

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (BRADFORD) to be held on 06 July 2017

A

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

Item	Site	Ward
A.	1 Booth Royd Bradford BD10 8LN - 17/00792/LBC [Approve]	Idle And Thackley
B.	1 Booth Royd Bradford BD10 8LN - 17/02962/HOU [Approve]	Idle And Thackley
C.	228 Parkside Road Bradford BD5 8PW - 17/00862/FUL [Approve]	Little Horton
D.	27 Beechwood Avenue Bradford BD6 3AF - 17/01303/HOU [Approve]	Wibsey
E.	346 Great Horton Road Bradford BD7 1QJ - 17/00875/FUL [Approve]	City
F.	64 - 66 Manningham Lane Bradford BD1 3EP - 17/02129/FUL [Approve]	Manningham
G.	8 Fair Road Bradford BD6 1QT - 17/01521/FUL [Approve]	Wibsey
H.	832 Thornton Road Thornton Bradford BD13 3QB - 17/00562/HOU [Approve]	Thornton And Allerton
I.	Land West Of 1 To 9 Wharfedale Rise Bradford - 17/00674/OUT [Approve]	Heaton
J.	Park Grange Medical Centre 141 Woodhead Road Bradford BD7 2BL - 17/00307/OUT [Approve]	City
K.	110A Leeds Old Road Bradford BD3 8JS - 17/01596/FUL [Refuse]	Bradford Moor
L.	35 Oak Lane Bradford BD9 4QB - 17/01064/VOC [Refuse]	Manningham
M.	68 - 70 Manningham Lane Bradford BD1 3EP - 17/02128/FUL [Refuse]	Manningham
N.	Harrop Edge Farm Stephenson Road Bradford BD15 9AG - 17/02501/FUL [Refuse]	Thornton And Allerton

Julian Jackson
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 Report Contact: Mohammed Yousuf
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Portfolio:
 Change Programme, Housing and Planning
Improvement Committee Area:
 Regeneration and Economy

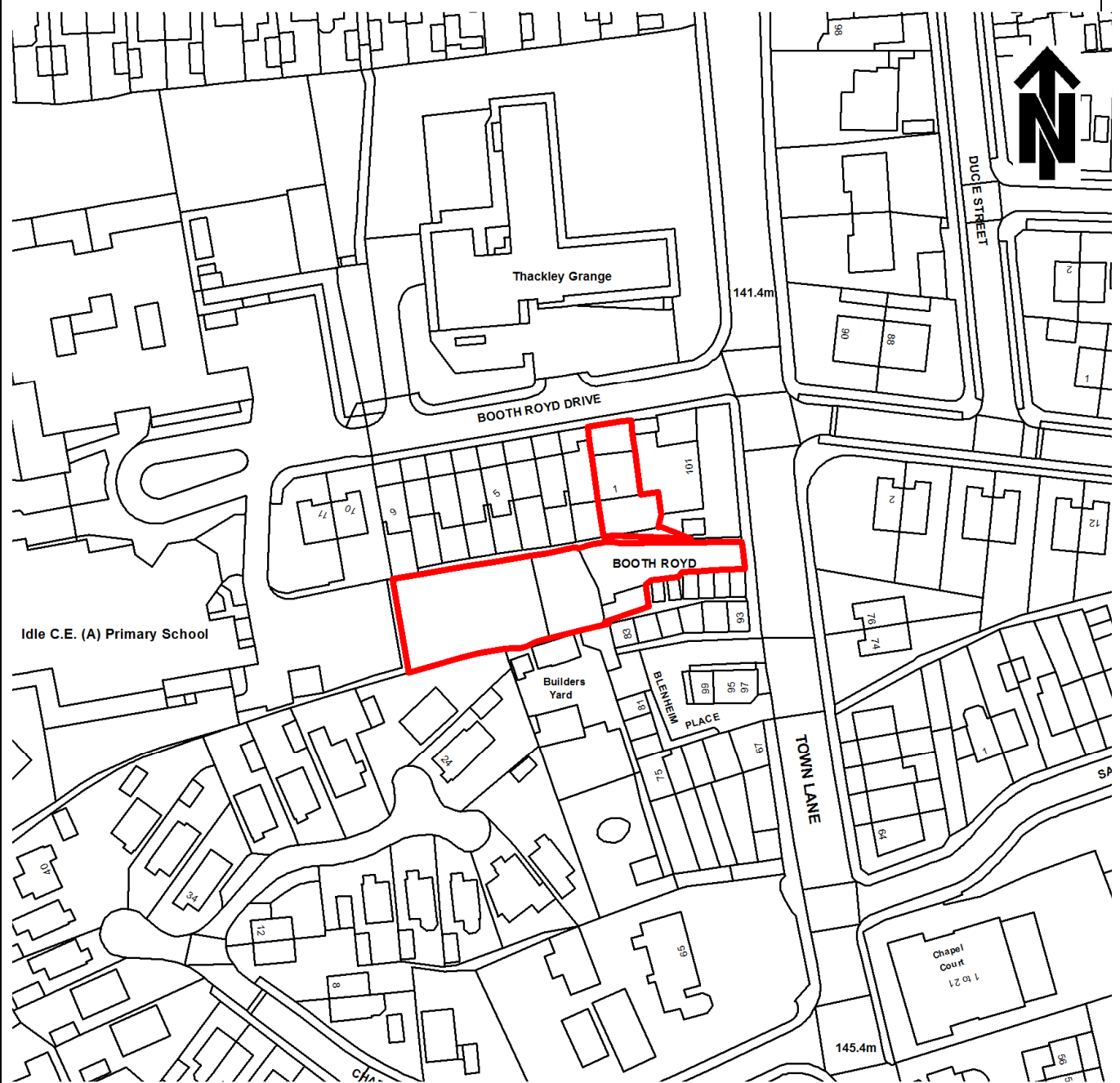
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17/00792/LBC

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**1 Booth Royd
Bradford
BD10 8LN**

6 July 2017

Item: A
Ward: IDLE AND THACKLEY
Recommendation:
TO GRANT LISTED BUILDING CONSENT
APPLICATION WITH A PETITION

Application Number:
17/00792/LBC

Type of Application/Proposal and Address:

Application for listed building consent for the installation of boundary walling and gates and various internal alterations at 1 Booth Royd, Bradford.

Applicant:
Miss Melanie Cochrane

Agent:
Not applicable.

Site Description:

The property is a grade II listed terrace dwelling, situated near the junction of Booth Royd and Town Lane. Booth Royd is an unadopted road, leading past some domestic garages and into a wider open space, bounded by low walls. Lying adjacent to a hairdressing business at 101 Town Lane, the site is near a school though the land uses in the vicinity are largely residential.

Relevant Site History:

17/02963/LBC Installation of 1200mm high reclaimed stone walling and 1143mm high (1560mm high to top of detail) timber gates on and near the boundaries of the property – Withdrawn.

17/02962/HOU Installation boundary walling and gates - Concurrent application not yet determined.

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 use on the adopted RUDP, though it is adjacent to the Idle and The Green Conservation Area.

Proposals and Policies

BH4 – Alteration or extension of Listed Buildings

BH4A – Development within the setting of a listed building

Parish Council:

Not applicable.

Publicity and Number of Representations:

Advertised in the press, by site notice and by neighbour notification letters. Expiry date 14 April 2017. One petition and four letters of objection received.

Summary of Representations Received:

1. Restriction/removal of access and loss of turning circle for residents, deliveries and post.
2. Penning of dogs.

Consultations:

Heritage and Conservation - No objections, subject to conditions.

Appraisal:

1 Booth Royd is dated 1745, although this date appears to correspond to a remodelling of the property to update its layout and appearance. It appears likely that it was first constructed in the 17th century as a detached two cell farmhouse with a rear aisle for the service spaces. As a result of the remodelling, the house displays an interesting evolution in both layout and appearance. It has also now been surrounded by later development from the 19th and 20th centuries.

It is proposed to re-arrange the use of ground floor rooms, moving the kitchen to the space considered likely to have once formed the house. The variation in use of the rooms is not regarded as compromising the significance of the property. The existing fireplace is of no significance; there is a possibility of a previous or historic fireplace existing behind subsequent decorative layers. To ensure this is not damaged, careful opening up will be required to investigate if any earlier remains exist and so a method statement for this will be required. If no remains are found the proposed extent of opening would be regarded as acceptable, subject to details of structural support for the masonry above.

The proposed opening between the kitchen and utility will disrupt historic fabric but is assessed as being proportionate to the size of the rooms and reflective of historic configurations.

The removal of a modern wall in the first floor bathroom, and creation of a w.c. and enclosure in the ground floor utility area will not affect the significance of the property.

The repainting of external joinery in a more subtle colour will enhance the character of the property. Painting of stonework would not usually be encouraged, but since the mullions and jambs here have long been painted, application of a more sympathetic shade will not cause any additional harm to the fabric.

The re-configuration of walls to the front, which will be 120cm high (plus a wicker fence panel of 60cm in height) will not harm the setting of this listed building and the gates proposed are considered appropriate. A sample panel of walling should be provided, with any mortar raked right back into the joints to minimise its visual impact.

Despite the proximity of the site to the Idle and The Green Conservation Area, its setting will not be adversely affected and overall the proposals will maintain the significance of the listed building and its setting.

The new walling will touch the existing low boundary wall running along the north of Booth Royd and partly surrounding the dwelling. In addition to listed building consent, planning permission will therefore also be required, by virtue of Part 2, Class A.1 (d) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Consideration of Objections:

Whilst planning-related issues are raised, this is an application for listed building consent and as the comments are not directly related to the listed building, the proper place for their consideration is as part of an application for planning permission. They have not therefore been considered as part of this application.

Community Safety Implications:

There are 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 Listed Building Consent:

The proposed development will not adversely affect the special interest of the dwelling or its setting. The adjacent conservation area will be preserved and the proposal therefore complies with policies BH4 and BH4A of the RUDP.

Conditions of Approval:

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

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

2. Before any works are carried out on the kitchen hearth/fireplace (as shown on the approved plans), a method statement detailing the means by which the existing fireplace is to be removed and opened up for investigation shall be submitted for the written approval of the Local Planning Authority. The existing fireplace shall then be removed in accordance with the approved details.

Reason: To ensure that any previous historical features that may be hidden behind the current decorative layers are not damaged, in accordance with policy BH4 of the adopted Replacement Unitary Development Plan.

3. Notwithstanding any details on the approved plans, should the investigation of the kitchen hearth/fireplace uncover any previous or historic fireplace or details, these shall be retained.

Reason: To ensure retention of any previous historical features, in accordance with Policy BH4 of the adopted Replacement Unitary Development Plan.

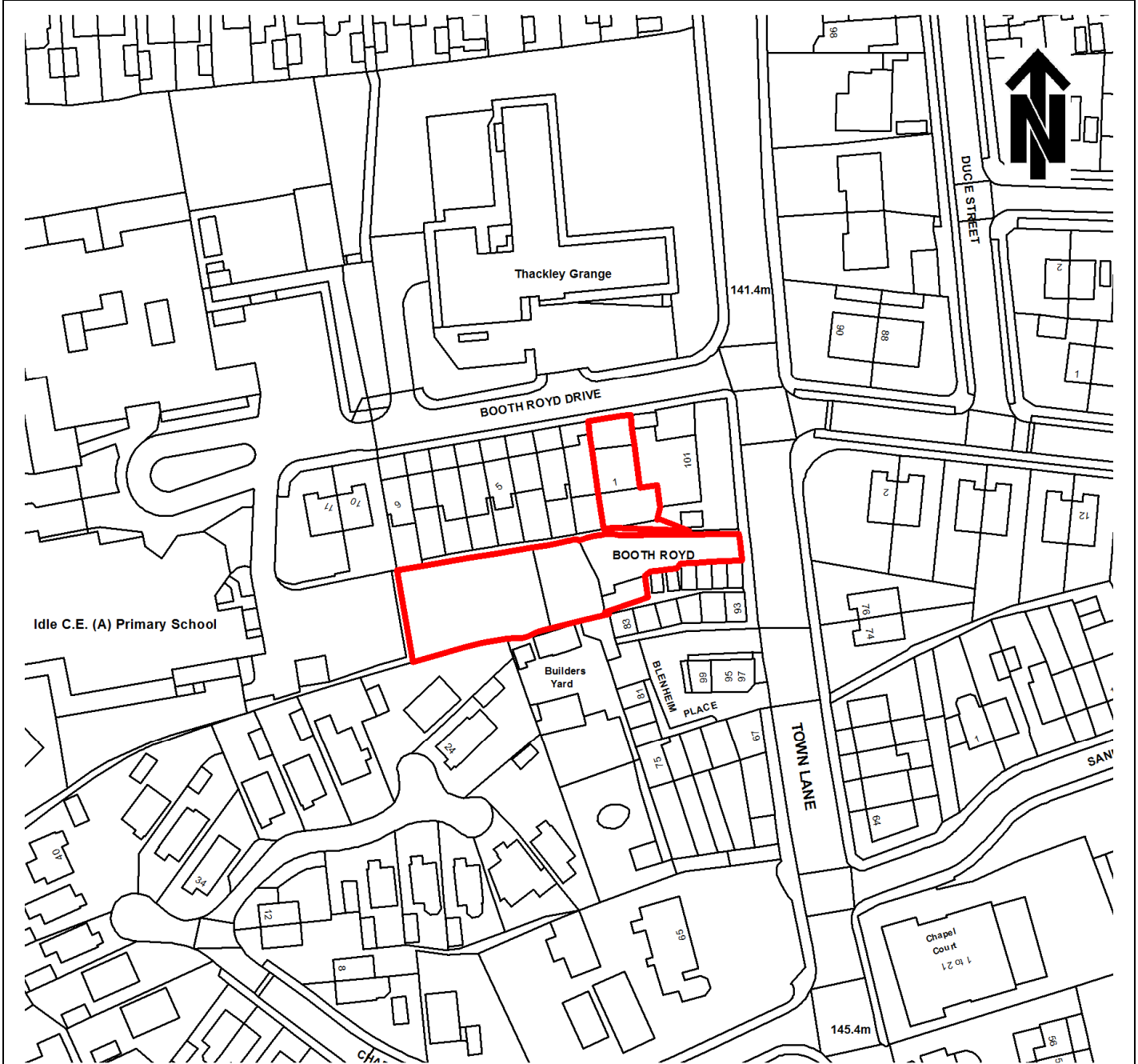
4. Before any works towards implementation of this consent take place on site, a sample panel of walling shall be constructed on site, for the written approval of the Local Planning Authority. Mortar for the walling shall be raked into the joints to minimise its visual impact. The walls hereby given consent shall subsequently be built in accordance with any panel so approved.

Reason: In the interests of preserving the setting of this listed building and to accord with Policy BH4A of the adopted Replacement Unitary Development Plan.

17/02962/HOU

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**1 Booth Royd
Bradford
BD10 8LN**

6 July 2017

Item: B
Ward: IDLE AND THCKLEY
Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
17/02962/HOU

Type of Application/Proposal and Address:
Installation boundary walling and gates at 1 Booth Royd, Bradford.

Applicant:
Miss Melanie Cochrane

Agent:
Not applicable.

Site Description:
The property is a grade II listed terrace dwelling, situated near the junction of Booth Royd and Town Lane. Booth Royd is an unadopted road, leading past some domestic garages and into a wider open space, bounded by low walls. Lying adjacent to a hairdressing business at 101 Town Lane, the site is near a school, though the land uses in the vicinity are largely residential.

Relevant Site History:
17/02963/LBC Installation of 1200mm high reclaimed stone walling and 1143mm high (1560mm high to top of detail) timber gates on and near the boundaries of the property – Withdrawn.
17/00792/LBC Install boundary walling and gates, various internal alterations - Concurrent application not yet determined.

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 use on the adopted RUDP, though it is adjacent to the Idle and The Green Conservation Area.

Proposals and Policies

BH4 - Alteration or extension of Listed Buildings

BH4A - Development within the setting of a listed building

BH7 - New Development in Conservation Areas

D1 - General Design Considerations

TM19A - Traffic Management and Road Safety

UR3 - The Local Impact of Development

Parish Council:

Not applicable.

Publicity and Number of Representations:

Advertised in the press, by site notice and by neighbour notification letters. Expiry date 23 June 2017. One petition and nine letters of objection received.

Summary of Representations Received:

1. The site is a public right of way and shared access as shown on deeds.
2. Removal of access and turning circle for delivery vehicles, post vehicles, emergency services, residents and existing garages, causing vehicles to reverse on to Town Lane near a zebra crossing on a road that is used by school pupils and parents.
3. Penning of dogs would affect postal deliveries.
4. Dogs would be intimidating and a health hazard.
5. The conveyancing plan does not show the cobbled road as belonging to 1 Boothroyd.
6. The installation of any wall and gate in this area would affect the cobbles, which are listed.
7. The wall will remove the right to park a car outside a house.

Consultations:

Heritage and Conservation - No comments received.

Highways - No objections. Conditions suggested.

Rights of Way (verbal) - No public rights of way or footpaths through the site.

Summary of Main Issues:

Impact on the local environment.

Impact on neighbouring occupants.

Impact on highway safety.

Other issues.

Appraisal:

Impact on Local Environment

This application is for the installation of 1200mm high reclaimed stone walling and timber gates (1.14 metres high) on and near the boundaries of 1 Booth Royd. The new walling will touch the existing low boundary wall running along the north of Booth Royd and partly surrounding the dwelling, so planning permission is required, by virtue of Part 2, Class A.1 (d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Some of the boundary walls (such as those to the rear of 2-8 Booth Royd and 9 Booth Royd Drive) will have a traditional fence panel of 60 cm on top.

