

Report of the Strategic Director, Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 13 December 2017

I

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

| <u>Item No.</u> | <u>Site</u> | <u>Ward</u> |
|-----------------|--|-------------------------------|
| A. | 28 Wensleydale Road Bradford West Yorkshire BD3 8NA - 17/06177/HOU [Approve] | Bradford Moor |
| B. | 59 Town Gate Wyke Bradford West Yorkshire BD12 9JD - 17/04462/FUL [Approve] | Wyke |
| C. | 68 Duchy Drive Bradford West Yorkshire BD9 5LY - 17/04834/FUL [Approve] | Heaton |
| D. | Albion House 11 Stockhill Road Apperley Bridge Bradford West Yorkshire BD10 9AX - 17/05284/FUL [Approve] | Idle And Thackley |
| E. | Shearbridge Mills Great Horton Road Bradford West Yorkshire BD7 1QG - 17/02772/VOC [Approve] | City |
| F. | 344 - 350 Idle Road Bradford West Yorkshire BD2 2AL - 17/05221/FUL [Refuse] | Bolton And Undercliffe |
| G. | 40 Watty Hall Road Bradford West Yorkshire BD6 3AP - 17/04039/HOU [Refuse] | Wibsey |
| H. | Land East Of 125 Harewood Street Bradford West Yorkshire - 17/04388/FUL [Refuse] | Bowling And Barkerend |
| I. | Madrasah Nur Qur'An 234 Parkside Road Bradford West Yorkshire BD5 8PW - 17/04980/VOC [Refuse] | Little Horton |

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

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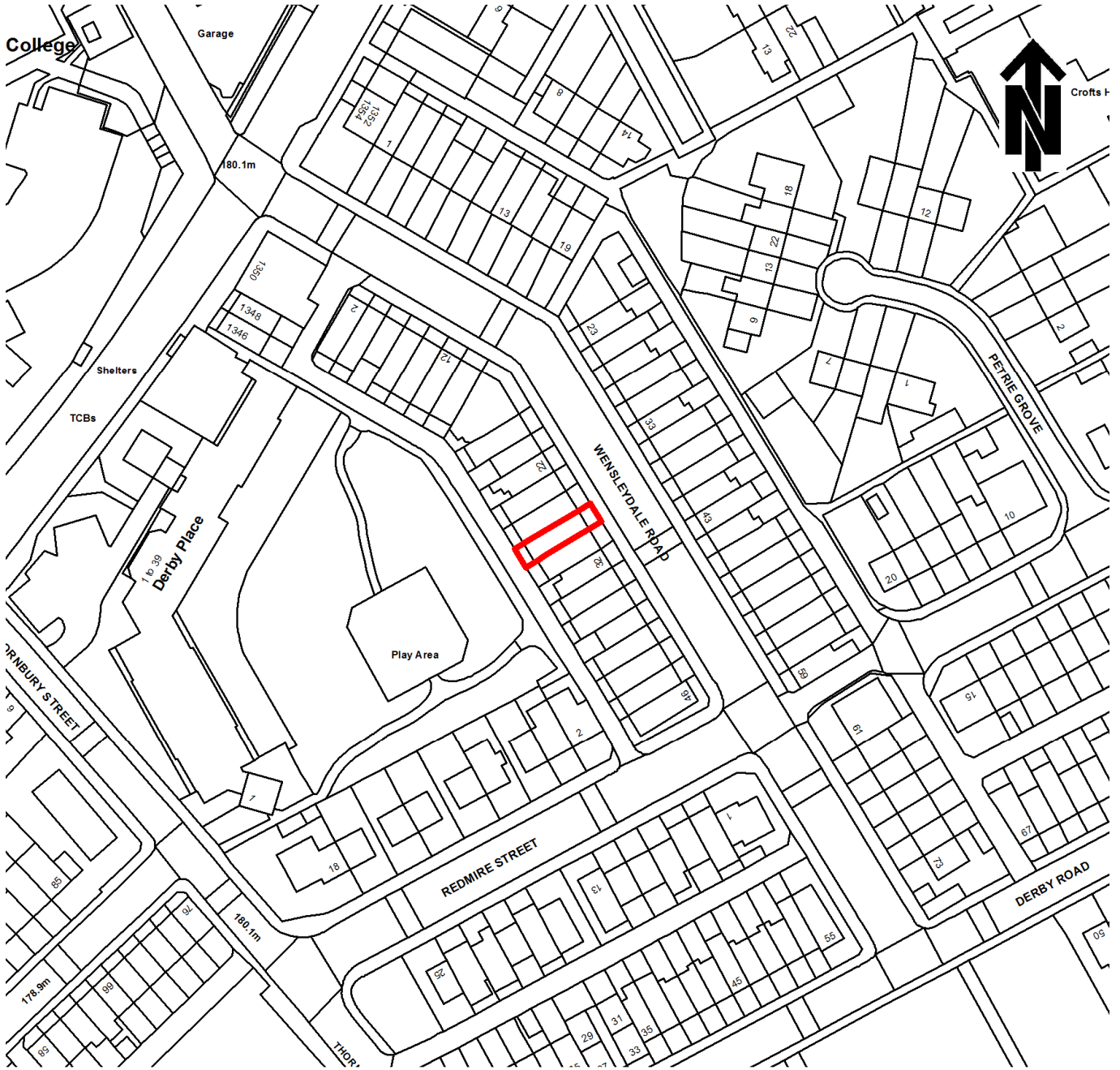
Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Economy

17/06177/HOU



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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28 Wensleydale Road
Bradford
BD3 8NA

13 December 2017

Item: A
Ward: BRADFORD MOOR
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
17/06177/HOU

Type of Application/Proposal and Address:
Construction of single storey rear extension at 28 Wensleydale Road, Bradford.

Applicant:
Mr Mohammed Shafiq (Ward Councillor).

Agent:
Faum Architecture.

Site Description:
The application property is a mid-terraced 2-storey Victorian stone dwelling. This house has an existing single storey rear extension and there are similar extensions at the neighbouring properties.

Relevant Site History:
01/02146/FUL Construction of single storey extension to rear of dwelling to provide new kitchen and construction of dormer windows to front and rear of dwelling GRANT 06.08.2001

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.

The Local Plan for Bradford

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for

the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated within the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Proposals and Policies

DS1 – Achieving good design
DS3 – Urban character
SC9 – Making great places
TR2 – Parking policy

Parish Council:

N/A

Publicity and Number of Representations:

Application publicised by way of neighbour notification letters. The overall expiry for the publicity was 29 November 2017. To date no representations have been received.

Summary of Representations Received:

N/A

Consultations:

Minerals Section - No objections

Summary of Main Issues:

1. Impact on the Local Environment
2. Residential Amenity

Appraisal:

1. Impact on the Local Environment

Design principle 1 of the Householder SPD requires the size, position and form of extensions to improve the character and quality of the original house and wider area. Generally extensions to the rear of terraced dwellings are limited to a depth of 3m and this proposal would extend beyond this. The proposed extension is well designed and is considered to be in keeping with the character, scale and design of the existing dwelling and the street scene. It is noted that the proposed extension is to provide facilities for a disabled person who resides at this address and this also carries significant weight. The proposal is therefore considered to be acceptable when measured against policy DS3 of the Council's Core Strategy Development Plan Document and the Council's approved Householder SPD.

2. Residential Amenity

Whilst the cumulative depth of the proposed extension, taking into account earlier additions, exceeds 3m the adjacent houses at No. 26 and 30 Wensleydale Road have also similarly been extended and so the relative depth is less than 3m. On this basis the adjoining neighbouring residents would not suffer undue detriment to their residential amenities. The proposed complies with Design principles 2 and 3 of the Council's approved Householder SPD.

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. The issue of meeting the needs of Applicant, suffering from disabilities, has been discussed and assessed in the body of this report. The application making provision for a disabled person is noted.

Reason for Granting Planning Permission:

The proposed extensions are considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significant adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Councils approved Householder Supplementary Planning Document and policy DS1, DS3, TR2 and SC9 of the Council's Core Strategy Development Plan 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).

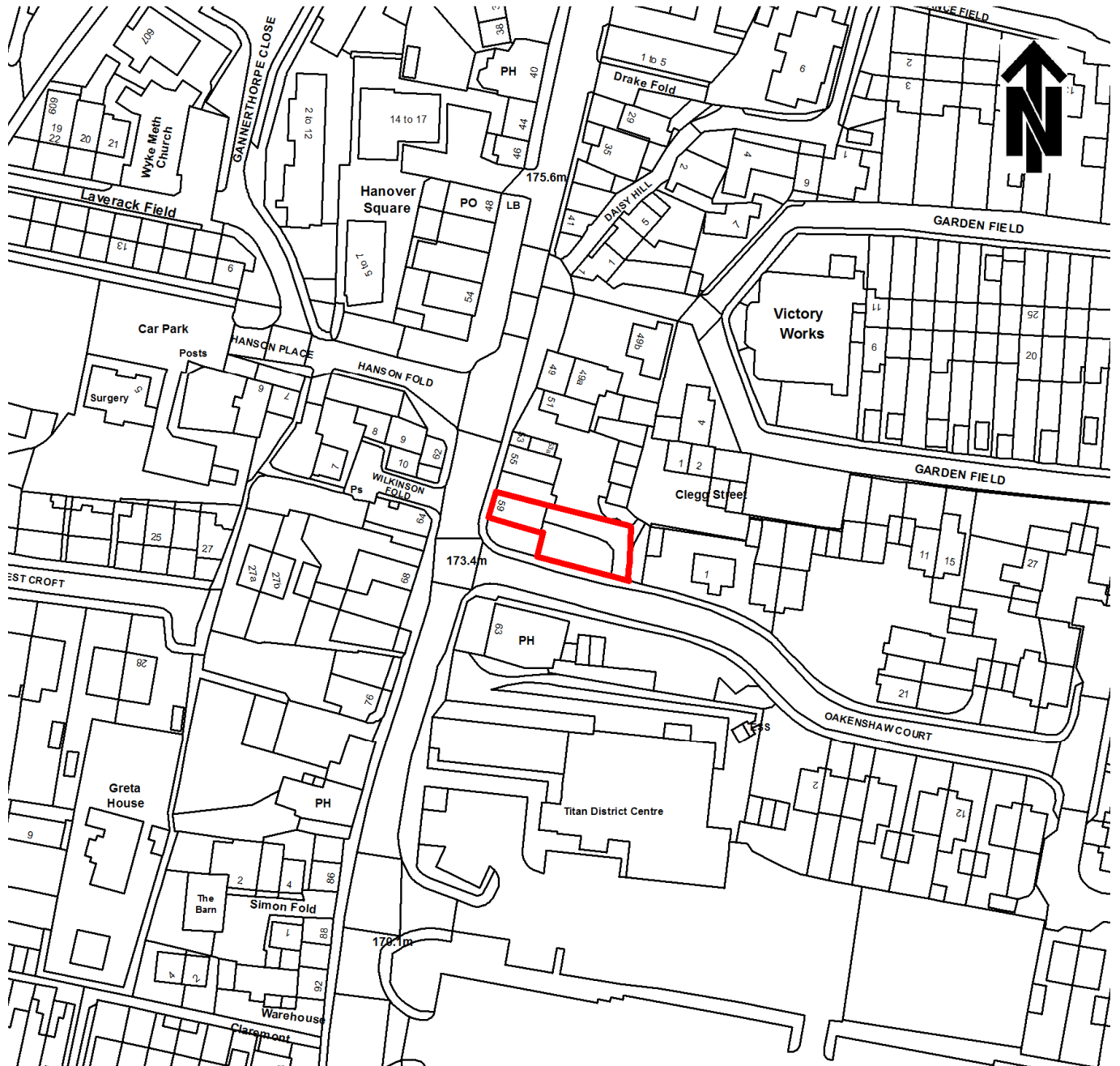
2. The extensions hereby permitted shall be constructed of facing stone materials to match the host building as specified on the submitted application.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Council's Core Strategy Development Plan Document.

