the concerns that private hire vehicles will look to park closer to the booking office, thereby adding to the highway concerns.

It is therefore concluded that introducing a private hire booking office, with the potential for any level of pick-ups or drop-offs in this location, close to a busy signalised junction and opposite the entrance to the hospital, will result in conditions prejudicial to the safe and free flow of traffic. The application is therefore contrary to the aims of policies TM2 and TM19A of the Replacement Unitary Development Plan. As with the Inspectors decision this is notwithstanding any existing parking and waiting restrictions.

3. Impact upon the local environment

The implementation of the development would involve the construction of a 4.7 x 3.5 metre stone built building centrally located on the front boundary. The building has a traditional appearance and provided it is constructed using natural stone and blue slate would appear unassuming in the present street scene (policies UR3 and D1 of the Replacement Unitary Development Plan).

The proposed building would be located within the setting of the listed gateway at Lady Royd House on the south-west corner of the road junction. However, it is considered that the presence of the mature trees and planting scheme will serve to provide a suitable setting for the development and offer some screening thus maintaining the setting of the listed structure (policy BH4A of the Replacement Unitary Development Plan).

4. Impact upon mature protected trees

The proposed building would be located underneath the crown spread and within the root protection area (RPA) of protected trees. Whilst harm to these trees previously formed one of the reasons for refusal, this aspect was not upheld by the inspector who concluded that it was unlikely the foundations required for the booking office would cause problems for the trees root structures. It was also noted that the development would only require a limited level of pruning of low level branches. The Council's tree officer accepts these conclusions. However, in the current tree report a greater level of pruning is indicated that what would seemingly be required, it is therefore suggested that should permission be granted a condition requiring any pruning works to be agreed in writing prior to commencement of the development.

5. Impact upon neighbouring occupiers

The nearest building is 30 metres from the proposed site and this distance is sufficient to prevent any adverse impacts in terms of overshadowing, overlooking or overbearing. It should also be noted that sufficient distance has been achieved from neighbouring properties to prevent nuisance from the coming and goings generated by the development (policies UR3 and D1 of the Replacement Unitary Development Plan).

Community Safety Implications:

As addressed above.

Equality Act 2010, Section 149:

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

Reasons for Refusal:

1. The proposal is likely to result in increased parking and movement of vehicles close to the site and fails to provide suitable off-street parking provision, causing potential congestion and obstruction of the free flow of traffic, including that of emergency vehicles due to vehicles waiting and manoeuvring in connection with the use. The proposal is therefore contrary to policies TM11 and TM19A of the replacement Unitary Development Plan.
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