The reclaimed stone will fit in well with the existing dwellings and the height of the walls is not considered excessive. Whilst the use of panel fencing such as that proposed is not common in the area, it is not considered that the addition of panels on top of the walls will form an obtrusive feature in the wider street scene.

Similarly, the proposed gates are a traditional design and hence they too will not appear as a jarring feature in the broader visual amenity of the street scene.

The effect of the gate and walls on the cobbles will not cause a detriment to visual amenity or adversely affect the setting of the listed building.

Overall, visually, the proposals will not have a detrimental effect.

Impact on Neighbouring Occupants

The main effect of the proposals will be on the rear gardens of 2-8 Booth Royd and 9 Booth Royd Drive, where the combined height of the wall and fence panel will be approximately 1.8 metres. Whilst this height of boundary treatment will be clearly visible from the houses and gardens of the Booth Royd Drive houses, it is not considered that it will have an adverse overbearing or overshadowing effect on the gardens.

Furthermore, were there no requirements for planning permission because of the listed building, a wall of up to 2.0 metres in height could be built along the boundary under permitted development rights.

Impact on Highway Safety

Booth Royd is an unadopted public highway as far as number 2, although there is no vehicular access to any property other than the application site and the adjacent property at number 2. All properties have parking and access on Booth Royd Drive. The existing pedestrian access from Booth Royd would be maintained to the rear of all properties along Booth Royd Drive. The initial section of Booth Royd from Town Lane provides access to garages and would remain as public highway. This is also wide enough for a car to turn around without the need to reverse onto Town Lane. No concerns arise on the grounds of highway safety, although since Booth Royd is an unadopted public highway, a formal road closure order would be required, to close all or part of it.

Other Issues

Whilst the site is an unadopted public right of way as far as number 2, Brook Royd, no concerns arise on the grounds of highway safety as a result of the proposal.

Use of the site as a turning circle is informal and therefore "loss" of such a circle cannot be considered as part of this application.

Keeping of dogs does not form part of the application, although if the dogs are, for example, kept as part of a commercial business, such as a kennels, then planning permission may be required for a change of use. Keeping of dogs as pets by a householder does not normally require planning permission and the effect of keeping such pets is not a planning matter.

Rights conferred under deeds and details shown on conveyancing plans are private matters between the parties concerned, rather than planning matters.

Community Safety Implications:

There are 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 proposed development will not adversely affect historic context, visual amenity, neighbouring amenity or highway safety and it therefore accords with policies BH4, BH4A, BH7, D1, TM19A and UR3 of the adopted RUDP.

Conditions of Approval:

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

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

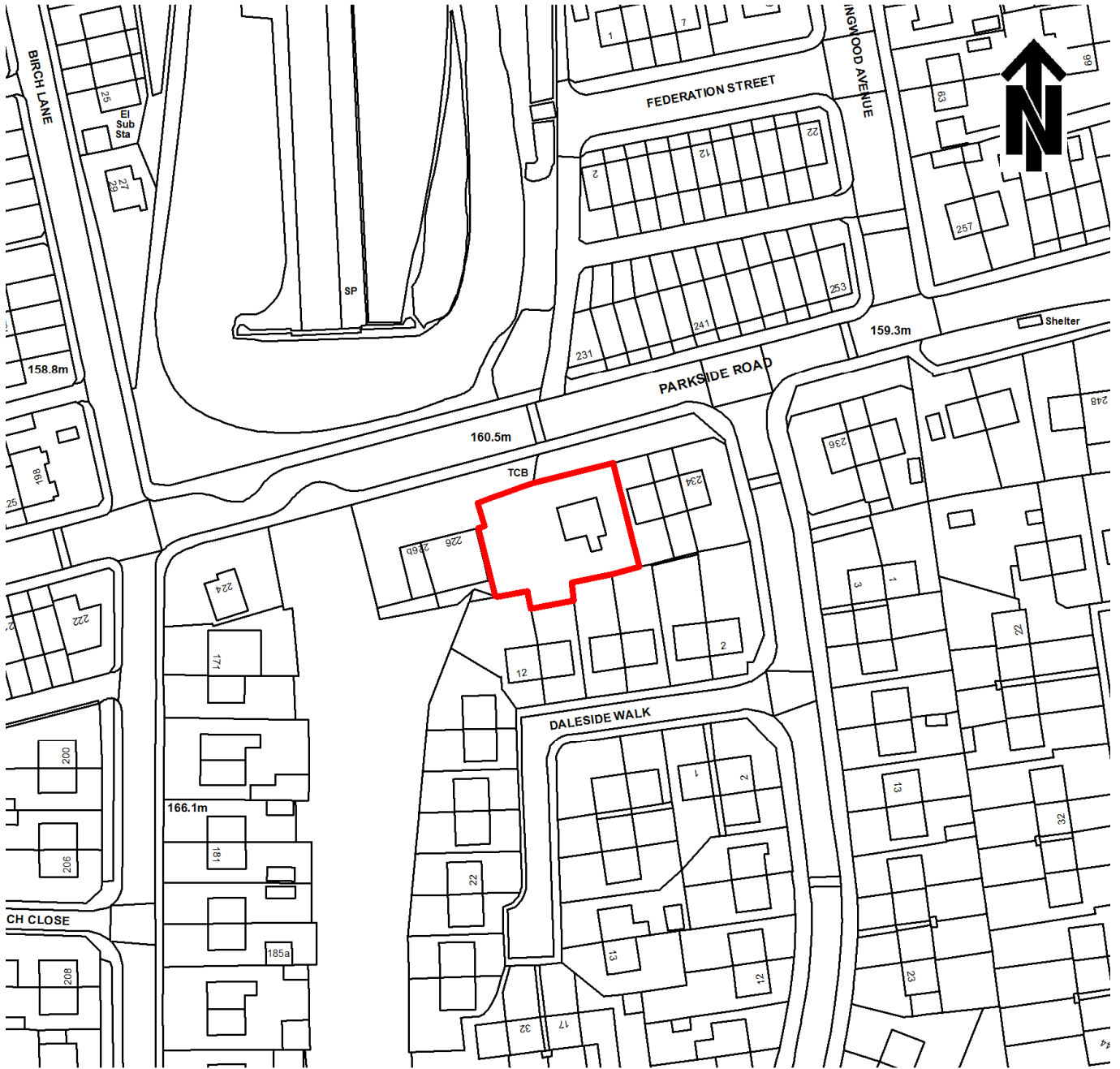
2. Before any works towards implementation of this planning permission take place on site, a sample panel of walling shall be constructed on site, for the written approval of the Local Planning Authority. Mortar for the walling shall be raked into the joints to minimise its visual impact. The walls hereby approved shall subsequently be built in accordance with any panel so approved and so retained thereafter.

Reason: In the interests of preserving the setting of this listed building and to accord with policies UR3, D1 and H4A of the adopted Replacement Unitary Development Plan.

17/00862/FUL

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**228 Parkside Road
Bradford
BD5 8PW**

6 July 2017

Item: C
Ward: LITTLE HORTON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
17/00862/FUL

Type of Application/Proposal and Address:

A full application for the demolition of a detached bungalow and the construction of a two storey detached building to provide a community and education centre at 228 Parkside Road, West Bowling, Bradford.

Applicant:

Mr Syed Tehseen

Agent:

Sloan Architecture Ltd

Site Description:

The site is comprised of a vacant and dilapidated detached bungalow set within an extensive overgrown plot. The site is bordered by a terrace of residential properties to the east and semi-detached dwellings to the south on Daleside Walk. To the west there is a convenience store and a taxi booking office.

Relevant Site History:

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

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

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

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

16/04818/FUL - Demolition of existing derelict building and construction of new two-storey place of worship (D1). Refused - 08.12.2016.

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR3: Local Impact of Development

D1: General Design Considerations

P7: Noise

TM2: Impact of Traffic and its Mitigation

TM11: Parking Standards for Non-Residential Developments

TM19A: Traffic Management and Road Safety

NR16: Surface Water Run Off and Sustainable Drainage Systems

Parish Council:

Bradford Trident Community Council

Publicity and Number of Representations:

The application was publicised by site notice and neighbour notification letters. The expiry date for comments in connection with the application was 27 July 2017. 312 representations were received consisting of 227 letters of support and 84 letters of objection.

Summary of Representations Received:

In support

No adverse noise implications.

Visual Amenity improvement.

Community benefit.

Improved education facilities for children.

In objection

Increased traffic congestion.
Noise disturbance.
There already numerous community centres nearby.
Inadequate parking provision.
Harm to pedestrian safety.
Indiscriminate parking.

Consultations:

Highways Development Control – The level of parking provided would be below the Council's adopted standard. However given the sustainable location of the site and the availability of on street car parking the development is not considered to have an adverse impact on the surrounding highway network. No objections are therefore raised and the development is acceptable in highways terms subject to conditions requiring that the access and parking are laid out prior to first use of the premises.

Drainage - No objection subject to a condition requiring the submission of foul and surface water drainage details.

Bradford Trident - No comments received.

Summary of Main Issues:

Principle.
Visual amenity.
Residential amenity.
Highway safety.
Outstanding matters raised in representations.

Appraisal:

A previous application, at this site, for the demolition of the bungalow and the construction of a place of worship was refused by the Bradford Area Planning Panel on 8 December 2016 for the following reason:

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

The current submission differs in that the proposed hours of operation have been amended from 07:00-23:00 seven days per week to 09:00-20:00 each day. In addition the floor layout of the building has been amended and the ground floor and first floor congregation areas have been replaced with two classrooms on each floor, as well as ancillary office and toilet facilities.

Principle of Development

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

The applicant has described the use as a 'community and education centre' and the submitted Design and Access Statement elaborates on this stating that the building would be utilised for a variety of community based activities such as after school and weekend homework clubs, language courses and a ladies only fitness room. Other services on offer will include classes for sewing, pattern making, embroidery and cooking. Finally, the submission advises that religious education classes will be on offer to adults and children.

In dealing with the previously refused application concerns were raised that the construction of a place of worship on the site and the required hours of operation would be likely cause harm to neighbouring amenity as a result of the large number of comings and goings potentially late into the evening and/or in the early mornings. In this regard the submitted proposal now illustrates that the building would be comprised of four classrooms and ancillary facilities and the proposed opening hours are not consistent with the openings hours required for the premises to predominantly function as a place of worship.

The specific use of the premises as a community and education centre and its opening hours can also be ensured by a planning condition in the event that planning permission is granted.

Residential Amenity

The proposed hours of operation (09:00-20:00 seven days a week) are suitable to ensure that the proposed use would not result in adverse implications for the amenity of neighbouring residents as a result of the coming and going of attendees at the site. The revised hours of operation can be ensured by the imposition of a planning condition in the event that planning permission is granted.

It is considered that the proposed floor plans are now consistent with the layout and facilities that might be expected within a community centre. The reduced room sizes would not lend themselves to be used for prayers or acts of worship. It is also notable that in the event that the application is approved a condition can be imposed limiting the use of the premises to community and education centre only within class D1 of the Use Classes Order. This will prevent the use of the building from changing under permitted development to another use within class D1 which could have a greater impact on neighbouring residents.

In conclusion the proposed development is not considered to result in any adverse residential amenity implications subject to the imposition of planning conditions and the proposal is considered to accord with policies UR3 and P7 of the RUDP.

Highway and Pedestrian Safety

The development site is located on Parkside Road in an area that has been traffic calmed due to persistent traffic problems resulting from the road being used as a 'rat-run'.

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

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

Visual Amenity

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

The building would have a width of 13.7 metres and a depth of 15 metres. The building would protrude marginally beyond the front elevation of the terrace of residential properties to the East and the parade of shops to the West but this would not result in any significant adverse visual amenity implications. The building would have an eaves height and ridge height which is commensurate with the surrounding two-storey dwellings on Parkside Road and therefore the size and scale of the building would be appropriate within the street scene.

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

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

Drainage

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

Outstanding Matters Raised in Representations:

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

Community Safety Implications:

The application does not present any community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development is considered to be acceptable in principle and would accord with the requirements of the NPPF and policies UR3, D1, P7, TM2, TM11, TM19A and NR16 of the RUDP.

Conditions of Approval:

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

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

2. The use of the premises shall be restricted to the hours from 09:00 to 20:00 each day.

Reason: In the interests of the amenities of neighbouring residents and to accord with policies UR3 and P7 of the Replacement Unitary Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any subsequent equivalent legislation, the premises shall be used only as a community and education centre, as described in the application documents, and for no other purpose (including any other activity within Class D1 of the Order), without the prior written consent of the Local Planning Authority.

Reason: In order that the Local Planning Authority retains reasonable control over future changes of use with particular regard to residential amenity and road safety, and to accord with policies UR3, D1, P7 and TM19A of the Replacement Unitary Development Plan.

4. Before development begins, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials and those to be used for the construction of boundary treatments in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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

5. Before any part of the development hereby permitted is brought into use, the off-street car parking facility shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15.

Reason: In the interests of highway safety, drainage and to accord with policies UR3, TM12 and NR16 of the Replacement Unitary Development Plan.

6. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The submission will provide for sustainable drainage techniques, or will provide evidence, based on site investigations, to show that such techniques cannot be used on the site. The drainage scheme so approved shall thereafter be implemented prior to the occupation of the development.

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

7. The first floor window in the south elevation of the building hereby permitted shall be glazed in obscure glass prior to the first use of the building and thereafter retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policy UR3 of the Replacement Unitary Development Plan.

17/01303/HOU

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**27 Beechwood Avenue
Bradford
BD6 3AF**

6 July 2017

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

Application Number:
17/01303/HOU

Type of Application/Proposal and Address:

A full planning application for the construction of a part single and part two-storey rear extension, hip to gable roof conversion, extended basement and front and rear dormer windows at the 27 Beechwood Avenue, Bradford.

Applicant:
Mr Asif

Agent:
SR Design

Site Description:

The property is a semi-detached house located with a uniform street scene of similar properties – the surrounding area is purely residential in nature. The property is unaltered at the present time.

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

Householder supplementary planning document.

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised by individual notification letters. The expiry date of the publicity period was 31 March 2017. To date, the following representations have been received in relation to the application:

Nine individual representations objecting to the proposals.

Summary of Representations Received:

Unacceptable impacts in terms of visual appearance – no other similar dormer windows in the street scene.

Adverse impacts in terms of residential amenity.

Loss of light and overshadowing.

Adverse effect on property prices in the area.

Potential highway safety implications.

Consultations:

None.

Summary of Main Issues:

Residential amenity.

Visual impacts.

Highway safety.

Representations received.

Appraisal:

Residential amenity

The elements of the proposal that require planning permission are not considered to result in any significant harm to residential amenity. The first floor element of the rear elevation extension maintains an acceptable facing distance to the rear boundary of the site (in excess of 7 metres) and is shown to not breach the 45 degree line taken from the edge of the nearest habitable room window of the adjoining property. Despite the level changes between the application site and the property at no. 25 adjacent to the site, it is not considered that the proposal will result in significant overshadowing of this property owing to the separation distances to this property and the modest projection of the first floor extension. Some elements of the proposal are permitted development (hip to gable roof conversion and rear dormer window) and their effect on amenity cannot be given significant weight as planning permission is not required for those changes to the property.

Visual impacts

The proposed scheme will significantly alter the character of the existing building when taken as a whole. However, it is considered that the hip to gable roof conversion and rear dormer window are possible under permitted development rights and therefore their visual impact cannot be prevented. The proposed extensions to the rear do feature lean to roof designs at first floor, however, although such a design does not match the host properties roof, it is not considered that it will result in significant harm to visual amenity, particularly as the extensions are located on the rear elevation of the property and are therefore less prominent in visual terms. The proposed front elevation dormer window is designed in accordance with the Householder supplementary planning document and is acceptable in principle in line with that policy document, despite there being no other similar dormer windows within the immediate street scene.

Highway safety

The proposals do not affect the available parking provision at the site – the property has a driveway access from Beechwood Avenue and there is at least 11 metres of driveway length which would offer usable parking for two vehicles. As the proposals are located to the rear of the site, this driveway parking will remain unaffected. Such provision is considered acceptable to serve the dwelling house and the proposals will not lead to any loss of parking or any material highway safety implications or increase pressure for on street parking.

Representations received

Unacceptable impacts in terms of visual appearance – no other dormer windows in the street scene.

Response - The householder supplementary planning document does not preclude dormer windows to the principle elevations of properties where there are no others present, provided they are of the appropriate design, width and materials, as is the case here.

Adverse impacts in terms of residential amenity.
See appraisal under 'residential amenity'.

Loss of light and overshadowing.
See appraisal under 'residential amenity'.

Adverse effect on property prices in the area.
This is not a material planning consideration.

Potential highway safety implications.
There are no considered to be significant implications as parking is maintained on the site to the front of the property.

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 proposals are considered to result in acceptable impacts in terms of visual and residential amenity and will not result in significant loss of parking at the site. The proposals are therefore in compliance with policies UR3 and D1 of the replacement Unitary Development Plan and guidance contained within the Householder supplementary planning document.