17/04462/FUL



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59 Town Gate
Wyke
Bradford
BD12 9JD

13 December 2017

Item: B
Ward: WYKE
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
17/04462/FUL

Type of Application/Proposal and Address:

This is a full planning application for the change of use of the building from a solicitor's office to a private hire taxi office (radio controlled) for four taxis at 59 Town Gate, Wyke.

Applicant:

Mr Mohammed Iqbal

Agent:

Mr Malcolm Sizer

Site Description:

The site comprises a vacant former solicitor's office that occupies a corner position facing onto Towngate, Wyke, at the junction with Oakenshaw Court. The building forms part of a short row of Grade II listed buildings, each of which appear to have undergone various alterations and are now in a variety of uses. The surrounding area is largely retail based, with a public house located on the opposite corner of Oakenshaw Court and some residential properties nearby.

Relevant Site History:

N/A

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use purposes in the Replacement Unitary Development Plan, but is located within the Wyke Local Centre. Accordingly, the following adopted Core Strategy policies and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS3 Urban Character
DS5 Safe and Inclusive Places
TR2 Parking Policy
EN3 Historic Environment
EN5 Trees and Woodland
EN8 Environmental Protection

Parish Council:

Not in a Parish

Publicity and Number of Representations:

A site notice and neighbour notification letters advertised the application. The publicity period expired on 15th September 2017. The LPA has received five objections and a further objection from a Ward Councillor who has requested that the application be referred to the Area Planning Panel for determination. The objections are summarised below.

Summary of Representations Received:

Will restrict access around rear of site and garages
Insufficient parking
Taxis already use parking bays on Towngate
Traffic congestion
Access and egress is limited
Lack of parking for existing businesses
Enough private hire firms in the area
The use would exacerbate noise and disturbance from the adjacent pub with people using the taxis
Headlights from vehicles would shine into neighbouring properties
Query regarding land ownership of proposed parking area

Consultations:

Conservation – Building is Grade II listed. Principle of the change of use is acceptable but raises concerns regarding potential internal alterations, which the application and floor plans do not detail.

Highways – Proposal should provide minimum of 5 parking spaces or 1 space per 4 drivers in accordance with parking guidelines set out in Appendix 4 of the Core Strategy. Minimum of 5 spaces would allow for 20 drivers. Site plan should mark out where these spaces are to be provided.

Highways (update) – Amended site plan provides sufficient parking for the proposed use.

Summary of Main Issues:

1. Principle of development
2. Impact on local environment
3. Impact on residential amenity
4. Impact on highway safety

Appraisal:

1. Principle of development

The proposal is an existing solicitor's office facing onto Towngate in Wyke local centre. The site is well located in terms of being in the local centre where a variety of uses is expected and is easily accessible via the local highway network. The site is not allocated for any specific land-use within the Replacement Unitary Development Plan and is therefore not protected for any particular uses other than those that accord with the general policies of the plan. The principle of the change of use is therefore acceptable subject to its local impact, as assessed below.

2. Impact on local environment

Initially, the application did not include any floor plans to show what, if any, internal alterations would be undertaken to facilitate the change of use. The agent has subsequently provided ground and first floor plans and confirmed that no internal alterations are proposed. The proposal therefore seeks permission for a change of use only and does not include any physical alterations, either internal or external, to the building itself.

It should be noted that as the building is listed, any internal or external works to it would require separate listed building consent. Nevertheless, no internal changes are proposed within this application and the building will still function primarily as an office, and as such, the proposal is unlikely to cause any harm to the listed building. Any other future alterations to the building including windows, doors, signage and internal layout, may require additional planning permission, listed building consent or advertisement consent, and a footnote drawing the applicant's attention to this should be appended to any approval of this application.

An amended site plan has been submitted in order to provide an appropriate level of off-street parking provision (as discussed below). The parking area will be provided at the rear of the property, which will be accessed via Clegg Street, which in turn provides access onto Towngate and Oakenshaw Court. A number of trees and shrubs will need to be removed from the proposed parking area; although the trees provide some greenery to this urban area, they are not protected by a tree preservation order and could be removed without the need to obtain prior consent.

The proposed development will therefore have no significant adverse impact on the local environment, thereby acceptable and compliant with the requirements of policies DS3 and EN5 of the Core Strategy Development Plan Document.

3. Impact on residential amenity

The site is located within an established commercial area, within Wyke local centre, where there is a mix of retail and entertainment uses in the vicinity; however, there are also some residential properties nearby. The proposed use will likely result in an intensification of the

use of Clegg Street along with the two access points onto Towngate and Oakenshaw Court, as the existing businesses already make use of these. The proposal will likely result in increased activity and vehicular movements to and from the site, nevertheless, the application suggests that only 4 taxis will operate from the site. As such, the proposed use is not expected to cause significant harm to neighbouring residential properties, the nearest of which are located further East on Oakenshaw Court, with sufficient separation distance to avoid any significant adverse noise and disturbance. The proposal is unlikely to have a significant adverse impact on residential amenity and is therefore considered compliant with policies DS5 and EN8 of the Core Strategy Development Plan Document.

4. Impact on highway safety

The initial proposal did not include any dedicated off-street parking and on this basis the proposal failed to comply with the requirements of Appendix 4 of the Core Strategy, which requires private hire uses to provide a minimum of 5 parking spaces or 1 space per 4 drivers. The application suggests that 4 taxis would operate from the site and therefore the minimum 5 parking spaces would be required.

The amended site plan now proposes the provision of five off-street parking spaces on land to the rear of the building, accessed directly from Clegg Street, which provides access onto Towngate and Oakenshaw Court. The Highways Officer confirms that the amended site plan provides sufficient off-street parking for the proposed use, with the five parking spaces therefore capable of serving up to 20 taxis.

There are existing double yellow lines along the site frontage on Towngate and along Oakenshaw Court to prevent indiscriminate parking. Subject to a condition requiring the provision of the parking area shown on the amended site plan prior to the use beginning, the proposal would not adversely affect highway or pedestrian safety and is therefore considered acceptable and compliant with the requirements of Appendix 4 and Policy TR2 of the Core Strategy Development Plan Document.

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 proposal is not considered harmful to visual amenity, residential amenity or highway safety and is therefore considered to comply with the aforementioned policies of the Replacement Unitary Development Plan, the Core Strategy Development Plan Document and the National Planning Policy Framework.

Conditions of Approval:

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

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

2. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced with a porous material, marked out into bays and drained within the curtilage of the site in accordance with the approved amended site plan received by the Local Planning Authority on 02 October 2017. 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 Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

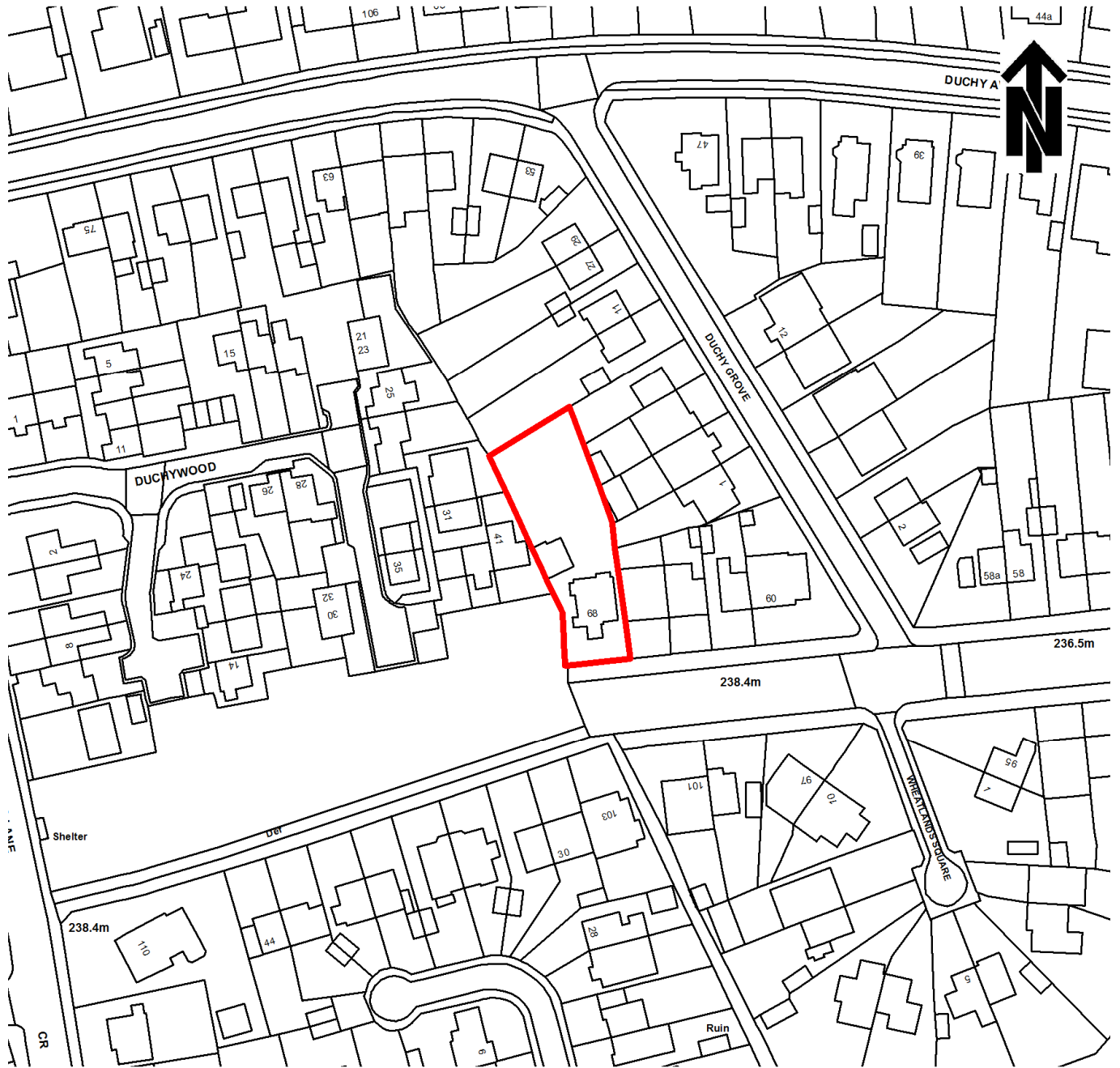
Footnote:

Please note that the permission hereby granted is only for the change of use and does not include any internal or external works to the building. Any internal or external alterations, such as changes to windows, doors, internal layout and signage, etc., are likely to require the benefit of a separate permission(s).

17/04834/FUL



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68 Duchy Drive
Bradford
BD9 5LY

13 December 2017

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

Application Number:
17/04834/FUL

Type of Application/Proposal and Address:
Full Planning permission is sought for the construction of a detached dwelling within the rear garden of 68 Duchy Drive, Bradford

Applicant:
Mr Mainwaring

Agent:
Mr Stephen Fisher – SR Design

Site Description:
68 Duchy Drive is a detached dwelling situated at the end of an established residential street. The property is unique in design, and whilst it confirms to a uniform street layout, it has the advantage of a large rear garden split over two levels. The level changes are modest. A driveway runs to the side of the property serving a freestanding garage. The rear garden, which is to be developed, shares boundaries with rear of properties of Duchywood to the West, and Duchy Grove to the East. Boundary screening is provided by established hedges.

Relevant Site History:
17/02835/FUL - Construction of detached dwelling to rear garden – Refused on grounds of harm to residential amenity by virtue of the access, overlooking, overshadowing and the establishment of an overbearing relationship

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:-

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- 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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving Good Design
DS3 – Urban Character
DS5 – Safe and Inclusive places
TR2 – Parking Policy

Parish Council:

Not in a Parish

Publicity and Number of Representations:

The application has been publicised via a site notice and by individual neighbour notification letters. The publicity period expired on the 17th September 2017, 11 representations were received in objection to the proposal including one from a local ward councillor.

Summary of Representations Received:

The representations received were all in objection to the development, and cited the following reasons:

- Overbearing
- Loss of light/Overshadowing
- Loss of privacy
- Visual amenity implications
- Impact on wildlife
- Congestion
- Highway and Pedestrian Safety

Consultations:

Highways DC – The council's highway officer raises no objections to the proposal, but suggests a condition that the parking and turning facility is provided prior to occupation.

