

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 9 May 2018

O

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	110 Manningham Lane Bradford BD1 3ES - 18/00338/FUL [Approve]	Manningham
B	27 Ambleside Avenue Bradford BD9 5HX - 18/01340/HOU [Approve]	Toller
C	29 Ambleside Avenue Bradford BD9 5HX - 18/00221/HOU [Approve]	Toller
D	5 Huddersfield Road Bradford BD6 1BA - 17/06803/OUT [Approve]	Wyke
E	9 Meadowcroft Close Bradford BD10 8UN - 18/00142/FUL [Approve]	Idle and Thackley
F	Cavell House 1 - 2 Eldon Terrace Bradford BD1 3AY - 18/00986/FUL [Approve]	City
G	145 Toller Lane Bradford BD8 9HL - 18/00707/FUL [Refuse]	Toller
H	151 Toller Lane Bradford BD8 9HL - 18/00416/FUL [Refuse]	Toller
I	77 - 79 Girlington Road Bradford BD8 9NN - 18/00018/FUL [Refuse]	Toller

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

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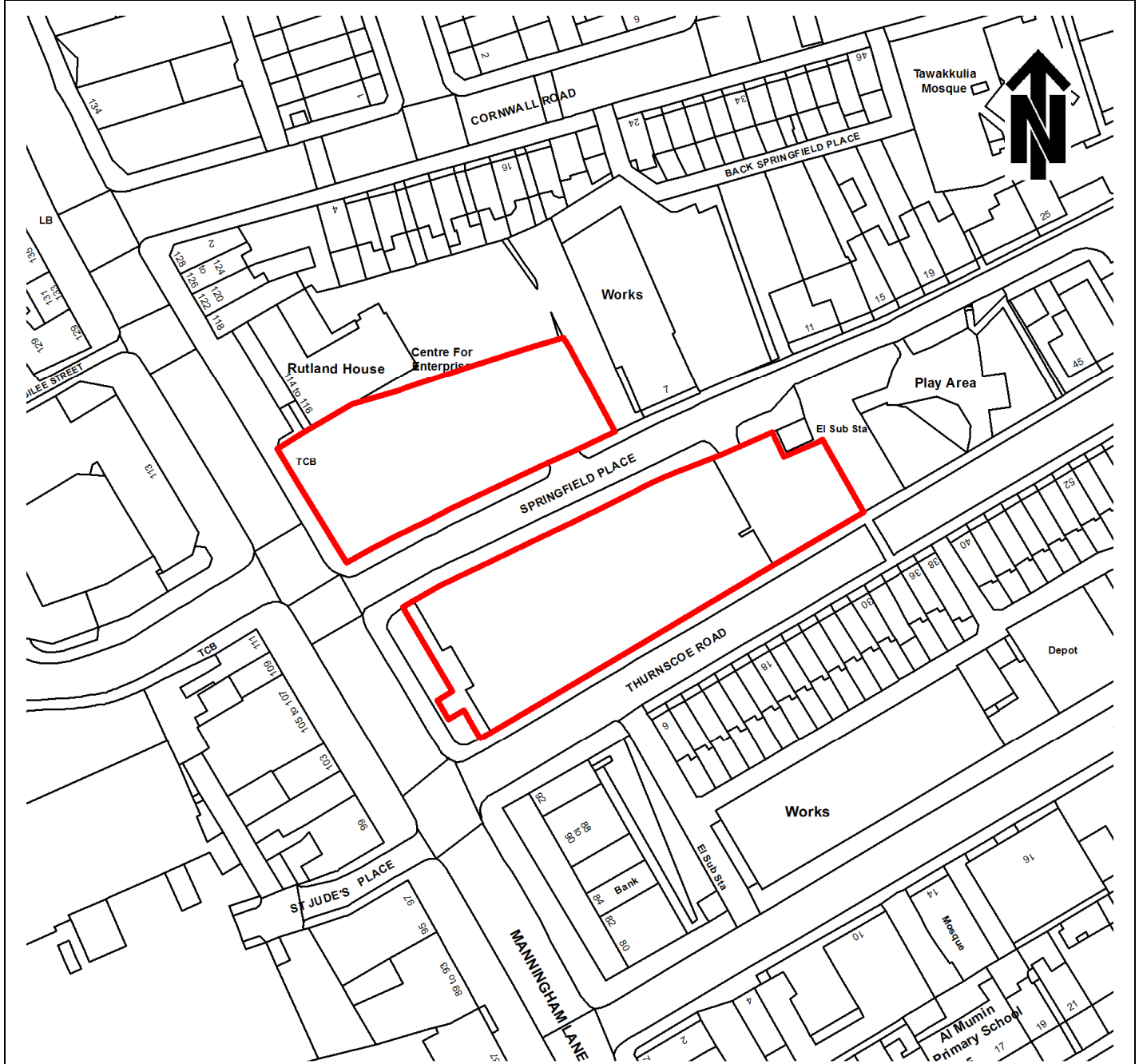
Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Committee Area:
Regeneration and Economy