Conditions of Approval:

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

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

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

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

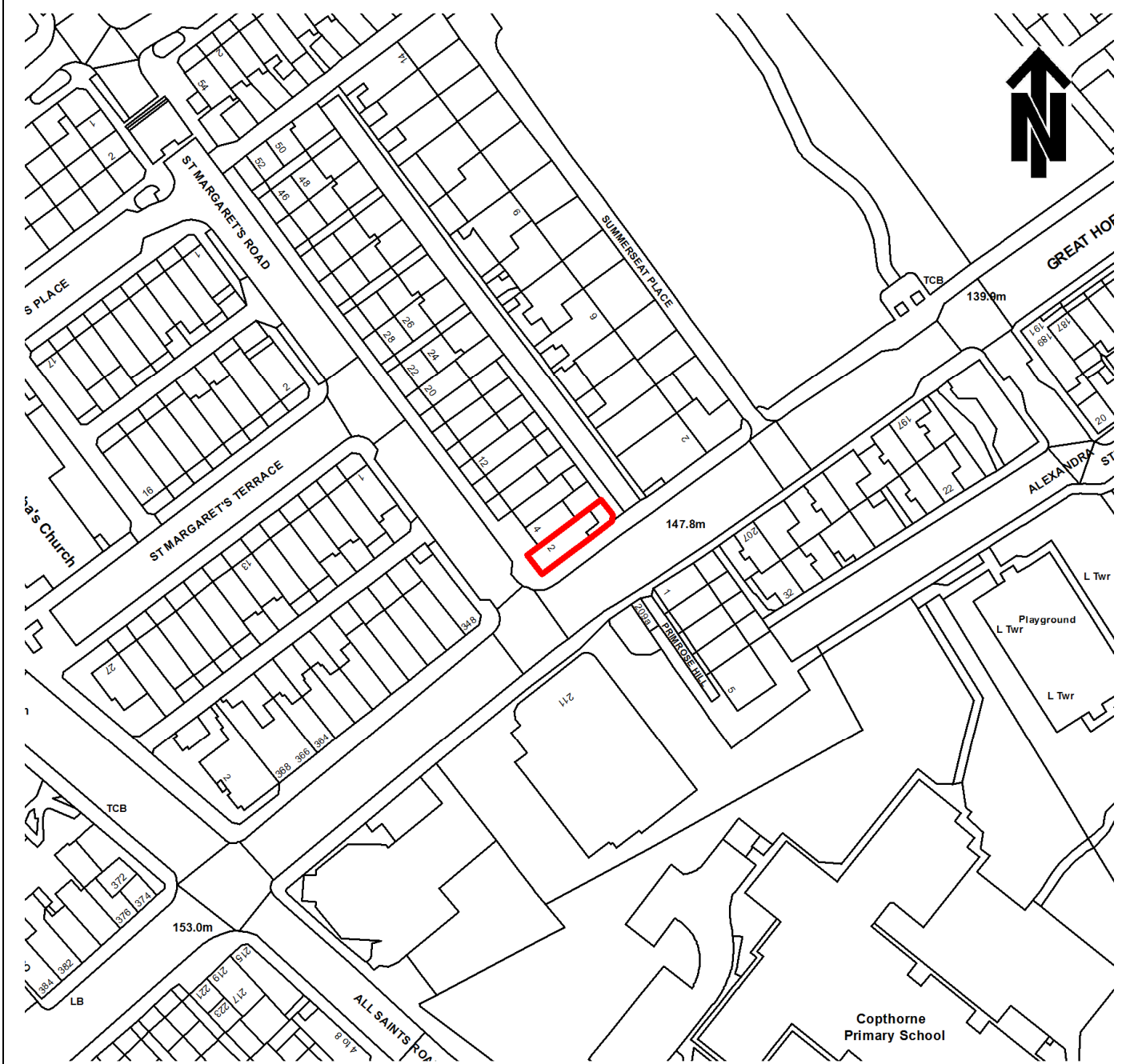
3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side elevations of the first floor extension without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

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

17/00875/FUL

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**346 Great Horton Road
Bradford
BD7 1QJ**

6 July 2017

Item: E
Ward: CITY
Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
17/00875/FUL

Type of Application/Proposal and Address:

Full application for a two storey side extension, dormer window, new aluminium shop frontage, cladding and roller shutters at 346 Great Horton Road, Horton Grange, Bradford.

Applicant:
Mahmoods Ltd

Agent:
Khawaja Planning Services

Site Description:

The site is a hot food takeaway, situated at the end of a residential terrace on the north side of Great Horton Road at its junction with St. Margaret's Road. Set at right angles to the terrace so as to front Great Horton Road, the site is flanked to one side by large houses on Summerseat Place and to the other by a terrace of small shops with residential space above, which front Great Horton Road.

Relevant Site History:

76/03928/ADV Hoarding general advertising - Refused 30.06.1976.
77/06343/FUL Change of use of part of ground floor to shop - Approved 09.11.1977.
88/01048/FUL Extension to form stairs and covered display - Approved 23.08.1988.
02/00677/COU Change of use from class A1 retail sales to class A3 hot food retail - Approved 16.05.2002.
06/04984/FUL Construction of single storey extension to side of property - Approved 31.08.2006.
07/01268/FUL Construction of single storey extension to the side and basement extension - Approved 03.04.2007.
09/05199/VOC Variation of condition 2 of approval of 02/00677/COU dated 16.05.2002 to change closing time to 2am - Refused 17.12.2009.
10/02964/FUL Construction of single storey extension to side - Approved 13.09.2010.
11/01728/FUL New frontage and external WC to side - Refused 08.06.2011.
13/02171/VOC Variation of condition 2 of planning permission 02/00677/COU dated 16.05.2002: Change of use from A1 retail to A3 hot food take away: change closing time from midnight to 2am - Refused 16.07.2013.

15/03692/FUL Two storey side extension, dormer window, new shop frontage and cladding - Refused 21 October 2015: seating area noise and neighbouring amenity.

15/05843/FUL Two storey side extension, dormer window, new shop frontage, cladding and internal alterations - Refused 2 June 2016: seating area noise and lack of off street parking. Subsequently dismissed 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

The site is not allocated for any specific land-use in the RUDP, however it is included within the Horton Grange Community Priority Area and Local Centre. 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

CR1A	Retail Development within Centres
CF6	Community Priority Areas
D1	General Design Considerations
P7	Noise
TM6	Bus Priority
TM10	The National and Local Cycle Network
TM11	Parking Standards for Non-Residential
TM19A	Traffic Management and Road Safety
UR3	The Local Impact of Development

Parish Council:

Not applicable.

Publicity and Number of Representations:

Advertised by site notice and neighbour notification letters. Expiry date 28 March 2017.
Two objections received and a petition of nine names.

Summary of Representations Received:

1. A request to "pull forward" a petition submitted on a previous application.
2. Disposal of trade effluent, such as cooking fat.
3. Hazardous substances.
4. Fume extraction.
5. Information on residential units.
6. Number of employees, parking and travel to work.
7. Noise pollution from extractor fans.
8. Smoke and fumes pollute the street.
9. Illegal parking by customers on double yellow lines, causing obstruction and reducing visibility.
10. Residents parking spaces taken by customers.
11. Damage to property and road safety violations cause by reversing vehicles.
12. Poor enforcement and policing by the local authority.
13. No parking space around the takeaway.
14. Refuse collection inhibited.
15. Dumping of unwanted food and packaging.
16. Bins ravaged by people, dogs and rats.
17. Supplementary planning policy cited, concerning location of takeaways, residential amenity, odour and smells, litter control, crime and anti-social behaviour.

Consultations:

Drainage - No comments to make.

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

Highways - The proposal is for a small scale extension to an existing take away, which would be unlikely to lead to any undue highway safety concerns. No highway objections are raised about the proposed development.

Summary of Main Issues:

Neighbouring amenity

Highway safety

Visual amenity

Consideration of representations

Previous reasons for refusal

Appraisal:

This application is for a two-storey side extension, a dormer window, new shop frontage, cladding and roller shutters. The property is authorised in planning terms to be a hot food takeaway but only at ground floor level so the Council's adopted Hot Food Takeaway Supplementary Planning Document, which applies to applications for new hot food takeaways, is not applicable.

Neighbouring Amenity

There is a concern with regard to the effect of the development on neighbouring amenity, that is, the issue of noise. The site lies within the Horton Grange local centre, so some noise, including late night traffic on Great Horton Road, is to be expected. The hours of opening are controlled by a planning condition in application 02/00677/COU, which limits opening hours to the period between 08-00 and midnight. These hours are considered acceptable, in view of the proximity of the adjacent dwellings and concerns about potentially later opening until 02-00 are matters for consideration under planning enforcement legislation. Two previous planning applications to extend opening hours till 02-00 have been refused.

However, though the application includes a two storey side extension, this will house a ground floor staircase and a wc at first floor level. Neither of these uses will generate extra customers, unlike, say, a seating area and additional generated noise arising from use of the proposed extension will be minimal.

Secondly, there is the issue of off-street parking. The concerns about parking raised in the letters and petition of objection, which in a previous application were echoed by the police, are acknowledged. In terms of additional parking demand, local parking concern was evident in May 2016, when the Council refused an application at 342 Great Horton Road for an extension to form a dessert lounge, on the grounds that there was insufficient off-street parking for customers (reference: 16/00945/FUL). This in turn would lead to parking and manoeuvring in the highway to the detriment of highway safety. The application had a number of on-site parking spaces, but the current application at 346 has none.

However, internal changes for the current application show that the cellar floor will remain largely the same as at present, with the addition of a lobby and a staircase. The addition of a staircase is the main change at ground floor level, whereas the current staffroom, kitchen and wc at first floor will become a staff room, store, lobby and wc. The store and office at second floor level will become a store and none of the proposed uses will therefore generate extra customers. A planning condition can ensure that the hot food takeaway area on the ground floor is to be the only such area in the building, addressing potential concern that other areas in the building will be changed to a takeaway in the future.

Furthermore obstruction caused by parking at the bus stop or on double yellow lines is a matter for traffic enforcement and/or the police. Since the application will not generate significant extra custom, the application is unlikely to add to the current situation that, as per objections, includes parking causing obstruction to emergency vehicles, inhibiting refuse collection and blocking access for residents, as well as encouraging parking on residents driveways and residents spaces. Whilst the lack of on-site parking appears to have exacerbated local concern about parking, it is not considered that the application itself will generate extra traffic or cause a detriment to neighbouring amenity and highway safety.

In addition to concerns about noise and lack of parking, there are a number of other issues that may affect neighbouring amenity, including anti-social behaviour, waste disposal and litter.

Anti-social behaviour is a material consideration and it is noted that such behaviour is likely to occur when perpetrators and victims are in close proximity. In this case, the premises are an authorised hot food takeaway though only at ground floor level. Whilst the internal arrangement of the premises will change, it is not considered that the changes will introduce a significantly higher number of potential perpetrators than at present. Consequently, whilst anti-social behaviour such as dropped litter and unwanted food is a concern for local residents it is not considered a matter sufficient to warrant refusal of planning permission.

A bin area has been shown on the location plan but whether this is for customers or employees is not clear. Nevertheless, it is considered that there is sufficient room within the curtilage of the site for the provision of bins for rubbish, although it is acknowledged that the business may not be able to effectively control problems of dropped litter and food or the "ravaging" of bins.

It is not considered that the proposed development will add significantly to generated odours. Since the premises are authorised to be a hot food takeaway, concerns about odours are a matter for Environmental Protection.

In terms of physical structures, set slightly in from the common rear boundary, the proposed extension will be built to the south-east of the rear yard of the adjacent terrace dwelling at 4 St. Margaret's Road, which is currently flanked to either side by single storey rear extensions. Whilst the extension is to provide facilities, it was previously considered that a two-storey extension in this position would cause an unacceptable overshadowing and overbearing effect on the rear yard of number 4, to the detriment of its occupants. This is particularly important since number 4 has no amenity space at the front.

The submitted plans show that the existing ground floor will remain the same and that the first floor extension will stretch across roughly half the rear elevation. This has the effect of moving the extension further from the rear yard of number 4 and thereby lessening its overbearing and overshadowing effects.

The extension will not cross a line taken at 45 degrees from the edge of the nearest habitable room window in the rear elevation of number 4, so there will be no adverse overshadowing of the window and concern about overshadowing the rear yard is reduced to an acceptable degree.

The dormer window will be for a store room. It will not therefore be a habitable room window and it will be set no closer to existing dwellings - particularly 2 Summerseat Place - or their amenity areas than present windows. So, despite its greater height, it is not considered that the dormer window will adversely overlook any existing dwellings or gardens.

The new shopfront, cladding and roller shutters will not adversely affect neighbouring amenity.

Highway Safety

Concerns about highway safety have been assessed above. The highways section raises no objection and it is considered that the parking concerns that formed the basis for a previous refusal (16/00945/FUL) are no longer applicable in the present case, since the proposal will not lead to more customers visiting the premises.

Visual Amenity

Visual changes comprise the provision of larger windows at ground and first floor level floor level, as well as the proposed dormer window and the provision of a second storey to the rear extension. Cladding on the ground floor will apply to the narrow column adjacent to the ground floor door on the front elevation and will not be visually intrusive.

The larger ground floor windows in the side elevation are consistent with the appearance of the premises and do not conflict visually with the larger ground floor window of the adjacent house, or the shopfront adjacent to the house. The proposed ground floor windows in the front elevation are not significantly larger than at present and match the proposed first floor windows in the same elevation. The result is a modern appearance that is not incompatible with the smaller, arched windows at second floor level.

Narrow and with a pronounced vertical emphasis, the proposed first floor wc window in the side elevation of the property resembles existing windows and causes no detriment to visual amenity.

The dormer window does not quite comply with the Council's adopted Householder Supplementary Planning Document, which is considered a reasonable guide in the absence of a formal policy for dormer windows on commercial premises. In terms of size, the width of the dormer is 3.04 metres (m), which is slightly over the policy guide line of 3.0m. Nevertheless, this is considered insufficient reason to refuse the application, since in terms of its location, lack of cladding on its front elevation and the pattern of its internal panes, the dormer complies with planning policy. Visually, these changes are in keeping with the character of the building and the wider street scene and they are therefore acceptable.

The second storey is visually in keeping with the character, scale and design of the existing building.

With regard to roller shutters, perforated roller shutters with an internal shutter box were initially proposed. These were contrary to planning policy for shopfronts and were not therefore acceptable. Revised drawings have been submitted, showing lattice shutters, which are more acceptable, both visually and in terms of planning policy.

Consideration of Objections

A number of points made in objection have been dealt with already in this report.

Damage to property and road safety violations cause by reversing vehicles is a private matter between the parties concerned, rather than a planning matter. Similarly, "poor enforcement and policing by the local authority" is also not a planning matter.

"Pulling forward" a petition from a previous application is not part of planning procedure; in any case, a fresh petition has been submitted for this application.

The application is for a two storey side extension, a dormer window new shopfront, cladding and roller shutters. These features will not, in themselves, result in new employees, so the issue of the number of employees, their means of travel to work and parking do not arise.

Matters relating to vermin, the potential noise from extractor fans, smoke and fumes allegedly polluting the street and the disposal of trade effluent are matters for Environmental Health legislation. Mention has also been made of "hazardous substances", though these, like the "information on residential units", which has also been mentioned, have not been specified in the objection.

Overall, the takeaway is authorised at its current location and the effect of granting permission for this application will have no adverse implications for residential amenity, crime and anti-social behaviour.

Previous Reasons for Refusal

One previous application (15/03692/FUL) was refused on 21 October 2015 on the grounds of noise from the seating area and a detriment to neighbouring amenity caused by the overbearing and overshadowing effect of the extension on the rear yard of 4, St. Margaret's Road. A second application (15/05843/FUL) was refused 2 June 2016 on the grounds of seating area noise and lack of off street parking and subsequently dismissed on appeal.

The extension has been modified so that it no longer has an adverse overbearing or overshadowing effect, successfully addressing one reason for refusal and the seating area has been removed, thereby addressing concerns about noise from there. As the current application will not itself lead to any increase in either customers or employees, the issue of off-street parking does not arise as part of this application.

Community Safety Implications:

The proposal has 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 application has been modified to overcome the previous reasons for refusal and it now has no adverse implications for visual amenity, neighbouring amenity or highway safety. As such, it complies with policies CR1A, CF6, D1, P7, TM6, TM10, TM11, TM19A and UR3 of the adopted Replacement Unitary Development Plan and the guidance in the adopted supplementary planning documents for shopfront design and security.

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. Use of the premises as a hot food takeaway as defined by use class A5 of The Town and Country Planning (Use Classes) Order 1987 (as amended) shall take place on the ground floor of the building only (as shown on the approved plans) and such use (including the provision of kitchens, food preparation areas and customer seating areas) shall at no time take place in any other part of the building.

Reason: For the avoidance of doubt as to the terms under which this planning permission is given.

3. The roller shutters hereby approved shall be external lattice, brick bond shutters of the type as shown in the Council's 'Shopkeepers Guide to Securing their Premises' Supplementary Planning Document. No other type of shutter shall be constructed without the prior written permission of the Local Planning Authority.

Reason: For the avoidance of doubt as to the terms under which this planning permission is given.