Drainage – No response

Summary of Main Issues:

1. Principle
2. Residential Amenity
3. Visual Amenity
4. Highway Safety
5. Other Issues

Appraisal:

1. Principle

The proposal is for the construction of a single dwelling within the rear garden of no.68 Duchy Road. The existing drive will provide access to a parking and turning area, with the free standing garage removed. Two new parking spaces will be provided within the front yard of the existing dwelling.

This site is unallocated on the adopted Replacement Unitary Development Plan (RUDP), and lies within a well-established residential area. The proposal to develop the land for residential accommodation would therefore be sympathetic to the character of the locality, and the proximity to public transport links and amenities would represent a sustainable location for a new dwelling. Furthermore, there is a shortage of suitable housing sites within the district, and the proposal can be seen to make a contribution to meeting that need, albeit a modest one. The principle of the development is therefore deemed acceptable.

The main issues will now be considered:

2. Residential Amenity

A previous application for a dwelling within the rear garden of no.68 Duchy Drive was refused due to the impact on neighbouring amenity by virtue of the access, overlooking, overshadowing and the establishment of an overbearing relationship. The current scheme has undergone a number of alterations to overcome these concerns. The dwelling proposed is now a true dormer bungalow.

The dwelling proposed has a footprint of 9m x 9.6m, will be constructed of natural stone surmounted by a pitched concrete tiled roof. Two pitch roof dormer windows are included in the front elevation, and three roof lights in the rear. The dwelling will be accessed by the existing driveway which will lead to a turning area and two off street parking spaces.

The dwelling is positioned approximately 17m beyond the rear elevation of the existing dwelling, with the boundary set roughly half way between. To the rear there is approximately 6.5m to the rear boundary. To the east the property is 7.5m from the boundary, with the properties beyond approximately 12.8m away. To the west the dwelling will be at its closest 1.5m to the boundary, but this increases to 3m with the dwellings beyond around 13.5m away. An outbuilding just beyond this boundary is notable.

Given the reduced scale of the building this positioning is considered sufficient to address the concerns regarding an overbearing relationship and an increase in overshadowing. Any overshadowing of neighbouring properties will also be for limited portions of the day given their position in relation to the proposed dwelling. Furthermore the dwelling most likely to be impacted is no.31 Duchywood, and the plans demonstrate an unobstructed 25 degree line taken from the window in the rear elevation.

In terms of overlooking the first floor windows are restricted to two front dormers and roof windows in the rear elevation. The dormers face the host property and at approximately 17m from the neighbouring property and 8m from the shared boundary satisfy the spacing distance that would be expected between habitable room windows and neighbouring gardens. The nature of roof lights mean they are not considered as significant a threat, but in any event these are also a suitable distance away from neighbouring amenity space being around 6.5m from the shared boundary. The roof lights would also only allow a view of a

small proportion of a long rear garden. A condition removing permitted development rights to prevent future rear dormer windows is recommended as a condition of any approval.

The final concern with the previous refusal was the potential for noise and disturbance as a consequence of the access road being used independently of the host property. To address this concern a window in the side elevation of the host property will be blocked up, and a new window will be inserted in the rear elevation. In terms of the impact on the neighbours beyond the side boundary closest to the drive the addition of the proposed dwelling is not anticipated to be materially different to the current situation. Albeit in order to preserve the neighbours amenity a new 1.8m fence and area of planting is proposed. It is therefore now concluded that the proposal represents an acceptable form of development in accordance with the requirements of policy DS5 of the core strategy development plan document.

2. Visual Amenity

The dwelling itself is modest in scale and appearance, and as it will be effectively screened on all sides, any impact on the amenity of the wider locality is likely to be negligible. Efforts have been made to ensure the dwelling has some character and with the use of quality materials, this should ensure it is in keeping with the character of the locality. It is therefore concluded that the proposal satisfies the requirements of policies DS1 and DS3 of the Core Strategy Development Plan Document in terms of any impact on visual amenity.

3. Highway Safety

The proposed scheme provides adequate parking, and turning for the new dwelling, two further spaces are also proposed for the existing dwelling. This is acceptable when measured against the council's parking standards.

Highway and pedestrian safety, and congestion from the additional traffic have been raised as concerns within the representations, but the addition of a single dwelling would not be deemed a significant concern in this regard as the level of additional traffic is not likely to be significant, especially given the scale of the proposed dwelling. It is also worthy of note that the site would represent a sustainable location for a new dwelling, given the proximity to existing public transport routes which could serve to reduce the reliance on private vehicles. The requirements of the National planning Policy Framework and policy TR2 are deemed to be satisfied.

4. Other Issues

Impact on wildlife - The site is subject to no special protection in this regard, and there are no reasons to envisage that the proposal would harm any protected species.

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 dwelling is considered an acceptable form of development that will not result in a significantly detrimental impact to neighbouring amenity or the character and appearance of the wider locality. The proposal therefore accords with the requirements of the National Planning Policy Framework and policies DS1, DS3, DS5 and TR2 of the Core Strategy Development Plan 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. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

3. The new windows in the side elevation of the dwelling hereby permitted shall be glazed in obscure glass and be top opening only prior to the first occupation of the building/extension and thereafter retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policy DS5 of the Core Strategy Development Plan Document.

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 dwelling hereby permitted without the 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 DS5 of the Core Strategy Development Plan Document.

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 amenity, flood risk and highway safety, and in accordance with Policies TR2 and EN7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

6. The window in the side elevation of no.68 Duchy Drive shall be blocked up prior to occupation of the new dwelling hereby permitted.

Reason: To prevent harm to the occupant's amenity and to accord with Policy DS5 of the Core Strategy Development Plan Document.

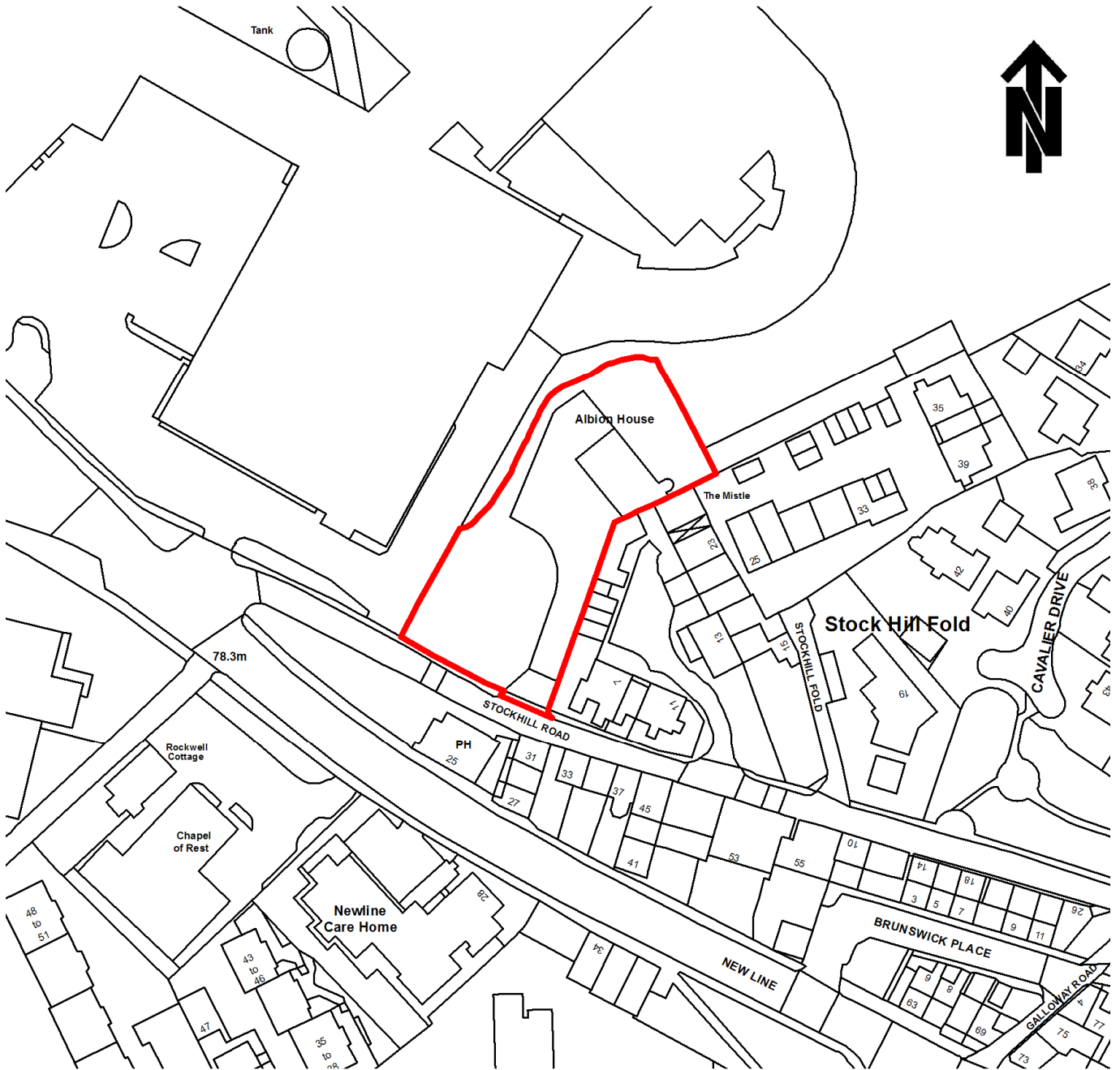
7. Prior to the first occupation of the dwelling hereby approved, a 1.8-metre high boundary screen shall be erected along the site boundaries as detailed on drawing number: SR-194-1D, and thereafter retained.

Reason: To prevent overlooking or a loss of privacy to adjacent occupiers and to accord with Policy DS5 of the Core Strategy Development Plan Document.

17/05284/FUL



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1:1,250

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Albion House
11 Stockhill Road
Apperley Bridge
Bradford
BD10 9AX

13 December 2017

Item: D
Ward: IDLE AND THACKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
17/05284/FUL

Type of Application/Proposal and Address:

A full planning application for the demolition of Albion House, Stockhill Fold, Bradford and the construction of 8 dwellings comprising detached, semi-detached and terraced houses

Applicant:
Mr Andrew Wilkinson

Agent:
Mr Simon Taylor

Site Description:

Albion House is a large stone built property set towards the rear of a sizeable and roughly rectangular curtilage. The site sits between a large industrial unit to the west and residential properties to the east. A number of the properties are grade II listed. The site is relatively flat, and undeveloped, but is notable for the presence of established trees, a number of which are subject to protection orders. An existing gated access serves the property from Stockhill Road, which is subject to one way traffic controls.

Relevant Site History:

17/02458/FUL - Demolition of Albion House and construction of 8 dwellings comprising detached, semi-detached and terraced houses – Withdrawn 07.06.2017

99/02163/COU - Change of use of nursery to offices and ancillary storage - Granted 14.12.1999

95/02304/COU - Change of use of house to children's day nursery - Granted 01.11.1995

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

BD1-The Regional City of Bradford Including Shipley and Lower Baildon
SC9 - Making Great Places
DS1 – Achieving Good Design
DS3 – Urban Character
DS5 – Safe and Inclusive places
TR2 – Parking Policy
EN3 – Historic Environment
EN5 – Trees and Woodland
EN7- Flood Risk
EN8- Environmental Protection

Parish Council:

N/A

Publicity and Number of Representations:

The application has been publicised by the display of a site notice and individual neighbour notification letters. The publicity period expired on 17th October 2017, 10 representations have been received, 4 in support and 6 in objection including one from the local ward councillor.