18/00338/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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110 Manningham Lane
Bradford
BD1 3ES

9 May 2018

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

Application Number:
18/00338/FUL

Type of Application/Proposal and Address:

This is a full planning application to change the use of the former Maestros Nightclub, 110 Manningham Lane to a D2 assembly and leisure facility. The application documents clarify that it is intended for the building to operate as wedding, conferencing and banqueting facility.

Applicant:
Mr Sukhi Singh

Agent:
Mr Andrew Barlow, Spoke Architectural Design Ltd

Site Description:

This is the former Maestros nightclub on Manningham Lane which is bound by Springfield Place to the north, Thurnscoe Road to the south, Manningham Lane to the west and a children's playground to the east. The site also includes a large car park on the other side of Springfield Place. The former nightclub is a very substantial building which is single storey to its Manningham Lane elevation but rises to three storeys on its rear elevation due to the very steep drop in levels to the east. The frontage to Manningham Lane is mainly commercial in nature but there are residential properties in the streets to the rear with the nearest being on Thurnscoe Road. There are also residential properties to the bottom section of Springfield Place and on Cornwall Road. There is some on-street parking available on the surrounding streets but parts of this are reserved for residential permit holders only.

Relevant Site History:

90/04853/FUL - Refurbishment of nightclub and upgrading of adjoining car parks - Granted 10.01.1991.
90/07016/ADV - Provision of a number of self-illuminated neon signs on front elevation - Granted 07.01.1991.
99/00633/FUL - Alterations to provide new entrance and additional storage area -Granted 14.06.1999.
99/01198/FUL - Erection of boundary fencing, gates and security lighting to car park - Granted 21.07.1999.
99/01572/ADV - Installation of various internally illuminated signage - Granted 02.09.1999.
06/08471/FUL - Demolition of nightclub and construction of two apartment blocks with associated underground and external car parking - Deemed withdrawn 28.12.2007.

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 on the RUDP but sits within a Community Priority Area. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

Policy SC9 - Making Great Places
Policy DS1 - Achieving Good Design
Policy DS3 - Urban Character
Policy DS4 - Streets and Movement
Policy DS5 - Safe and Inclusive Places
Policy TR1 - Travel Reduction and Modal Shift
Policy TR2 - Parking Policy
Policy EN8 - Environment Protection Policy
Policy EC5 - City, Town, District and Local Centres

Parish Council:

The site is not within a Parish.

Publicity and Number of Representations:

The application was advertised with a site notice and neighbour notification letters. This publicity period expired on 28 January 2018. Nine objections and two letters of support have been received to date.

Summary of Representations Received:

In objection

- Work has been undertaken without planning permission.
- A massive cordon has been created on Manningham Lane obstructing the public path.
- This site was a nightmare as a nightclub with incredible noise nuisance.
- The proposal will cause harm to the amenities of neighbouring residential properties and will create anti-social behaviour in this area.
- It may be best to demolish it and open it up as a public highway.
- There is insufficient parking to cater for this development. This will lead to increased pressure for on-street parking which will affect local residents and businesses.
- Developer should build a multi-storey car park to resolve the issue of parking.
- Remote car parking on Midland Road will never be utilised as an overspill given the distance from the site.
- Double yellow lines to the front of the site will be ignored by all.
- Bradford City football club is nearby and what is to stop fans parking in the car park?
- Where will service vehicles park?
- Nobody will use public transport to get to the site.
- No thought has gone into the regeneration of the building.
- The Council did not notify all the residents of Thurnscoe Road of the proposal.
- There are already two wedding halls approximately 200 yards away on Manningham Lane and these cause problems for residents when in use.
- The attendees to these events cause inconvenience to local people.
- Fireworks will be let off at ridiculous times.
- Music and sound coming from the building will affect the amenities of the neighbours.
- Residents have been parking in front of the vehicular access from Thurnscoe Road for a period of over 10 years.
- Children regularly cross the road to go to the park behind the site and this proposal will make the road unsafe for young children.
- The proposal will increase the amount of litter thrown into the street and park.

In support

- The building has been empty for many years and the conversion to D2 usage would bring it back into use.
- The increase in the number of visitors will also benefit the local business community.

Consultations:

Highways Development Control - Following receipt of a Transport Statement no further objections are raised subject to a Traffic Regulation Order. Note that the parking requirement for such uses is 1 space per 22sqm which equates to 89 spaces in this case. A total of 81 spaces are being provided which given the site's sustainable location this slight shortfall would not be a reason for refusal.

Yorkshire Water - No comments.

West Yorkshire Police - Note that there is limited information relating to the proposed internal layout or external appearance of the site. Provide general advice in regards to securing the premises and being considerate to neighbouring residents.

Environmental Health - Advise that a noise report should be obtained to demonstrate that the proposed use would not be detrimental to the occupiers of nearby dwellings. No objections in principle given previous nightclub use. If food is to be cooked on site details of odour control measures are required.

Summary of Main Issues:

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

Appraisal:

1. Principle of the Development

This is an unallocated site close to Bradford City Centre with a long established use as a nightclub. Generally local and national planning policy requires large scale leisure uses to be located in designated centres. In this case there is an existing large and long established leisure use on this site. The site is also close to the edge of Bradford City Centre and in a particularly sustainable location with excellent access to the public transport network. As a consequence the principle of the development is considered to be acceptable subject to the local impact of the development which is assessed in the remainder of this report.

2. Residential Amenity

Manningham Lane is primarily commercial in nature in the vicinity of this site however there are residential properties on Thurnscoe Road and towards the bottom section of Springfield Place. The site has an established use as a nightclub without any planning restrictions on its operating hours. A number of representations have noted the disturbance and anti-social behaviour that was experienced whilst the nightclub was operational and it is likely that this occurred into the early hours of the morning.

It is proposed to operate a wedding venue and conference facility at the site between the hours of 09:00 and 23:00 throughout the week. The use of the wedding venue is expected to be seasonal in nature with the summer months expected to be the busiest. Whilst it is accepted that the proposed use may result in some disturbance to neighbouring residential properties the proposed hours represent an improvement on the current situation where the building could be occupied as a nightclub with unrestricted operating times.

It is noted that there are a limited number of openings in the sides and rear elevations which limit opportunities for noise breaking out of the building. The current application proposes no external alterations and it is anticipated, given the past use as a nightclub, that the building will be insulated to prevent or at least limit the amount of noise that makes its way out of the building. In line with the recommendation of the Environmental Health Officer a condition is suggested which requires the submission of a noise report which also makes an assessment of the existing level of sound insulation and any improvements that are necessary.

In light of the above the proposal is therefore considered to be acceptable in regards to impact on neighbour's amenities subject to conditions as outline above.

3. Visual Amenity

The application proposes no external alterations though a separate application in which changes are proposed may follow if this application is approved. There is however little doubt that bringing this large and prominent building back into use would be beneficial to the character and appearance of this site.

4. Highway Safety

The application site includes a total of 81 parking spaces including four for disabled drivers. Car parking standards set out in Appendix 4 of the Core Strategy DPD note a maximum parking requirement for D2 uses as 1 space for every 22 square metres of floor space. In this case this equates to a maximum of 89 spaces and a total of 81 are proposed. Whilst there is a slight shortfall in parking the site is very sustainably located being close to Bradford city centre and having excellent access to public transport. As a consequence in line with local and national policy a slight reduction in the number of spaces provided is unlikely to result in significant harm to highway safety.