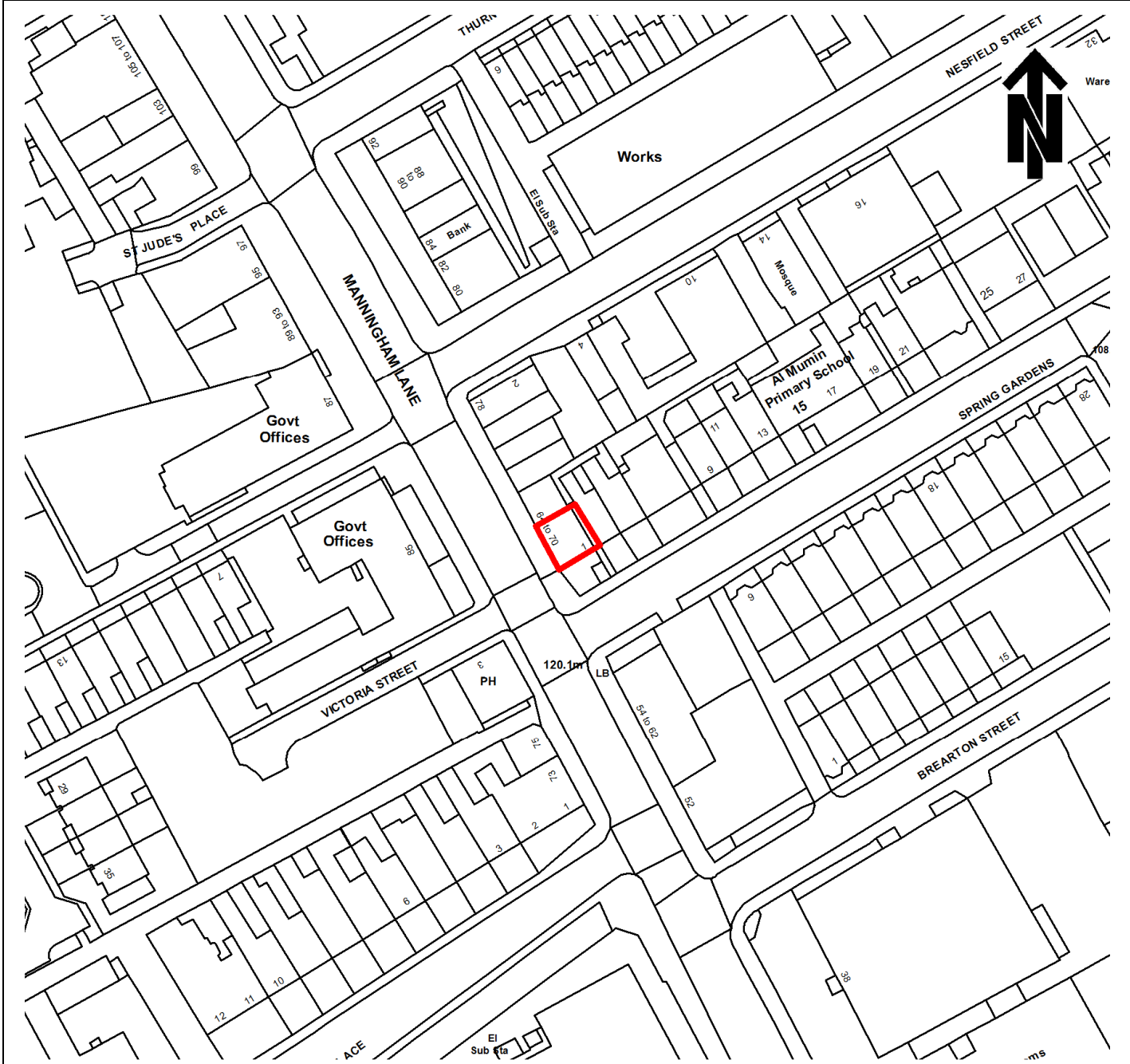
Footnote:

Please note that express advertisement consent may be needed for any external signs on the building. You should contact the Council's Development Services for further information.

17/02129/FUL

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**64 - 66 Manningham Lane
Bradford
BD1 3EP**

6 July 2017

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

Application Number:
17/02129/FUL

Type of Application/Proposal and Address:

This is a full planning application for the change of use of the ground floor of a building from an A1 retail use to an A3 restaurant/café at 64 – 66 Manningham Lane, Bradford.

Applicant:

Mr Amer Hussain

Agent:

Mr Aadil Patel (Faum Architecture)

Site Description:

The site comprises a double fronted ground floor retail unit located at the end of a row of terraced buildings with a mix of ground floor commercial uses and upper floor residential, commercial, office or storage. The unit faces onto Manningham Lane, adjacent to the junction with Spring Gardens. The unit has seemingly operated recently as an A1 retail unit, although it now appears to be empty, in anticipation of this proposed change of use. Access to the site is from Manningham Lane, with a side access facing onto Spring Gardens. The surrounding area is a mix of residential and commercial uses.

Relevant Site History:

17/02397/ADV - Display of fascia and projecting sign – Pending consideration.

12/04265/FUL - New shopfronts and security shutters – Granted 21.01.2013.

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

The site is not allocated for any specific land-use in the RUDP. 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

P1 Air Quality

P7 Noise

TM2 Impact of Traffic and its Mitigation

TM11 Parking Standards for Non-Residential Developments

TM19A Traffic Management and Road Safety

Parish Council:

Not in a Parish.

Publicity and Number of Representations:

The application was advertised by site notice. The publicity period expired on 8 May 2017. The LPA has received 13 letters of support.

Summary of Representations Received:

- Will benefit the local community.
- Great business proposal for the area.

Consultations:

Highways – No off-street parking associated with existing or proposed use, however there are existing TROs around the site to manage long-term parking. No highway objections 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.

Appraisal:

The application proposes the change of use of the ground floor of the building from A1 retail to A3 restaurant/café. No external alterations are proposed, although accompanying advertisement consent has also been submitted to the LPA.

The application is referred to Area Planning Panel as the applicant is related to a Ward Councillor.

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.

The site is located in a mixed-use area where there are primarily commercial uses fronting Manningham Lane and residential uses on surrounding streets. The site is in a sustainable location, easily accessible by public transport in the form of regular bus routes on Manningham Lane and is also within walking distance of neighbouring residential areas. The principle of the proposed A3 use is therefore considered acceptable in principle, subject to the local impact of the development, as assessed below.

Impact on the Local Environment

The proposal involves a change of use and does not include any physical alterations to the building. Any future alterations to windows, doors, shutters, signage, etc., may require additional planning permission or advertisement consent. It should be noted that a separate application for advertisement consent is currently under consideration (application 17/02397/ADV). The proposed development will therefore have no adverse impact on the local environment, thereby acceptable and compliant with the requirements of policies UR3 and D1 of the RUDP.

Impact on Neighbouring Occupants

The site sits within a row of established commercial uses, although it should be noted that there are some residential properties to the rear and it is unclear whether the upper floor units in this row have any residential uses or are used for office and ancillary purposes to the ground floor commercial uses.

Whilst an A3 restaurant/café use might not be particularly welcome in a wholly residential area, the unit sits on a busy road where there are a number of retail, commercial and restaurant uses, which promote activity from early morning until late night, and the proposed use would therefore not present significant concerns of noise or other disturbances.

The proposed plans indicate that a small extraction flue will be created within the side elevation of the building (facing Spring Gardens), although no further details have been provided. A restaurant/café use is unlikely to require intensive extraction systems and would be unlikely to generate significant noise and odours that would conflict with neighbouring uses. As such, it is considered that a condition requiring the submission, approval and implementation of a suitable extraction system should be appended to an approval.

The application proposes opening hours of 11:00 to 23:00 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 customer access point (on Manningham Lane), these opening hours are considered reasonable and unlikely to give rise to any significant adverse amenity implications.

The proposal is unlikely to have a significant adverse impact on residential amenity and is therefore considered compliant with the requirements of policies UR3, D1, P1 and P7 of the RUDP and the NPPF.

Impact on Highway Safety

The site is located on Manningham Lane, where there are existing traffic regulation orders along the site frontage and adjacent residential streets, which act to deter indiscriminate parking. Restaurant/café uses generally generate longer-term parking and are therefore less likely to result in short stay, indiscriminate parking and regular vehicle movements, which can adversely affect highway safety. The existing TROs along the site frontage and surrounding streets manage the long-term parking likely to be associated with the proposed use. The proposed use is therefore unlikely to result in an adverse impact on highway safety, thereby acceptable and compliant with policies TM2, TM11 and TM19A of the RUDP.

Community Safety Implications:

There are no apparent community safety implications, thereby acceptable and in accordance with Policy D4 of the RUDP.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development will have no significant detrimental impact on the local environment, residential amenity or highway safety and subject to relevant conditions, the proposal is therefore considered to comply with the requirements of policies UDP1, UR2, UR3, D1, D4, P1, 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 11:00 to 23:00.

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

3. Prior to commencement of the A3 use at the building, full details of a system for the extraction of odours from the premises shall be submitted to and approved in writing by the Local Planning Authority. The details shall include types, materials and locations of any external flues and details of internal filters and maintenance schedules for the system. The system shall be installed in accordance with the approved details and retained whilst ever the use is in operation at the site.

Reason: In the interests of the amenities of surrounding properties and to accord with policies UR3, P1 and P7 of the Replacement Unitary Development Plan.

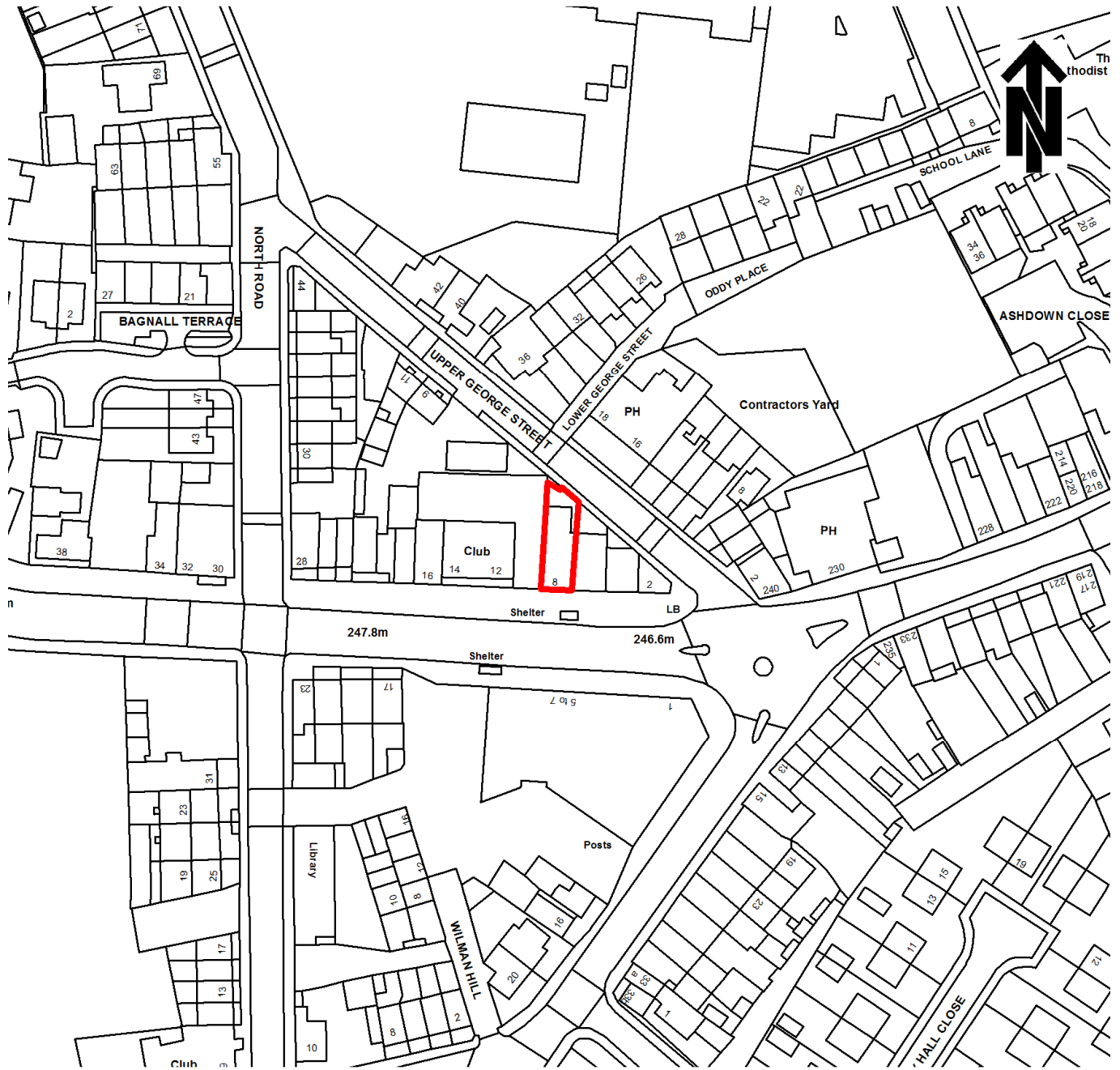
Footnote:

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).

17/01521/FUL

City of Bradford MDC

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**8 Fair Road
Bradford
BD6 1QT**

6 July 2017

Item: G
Ward: WIBSEY
Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
17/01521/FUL

Type of Application/Proposal and Address:

A full planning application for the change of use of the property from class A2 to class A5 hot food takeaway at 8 Fair Road, Wibsey, Bradford.

Applicant:
Mrs Hussain

Agent:
Paul Manogue

Site Description:

The building is located within the designated local centre of Wibsey within mixed use area of retail and commercial properties and local residential properties close to the centre boundary. The building has previously been in operation as a bank and is now not in use. There is no off-street parking provision connected within the property, however, there is on-street parking within the vicinity of the site on the surrounding streets.

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

Local centre.

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
TM11	Parking standards for non-residential developments
P7	Noise

Supplementary planning document 'Hot food takeaways'.

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised by site notice and individual notification letters. Expiry date of the publicity was 22 April 2017. At the time of report preparation, the following representations had been received:

Eighteen individual representations objecting to the proposal (including representations from Local Ward Councillors).

One petition received in support of the proposal with a total of 60 signatures.

Summary of Representations Received:

Highway safety implications.

Disturbance and noise associated with the proposed class A5 use and during the period required to convert the property.

No need or requirement for a further takeaway in Wibsey.

The proposed takeaway is located too close to a local school.

Potential for an increase in litter and anti-social behaviour as a result of the establishment of the hot food takeaway.

Obstruction caused to the bus lane and nearby bus stop.

Consultations:

Highway (revised response): No objections.

Environmental health officers: No objections subject to satisfactory installation of the extraction system.

Summary of Main Issues:

Principle of use.

Residential amenity.

Visual impacts.

Highway safety.

Outstanding issues raised within representations received.

Appraisal:

Principle of use

It is considered that the principle of class A5 use in this location is acceptable. The building is located within the designated Wibsey local centre and, although the building is also located within 400 metres of a school, principle 2 of the supplementary planning document 'Hot food takeaways' states that proposals for class A5 uses in local centres are acceptable despite the site being within 400 metres of a school or area of public open space. It is therefore considered that the change of use to class A5 is acceptable in principle.

Residential amenity

There are dwelling houses within reasonably close proximity to the property, however, given that it is located within an established local centre, it is considered that there will be a higher level of background noise due to the activity within the centre than would occur in a residential area. Given this, it is considered that the use will not result in significant additional levels of harm to amenity to that already existing. A condition restricting the hours of operation is considered appropriate and would serve to further reduce the potential impacts upon the amenities of the surrounding properties.

Visual impacts

There are no significant external alterations proposed to the building. The extraction system will result in an internal flue to the building which will exit through the existing chimney, thereby minimising any visual impacts on the building. In addition, there will be small alterations to the existing display window, however, it is not considered that the alterations proposed will have any significant impact on the character of the building or the street scene.

Highway safety

There is no off street parking provision for the property, however, most of the units in the area do not possess designated off-street parking provision. However, there is on street parking provision close to the site and it is considered that visits to the site in connection with the proposed use would be of short duration and vehicles would utilise on street parking for this purpose. It is noted that there is a bus stop and parking restrictions in front of the site whereby there may be additional pressure for vehicles to park on the yellow lines for short periods to access the property. However, such parking restrictions would need to be enforced under separate legislation and it is not considered that the proposed change of use would in itself cause identifiable highway safety implications sufficient to withhold planning permission.

Outstanding issues raised within representations received

Potential for an increase in litter and anti-social behaviour as a result of the establishment of the hot food takeaway.

Response - The potential for anti-social behaviour is not a material planning consideration and would be addressed via other control measures – there is no evidence that the proposed class A5 use would result in significant additional anti-social behaviour to the present situation.

Obstruction caused to the bus lane and nearby bus stop.

Response - See appraisal under 'highway safety' – this would be enforced under separate legislation.

No need or requirement for a further takeaway in Wibsey.

Response - This is a material consideration under the supplementary planning document; however, it is not considered that there is an overconcentration of class A5 uses within Wibsey local centre having regard to the ratio of class A5 uses to other retail uses within the centre.

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 proposed change of use from class A2 to class A5 is considered acceptable in principle in this local centre and in compliance with guidance contained with the supplementary planning document 'Hot food takeaways'. The proposal is not considered to result in any significant impacts in respect of highway safety, visual impact on the street scene and amenity, thereby in compliance with policies UR3, D1, TM2, TM11, TM19A, P7 and CR1A 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. The premises the subject of this decision shall not be open for business between the hours of 23:00 and 08:00 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.