Summary of Representations Received:

The representations in support cite the following reasons:

- Proposed Development is in keeping with adequate parking provision
- Comings and goings likely to be no more than from the existing use
- Existing building is falling into disrepair and has been poorly extended in the past, the development will therefore be an visual improvement
- Redevelopment of the Albion House will prevent future anti-social behaviour

The representations objecting to the proposal raise the following concerns:

- Negative Impact on listed buildings
- Harmful to Visual amenity and appearance of the street scene
- Overshadowing
- Lack of details on boundary treatments

- Increase in traffic and demand for parking
- Overlooking
- 'Bad neighbour' noise from factory
- Bin collection inconvenience/highway obstruction

Consultations:

Drainage- Conditions suggested regarding the requirement for a foul and surface water scheme to be submitted

Environmental Health Pollution – The findings of the phase 1 desk top study are accepted and conditions are suggested requiring a phase 2 site investigation scheme and potential remediation works.

Environmental Health Nuisance – The Environmental Health officer does not object to the proposal, subject to the mitigation measures detailed in the supporting evidence.

Minerals – No further comments given the response of the Environmental Health pollution officer

Design and Conservation – Whilst it is acknowledged that the loss of Albion House would harm the setting of the listed buildings given the established relationship. It is considered, following the revisions to the scheme, the scale, form and relationship of the proposed dwellings is now considered acceptable in terms of how the development relates with the listed buildings, and subject to the use of appropriate materials and boundary treatments the impact is acceptable.

Yorkshire Water – A condition is suggested in respect of foul and surface water treatment. Yorkshire water also makes reference to, and accepts the findings of the flood risk assessment.

Trees – The revised proposal has improved the impact on the protected trees, albeit the application will result in the loss of a protected tree noted as category C, but considered to be category B. A potential future conflict is also noted between one the dwellings and a retained protected tree. Conditions are suggested if the application is recommended for approval.

West Yorkshire Police – It is noted that the site layout offers good natural surveillance, suggestions are also made regarding physical security of the properties and suggestions have been put to the developer regarding additional fencing within the site.

Highways DC – Initial concerns have been allayed as it is not the developer's intention to have the highway adopted, and some subsequent revisions have been made to the layout. Conditions have been suggested.

Summary of Main Issues:

1. Principle
2. Residential Amenity
3. Visual Amenity
4. Highway Safety
5. Other Issues

Appraisal:

The application is for a housing development consisting of 8 residential dwellings. The development includes a detached dwelling, 2 sets of semi-detached dwellings and a terrace row of 3 dwellings. The properties will provide 3 and 4 bedroom accommodation. The application is the second application on the site, with the previous proposal being withdrawn following concerns about the scale, layout and lack of supporting information in respect of contamination, and noise.

1. Principle

This land is unallocated on the Replacement Unitary Development Plan, and there is an urgent need for the Council to provide appropriate land for housing. Whilst the site is only partially developed, and the priority is to direct development towards 'brownfield' sites this proposal would form an infill development within an existing residential area served by the existing infrastructure meeting the NPPFs requirement for sustainable development.

It is also notable that the site is located in North-East Bradford where policy BD1 of the core strategy identifies that there is a need for 4400 new homes to be provided by 2030. The proposed development, whilst small in scale, would contribute towards meeting this target.

Therefore, as the site is unallocated for any specific land use but is located in a sustainable residential area the principle of housing development is considered to be acceptable.

2. Residential Amenity

The NPPF stipulates that planning should seek to secure a high standard of design and a good standard of amenity for all existing and future occupants of land and buildings. The proposal is considered to meet these requirements. The layout of the development is such that the proposed dwellings would not include any habitable room windows with an unrestricted view within 7 metres of the garden of any neighbouring property, or within 17 metres of the habitable room windows of any neighbouring property. As such no adverse overlooking implications are foreseen.

The scale and positioning of the proposed dwellings in relation to neighbouring properties is considered suitable to ensure that there would be no adverse overbearing, overshadowing, or loss of outlook from any neighbouring private amenity areas of habitable room windows.

The proposed dwellings would benefit from a sufficient level of outdoor amenity space to adequately cater for the occupants.

It is notable that the site has a potentially 'bad neighbour' in the form of the industrial premises beyond the western boundary, and a noise report has subsequently been submitted to address these concerns. Whilst it is noteworthy that Albion House will have once been in a residential use, with the intensification of the site the issue is considered more prevalent. The noise report recommends certain forms of mitigation to ensure the living conditions of the proposed dwellings, and in line with this acoustic fencing is included on the submitted plans. Further measures are suggested in the report in regard to the construction methods and materials used for the dwellings and a condition requiring full details of the noise mitigation measures proposed is suggested. It is also noteworthy that attenuation is likely to the source of the noise, with discussions taking place between the respective parties. The Environmental Health officer is also in contact with the site owners/operators of the industrial premises.

3. Visual Amenity

The proposed dwellings are to be set facing an unadopted access, the detached property and one of the pairs of semi-detached dwellings sit to the front of the site, the second pair of semi-detached dwellings and the short terrace row are positioned in approximately the same position as the demolished Albion House. The dwelling closest to the listed properties has been reduced in scale in line with the Design and Conservation Officer's request, and to ensure the development does not appear unduly imposing and compromise the setting of the listed buildings beyond the shared boundary. The massing of the development is now not dissimilar to the replaced building. A number of additional visual improvements have also been made to the detailing of the dwellings from the scheme originally assessed by the planning department. These include alterations to the fenestration, use of traditional eaves and the addition of chimneys to enhance the roofscape.

The dwellings are proposed to be constructed of rough artificial stone beneath a natural slate roof to be in keeping with existing properties within the locality. The Design and Conservation Officer suggests that natural stone should be used for the development, and in the event that planning permission is granted a condition can be imposed requiring the approval of samples before development begins so that satisfactory materials can be agreed.

It is notable that the site contains a number of established trees, and some of which are subject to protection orders. Whilst some of these will be removed to facilitate the development, not all are healthy and of amenity value. The exception is a tree (T18) to the rear of the site where the council's Tree Officer disputes the categorisation of the tree. However, given the position of this tree within the site, its amenity value is considered to be reduced, and given that the layout includes the retention of the established and prominent trees to the front of the site the scheme is considered to strike an acceptable balance which will maintain the visual amenity of the locality.

The nature of the boundary treatment has been the subject of many of the representations. Full details of the boundary treatments is suggested as a condition, but it has been confirmed that the existing boundary wall will be retained.

The scheme is considered to relate acceptably to the character and appearance of the locality, and to preserve the setting of the group of listed dwellings.

4. Highway Safety

The proposed properties would be accessed via a shared driveway arrangement, which would be subject to a maintenance management plan. Each dwelling has two allocated parking spaces, this exceeds appendix 4 of the Core Strategy which requires that new dwellings are served by an average of 1.5 parking spaces per property across a development. Visitor parking could be accommodated within the site, which could be done without compromising access. The turning head whilst not full size is capable of accommodating most types of vehicular transport that would be expected on a regular basis.

A bin store, details to be agreed, is proposed towards the site entrance where it is expected collection can occur without unduly impeding local traffic, and without the need for the bin wagon to fully enter the site.

The council's Highway Officer is satisfied that the proposed layout provides adequate off street parking and access arrangements to serve the development.

In the event that planning permission is granted it is recommended the conditions are imposed requiring the specification and provision of the access and parking areas prior to first occupation of the dwellings.

5. Other Issues

Bats and wildlife – The existing building is to be demolished and has been assessed for its potential for providing habitat for bats or bat roosts. The applicant's consultant considers the building to have a low potential for supporting bat roosting sites and those features which were visible from the ground did not display any evidence of bat activity. A footnote is suggested to make the applicant aware of their legal responsibilities in this regard.

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. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations

Reason for Granting Planning Permission:

The proposed development is considered to represent a sustainable form of development. The plans demonstrate that the site can be developed in a manner which relates satisfactorily to the character of adjacent properties and the wider locality, without resulting in a significant detrimental impact on the amenity of existing and future residents. As such this proposal is considered to be in accordance with the requirements of the National Planning Policy Framework and Policies BD1, SC9, DS1, DS3, DS5, TR2, EN3, EN5, EN7 and EN8 of the Core Strategy Development Plan 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. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

3. The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details shown on the submitted Arboricultural Impact Assessment and associated drawings

No ground works, development or demolition shall begin until the Local Planning Authority has inspected and given its written confirmation that the agreed tree protection measures have been installed in accordance with those details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

4. The agreed tree protection measures, shall remain in place, and shall not be moved, removed or altered for the duration of the development without the prior written consent of the Local Planning Authority. There shall be no excavations or alteration of ground levels within the tree protection areas/construction exclusion zones created on the site, and no engineering or landscaping works, service runs, or installations shall take place and no materials shall be stored within them without the prior written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected for the duration of development activity on the site, in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

5. The developer shall arrange for the supervision and monitoring of the approved tree protection measures by a suitably qualified and pre-appointed tree specialist at regular and frequent intervals throughout the duration of the construction period.

Prior to the occupation of the development, or prior to the occupation of such phases of the development as may have been agreed in writing, the developer shall submit written verification evidence to the Local Planning Authority which demonstrates that such regular supervision and monitoring has taken place, and the Local Planning Authority shall have confirmed its written agreement that the verification evidence shows effective protection of the retained trees during the construction process.

Tree protection fencing and other tree protection measures shall not be removed except upon agreement of the verification evidence, or as may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure that trees have been effectively protected by the developer during development by means of the protection measures proposed and agreed in the planning application submission. In the interests of visual amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

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 Policy EN7 of the Core Strategy Development Document

7. 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 Policy EN7 of the Core Strategy Development Document

8. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with the National Planning Policy Framework and policy DS5 of the Core Strategy Development Plan Document.

9. Before the development 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, shall be laid out with a gradient no steeper than 1 in 15 unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with the National Planning Policy Framework and Policies TR2 of the Core Strategy Development Document

10. Before development begins, full details of noise insulation/attenuation measures to be incorporated in the development in line with the recommendations of the noise survey carried out by Nova Acoustics shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the agreed details.

Reason: In order to protect residential amenity from noise, and to accord with policy EN8 of the Core Strategy Development Plan Document

11. All boundary treatments shall be submitted to and agreed in writing with the local planning authority, and installed as agreed prior to occupation of the development.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

12. Full details of the proposed bin store shall be submitted to and agreed in writing with the local planning authority, and installed as agreed prior to occupation of the development.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

13. Prior to construction of the development hereby approved beginning, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy EN8 of the Local Plan for Bradford.

14. Prior to construction of the development hereby approved beginning the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

15. Unless otherwise agreed in writing with the Local Planning Authority, Prior to construction of the development hereby approved beginning a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

16. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by

the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

17. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

18. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN8 of the Local Plan for Bradford.

19. Details of any works required to make good any areas of retained wall/roof which become exposed by the demolition/alterations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the character and appearance of the building(s) and to accord with policy EN3 of the Core Strategy Development Plan Document.

Footnote:

All species of bat in Britain are protected by the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats & etc) Regulations 1994 and the Countryside and Rights of Way Act 2000. This means it is an offence to intentionally or recklessly:

- Kill, injure or handle a bat
- Disturb bats when they are roosting
- Obstruct, damage or destroy the places where bats live
- Sell, hire, barter or exchange a bat whether alive or dead
- Keep bats in captivity.

At any point, if bats are uncovered during the development, works must stop immediately and English Nature consulted for further advice

Whether bats are found or not, the developer is also encouraged to consider the inclusion of bat boxes/bricks within the development.

17/02772/VOC



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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Shearbridge Mills
Great Horton Road
Bradford
BD7 1QG

13 December 2017

Item: E
Ward: CITY

Recommendation:
THAT AN 18 MONTH TEMPORARY PLANNING PERMISSION IS GRANTED

Application Number:
17/02772/VOC

Type of Application/Proposal and Address:

This application initially proposed to vary condition 4 of planning permission 03/02923/COU to increase the closing time of this established snooker centre from 23:00 until 04:00. However, following discussions it has been agreed that the proposal is changed to vary the condition for an 18 month temporary period to allow operation between 09:00 and 02:00. The site address is Shearbridge Mills, Great Horton Road, Great Horton BD7 1QG.