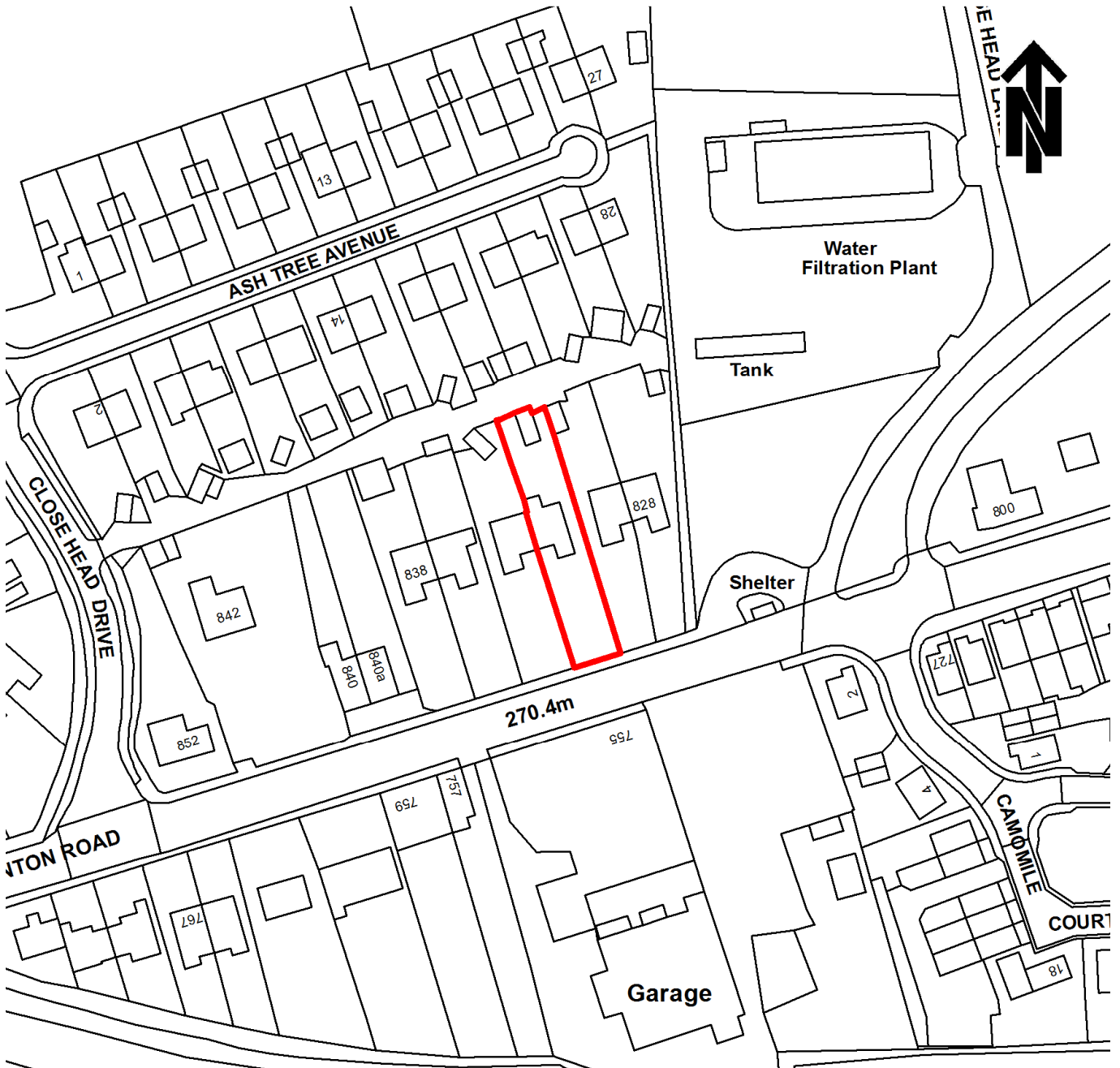
3. Prior to commencement of the class A5 use at the building, full details of the system for the extraction of odours from the premises shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of internal filters and maintenance schedules for the system. The system shall then be installed in accordance with the approved details and retained whilst ever the use is in operation at the site.

Reason: In the interests of the amenities of surrounding properties and to accord with policies UR3 and P7 of the Replacement Unitary Development Plan.

17/00562/HOU

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832 Thornton Road
Thornton
Bradford
BD13 3QB

6 July 2017

Item: H
Ward: THORNTON AND ALLERTON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
17/00562/HOU

Type of Application/Proposal and Address:

This is a householder planning application for the construction of a single storey rear extension, rear dormer window and ground works within the rear garden at 832 Thornton Road, Bradford.

Applicant:

Mrs R Lawalski Woods

Agent:

Mr Jonathan Holmes

Site Description:

The site is a semi-detached residential property, constructed of stone and render walls under a concrete tile roof. The surrounding area is primarily residential, with a mix of bungalows and two-storey semi-detached dwellings.

Relevant Site History:

16/09182/HOU - Rear extension, loft conversion, front and rear dormer windows and outbuildings to replace existing garage - Withdrawn 06.02.2017.

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 Thornton and Queensbury Landscape Character 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

UR3 The Local Impact of Development

D1 General Design Considerations

TM19A Traffic Management and Road Safety

Householder Supplementary Planning Document (HSPD)

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by neighbour notification letters. The publicity period expired on 1 March 2017.

Ten objections from nine different neighbours and one letter from the applicant have been received.

Summary of Representations Received:

The letters of objection refer to:

- Applicant does not own or have a right of access along the rear access road.
- Rear access road is in a very bad state of repair.
- Drainage problems with rear access.
- Use of rear access by large commercial vehicles would cause health and safety hazard and further deterioration.
- Rear access is very narrow.
- Only found out about the application from a neighbour.
- Almost all rear garden will be covered in concrete and raised above ground level.
- Surface water drainage has been removed from this property.
- Front boundary wall removed to create parking area.
- Development would conflict with covenant on the property.
- Damage to access road would result in costs and vehicles stuck in garages.
- Should inform all owners of the access road.
- Council should not entertain the application.
- Rear outbuildings will be used for business purposes.
- All business banners and advertising removed from garden when application submitted.
- If approved, legal action will be explored to ensure only residents of Ash Tree Avenue are able to use the road.
- Unclear what groundworks are proposed.
- Extension visible from the front is out of proportion to the existing house and would be detrimental to the appearance of the row of houses and wider area.
- Proposed shipping containers is industrial construction and could be used for industrial/business use and require access by commercial vehicles.
- Would the shipping containers comply with building regulations for habitable rooms?

The applicant has submitted a letter with the following comments:

- Other extensions got no objections when using same access road for deliveries and commercial vehicles.
- Existing garage with access to rear.
- Deeds state a right of access (including vehicular).
- Application site is not the only one with drainage.
- Access should be maintained properly.

Consultations:

Minerals and Waste – No objections.

Summary of Main Issues:

Impact on the local environment.

Impact on residential amenity.

Impact on highway safety.

Other matters.

Outstanding matters raised by representations.

Appraisal:

The application is a resubmission of a previously withdrawn application (16/09182/HOU) and now seeks permission for a single storey rear extension, rear dormer window and groundworks within the rear garden. The previous application also sought permission for a front dormer window, front extension and outbuildings (two shipping containers) to the rear to replace an existing garage. It should be noted therefore that the front dormer window, front extension and shipping containers have been removed from this resubmission.

The proposed rear dormer window would constitute permitted development by virtue of Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Although the size of the dormer window exceeds the limitations set out in the Council's adopted Householder Supplementary Planning Document (HSPD), it would be permitted development and therefore does not require the benefit of planning permission; it would therefore be unreasonable to refuse the application on the basis that the dormer window fails to accord with the HSPD.

The following appraisal will therefore assess the proposed single storey rear extension and rear groundworks on their planning merits and in accordance with relevant planning policies and legislation.

Impact on Local Environment

The proposed rear extension will be single storey only, with a simple pitched roof and extend 3.3 metres beyond the original rear wall of the dwelling. The extension will remain subordinate to the host building and will not appear visually dominant or incongruous in the local area, nor will it be particularly visible from the public highway, despite extending slightly beyond the side wall of the building. It will be built with materials to match those of the existing building, namely a stone plinth, pebbledash walls, concrete tile roof and UPVC windows and doors. Its size, design and appearance are sympathetic to the existing building and will not affect the host dwelling or local environment.

The proposed works in the rear garden will involve regrading the ground levels, which currently slope gradually up from the property to the rear boundary. Small gabion walls will be inserted at various levels across the garden to create a series of level terraces, which are often found in gardens built on sloping ground. The ground works would not cause harm to the visual amenity of the local area and the proposed development would accord with the requirements of policies UR3 and D1 of the Replacement Unitary Development Plan and Householder Supplementary Planning Document.

Impact on Neighbouring Occupants

The rear extension will extend 3.3 metres from the original rear wall of the dwelling and be set 300mm away from the common boundary with the adjoining dwelling. It will be single storey and have a pitched roof, with an eaves height of approximately 2.6 metres adjacent to the boundary. The size and position of the proposed extension is unlikely to result in any significant adverse impact for neighbouring occupants through overbearing, overshadowing or loss of outlook for any habitable room windows or private amenity space. No windows are proposed in the side elevations of the extension, although a new first floor side-facing window will serve the landing area and the development will not cause overlooking.

The alterations to the rear garden will re-align and re-level some of the existing terraces to provide slightly wider and more useable garden areas. The alterations will not increase the overall height of the land but will increase the height of some parts. The existing 2-metre high boundary fences will be retained and the development is not considered to pose a threat to neighbouring occupants.

For these reasons, the proposed development would not result in any significant adverse impact on neighbouring occupants. It is therefore acceptable and compliant with policies UR3 and D1 of the RUDP and the HSPD.

Impact on Highway Safety

The existing parking area is located to the front of the property and benefits from access directly onto Thornton Road. There is also an existing garage at the rear of the property, which appears to have access onto a rear access road, which runs between properties on Thornton Road and Ash Tree Avenue (to the North). The application does not include any alterations to the existing access and parking area at the front of the property but will involve the removal of the existing garage at the rear. The level of off-street parking will remain as existing and is considered sufficient for this property. No adverse highway safety implications are foreseen as a result of the development and therefore the proposal complies with the requirements of policy TM19A RUDP and the HSPD.

Other Planning Matters

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

Outstanding matters raised by representations

Neighbours have raised a number of concerns primarily relating to the use of the rear access road, including the right of access, restrictions in covenants within property deeds, maintenance of the road, retaining structures and drainage and potential legal action to restrict use of the access.

Comment: These issues are not material planning considerations and cannot be taken into account in the assessment of the application. Nevertheless, some of these issues may fall into consideration under separate legislation and consents, such as building regulations and environmental protection. Legal rights of access and land ownership disputes are also outside the remit of planning considerations and are private legal matters for those parties involved.

Not all neighbours/owners of the access road were notified of the application.

Comment: The LPA notified neighbours adjacent/close to the site in line with adopted publicity procedure. The LPA does not hold details of land ownership or rights of access and these issues are not material planning considerations in any case.

Use of outbuildings/shipping containers for business/industrial use; removal of banners and advertisements; whether shipping containers would comply with building regulations for habitable rooms.

Comment: The application does not seek permission for any outbuildings or shipping containers. Any future development or uses may require further planning permission or other planning consents or building regulations approval, which would need to be assessed on their own merits and against relevant legislation. Such potential future developments cannot be considered under this application.

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:

"text"

Conditions of Approval/Reasons for Refusal:

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

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

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

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

3. All pipework above eaves level shall be of a matt black finish.

Reason: To help the pipework to blend in with the roof colour in the Interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

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

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

Footnote:

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

17/00674/OUT

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Land West Of 1 To 9 Wharfedale Rise
Bradford

6 July 2017

Item: I
Ward: HEATON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
17/00674/OUT

Type of Application/Proposal and Address:

An outline planning application for residential development consisting of six dwelling at land at Wharfedale Rise, Chellow Lane, Bradford. The application is submitted with all matters reserved.

Applicant:
Mr David Ward

Agent:
John Birtwhistle

Site Description:

The site forms a narrow strip of land between an existing residential area and an area of woodland to the west, forming part of the Chellow Dean wildlife and recreational area. Access to the site is directly from Chellow Lane. The site is not level and increases in altitude towards the north. An area of green belt abuts the site to the north.

Relevant Site History:

16/07022/OUT: Residential development for construction of 8 dwellings – refused 16.11.2016 (lack of information in relation to the impact on the wildlife area and potential impact on protected trees).

10/01596/OUT: Construction of residential development for seven dwellings and ten flats with parking and landscaping (finally disposed of 15.10.2013)

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated – former phase II housing site.

Proposals and Policies

UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
H7	Housing Density – Expectation
H8	Housing Density – Efficient Use of Land
TM2	Impact of traffic and its mitigation
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
D1	General Design Considerations
NE4	Trees and Woodlands
NE5	Retention of Trees on Development Sites
NE10	Protection of Natural Features and Species
NE11	Ecological Appraisals
BH4A	Setting of Listed Buildings
NR16	Surface Water Run Off and Sustainable Drainage Systems

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised by site notice and individual notification letters. Expiry date of the publicity period was 17 March 2017. At the time of report writing, the following representations had been received:

Seven individual representations objecting to the proposed scheme.

Summary of Representations Received:

Potential impact on the protected trees within the woodland bordering the site.

Adverse effects on wildlife.

Adverse implications for highway safety due to increased traffic generation.

Overlooking of existing houses.

Part of the site is located within the green belt.

Drainage issues.

The proposed development is not in keeping with the surrounding area in terms of density of development.

Consultations:

Highways: No objections.

Tree officer: Concerns raised over the impact on the development on the trees to the boundary of the site.

Biodiversity Officer: Concerns raised over the impact of the development on protected species.

Drainage: No objections subject to conditions and consideration of the existing sewer.

Conservation: No objections.

Rights of way officer: No objections – right of way not affected.

Summary of Main Issues:

Principle of development.

Matters reserved.

Other considerations.

Outstanding issues raised within representations received.

Appraisal:

Principle of development

The site is a former allocated phase II housing site and has been assessed for its suitability for residential development. Furthermore, there is a lack of a 5 year housing land supply in the Bradford district and given this, there is a presumption in favour of sustainable residential development under the guidance of the National Planning Policy Framework (NPPF). It is considered that this site is suitable for residential development having previously been allocated for such development under the Replacement Unitary Development Plan and is considered to constitute sustainable development given its location relatively close to public transport routes giving access to a range of services. In terms of the density of development proposed, this is considered to be low given that the site extends to over 0.4 ha in area. However, the indicative scheme is considered to reflect the character of development in the locality and due to the constraints of the site (levels and the proximity of protected trees), it is considered a higher density of development is unlikely to be achievable.

Matters reserved

All matters are reserved on this application, however, they are considered individual below on the basis of the indicative plans submitted:

Access

The site will gain access from Chellow Lane and it is considered that the access point can adequately serve the proposed development on the site. The additional traffic as a result of the development (predicated to be around 30 vehicles movements per day), will be modest and the existing highway network will be adequate to cope with the additional vehicle movements in connection with the scheme.

Layout

The indicative plans show that the dwellings can be accommodated within the site without resulting in significant harm to the properties on Wharfedale Rise. This is achieved by allowing sufficient facing distance of 20 metres which will prevent unacceptable overlooking or overbearing impacts to these properties.

Scale

Details of the height of the proposed units are not shown on the plans, however, the indicative footprint and dimensions of the proposed dwellings are considered acceptable. There may be a need to reduce the footprint of the dwellings to increase the distance from the existing trees within the woodland edge, however, this will be fully assessed when a reserved matters application is submitted.

Appearance

Full details of the design, materials and appearance of the units will be assessed at the time of the submission of a reserved matters application.

Landscaping

There will be limited opportunities for landscaping the site given its narrow dimensions and the space that will be occupied by the units, however, full details of any proposed landscaping will be assessed at reserved matters application stage.

Other considerations

Trees

The application is supported by a tree survey which shows the relationship of the development to the existing trees at the woodland to the west of the site. All trees within this woodland area are protected by a woodland order. The supporting tree survey suggests 6 trees will need to be removed – some these are located at the entrance to the site and will need to be removed to allow an access road to be formed. The scheme as proposed is an improvement on the refused 2016 application in indicative terms as it increases the separation from the trees of the units proposed, and, although the layout of the scheme may result in some pressure on the woodland edge; it is considered that the plans at this stage are indicative and that the impact of the scheme on the protected trees can be fully assessed and controlled upon the submission of a reserved matters application.

Biodiversity

A scoping bat and wildlife survey has been submitted in relation to the scheme, and, although conducted at a sub-optimal time of year (February), it does give an indication of the ecological value of the woodland and site itself. The survey did not lead to the discovery of evidence that the woodland supports bat roosts or evidence of activity by bats and other protected species – in fact, the nearest registered bat roost is about 1 km from the site. It is possible that the site itself could be used for foraging by bat populations; however, this is considered unlikely given the lack of evidence of populations in the woodland and the distance to the closest recording roost. The survey found possible evidence of badger use and nesting birds are present in many of the trees, however, the survey suggests that protective measures during development work in the form of fencing will reduce impacts to a minimum. Overall, it is considered that there is sufficient information available to make an informed assessment of the ecological value of the site and the impact of the development on protected species. A full survey should be required by condition prior to commencement of any development on the site to ensure any development is carried out to minimise impacts on protected species.

Community Infrastructure Levy

The site is located within the Community Infrastructure Levy charging zone 3, whereby a charging tariff of £20 per square metres of new gross floor space is made. However, as this is an application made in outline, the chargeable rate for the development will be calculated at the time a reserved matters application is submitted and the proposed floor space is known.

Effect on the setting of the listed building

The proposed development is not considered to result in any significant impacts on the setting of the listed lodge building to the south of the entrance to the site. The greatest potential impact will be from the new site access road, however, there is already an existing turning head in this location and it is considered unlikely that the new access road will significantly affect the setting of the listed building, particularly if vegetation is maintained in the location.

Impact on the public right of way

A public footpath runs to the southern edge of the site, however, the proposed development will not affect this or cause it to become obstructed.

Drainage issues

The site is located with flood risk zone 1 land and it is considered that the control of surface water discharge and foul water discharge can be controlled by appropriate conditions requiring details of any proposed drainage systems to be submitted and approved.

Outstanding issues raised within representations received

Part of the site is located within the green belt.

Response - The land to the north of the site is allocated green belt land, however, the proposed development is located wholly within the former phase II housing site.

The proposed development is not in keeping with the surrounding area in terms of density of development.

Response - The overall indicative layout and density of the scheme is considered to be sympathetic to the surrounding area – full details of the appearance and design of the individual dwellings will be considered once a reserved matters application is submitted.

Community Safety Implications:

None significant.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed residential development of the site is considered to be acceptable in principle given the former allocated of the site as a phase II housing site. It is considered that there will be no significant adverse effects in terms of highway safety, residential amenity, effects on the ecological value of the site and surrounding area and in terms of impacts on the protected woodland to the west of the site. The proposed scheme is therefore considered to be in compliance with policies UR2, UR3, D1, H7, H8, TM2, TM12, TM19A, NE4, NE5 and NE11 of the replacement Unitary Development Plan.

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. 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.

3. 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).

4. Prior to commencement of development on the site, a full wildlife survey shall be undertaken on the site at optimal periods and submitted to and approved in writing by the Local Planning Authority. Any recommendations or mitigating measures identified and required as a result of the survey findings shall be implemented on the site in strict accordance with the survey recommendations.

Reason: To ensure preservation of protected species and to accord with policy NE 11 of the replacement Unitary Development Plan.

5. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

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

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

7. The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

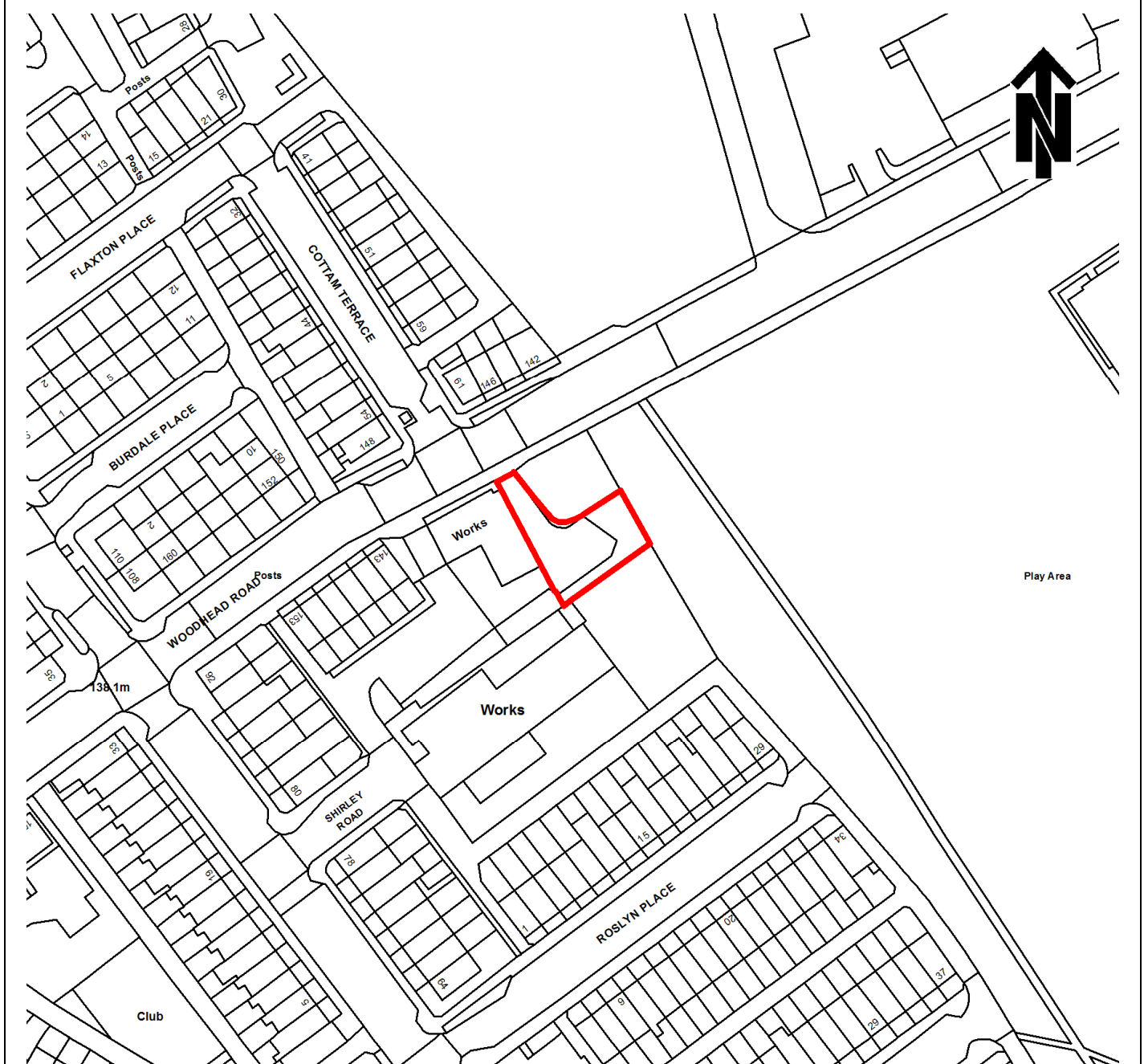
The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

17/00307/OUT

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Park Grange Medical Centre
141 Woodhead Road
Bradford
BD7 2BL

6 July 2017

Item: J
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 consideration.

Update:

This application was considered and deferred from the area planning panel meeting of April 12, 2017. The reason for deferral was in order for officers to consider the amended plans submitted in relation to the application and allow an additional period of publicity to inform interested parties of the changes to the plans.

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 initially publicised by site notice and individual notification letters. Expiry of the initial publicity period was 17 February 2017 – this generated the following representations:

Eight representations objecting to the proposal.
One objection from a local Ward Councillor.

Following the receipt of amended plans on 20 June 2017, a second period of publicity was initiated – the expiry date of this will be 5 July 2017. At the time of report writing, no further representations had been received in relation to the amended plans. Members will be verbally updated of any representations received before the meeting.

Summary of Representations Received:

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

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:

Principle of development.

Matters reserved.

Contamination.

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 with 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.

The amended plans have expanded the red line of the application and show an indicative parking layout for the site in order to provide off-street parking for the proposed development. The plans detail eight off-street parking spaces within the site to the rear of the adjacent medical centre which is considered sufficient to serve the new building. The medical centre has dedicated parking directly off Woodhead Road and there is also capacity for some on-street parking provision.

Overall it is considered that the amended plans represent an improvement to the original scheme and will reduce any significant potential for the proposal to add pressure to existing on street parking on Woodhead Road.

Contamination

The Environmental Health officer has suggested that a phase I desktop contamination report should be submitted prior to determination of the application, however, the closest landfill site to the area has been in 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:

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.

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.

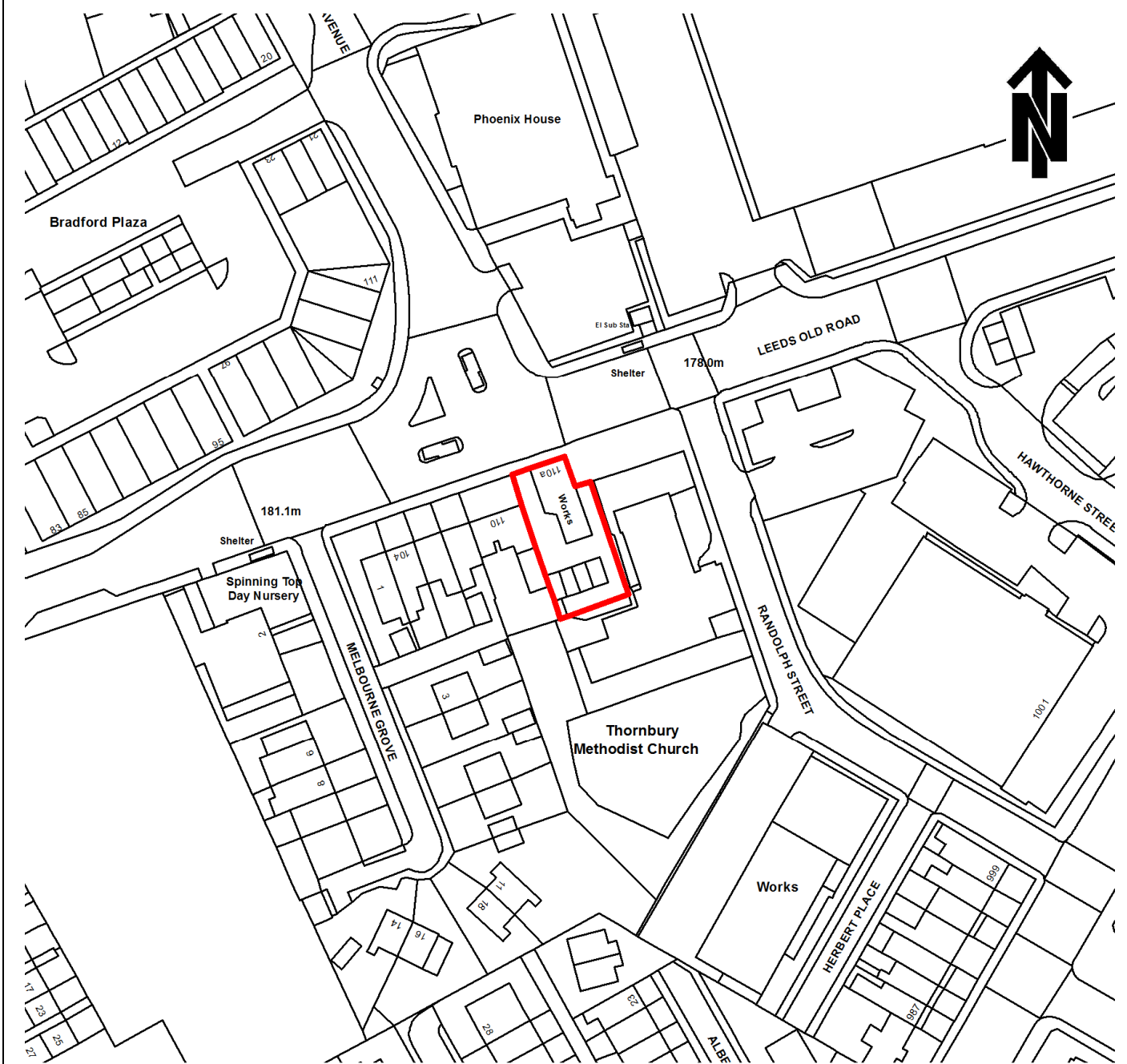
5. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 16-452 rev B and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

17/01596/FUL

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**110A Leeds Old Road
Bradford
BD3 8JS**

6 July 2017

Item: K
Ward: BRADFORD MOOR
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
17/01596/FUL

Type of Application/Proposal and Address:
Change of use of existing commercial premises to retail unit and infill extension.

Applicant:
Mr Nadeem Ahmed

Agent:
Mr Shoaib Mahmood

Site Description:
The application site is an existing single storey commercial unit constructed of painted stone and corrugated steel sheeting beneath a corrugated sheet roof. The unit is of a poor quality appearance and occupies a prominent location at the junction of Leeds Old Road and Rushton Avenue. The site includes two access points both of which are located within the signalised junction. The Leeds to Bradford cycle superhighway crosses the site frontage.

The surrounding area is of mixed use including residential properties, as well as retail and café premises located within the Bradford Plaza development on the adjacent side of Leeds Old Road.

Relevant Site History:
16/09419/PMI - Construction of retail unit - Amendments Required - 13.01.2017

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

CL1 - Thornbury District Centre

Proposals and Policies

CR1A	Retail Development within District Centres
UR3	The Local Impact of Development
D1	General Design Considerations
D3	Access for People with Disabilities
D4	Community Safety
D10	Transport Corridors
TM2	Impact of Traffic and its Mitigation
TM11	Parking Standards for Non-Residential Developments
TM19A	Traffic Management and Road Safety
NR16	Surface Water Run Off and Sustainable Drainage Systems

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised by site notice and neighbour notification letters. The expiry date for comments in connection with the application was 22 April 2017. No representations were received in connection with the application. A letter of support was received in relation to this application from a local Ward Councillor. The Councillor requested the application be determined by the Planning Panel if officer's were minded to refuse it.

Summary of Representations Received:

This application does not have any negative impact on the local amenities.

Consultations:

Highways - The development site is situated in a sensitive location within the extents of a signalised junction on a busy road at the entrance to a large Morrison's store and the Bradford Plaza. The traffic resulting from proposed retail unit will result in conflicts between existing pedestrian and vehicular movements at this signalised junction as the development site entrance/exit does not form part of the signal controls. The proposal fails to provide suitable and acceptable access and parking arrangements likely to result in conditions prejudicial to pedestrian and highway safety.

Summary of Main Issues:

Principle
Highway and Pedestrian Safety
Visual Amenity
Residential Amenity

Appraisal:

It should be noted that the application was initially described as an infill extension to an existing shop. However, there is no evidence that the unit has ever been in retail use and its appearance and layout suggests it is more likely to have been used as a garage or workshop. The description of development has therefore been amended to more accurately reflect the development.

Principle

The site is located within Thornbury District Centre and therefore policy CR1A of the RUDP is a relevant policy consideration. Policy CR1A encourages retail uses within allocated centres providing that they are of a scale which is compatible with the role of the centre and the catchment it serves. In this case it is considered that the provision of 118sqm of retail floorspace would be appropriate in relation to the scale of the Thornbury District Centre and its catchment. The proposal is therefore considered to be acceptable in principle and accords with policy CR1A of the Replacement Unitary Development.

Highway and Pedestrian Safety

The site occupies a sensitive location within the extents of a busy signalised junction. The entrance and exit to the development site do not form part of the signal controls.

The proposal is for the provision of a retail unit with a floor area of 118sqm. The site layout plan indicates that a one way system would be implemented with vehicles entering the site from the access point on the west side of the building and exiting on the east side of the building.

The narrow nature of both the access and egress makes a one way system an essential requirement. However, even with such a system in place and adequately signposted the development would result in an intensification of the use of the site and an increased number of vehicles entering and exiting the site into the junction. As the site access and egress do not form part of the signal controls vehicles enter and exiting are likely to conflict with vehicle movements within the junction, as well as cyclists utilising the cycle lane across the site frontage. These cycle lanes form part of the recently completed Leeds-Bradford Cycle Superhighways. For this reason the proposal is considered likely to result in adverse highway and pedestrian safety implications, contrary to policies TM2 and TM19A of the Replacement Unitary Development Plan.

The proposed development would provide four off street car parking spaces to serve 118sqm of retail floorspace. Whilst this would accord with Appendix C-Parking Standards requirements, the location of the spaces at the rear of the unit and the perilous nature of the access and egress may discourage use of the available spaces in the longer term. This would have the potential to result in indiscriminate parking on a busy classified road and to increase on street parking in surrounding streets, where availability is already limited.

Visual Amenity

The proposed development would facilitate a basic renovation of what is currently an unsightly building in a prominent location. The works would comprise of the replacement of the existing corrugated steel sheeting with matching stone walling built upto eaves level. The existing sheet roof would be replaced with a flat roof which would be concealed with a parapet. A shop display window would be installed in the north-west elevation and a display window and door would be installed in the north-east elevation. The proposed alterations are considered to have an acceptable impact on visual amenity and accord with the requirements of policies D1 and D10 of the Replacement Unitary Development Plan.

Residential Amenity

The proposed development is not anticipated to result in any adverse residential amenity implications for neighbouring residents. It is proposed that the unit would operate between the hours of 11:30-19:30 on Monday to Friday and 12:00-19:30 on weekends and bank holidays. The aforementioned hours of operation are considered to be acceptable and could be controlled by the imposition of a planning condition. As such no adverse residential amenity implications are foreseen and the proposal is considered to accord with policy UR3 of the Replacement Unitary Development Plan.

Community Safety Implications:

The application does not present any community safety implications.

Equality Act 2010, Section 149:

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

Reasons for Refusal:

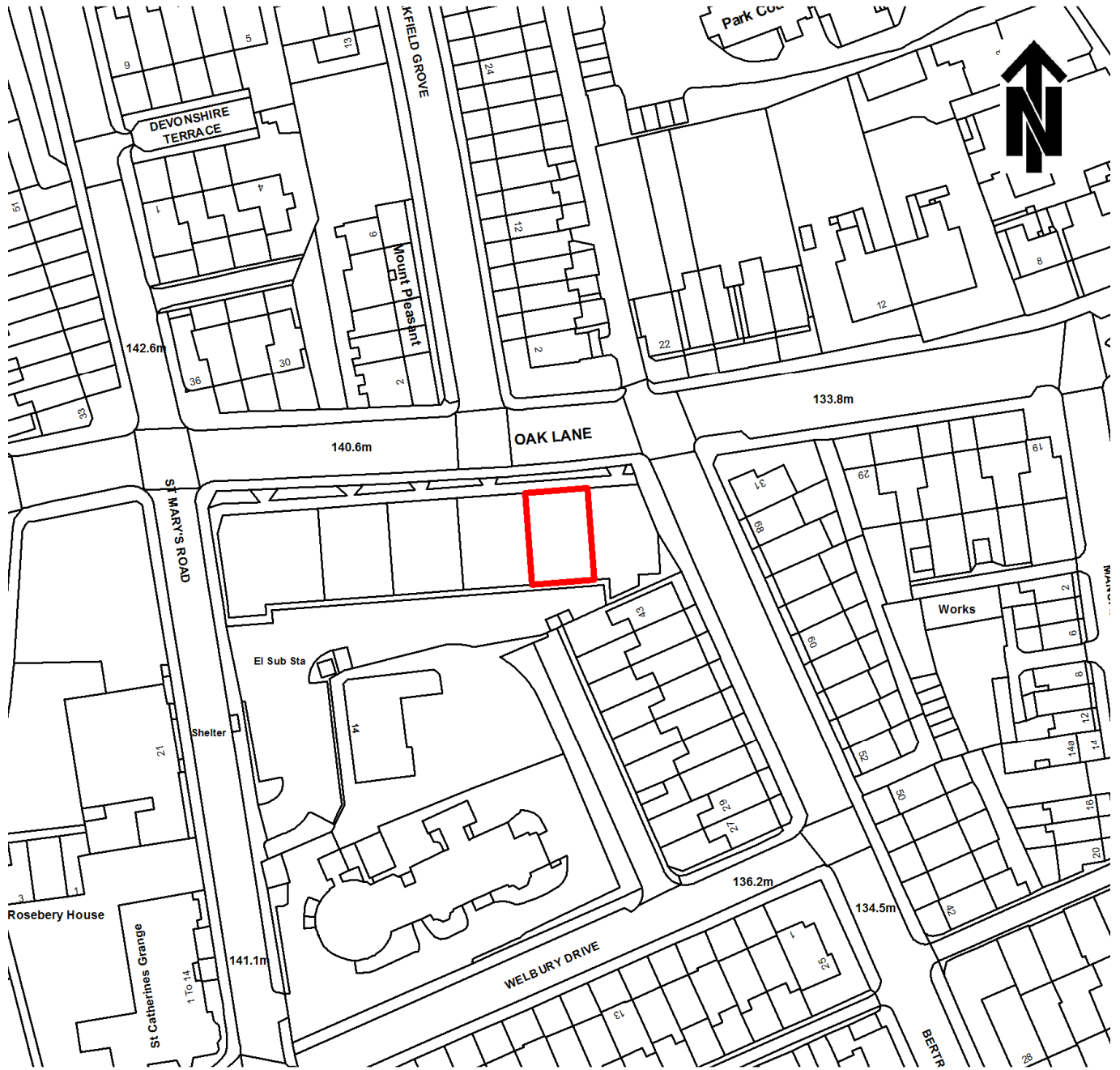
1. The development would result in an intensification of the use of the site access and egress points, both of which are located within the extents of a busy signalised junction and do not form part of the signal controls. For this reason vehicles entering and exiting the site would be likely to conflict with vehicle movements within the junction and bicycles utilising the cycle lane across the site frontage, to the detriment of highway and pedestrian safety. The proposal is therefore considered contrary to policies TM2 and TM19A of the Replacement Unitary Development Plan and the National Planning Policy Framework.