Applicant:
Mr Mouneeb Younas

Agent:
Faum Architecture

Site Description:

The site is located within the Shearbridge Mills complex which is characterised by former industrial buildings. There are a variety of uses within the buildings including a gym and snooker hall. The building is stone fronted with metal cladded roof. Access to the site is gained from Great Horton Road via a narrow archway and a car park is provided for the snooker centre within the site. There is also a vehicle exit point onto Grantham Road to the south of the site. Terraced housing is located close to the boundary of the site on the western and southern boundaries and student accommodation is located to the eastern boundary beyond the car park area.

Relevant Site History:

03/02923/COU Change of use of part vacant mill to snooker hall GRANT 31.10.2003

This application was originally recommended for refusal but was overturned at planning panel. The application was recommended for refusal on highway safety grounds due to details on how the servicing of the competing uses would take place, noise and disturbance and lack of precision regarding the final appearance and effect of the scheme.

04/04382/VOC Extension of opening hours to allow 24hr use GRANT 24.02.2005

Use for 24 hours a day was not granted however a temporary permission allowing operation up until 03:00 was granted with the following conditions attached:

1. The extension of opening hours hereby permitted shall be temporary for a period of two years from the date of this notice, after which the premises shall revert back to the previously approved opening hours of 0900 to 2300.
2. The use of the premises shall be restricted to the hours of 0900 - 0300, Monday to Sunday, including Bank or Public Holidays.

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS1 Achieving Good Design
DS3 Urban Character
DS5 Safe and inclusive Places
EN8 Environmental Protection
TR2 Parking Policy

Parish Council:

N/A

Publicity and Number of Representations:

The application was advertised by way of a site notice and neighbour notification letter. The statutory publicity date expired on the 3 June 2017. At the time the report was written 6 objections had been received with 54 letters of support and three separate petitions supporting the scheme with a total of 51 signatures on. The comments are summarised in the section below.

Summary of Representations Received:

Objections

Nuisance starting in the evenings all the way to the early hours of the morning
Noise from talking and shouting loudly in the car park area

Noise from cars all the way through the night sometimes up to 5-6am
This invasion of resident's privacy has been going on for many years now and needs to stop
All the support letters are from people who don't live nearby
Traffic issues as members use the Great Horton Road entrance as an exit

Support

Beneficial to members and the centre
Due to shift patterns these extended hours would allow shift workers to use the premises
Gives young people something to do
Should support local business
Safe environment
Visiting the premises for a number of years in the early hours of the morning
Taxi drivers finish shift and then go play snooker
The snooker centre doesn't add to the existing noise in the area from businesses opening late and

Consultations:

Highways Development Control: The change of hours makes no difference in terms of highway safety. However the one way system needs to operate due to the highway safety implications of vehicles exiting onto Great Horton Road when vehicles are waiting to enter.

Environmental Health: The findings of the noise survey report are not disputed however the professional opinion is that extending the hours to 04:00 with Grantham Road being the only exit out of the site could potentially increase the noise levels on this residential road with cars exiting at different times causing sleep disturbance.

Summary of Main Issues:

1. Principle
2. Visual amenity
3. Residential amenity
4. Highway safety

Appraisal:

1. Principle

The use of the building as a snooker hall is established, this application seeks to extend the hours of use from 09:00 - 23:00 Monday to Sunday to 09:00 – 02:00 Monday to Sunday but for a temporary period of 18 months from the date of the decision. This temporary permission is proposed to allow the Council sufficient time to assess the impact of the development on the neighbouring residential street of Grantham Road where complaints about noise and general disturbance have been received.

As shown in the history of the site a temporary extension of the hours was approved under application 04/04382/VOC. This 2004 application was originally for a 24 hour use which was recommended for refusal however the panel resolution was to approve a temporary permission which would allow opening from 09:00 until 03:00 for a period of two years. This temporary permission was to enable the Council time to determine the impact on future residential units being created adjacent to the site in the form of student accommodation. After this two year period the use should then have reverted back to the originally approved hours of 09:00 until 23:00.

Having spoken with the applicant and looking through comments received as part of the publicity on the application it appears the snooker centre has been opening later than its 23:00 permission and this application seeks to agree extended hours of use. Originally the application was submitted for hours of use until 04:00 Monday to Sunday on a permanent basis but if the whole site operated at these times and used the Grantham Road exit then it is felt there would likely be issue of noise and general disturbance affecting neighbouring residents. The two main issues to address in greater detail are residential amenity and highway safety.

2. Visual amenity

The development seeks only to extend the hours of use. There are no implications in terms of visual amenity.

3. Residential amenity

The site is accessed from Great Horton Road via a narrow archway. This provides both pedestrian and vehicular access to the site. The site has its own car park in front of the building.

The snooker centre was approved with a one way system which involved access from Great Horton Road and egress via a narrow gated exit on the Grantham Road boundary of the site. This one way system was again required for the temporary permission to extend the hours of use on the 2004 application. It does not appear this one way system has been in operation continuously since the snooker centre was granted permission. This factor is critical as to how this application is considered and what decision is made.

The application has been discussed at length with highways who are not prepared to allow egress onto Great Horton Road due to the highway safety implications it would raise. The narrow opening does not allow two way vehicle movements and as such it could lead to vehicles entering the site having to stop and wait on Great Horton Road to allow vehicles leaving the site to exit. As the Great Horton Road area has a lot of late night activity if members of the snooker club exited from this side there would be less disruption to the residents of Grantham Road which is a quieter residential area. Unfortunately this is not possible due to the above highlighted highway safety concerns and therefore the recommendation is made based on Grantham Road being used as an egress as originally determined.

The Grantham Road exit is next to an end terrace house and is controlled by some metal gates which prevent access into the site from this side. If this exit is used more regularly and until the early hours of the morning there will be higher levels of disturbance to the neighbouring residents of this relatively quiet street. It is also worth noting the buildings making up this mill complex are not fully occupied and if in full use there could potentially be a significant increase in vehicular movements through the site. If this is allowed until the early hours of the morning it would lead to significant noise concerns.

The applicant has commissioned a noise report which was submitted to the Council and which has been assessed by the Council's Environmental Health officer. The report concluded that there would not be an adverse impact on residential amenity during the hours the business has applied for due to background noise levels and the noise from cars and people exiting the building. The Council's Environmental Health officer has noted and accepted the findings of the report but stresses that whilst the noise resulting from comings

and goings did reach levels that would have resulted in a nuisance it is difficult to control noise from cars and people as these factors are out of the control of the owners. In addition, there is uncertainty as to whether the egress onto Grantham Road has been regularly used over the years and particularly at the time of the noise survey. Consequently it is difficult to conclude what the level of harm is from the increased hours of use. This is critical and this is why a temporary permission is proposed to enable the Council to fully understand the impact whilst the Grantham Road exit is being used rather than Great Horton Road which clearly would have less of an impact due to the existing late night opening of other establishments in the Great Horton Road area.

A further point to make is that the site is not fully occupied yet and increased traffic from a fully occupied mill complex would increase the noise and type of vehicles coming through the site and if extended hours are allowed for one use then it would be unreasonable to limit the hours of use on other premises within the complex and this would likely lead to additional harm to neighbouring occupants on Grantham Road.

4. Highway safety

The planning permission for the change of use to the snooker hall was granted subject to a one way system being implemented and maintained. This one way system was also applied to the creation of the wedding venue next door and the gym fronting onto Great Horton Road. The signage for the one way system has been put in place and there is a gated egress onto Grantham Road however this is generally closed and at the time of the site visit the gates were locked. It is suggested by the applicant the gates are locked for security and the gates are opened by stewards to let members out. The approval in 2003 for the snooker hall required the installation of a metal plate across the access from Great Horton Road to prevent it being used for egress. It appears the metal plate was put in place but then concreted over to allow the Great Horton Road exit to be used as an exit point.

Highways have concerns with the Great Horton Road entrance also being used for egress due to the narrow nature of the archway and due to poor visibility onto Great Horton Road.

In terms of highway safety there are no objections to the proposal subject to the one way system operating and again this should be conditioned as part of any approval to increase the hours of use. The plans do show a one way system and that a metal plate would be installed close the archway. The details of this system have been provided and a condition that the one way system is implemented would be prudent.

Community Safety Implications:

There are no foreseen 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 that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Temporary Planning Permission

It is considered that in the context of the area the extension of the hours of use until 2 am for a temporary period of 18 months will give the local planning authority an opportunity to fully

assess the impacts on surrounding residents with the one way system being in operation. The temporary approval is considered to accord with policies DS1, DS3, DS5 , TR2 and EN8 of the Core Strategy Development Plan Document.

Conditions of Approval:

1. In accordance with the details shown on the submitted plans and additional specification contained within the Materials document ref 17025-DC-02 within 56 days of this decision the one way system shall be implemented in full and retained whilst the use subsists.

Reason: In the interests of highway safety and to accord with Policy DS5 of the Core Strategy Development Plan Document and guidance within paragraph 35 of the National Planning Policy Framework.

2. The use of the premises shall be restricted to the hours of 0900 - 0200, Monday to Sunday, including Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policies EN8 and DS5 of the Core Strategy Development Plan Document.

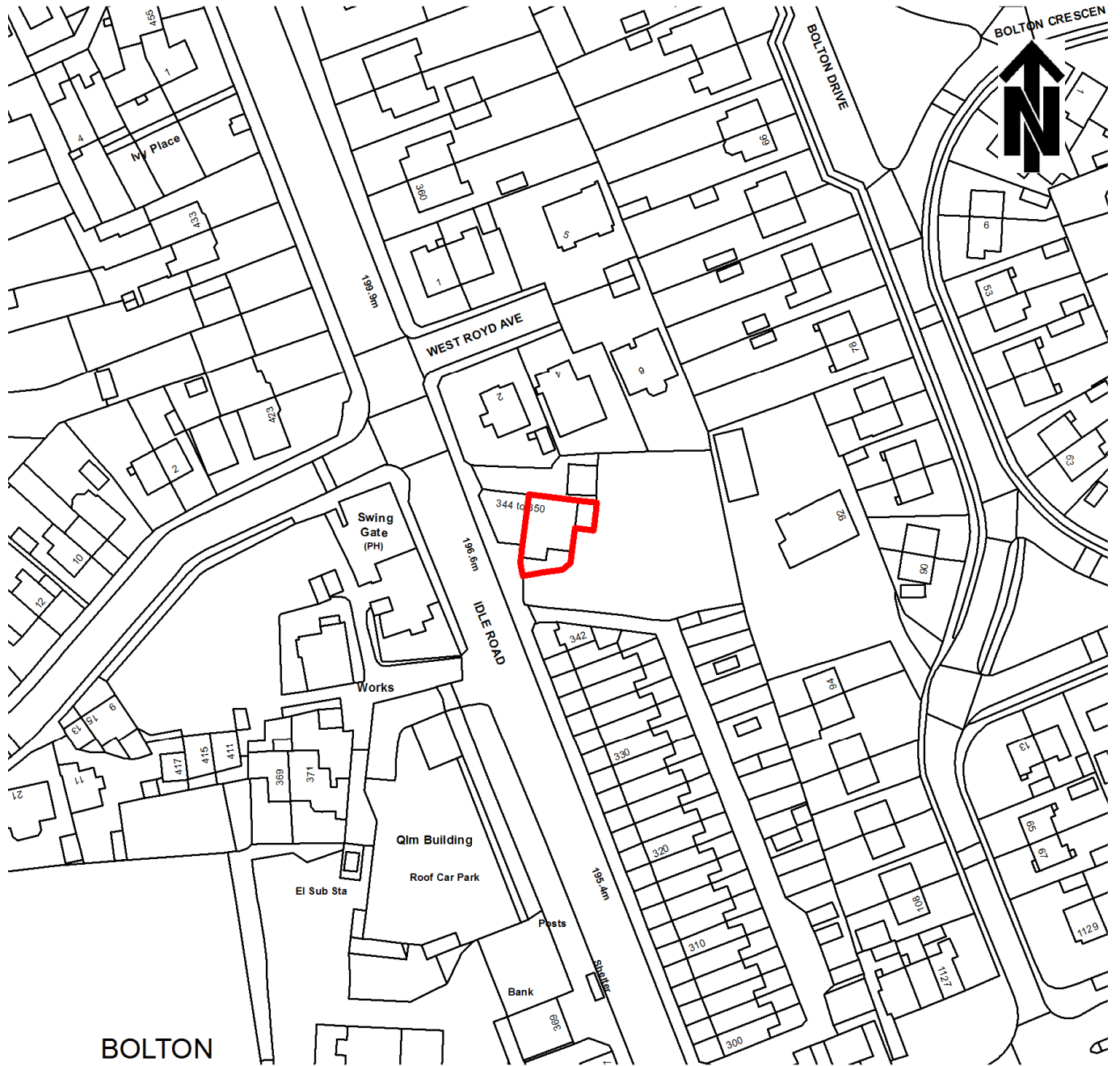
3. The extension of opening hours hereby permitted shall be temporary until the 13th of June 2019, after which the premises shall revert back to the previously approved opening hours of 0900 to 2300.