2. The location of the off street car parking provision at the rear of the retail unit and the absence of signal controls at the site access and egress is considered likely to discourage use of the off street car parking provision in the long term. The development is therefore considered likely to encourage indiscriminate on street parking on Leeds Old Road to the detriment of the safe and free flow of traffic. The proposal is therefore considered to have a detrimental impact on highway and pedestrian safety, contrary to policies TM2 and TM19A of the Replacement Unitary Development Plan and the National Planning Policy Framework.

17/01064/VOC

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**35 Oak Lane
Bradford
BD9 4QB**

6 July 2017

Item: L
Ward: MANNINGHAM
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
17/01064/VOC

Type of Application/Proposal and Address:

A variation of condition application to extend the hours of use until 1.00 am at 35 Oak Lane, Manningham, Bradford.

Applicant:
Mahmoods

Agent:
Khawaja Planning Services

Site Description:

The application site is the ground floor of a mid-terrace property forming part of a commercial row of premises. The commercial row includes retail units, a play centre and another eatery. The first and second floor of the premises are in residential use. The immediate surrounding area is predominantly residential consisting of traditional terraced housing and new terraced housing to the rear.

Relevant Site History:

04/01158/OUT: Outline application for mixed development of nine houses and six retail units (amended plans received) - Granted

05/08517/REM: Reserved matters application on application 04/01158/OUT for mixed development of nine houses and six retail units - Granted

09/02875/FUL: Change of use of Unit-5 from A1 retail to A3 restaurant and cafe - Granted

09/05396/ADV: Sign box to front - Refused

09/05403/VOC: Variation of condition 2 of planning permission 09/02875/FUL to extend opening hours until 2 am - Refused

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 use but is located within the St Pauls Conservation Area.

Proposals and Policies

UR3: The Local Impact of Development

P7: Noise

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by way of a site notice and neighbour notification letter. The statutory date for publicity expired on 27 April 2017. At the time this report was written there had been 35 objections and 16 letters of support. These representations are summarised below.

Summary of Representations Received:

Objections

Noise

Anti-social behaviour

Music from cars

Engines revving

Rubbish

Bins being banged late at night

They are currently opening until 2.30 am 7 days a week

Cars Double Parked

Support

Improved late night economy

Increased security

No anti-social behaviour

Consultations:

Environmental Health: Object to the application as the premises are exceptionally close to existing residential accommodation and the types of adverse noise cannot be controlled by environmental health.

Design and Conservation: The proposal does not conflict with policy BH7 or BH4a of the RUDP.

Summary of Main Issues:

Background
Principle
Residential amenity
Highway Safety

Appraisal:

Background

This application has been made retrospectively following the issuing of an enforcement notice in relation to breach of condition 2 of planning approval 09/02875/FUL which restricts the hours of use from 08:00 until midnight 7 days a week. The notice was served on 24 April 2017 requiring the breach of condition 2 to cease.

The applicant has previously applied to vary the hours of use until 2 am which was refused by the Council on residential amenity grounds in 2009. The full reason for refusal can be seen below:

The proposed extension of opening hours from midnight to 0100hrs would be detrimental to the amenities of neighbouring residents by reason of noise, vehicular activity and general disturbance, particularly late at night or at other unsocial hours. As such the proposal would be contrary to policy contained in the Council's adopted 'Hot Food Takeaways' Supplementary Planning Document and policies UR3, D1 and P7 of the Council's Replacement Unitary Development Plan.

Since the above refusal the Council has adopted the Hot Food Takeaways SPD which provides policy on appropriate hours of use for takeaways in certain areas of the district. This retrospective application will be assessed against this policy document and policies contained within the RUDP.

Principle

The main issue is whether the condition previously attached to planning application 09/02875/FUL is necessary and reasonable, having regard to the impact of the extended opening hours on the living conditions of neighbouring occupiers, in terms of noise and disturbance from the activities of customers using the premises.

Policy contained within the Council's Hot Food Takeaway SPD states what hours of use are appropriate. The application site is located outside any designated centres and within an area that is primarily residential and therefore Principle 5, which relates to operating hours and restricts the hours of use of a takeaway to between 08:00 and 23:00 Mondays to Saturdays with no opening hours on Sunday and Bank Holidays is applicable. Extended hours will only be permitted where it can be clearly demonstrated that there would be no unacceptable impact on residential amenity.

It is recognised that hot food takeaways often open different hours from most other businesses, but it is important that those with later opening hours are located where they would not adversely affect residential amenity. Furthermore, increased incidences of noise generated from cooking processes, customer activity, vehicular movements and other forms of disturbance can be difficult to control.

The Council recognises that the viability of hot food takeaway establishments may be reliant upon late evening trade. However, concerns about residential amenity may dictate that a takeaway use may be unacceptable unless its hours of opening are restricted.

Accordingly, in order to protect the amenities of the surrounding area from an adverse effect, by reason of noise, disturbance, vehicular traffic movements, or pedestrian traffic, it is often essential to restrict the hours of opening of a proposed hot food take away.

Within the city centre, town centres, district and local centres where there is no residential accommodation in close proximity to the hot food takeaway it is not likely that any restrictions will be placed on the hours and days of operation.

This site is within a residential area and outside any designated local centre and as complaints about noise and disturbance have been received from neighbouring residents clearly there is a need to ensure that the hours of use are controlled in line with principle 5 referred to above. The hours of use under the current adopted policy would be more restrictive than what the authorised hours of use are for the premises as they restrict the use of takeaways until 23:00 and not at all on Sundays.

Residential amenity

The restaurant use at 35 Oak Lane was approved subject to a planning condition restricting the hours of use from 08:00 until midnight. Complaints have been received by the planning department and the environmental health team have been investigating a late night noise complaint from the property. A premises license to operate until 01:00hrs has been granted, however the planning condition remains until midnight.

The business is advertising opening hours until 02:00 on Just Eat and with complaints being received about noise and general disturbance occurring beyond midnight and as such there clearly are concerns. The application does not demonstrate that there would be no unacceptable impact on residential amenity from later hours of use and therefore Principle 5 of the Hot Food Takeaways SPD is not satisfied.

Policy P7 of the RUDP notes that where developments give rise to unacceptable noise problems, remedial measures should be taken and were noise problems cannot be satisfactorily overcome planning permission should be refused. Policy UR3 of the RUDP notes that development will be permitted provided that it does not have an adverse effect on the surrounding environment or the occupants of surrounding land.

Whilst there are both commercial and retail properties close by, the locality is predominantly residential in character. Notwithstanding any background traffic noise the noise level in the locality will quieten down considerably at night.

There are residential properties opposite the site on Oak Lane and to the rear and side on Bertram Road which are located a short distance away. The close proximity means that the noise and disturbance arising from its use is audible within the dwellings and this has resulted in complaints to the Council. Whilst this noise is acceptable during the day time and even later into the evening, beyond midnight it is considered it is unacceptably intrusive to the occupiers of nearby dwellings. Given the relatively quiet residential context, the additional noise and disturbance after midnight arising from customers arriving and leaving by car, congregating outside talking or eating results in an unacceptable harm to the living conditions of adjacent residents.

Any extension to the hours of opening at the premises beyond midnight would be likely to result in significant harm to the living conditions of neighbouring occupiers in terms of disturbance and noise. Accordingly, the amendment to condition 2 to increase the hours of opening until 1 am would be contrary to Policies UR3 and P7 of the City of Bradford Metropolitan District Council Replacement Unitary Development Plan 2005 and Principle 5 of the City of Bradford Metropolitan District Council Supplementary Planning Document – Hot Food Takeaways 2014 in relation to ensuring that residential amenity is appropriately protected. In light of this, it is considered that it is necessary to continue to impose the restrictions on opening hours as set out in condition 2 of permission 09/02875/FUL.

Highway safety

The proposed increase in opening hours would not lead to any highway safety implications.

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.

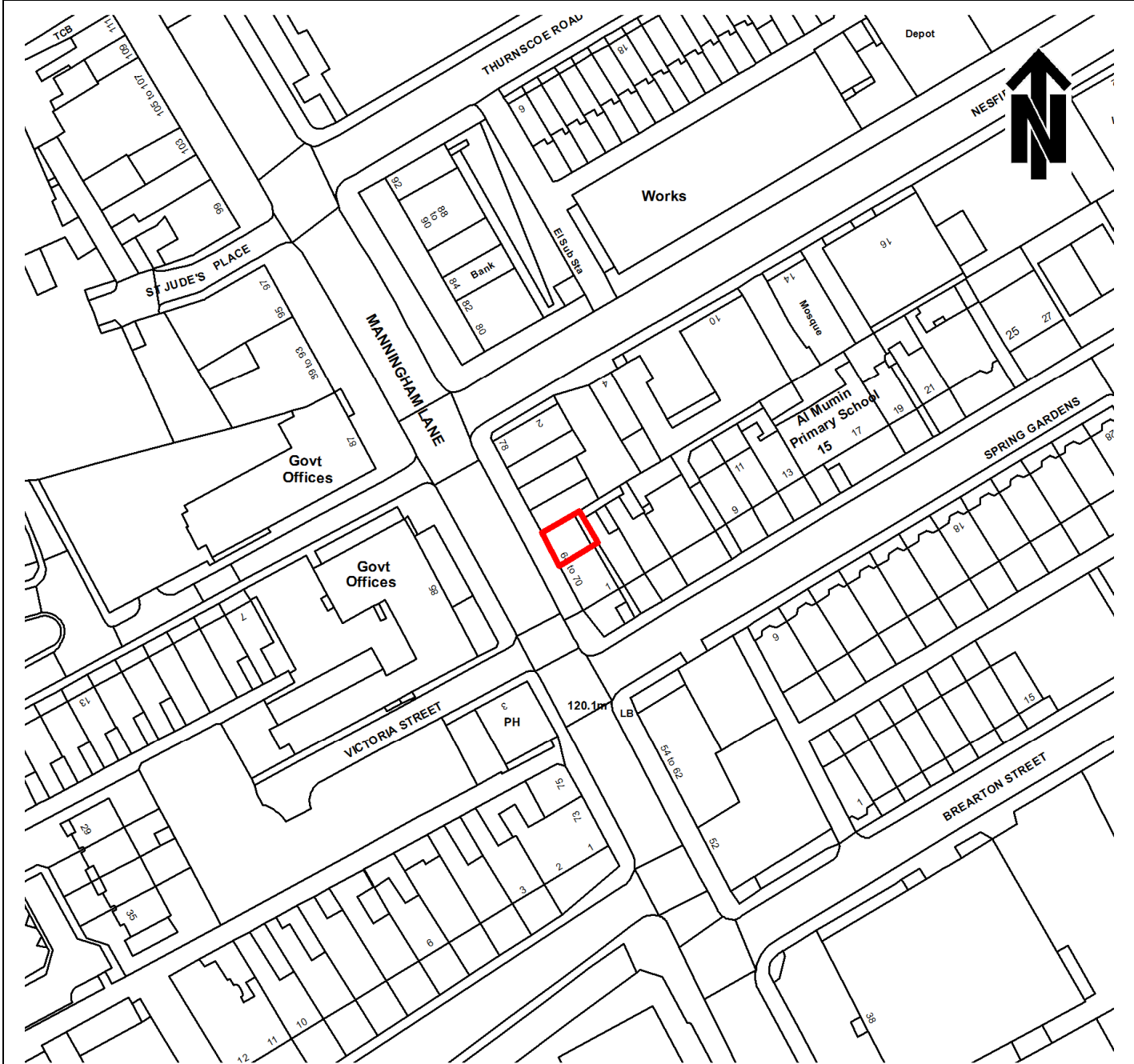
Reasons for Refusal:

1. The proposed extension of opening hours from midnight to 0100hrs would be detrimental to the amenities of neighbouring residents by reason of noise, vehicular activity and general disturbance, particularly late at night or at other unsocial hours. As such the proposal would be contrary to Principle 5 contained in the Council's adopted 'Hot Food Takeaways' Supplementary Planning Document and policies UR3 and P7 of the Council's Replacement Unitary Development Plan.
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17/02128/FUL

City of Bradford MDC

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**68 - 70 Manningham Lane
Bradford
BD1 3EP**

6 July 2017

Item: M
Ward: MANNINGHAM
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
17/02128/FUL

Type of Application/Proposal and Address:

A retrospective application for the change of use from A3 Restaurant and Cafe to A5 Hot Food Takeaway at 68-70 Manningham Lane, Bradford.

Applicant:

Mr Karawan Karim

Agent:

Mr Aadil Patel, Faum Architecture

Site Description:

The site is a double fronted ground floor shop unit within a row of terraced properties fronting onto Manningham Lane. The ground floor of the row is made up of commercial units with the upper floors likely residential, office space or ancillary accommodation to the ground floor uses. The surrounding area is a mixture of residential and commercial. There are parking restrictions outside the unit along with a cycle lane.

Relevant Site History:

12/04265/FUL: New shopfronts and security shutters GRANT 23.01.2013

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated for any specific land use however the site fronts onto a Gateway Road.

Proposals and Policies

UR3	The Local Impact of Development
D1	General Design Considerations
D3	Access for People with Disabilities
D4	Community Safety
D11	Gateways
P1	Air Quality
P7	Noise
TM2	Impact of Traffic and its Mitigation
TM11	Parking Standards for Non-Residential Developments
TM19A	Traffic Management and Road Safety

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification letter and by the display of a site notice. The statutory publicity expired on 8 May 2017. At the time of the report being written there had been 11 representations. There were 10 support comments and 1 objection comment.

Summary of Representations Received:

In support

9 representations didn't add anything, one added 'I support this application'.

In Objection

Does this shop really need a change of use as it is already a takeaway?

Cars parked up there picking up takeaway causing traffic issues for motorists.

Wardens there on daily basis getting abuse from people parking there going to the take away.

The Council need to look at either removing yellow lines or not allow takeaways to open on main roads when they are going to cause parking issues.

It's all over Bradford is takeaways opening in the wrong places without a thought for people using cars, bikes or buses.

Consultations:

Highways Development Control: Object to the scheme on the grounds of a lack of off-street parking leading to an obstruction to the safe and free movement of traffic and cyclists on this busy classified road.

Environmental Health: No comments received.

Summary of Main Issues:

Principle

Visual amenity

Residential amenity

Highway Safety

Appraisal:

Principle

This application has been made retrospectively and relates to the change of use of 68-70 Manningham Lane from a restaurant to a hot food takeaway. The Council's enforcement team received complaints about disturbance from the property in terms of double parking, parking issues for local resident's queues of people out the door. As a result of enforcement action taken by the Council this application seeks to regularise the current use of the premises.

It is necessary to assess the application against the Council's adopted Hot Food Takeaway Supplementary Planning Document (HFTP). The existing and proposed floor plans show the same floor layout however the applicant has requested a change of use to a hot food takeaway therefore the business plan must be that sales of hot food to be consumed off the premises is the main element of trade.

The site is not located within a designated centre but also it is not located in a wholly residential area, there are a number of restaurant uses, a public house and commercial uses nearby and existing takeaways. Principle 2 of the HFTP states that outside local centres, district centres and the city and town centres hot food takeaways will be resisted where the proposal will fall within 400 metres of the boundary of an existing primary or secondary school or youth centred facility (e.g. YMCA, after school club) or fall within 400m of a recreation ground or park boundary. There are a number of schools, youth centres and recreation open spaces within 400 metres of the site. The A5 takeaway use is therefore unacceptable in principle and as such the application is recommended for refusal being contrary to Principle 2 of the HFTP and policy UR3 of the RUDP and guidance within the National Planning Policy Framework.