Reason: In the interest of residential amenity and to accord with policies EN8 and DS5 of the Core Strategy Development Plan Document.

17/05221/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



BOLTON

1:1,250

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344 - 350 Idle Road
Bradford
BD2 2AL

13 December 2017

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

Application Number:
17/05221/FUL

Type of Application/Proposal and Address:

This is a full planning application for the change of use of the building from an A1 retail unit to an A4 bar at 344-350 Idle Road, Bradford.

Applicant:

Mr Chris Surtees

Agent:

N/A

Site Description:

The site comprises a vacant retail unit within a two-storey building located on Idle Road, between the junctions with Myers Lane and Bolton Road. The application site faces onto Gatehouse Mews, which is a small cul-de-sac of new residential properties. The surrounding area is mostly residential, although there is an adjoining beauty salon in the unit fronting onto Idle Road and a public house on the opposite side of Idle Road.

Relevant Site History:

91/00533/FUL - Replacement shop framing - Granted 23.04.1991

04/00956/FUL - Installation of roller shutters to shop windows and office area – Refused 19.04.2004

05/01095/COU - Change of use of first floor shop to living accommodation – Granted 26.04.2005

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use purposes in the Replacement Unitary Development Plan. Accordingly, the following adopted Core Strategy policies and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS3 Urban Character
DS5 Safe and Inclusive Places
TR2 Parking Policy
EN8 Environmental Protection

Parish Council:

Not in a Parish

Publicity and Number of Representations:

The application was advertised by site notice. The publicity period expired on 23rd October 2017. The LPA has received 39 objections and 11 letters of support.

Summary of Representations Received:

Objection:

- Don't need another bar in this area
- Impact on residents
- Noise, nuisance and disturbance
- Effect on quality of life
- Impact on house values
- Existing parking issues will be made worse
- Antisocial behaviour

Support:

- Great for the community
- Good addition to the area
- Aimed at people wanting a quiet drink
- Lower noise levels than a normal pub
- Plenty of parking during opening hours
- Most people would not drive to the pub
- Prospective employers for local people
- No other micro pubs within walking distance

Consultations:

Environmental Health - No comments received.

Highways DC (verbal discussion) - Part unadopted, part private road therefore no public access or parking in the immediate vicinity of the site therefore reliant upon on-street parking. Object due to lack of parking provision.

Summary of Main Issues:

1. Principle of development
2. Impact on local environment
3. Impact on residential amenity
4. Impact on highway safety
5. Outstanding matters raised by representations

Appraisal:

1. Principle of development

The proposal seeks permission for the change of use of an existing retail unit (use class A1) to a drinking establishment (use class A4) at 344 – 350 Idle Road, Bradford. The unit appears to be vacant at present but appears to have been a wedding shop previously, the adjacent unit is in use as a beauty salon and the upper floor appears to be a residential flat. The surrounding area is primarily residential, although there is a public house and retail unit a short distance away on the opposite side of Idle Road.

The site is not allocated for any specific land-use within the Replacement Unitary Development Plan and is therefore not protected for any particular uses other than those that accord with the general policies of the plan. The principle of the change of use is therefore acceptable in principle, subject to its local impact, as assessed below.

2. Impact on local environment

The proposal seeks permission only for a change of use of the building including some internal alterations and does not include any physical alterations to the exterior of the building. The internal works are largely limited to the creation of a new bar within the existing retail area and subdivision of the existing store into a store and chiller room. The proposal will therefore not materially affect the appearance of the building or wider area. Any other future alterations to windows, doors and signage, for example, may require additional planning permission or advertisement consent, and a footnote drawing the applicant's attention to this should be appended to the decision notice if approving.

The proposed development will therefore have no significant adverse impact on the local environment, thereby acceptable and compliant with the requirements of policy DS3 of the Core Strategy Development Plan Document.

3. Impact on residential amenity

The site is located within a predominantly residential area, with a row of terraced dwellings directly South and another row directly to the East of the application site which face onto the front and side of the proposed bar. There also appears to be a residential flat directly above the proposed bar.

The proposal does not include any physical alterations or extensions to the building that would result in a direct impact on neighbouring properties in terms of overbearing, overshadowing or loss of outlook.

Although the useable area of the proposed bar open to the public will be relatively small – approximately 35sqm – the total floor area of the unit is approximately 104sqm. Despite the small scale of the bar, it would nevertheless result in a significant adverse impact on the occupants of neighbouring properties. The site is surrounded by residential properties, which would experience significant noise and disturbance as a result of customers visiting the bar and also from customers smoking and congregating outside the bar, where the only outdoor space is concentrated to the front and side of the building. This outdoor area is within close proximity of adjacent residential properties and would therefore likely lead to significant noise, disturbance and an unacceptable impact on living conditions for local residents.

The application does not specify any proposed opening hours and although an appropriately worded condition could control this, the impact on neighbouring occupants is considered sufficiently severe to warrant a refusal. On this basis, the proposal is contrary to the requirements of policies DS5 and EN8 of the Core Strategy Development Plan Document.

4. Impact on highway safety

The proposal does not include any dedicated off-street parking for use by customers or staff. Appendix 4 of the Core Strategy Development Plan document detailed the parking requirements for different types of development. Proposals for A4 uses should provide 1 space per 5-10sqm if they meet certain accessibility criteria, otherwise they should provide 1 space per 5sqm. The proposal therefore generates a requirement for up to 20 parking spaces when considering the total floor area of the application building. Taking only the publicly accessible bar area would require 7 parking spaces. As such, the lack of any parking spaces results in the proposal failing to comply with the requirements of Appendix 4 of the Core Strategy Development Plan Document.

The proposal would result in a greater demand for on-street parking, where there are currently parking restrictions along the majority of this busy stretch of Idle Road. It is noted that there is a small section of on-street parking available on Idle Road adjacent to the site, however, this could likely only accommodate up to 3 or 4 vehicles. The proposal therefore falls below the minimum parking requirements set out in Appendix 4 of the Core Strategy and could therefore result in indiscriminate parking within the small cluster of residential properties on Gatehouse Mews or on Idle Road.

Although it is acknowledged that the majority of customers would not drive to the site, there are no guarantees that this would always be the case. The Core Strategy sets out minimum parking requirements to mitigate any risk to highway and pedestrian safety, and the lack of off-street parking provision could lead to indiscriminate parking in the local area and conflict with existing road users and local residents. For this reason, the proposal is unacceptable and contrary to the requirements of the Core Strategy Development Plan Document and the National Planning Policy Framework.

5. Outstanding matters raised by representations

Some representations have commented that there are sufficient bars in the local area, whilst others have commented that there are not enough bars in the area. Other representations have raised concern with the impact on house values and potential for antisocial behaviour. *Comment: The number of bars in the area, the impact on property values, and the potential for antisocial behaviour are not material planning considerations and cannot be taken into account in the assessment of the 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.

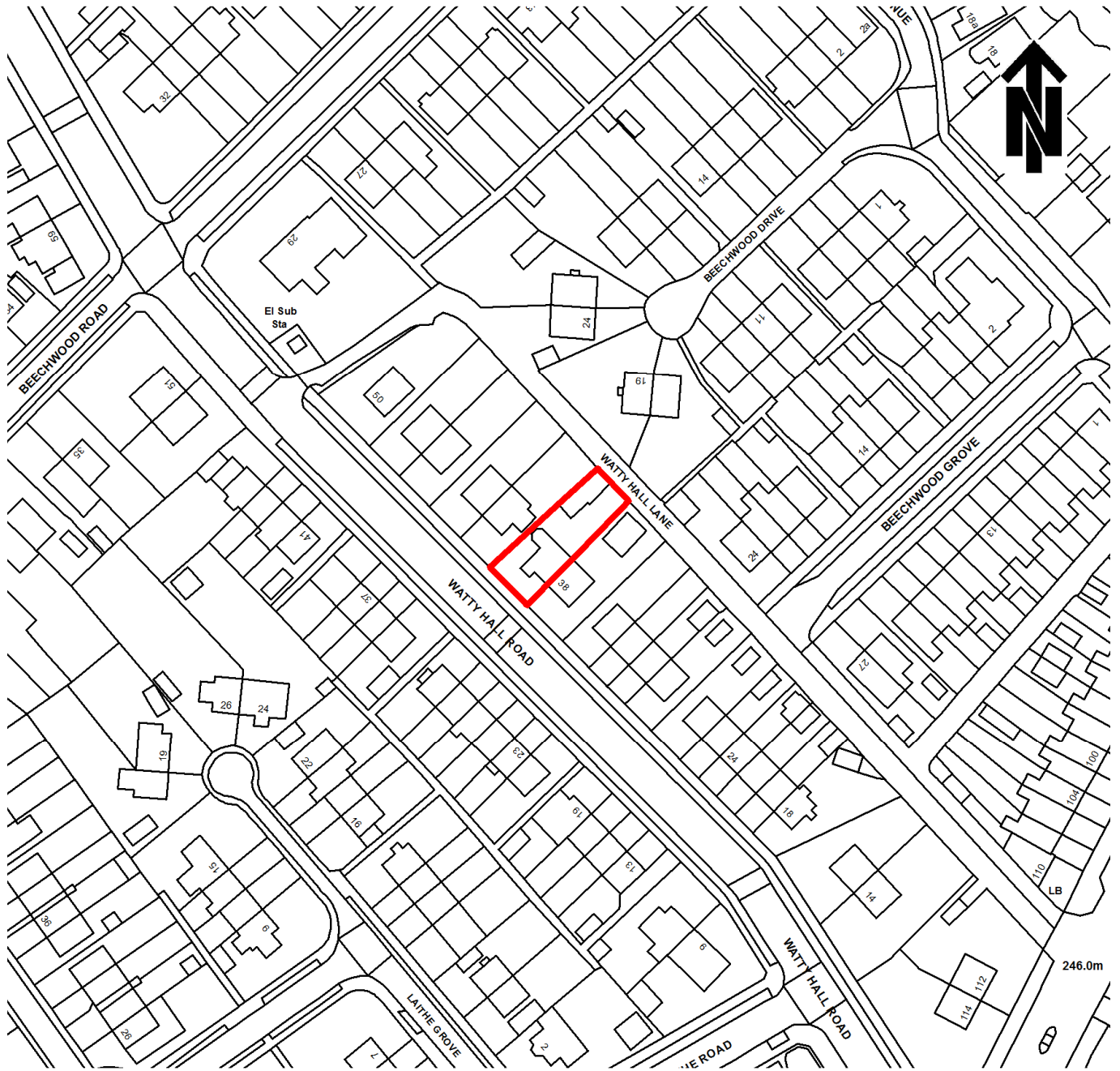
Reasons for Refusal:

1. The proposed change of use would result in a significant adverse impact on the occupants of neighbouring residential properties due to the noise and disturbances associated with customers visiting the site and congregating outside the bar in close proximity to residential properties. The proposal is therefore unacceptable and contrary to the requirements of policies DS5 and EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.
 2. The proposed development fails to provide suitable and sufficient accommodation within the site for parking. Consequently, the proposal would likely result in an increased number of vehicles parking on Gatehouse Mews, which is a small residential cul-de-sac and on Idle Road where there is limited public parking available on this busy stretch of highway. The development therefore fails to comply with the requirements of Policy TR2 and Appendix 4 of the Council's Core Strategy Development Plan Document and the National Planning Policy Framework.
-

17/04039/HOU



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1:1,250

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40 Watty Hall Road
Bradford
BD6 3AP

13 December 2017

Item: G
Ward: WIBSEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
17/04039/HOU

Type of Application/Proposal and Address:
A retrospective application for the construction of decking at 40 Watty Hall Road, Wibsey.

Applicant:
Mr Wahid Rashid

Agent:
Unique Architectural Design LTD

Site Description:
The site consists of a semi-detached dwelling within a street of similar house types. The properties have large rear gardens which run down to a service road. The rear gardens are set at a lower level to the ground floor level of the dwelling. The property has a store built in the rear garden and the property has established boundary treatments around the garden. The decking has already been constructed and this has been added to the roof of the store room.

Relevant Site History:
15/01973/HOU: Construction of two storey side extension Granted 06.08.2017
13/05203/CLP: Construction of rear dormer Granted 04.02.2014

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

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

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

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS1 Achieving Good Design
DS3 Urban Character
DS5 Safe and inclusive Places

Other Relevant Legislation/Guidance

The Council's adopted Householder Supplementary Planning Document

Parish Council:

N/A

Publicity and Number of Representations:

The application was advertised by way of neighbour notification letters. There were no objections to the application but 8 letters of support were received including one from a local ward councillor. A summary of the comments can be viewed below.

Summary of Representations Received:

The decking is considered to be an improvement on the previous decking
The decking looks acceptable and it does not impact on residential amenity.

Consultations:

None

Summary of Main Issues:

1. Background
2. Residential amenity
3. Visual amenity
4. Highway safety

Appraisal:**1. Background**

The application has been made retrospectively and relates to the construction of decking to the rear of 40 Watty Hall Road.

There was previously decking at the premises but this was removed, replaced and extended beyond the extent of the previous decking onto a storage building. This element of the decking results in an adverse impact on the area to the rear of the premises and also increases overlooking to the neighbouring property and outdoor amenity space.

It was requested that this end section of the decking was removed and the remainder would likely get officer support.

2. Residential amenity

The decking covers a large area to the rear of the property. Whilst all the decking is now new it has replaced what was previously on site for what appeared to be a significant amount of time. The decking previously would have allowed some overlooking to the neighbouring gardens due to the difference in levels and the relationship between the neighbouring properties. It is considered by increasing the depth of the decking on top of the garden store the level of overlooking to the neighbouring property has been significantly increased. This is because it is now easier to look into the rear habitable windows of the adjoining dwelling due to the decking extending a total of 9 metres from the rear wall of the host dwelling. Whilst this element is set away from the neighbouring dwelling due to the depth the impact is considered to be harmful in terms of overlooking. The applicant believes views into the neighbouring property cannot be achieved however this is only one element of the privacy concern.

Loss of privacy can also come from the perception of being overlooked. Occupants of the adjoining dwelling would be able to clearly see people on the decking when sitting in their living room and this would give a clear perception of being overlooked and result in harm to residential amenity. If the decking was brought back to its original depth this impact on the neighbouring occupants would be significantly reduced. The length of the decking and height on top of the store increases the level of overlooking to the garden area of the adjoining dwelling. Whilst views of the neighbours garden could have been achieved from the previous decking the increased size and length adds to the impact on the neighbours in terms of overlooking and loss of privacy. The development is considered to be unacceptable in terms of residential amenity and fails to accord with policy DS5 of the Core Strategy Development Plan Document and the Householder Supplementary Planning Document.

3. Visual amenity

The decking extends some 9 metres from the rear wall of the dwelling into the garden area. A large amount was replacing the decking that was there previously; however there is a significant addition of decking on top of a garden store within the rear garden of the property and this has been linked to the decking to create one large platform. Due to the decking being located on top of a garden store within the rear garden the decking is significantly raised up from the ground level of the garden which is set down from the floor level of the house. The properties to the rear are also at a lower level and the decking is clearly visible within the area. The raised nature, materials and contrast in terms of design with other outbuildings and structures within the gardens in the area the development is considered to have a harmful impact on the area in terms of visual amenity. The development is considered to be contrary to policies DS1 and DS3 of the Core Strategy Development Plan Document and the Householder Supplementary Planning Document.

4. Highway safety

The development does not raise any highway safety implications.

Community Safety Implications:

There are no foreseen 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 that any issues with regard thereto are raised in relation to consideration of this application.

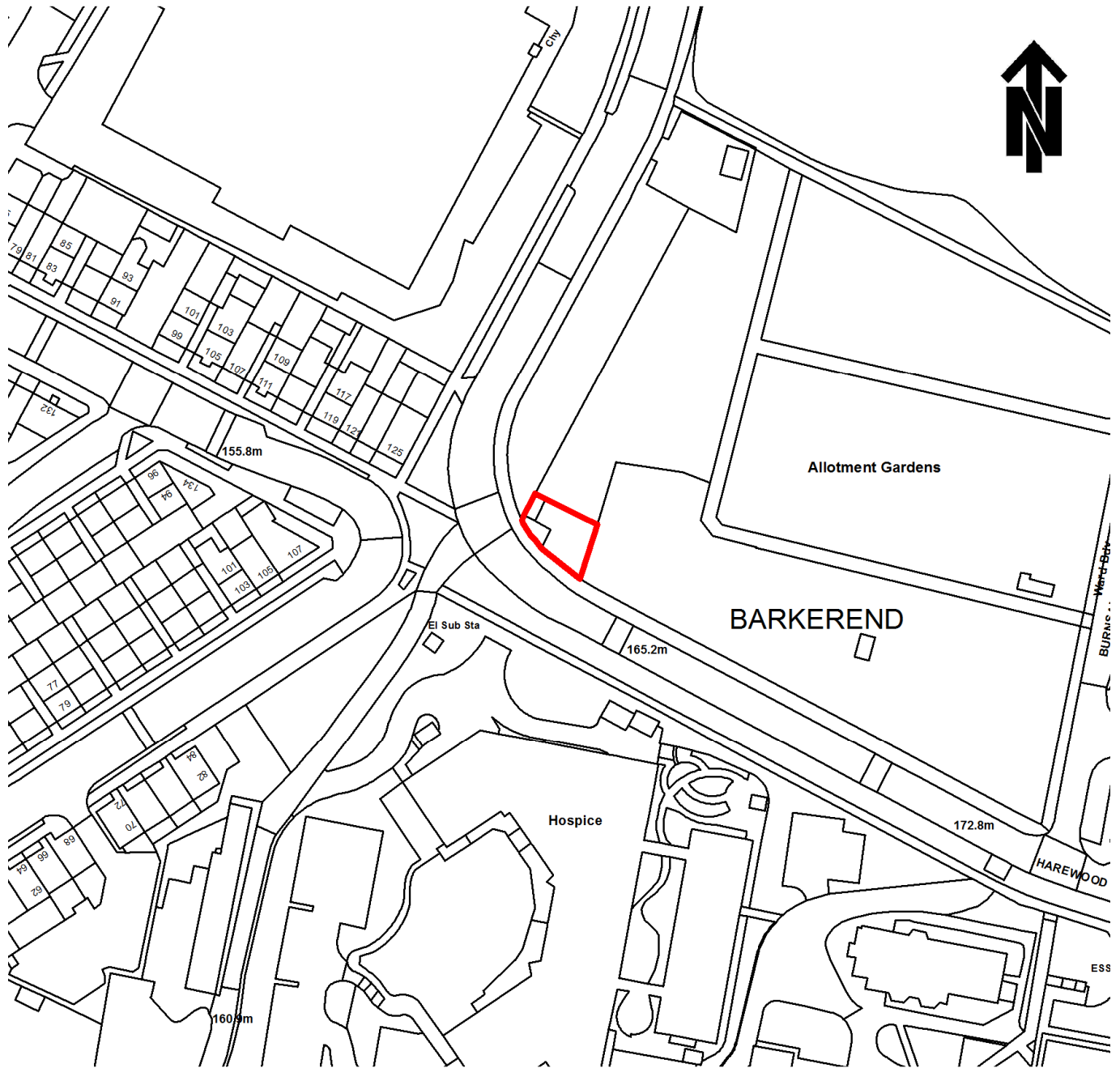
Reasons for Refusal:

1. The raised decking creates the opportunity for direct and unobstructed views of the private amenity space of neighbouring properties at close quarters and the rear habitable room of the adjoining dwelling. As such it is detrimental to the amenity and privacy of existing and future residents and is contrary to policy DS5 of the Core Strategy Development Plan Document and the Householder Supplementary Planning Document.
 2. The decking is in an elevated and prominent position and extends some 9 metres from the rear elevation of the host dwelling and has partly been constructed on top of a garden store building. As such, the development presents an incongruous and prominent feature which is detrimental to the appearance of the wider environment. The decking is contrary to policies DS1 and DS3 of the Core Strategy Development Plan Document and guidance in the Householder Supplementary Planning Document.
-

17/04388/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



13 December 2017

Item: H
Ward: BOWLING AND BARKEREND

Recommendation:
THIS ITEM WAS DEFERRED FROM A PREVIOUS PANEL (NOVEMBER 2017)
TO REFUSE PLANNING PERMISSION

Application Number:
17/04388/FUL

Type of Application/Proposal and Address:
A full planning permission is sought for the construction of a domestic storage building, Land east of 125 Harewood Street, Bradford.

Applicant:
Ihsan Rehman

Agent:
Khawaja Planning Services

Site Description:
The site lies at the inside of a sharp road bend connecting Gilpin Street and Harewood Street. The application site is at the edge of a field designated for allotment gardens.

Relevant Site History:
There is no directly relevant planning history.

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.

The Local Plan for Bradford:
The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for

the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is allocated as Open Land in Settlements on the RUDP. Accordingly, the following adopted Core Strategy and saved RUDP policies are applicable to this proposal.

Core Strategy Policies:

DS1 – Achieving good design
DS3 – Urban character
SC9 – Making great places
TR2 – Parking policy

Saved RUDP Policies:

OS6 – Allotments

Parish Council:

N/A

Publicity and Number of Representations:

The application was publicised by way of site notices. The overall expiry date was 3 September 2017. One supporting letter from a Ward Councillor was received.

Summary of Representations Received:

This land has been an eye sore for a number of years and constantly attracts fly tipping. Development would stop this on-going problem.

Consultations:

Coal Authority - The applicant has submitted some coal mining information to accompany the planning application, however, the Coal Authority does not consider this adequately addresses the impact of coal mining legacy on the proposed development. The Coal Authority therefore objects to this planning application, and consider that the applicant needs to submit the required Coal Mining Risk Assessment Report, or equivalent, to the Local Planning Authority.

Drainage - No objections subject to conditions.

Yorkshire Water - No objections

Highways - Due to off street parking the proposal could lead to conditions prejudicial to highway and pedestrian safety.

Summary of Main Issues:

1. Principle of the Development
2. Design/appearance
3. Highway safety
4. Land stability
5. Other matters raised by representations.

Appraisal:

1. Principle of the Development

Whilst the application is described as a domestic storage building in connection with the occupiers of 125 Harewood Street the proposed building is significantly larger than the house it is intended to serve. Under normal circumstances such a structure would be ancillary to the building it serves. This would normally be a subservient structure within the curtilage of the building it serves. The proposed structure is 15.5m wide and 7m tall and is therefore clearly not an ancillary structure. It is not clear from the submitted information why a building of this size and scale and which is divided in two is required for 'domestic' storage. The elevation drawings show high level windows which appear to show a first floor.

Furthermore, the site is allocated as open land in settlements on the RUDP. Policy OS6, in order to ensure that allotments are protected, provides a presumption against development unless alternative provision can be made or community support for the allotments is demonstrably negligible. Given that the application does not make an argument under these exceptions the proposed scheme for a domestic storage building would conflict with policy OS6 of the Council's RUDP which seeks to protect allotments. The principle of the development is therefore not acceptable.

2. Design/Appearance

The Strategic Core Policy SC9 and Policy DS1 and DS3 of the Core Strategy require planning decisions to create high quality places through good design and use of materials and taking opportunities to improve areas to make them as good as they can be.