Visual amenity

The development does not change the appearance of the shop front and therefore there are no concerns in terms of visual amenity. New signage would be covered through separate advertisement legislation. The development is considered to be acceptable in terms of visual amenity and policies UR3, D1 and D11 of the RUDP with respect to design. Any new external extraction equipment would require a further planning application.

Residential amenity

There are no details of any extraction system used within the premises but as the building previously operated as a restaurant it is likely the previous extraction system is being used which discharges to the rear of the premises but not at a height normally associated with extraction flues. The Council has not received any complaints regarding odour which suggests the existing extraction is acceptable. However if the takeaway use requires a different extraction system due to complaints relating to odours as a result of the nature of food being cooked this would be controlled through separate legislation under environmental health. Any new external extraction equipment would require planning permission which would be assessed on its own merits. The development is unacceptable in terms of residential amenity and policies UR3, D1 and P7 of the RUDP.

The planning application form does not provide any hours of use for the establishment which is currently operating. This lack of information in terms of hours of use makes it difficult for the LPA to fully assess the impact of noise and general disturbance on neighbouring residential properties to the rear of the site and above some of the units. Noise and disturbance from car radios, loud talking and shouting, engines revving all result in nuisance to neighbouring residents which cannot be controlled other than by restricting the hours of use. There are some residential premises nearby and possibly above the premises therefore a late night use would likely cause some disturbance.

Whilst the application requires further details of opening hours in order to understand the impact of the development on neighbouring residents, the hours of opening can be agreed and conditioned if members are minded to approve this application and in this regard reference should be made to the Council's adopted Hot Food Takeaway SPD. This policy requires that outside designated local, district and city centres the hours of use of takeaways are limited to between 08:00 and 23:00 Monday to Saturday and not at all Sundays and Bank Holidays.

Highway safety

The approved use for the site is currently A3 Restaurant & Café and the site is located in a parade of shops that have A3 and A5 uses. No off street parking is provided. There are existing parking restrictions along the site frontage with 'No Parking at Any Time' Monday to Saturday as well as a cycle lane. These restrictions also extend into the two streets which run either side of the parade which include Nesfield Street and Spring Gardens which both have parking restrictions.

The type of parking generated by an A3 use is generally long term and therefore drivers are less likely to abuse on-street parking restrictions. However this is not the case for most visitors to hot food takeaways. The shorter-term parking associated with this type of use can, and does, result in indiscriminate parking taking place that can lead to an obstruction to the free movement of traffic and an obstruction to the cycle lane.

The takeaway fails to provide off street parking in accordance with the requirements set out in Appendix C of the RUDP which is likely to lead to an obstruction to the safe and free movement of traffic and cyclists on this busy classified road. For this reason the development is unacceptable in terms of policies TM2, TM11 and TM19A of the RUDP.

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

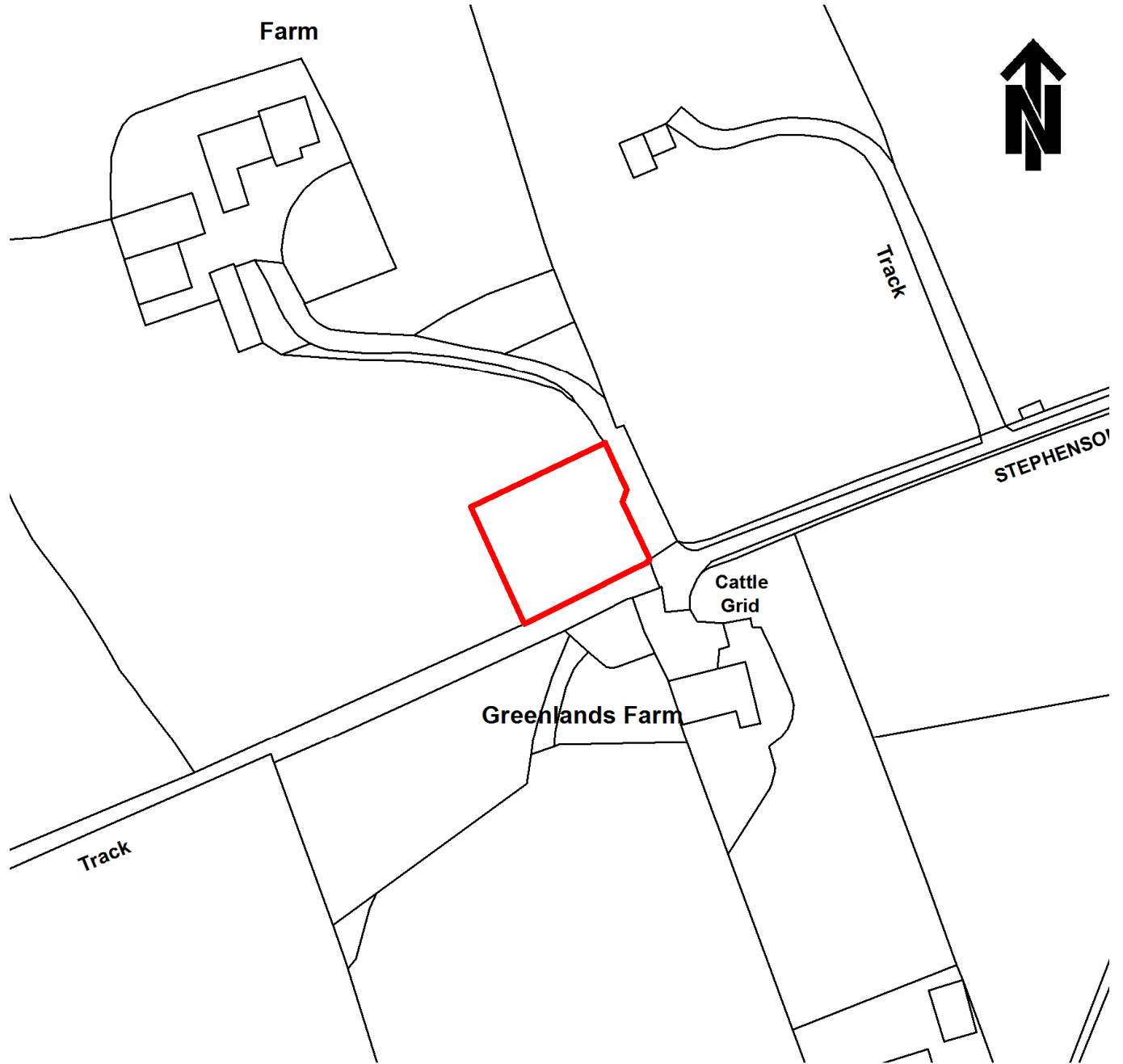
Reasons for Refusal:

1. The A5 hot food takeaway falls within 400 metres of a number of schools, youth-centred facilities and public open spaces. The development is therefore contrary to Principle 2 of the Council's adopted Hot Food Takeaway Supplementary Planning Document which seeks to support the healthy eating agenda, Policy UR3 of the Replacement Unitary Development Plan and the National Planning Policy Framework.
 2. Due to the nature of the use, customers will be likely to park on yellow lines and pavements at the site and within a cycle lane, which is located on a heavily trafficked road (Manningham Lane) that has an accident record and which is near junctions. This will cause a detriment to highway safety, contrary to policies TM2, TM11 and TM19A of the Replacement Unitary Development Plan.
 3. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information on the hours of use to fully assess the impact on residential amenity.
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17/02501/FUL

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Harrop Edge Farm
Stephenson Road
Bradford
BD15 9AG

6 July 2017

Item: N
Ward: THORNTON & ALLERTON
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
17/02501/FUL

Type of Application/Proposal and Address:
A full planning permission an Agricultural building (Resubmission of application 16/05252/FUL) at Harrop Edge Farm, Stephenson Road, Bradford.

Applicant:
Mr David Hawksworth

Agent:
David Hill LLP

Site Description:
Harrop Edge Farm is located off Stephen Road and the business is a beef finishing farm. Stephen Road forks down the steep hill where this access leads to the cluster of building containing farm buildings and residential units (farm house and rented house converted from an agricultural building). The Stephen Road access at this junction continues where further along this access it becomes unsurfaced. The proposed Agricultural building lies near this junction.

Relevant Site History:
90/05368/FUL Conversion of stone barn to four bedroom dwelling REFUSE 30.01.1991.
99/03367/COU Change of use from barn to dwelling and erection of associated detached garage GRANT 28.02.2000.
01/00637/COU Conversion and renovation of existing farm house and adjoining barn to form one dwelling with highway improvements GRANT 02.08.2001.
03/00030/FUL New general store GRANT 13.03.2003.
07/05657/FUL General purpose agricultural building GRANT 29.08.2007.
14/02082/FUL Construction of steel portal frame livestock building GRANT 10.07.2014.
15/00661/CLE Certificate of lawfulness of change of use of building to dwelling GRANT 20.04.2015.
16/01497/PAR Change of use of redundant milking sheds to two residential units PANPD 18.04.2016.
16/05252/FUL Construction of new cattle store block with machine shed REFUSE 23.08.2016.
16/08646/FUL Agricultural building REFUSE 20.12.2016.

These two applications were both refused for the following reason:

The site lies within an area defined as Green Belt on the Replacement Unitary Development Plan, where Policies GB1 and GB2 are relevant, and is also subject to the guidance contained within the National Planning Policy Framework. Within such areas it is both national and local planning policy to severely restrict new development unless it is for a purpose appropriate in the Green Belt, as specified in the NPPF. Agricultural development can be appropriate development within the Green Belt, but there is no satisfactory evidence before the Local Planning Authority to demonstrate that the building must be provided on this site, in this location. The position of the proposed building is isolated from the existing clusters of buildings and would appear incongruous and harmful to visual amenity, and as a noticeable encroachment of development within the Green Belt. Additionally, the areas of hardstanding would be considerable and would further detract from the visual openness. The proposal therefore fails to accord with policies UR3, GB1 and GB2 of the Replacement Unitary Development Plan and the National Planning Policy Framework.

17/01100/PAR Change of use of agricultural buildings and land to residential use (C3): 2 dwellings PRIOR APPROVAL NOT REQUIRED 25.04.2017

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.

Section 9 of the NPPF discusses Green Belt:

Paragraph 79: The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 87: As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is allocated as Green Belt notation on the RUDP. 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

GB1 - New Building in the Green Belt

GB2 - Siting of New Building in the Green Belt

D1 - General Design Considerations

UR3 - The Local Impact of Development

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised by way of site notices and neighbour notification letters. The overall expiry for the publicity was 23 May 2017.

Four letters of representations have been received. Correspondence has been received from the local Ward Councillor, stating: "I am emailing on behalf of my constituent in relation to the above application. In order to ensure that my constituent is able to fully explain why the changes are considerably different to the original submission then I request that it is heard by the Bradford Planning Panel".

Summary of Representations Received:

The following is a summary of the key issues raised:

- Would provide need for correct facilities for farm.
- Position of development allows easy and safe access in freezing conditions and in snow.
- Minimum impact on land onto corner of field. Building is small. The building would be difficult to see other than long distance. Previous reasons for refusal have been addressed.
- There are examples of more intrusive buildings in isolated locations. Lack of consistency.
- Approval will help farm to continue as we leave the EU where subsidies will finish for farming.
- No need for separate access for proposed shed.

Consultations:

Rights of way: Public footpath Bradford West 7 abuts the site. The plans appear to have little negative impact on the public right of way.

Environmental Protection: No comments.

Minerals: No apparent minerals or waste legacy issues and therefore no objections.

Summary of Main Issues:

Supporting statement

Planning Statement

Principle

Impact on the Green Belt: Visual/character

Highways

Residential amenity

Address representations

Appraisal:

Supporting Information

The Applicant has submitted supporting information. The following is a summary of the key issues raised:

- Changes have been made to reduce the impact on the Green belt.
- Other agricultural facilities in locality with greater impact upon the green belt.
- HSE guidelines on safety these have to be adhered to by law. Farm machinery close to the residential part of the farm would pose risk to children.

Planning statement

Accompanying this application Agent has submitted a Planning Statement.

The following is a summary the justification for the proposed building:

- There are on average 40 calves on the farm per year which is appropriate number for the land available.
- The cattle are brought onto the farm in spring. Calves are sold when they are 18-24 months.
- October to May the cattle are to be accommodated indoors and currently the Applicant has to pay for the cattle to be over-wintered off-site.
- The proposed building would make the farming business enterprise viable by the proposed over-winter provisions.
- The proposed location would allow easy and safe access during periods of snow and ice when time comes for the cattle to be sold and new cattle delivered.

Principle

The application site is located within the Green Belt as defined by the Council's Replacement Unitary Development Plan (RUDP). As such, policies GB1, GB2 and paragraphs 79-92 of the National Planning Policy Framework (NPPF) set a general presumption against inappropriate development in the Green Belt.

Section 9 of the NPPF confirms that the Government attaches great importance to the Green Belt and this approach is recognised by the Council's own long-adopted Green Belt policies. The fundamental aim of Green Belt policies is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are its openness and permanence.

Development which is appropriate in the Green Belt includes agricultural and forestry uses and essential facilities for outdoor sport and outdoor recreation. The proposed livestock building is essentially an agricultural building and is therefore not an inappropriate development.

Impact on the Green Belt: Visual/character

The appearance is typically synonymous with an agricultural functional building. There are no concerns over its design.

Although the principle of the development may be acceptable it is considered the position of the building would be harmful to the local area. Furthermore, it is not considered that the need for the building in this position has been satisfactorily explained and justified from the information submitted by the Applicant's Agent. This was exactly the case in the refused applications under 16/05252/FUL and 16/08646/FUL and Officers draw the same conclusions for this current application under consideration.

Cattle are brought to the farm in spring and reared outdoors on the grassland. It is during October through to May when cattle would be brought indoor and during this time, including the winter period, cattle of 18-24 months are transported out for sale.

It is accepted on occasions inclement weather may impede cattle transfer for sale however such weather would not be indefinite and it is envisaged another reasonable window of opportunity would be available for transfer of cattle to an auction especially as there is a wide margin of 18-24 months in which they can be sold. With weather forecasts there is no reason why the Applicant cannot anticipate and plan ahead.

The gradient of the site, varying between 1 in 5 to 1 in 6 is acknowledged. The Agent has drawn attention to a HSE document titled 'Using Tractors Safely'. A case study describes an accident where a tractor was driving down a gradient 1 in 4 and the driver had not properly assessed the frozen ground conditions.

There would be an expectation for any driver to adhere to the advice provided by the HSE. If the access road is not passable then it is likely Stephen Road would also not be passable as this road would not be gritted and the wider country lanes are unlikely to be gritted also.

Changes are acknowledged comparing the current application and the previously refused Application 16/08646/FUL. They are:

- Repositioned 1m to boundary away from field.
- Reduced in footprint size from 196 sqm to 149 sqm.
- Overall height reduced from 7.9m to 7.77m.
- Hard standing area reduced by 47%.
- Landscaping proposed.
- Despite the changes the location is still essentially in the same relatively isolated location and as such would not overcome the previous reason for refusal.

Other agricultural buildings exist in this holding and positioning the proposed building close to these existing building would minimise the impact upon the openness and character of the Green belt.

The proposed building would sit in an isolated and prominent position on the hillside. As such, the building would appear visually dominant and incongruous in the local area, where it is also visible from further afield due to its location. Additionally, the areas of hardstanding would add to the visual impact of the development.

It is acknowledged that the proposal would support the existing function of the agricultural holding and that section 3 of the NPPF supports the rural economy. However, in the absence of proper justification for the building in this position, the aforementioned impact on the local environment is not outweighed by the farming needs. The proposal would therefore result in a significant and unjustified impact on the character and openness of the Green Belt, thereby unacceptable and contrary to the requirements of Policies UR3, GB1, GB2 of the RUDP and the NPPF.

Highways

Due to limited traffic movement the scheme would not be to the detriment of the free and safe use of the highway.

Residential Amenity

Environmental Protection have been consulted and no concerns are identified.

Address representations

- Would provide need for correct facilities for farm.

Response - This is accepted and not in contention.

- Position of development allows easy and safe access in freezing conditions and in snow.

Response - This issue has been addressed in the body of the report.

- Minimum impact on land onto corner of field. Building is small. The building would be difficult to see other than long distance. Previous reasons for refusal have been addressed.

Response - The changes are acknowledged with the current application and previously refused Application 16/08646/FUL. However the locational reasons for refusal have not been reconciled as detailed in the body of the report.

- There are examples of more intrusive buildings in isolated locations. Lack of consistency.
Response - This is not a material planning consideration as each application is assessed on its own merit.

- Approval will help farm to continue as we leave the EU where subsidies will finish for farming

Response - The principle of an agricultural is not in question as long as the locational position of the unit is reconciled.

- No need for separate access for proposed shed

Response - This proposal would require an access into the field.

Community Safety Implications:

There are no apparent community safety implications

Equality Act 2010, Section 149:

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

Reasons for Refusal:

The site lies within an area defined as Green Belt on the Replacement Unitary Development Plan, where Policies GB1 and GB2 are relevant, and is also subject to the guidance contained within the National Planning Policy Framework. Within such areas it is both national and local planning policy to severely restrict new development unless it is for a purpose appropriate in the Green Belt, as specified in the NPPF. Agricultural development can be appropriate development within the Green Belt, but there is no satisfactory evidence before the Local Planning Authority to demonstrate that the building must be provided on this site, in this location. The position of the proposed building is isolated from the existing clusters of buildings and would appear incongruous and harmful to visual amenity, and as a noticeable encroachment of development within the Green Belt. Additionally, the areas of hardstanding would be considerable and would further detract from the visual openness. The proposal therefore fails to accord with policies UR3, GB1 and GB2 of the Replacement Unitary Development Plan and the National Planning Policy Framework.