The proposed building is a bland virtually featureless structure of a low quality design. Render finish is proposed for the walling and corrugated roofing sheets are proposed for the roofing. This significantly contrasts against backdrop of nearby Victorian housing with their characteristic use of stone and slates.

The proposed building through use of substandard use of material and poor design would appear unduly strident, materially harming the visual amenities within its setting and therefore would conflict with Policy DS1, DS3 and SC9 of the Councils Core strategy.

3. Highway Safety

There is no off street parking proposed as part of the development and given the scale of the building proposed it is likely loading and unloading would take place from the street on a sharp bend which could lead to conditions prejudicial to highway and pedestrian safety. This is a particular issue as there is conflict between the claimed end use of the building and its scale.

4. Land Stability

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically recorded historic underground coal mining activity at shallow depth.

The Applicant has submitted some coal mining information to accompany the planning application however, the Coal Authority does not consider this adequately addresses the impact of coal mining legacy on the proposed development.

It is a requirement of the National Planning Policy Framework, paragraphs 120-121 that the applicant demonstrates to the satisfaction of the Local Planning Authority that the application

site is safe, stable and suitable for development. In addition the National Planning Practice Guidance in section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the Applicant need to submit a Coal Mining Risk Assessment Report as part of this application, prepared by a suitably qualified person. Without such a risk assessment, the Coal Authority advises that the submitted Coal Mining Report provides insufficient information to determine this application and therefore objects to this proposal. The Coal Mining Report provides the basic coal mining information in relation to the application site; it does not provide an assessment of the risks to any proposed new development on the site.

In the absence of an adequate Coal Mining Risk Assessment the Council has insufficient information in regards to the stability of the site to fully assess this proposal.

5. Other matters raised by representations.

It is contended that the site has been an eye sore for a number of years and constantly attracts fly tipping and the proposed development would stop this problem. It is Officers view that an allotment use, as designated in the RUDP proposals map, would also achieve the same purpose of preventing fly tipping. Furthermore there are other less intrusive ways of securing the site in order to prevent fly tipping.

Community Safety Implications:

There are no apparent community safety implications. The safety implications expressed via representations have been addressed.

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:

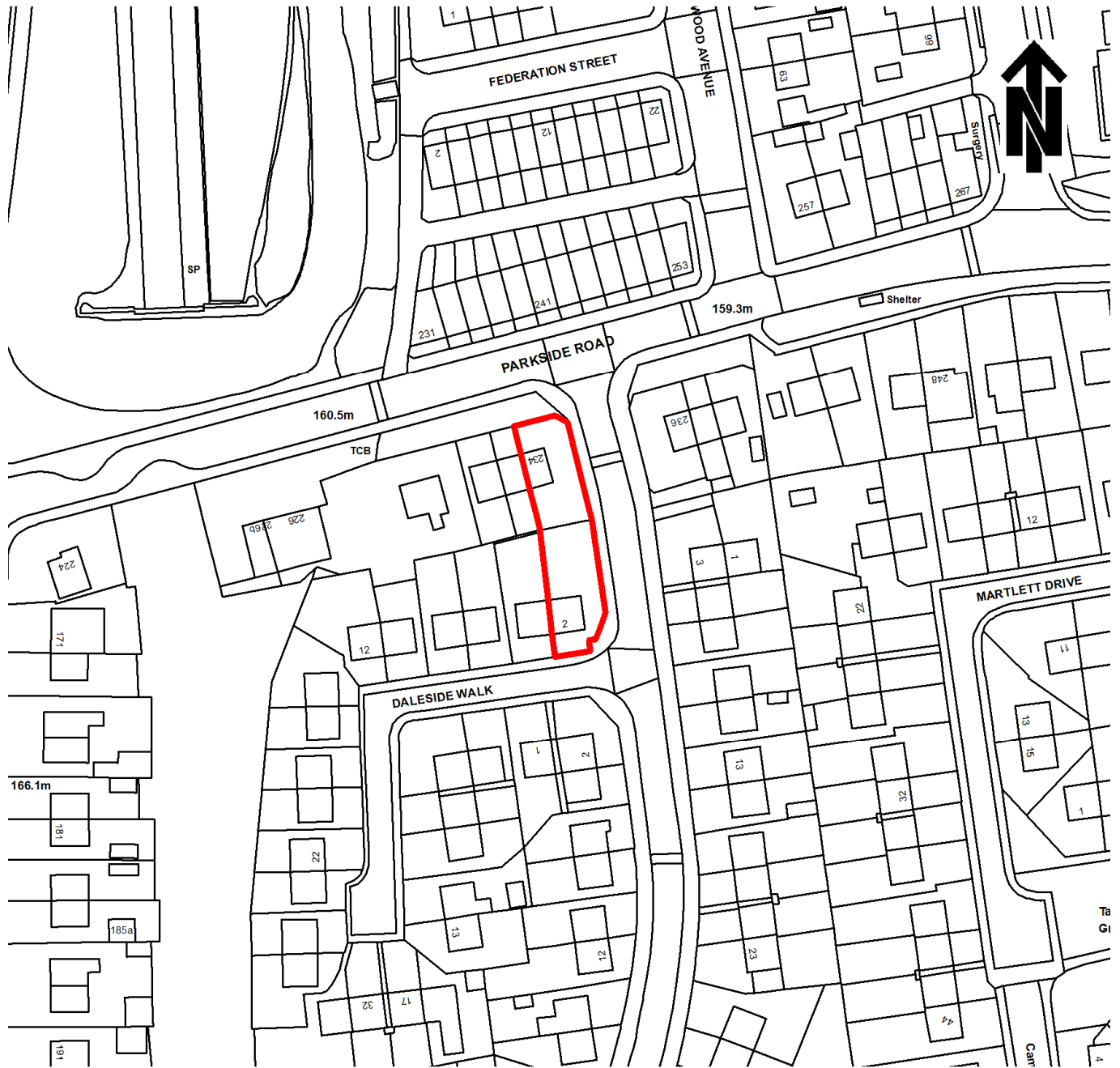
1. The site is allocated for open land in Settlements in the RUDP. Under Policy OS6, in order to ensure that allotments are protected there is a presumption against development unless alternative provision can be made or community support for the allotments is demonstrably negligible. The application does not make an argument under these exceptions and therefore the proposed scheme for a domestic storage building would conflict with policy OS6 of the Councils RUDP which seeks the protection for allotments.
2. The proposed building is a bland virtually featureless structure of a low quality design. Render finish is proposed for the walling and corrugated roofing sheets are proposed for the roofing. This significantly contrasts against backdrop of nearby Victorian housing with their characteristic use of stone and slates. The proposed building through use of substandard design and materials would appear unduly strident, materially harming the visual amenities within its setting and therefore would conflict with Policy DS1, DS3 and SC9 of the Councils Core strategy.

3. There is no off street parking proposed as part of the development and given the scale of the building particularly, as in terms of footprint it is larger than the house it is intended to serve, it is likely loading and unloading would take place from the street on a sharp bend which could lead to conditions prejudicial to highway and pedestrian safety contrary to policy TR2 of the Core Strategy.
 4. In the absence of an adequate Coal Mining Risk Assessment, the application has not demonstrated to the satisfaction of the Local Planning Authority that the application site is safe, stable and suitable for development. This is contrary to paragraphs 120-121 of the National Planning Policy Framework.
-

17/04980/VOC



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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Madrasah Nur Qur'An
234 Parkside Road
Bradford
BD5 8PW

13 December 2017

Item: I
Ward: LITTLE HORTON
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
17/04980/VOC

Type of Application/Proposal and Address:

The application is to vary condition 6 of planning permission 10/05892/FUL and change the hours of use of the madrassa at 234 Parkside Road, West Bowling, Bradford. The application seeks to vary the hours from 10:00 to 19:00 to 11:30 to 23:00 each day.

Applicant:

Mr Amir Raja

Agent:

N/A

Site Description:

234 Parkside Road is the end terrace property of a row of three. The building, in conjunction with 2 Daleside Walk, was granted planning permission for a change of use from residential use to a madrassa in 2010. The locality is an established residential area and the remainder of the row are still in a residential use. The building has had limited external alteration.

Relevant Site History:

75/03565/FUL: Garage, granted 23.07.1975.

08/01134/FUL: Construction of 5 foot high steel fence around domestic dwelling, refused 01.05.2008.

10/00554/FUL: Change of use of existing dwelling into community learning centre for children, part of Bowling Park Community Project Initiative, and external metal escape stair to first floor, refused 01.04.2010.

10/04270/FUL: Change of use to existing dwelling into an education resource learning centre, withdrawn 26.11.2010.

10/05892/FUL: Change of use of existing dwelling to an education resource learning centre, granted 06.04.2011.

15/02613/VOC: The application sought to vary the hours from 10:00 to 19:00 to 11:30 to 23:30 each day, withdrawn

The National Planning Policy Framework (NPPF):

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

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

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

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

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS5 – Safe and Inclusive Places
EN8 - Environmental Protection

Parish Council:

Bradford Trident Community Council - No comments received.

Publicity and Number of Representations:

The application has been publicised by a site notice and individual neighbour notification letters. The publicity period expired on 12th October 2017 and 13 representations in support of the proposal were received.

Summary of Representations Received:

The representations received in support cite the following reasons:

- To improve access to the facilities for working adults within close proximity to their homes
- Educational and social benefits to the community

Consultations:

Environmental Health - The Environmental Health Officer objects to the extended hours due to the potential increase in noise and disturbance that will occur from the coming and goings and people gathering outside the premises.

Summary of Main Issues:

1. Impact on neighbouring amenity

Appraisal:

1. Impact on neighbouring amenity

The application to create a madrassa at 234 Parkside Road was approved on the third application, subject to conditions in order to overcome previous concerns regarding parking and neighbouring amenity. This application seeks to vary condition 6 of the approval, which reads:

The use of the premises shall be restricted to the hours from 10:00 to 19:00 seven days per week including Sundays, Bank or Public Holidays, as stated on the submitted application form.

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

The variation would see the use of the premises changed to between the hours of 11:30 and 23:00. The motivation behind the application is stated as to meet local demand. A previous application to change the hours to those between 04:00 and 23:30 was recommended for refusal on amenity grounds prior to the application being withdrawn.

The application was approved in 2010 as an education resource learning centre (Use Class D1). The application stated that the property would seek to accommodate 10-12 children with 2-3 hour learning session between the hours noted above. The hours of use was attached as a condition to mitigate the potential for noise and disturbance for neighbouring residents, particularly those that are immediately adjacent to the property. The properties close relationship with residential properties also resulted in the requirement for a noise insulation scheme.

Given the proximity to neighbouring residential properties the relationship is clearly finely balanced, and an extension of the hours beyond those approved is likely to compromise this arrangement. Whilst the noise insulation scheme previously conditioned may mitigate this to a degree, it is unlikely to be sufficient to allay the concerns in respect of neighbouring amenity given the hours proposed extend into what would be deemed unsocial. At these times ambient noise levels are low and any noise and disturbance is more keenly felt, and there would be nothing to mitigate the level of general noise and disturbance generated by the comings and goings and vehicular activity associated with the use. The use of the first floor alongside neighbouring bedrooms would be a significant concern at these times. The council's Environmental Health Officer has subsequently objected to the proposal, and refers to a number of complaints of noise and disturbance from similar establishments within the district.

Furthermore, there are no restrictions placed on the property preventing other uses within the D1 use class, it is therefore relevant to consider that other uses within the D1 use class could take place which may exacerbate the above concerns by resulting in a more intensive use of the site.

It is therefore concluded that the variation of this condition would be harmful to neighbouring amenity and refusal is therefore recommended.

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. The issues with regard

thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

Reasons for Refusal:

Extending the hours of use of the premises would be detrimental to the amenities of neighbouring residents by reason of noise, vehicular activity and general disturbance, particularly late at night. As such the proposal would be contrary to the requirements of the National Planning Policy Framework and policies DS5 and EN8 of the Core Strategy Development Plan Document.