Sections of the surrounding streets that are close to residential properties are reserved for vehicles with residential parking permits. Some on-street parking is however available on Thurnscoe Road close to its junction with Manningham Lane and along part of Springfield Place. Parking on Manningham Lane is restricted by a pedestrian crossing and double yellow lines.

The Highways Officer has indicated that a Traffic Regulation Order (TRO) should be provided to protect visibility splays from access points of the existing car parks. The developer has indicated that this is acceptable and the TRO can be secured by an appropriately worded planning condition.

Subject to conditions which require the provision of the car parking spaces and the TRO the proposal is not considered to be harmful to highway safety.

5. Other Issues Raised in Representations

- Work has been undertaken without planning permission.

Response - Internal works to the building do not require any consent from the planning authority

- It may be best to demolish it and open it up as a public highway.

Response - The Council is required to consider all applications that are submitted for consideration.

- Remote car parking on Midland Road will never be utilised as an overspill given the distance from the site.

Response - This aspect of the scheme is not considered as part of this application. As noted in the appraisal above the level of car parking is considered to be in line with the Council's adopted parking standards.

- Double yellow lines to the front of the site will be ignored by all.

Response - The responsibility for enforcing existing and proposed parking restrictions does not lie with the Local Planning Authority.

- Bradford City football club is nearby and what is to stop fans parking in the car park?

Response - This is a private matter. The enforcement of the proposed car park would be the responsibility of the operator.

- The Council did not notify all the residents of Thurnscoe Road of the proposal.

Response -The application was publicised with neighbour notification letters and three site notices which were posted in the surrounding streets. This is in accordance with the local and national requirements for publicising planning applications.

- There are already two wedding halls approximately 200 yards away on Manningham Lane and these cause problems for residents when in use.
- The attendees to these events cause inconvenience to local people.
- Fireworks will be let off at ridiculous times.
- The proposal will increase the amount of litter thrown into the street and park.

Response - It is acknowledged that such facilities can at times cause inconvenience to local people and there can be some anti-social behaviour. The actual way in which the premises operate are beyond the control of the local planning authority. There may be powers within the Environmental Health and Licensing regimes which could deal more effectively with antisocial behaviour and nuisance.

Community Safety Implications:

The proposed development does not present any community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission

The proposed development will introduce a new long-term use into this building which has been vacant for many years. The new use is considered to be an appropriate one in this location given the historic use as a nightclub and will, via the reduction in operating hours, offer some reduction in harm to residential amenity. The proposal is also not considered to be harmful to residential amenity or highway safety and is therefore considered to comply with Policies SC9, DS1, DS3, DS4, DS5, TR1, TR2, EN8 and EC5 of 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 the use commences, the off street car parking spaces hereby approved shall be laid out, hard surfaced, sealed, marked into bays and drained within the curtilage of the site in accordance with the approved plan. The car park shall be kept available for use whilst ever the use subsists.

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.

3. The development shall not be brought in to use until all reasonable endeavours have been undertaken to implement a Traffic Regulation Order (TRO) prohibiting on street parking in the vicinity of the site access from the car park on Springfield Place as shown on the approved drawings.

Reason: In the interest of highway and pedestrian safety and to accord with the National Planning Policy Framework.

4. Before the first use of the development hereby permitted a report which assesses the likely level of noise generated from the use hereby approved and which sets out proposals for the mitigation of any harm to the amenities of nearby residential properties by way of noise from the premises shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the report shall then be implemented in full prior to the first use of the development and thereafter retained.

Reason: In the interest of neighbour's amenities and to comply with Policies EN8 and DS5 of the Core Strategy Development Plan Document.

5. The use of the premises shall be restricted to the hours from 09:00 to 23:00.

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

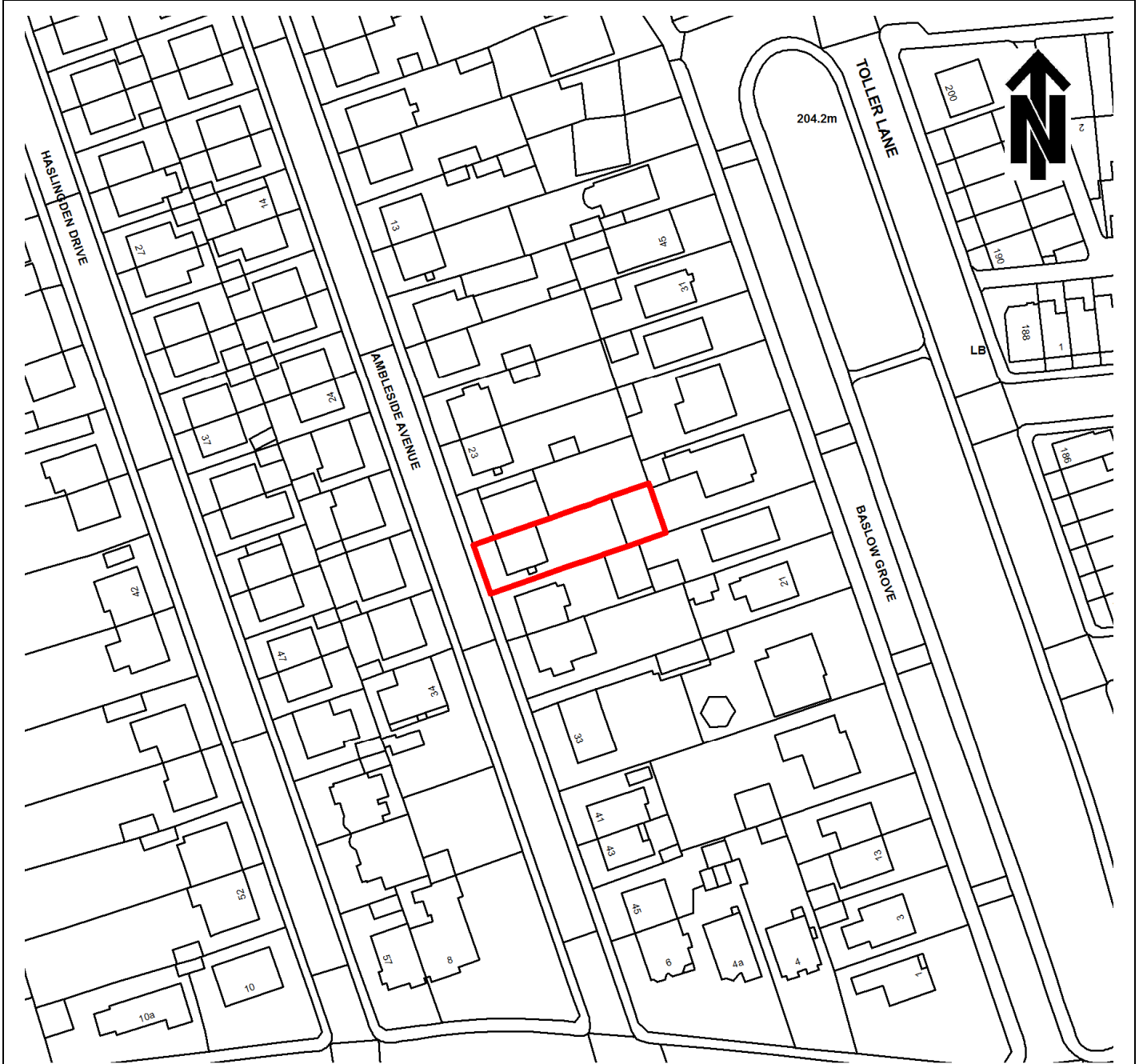
Footnotes:

1. Please note that advertisement consent may be needed for any external signs on the building. You should contact the Transportation and Planning Service for further information.
 2. Please note that this permission is only for the change of use of the building and not for any external alterations to the property. Any external alterations, such as new windows, doors, shutters, flues, signage etc., are likely to require the benefit of a separate permission(s).
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18/01340/HOU



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27 Ambleside Avenue
Bradford
BD9 5HX

9 May 2018

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

Application Number:
18/01340/HOU

Type of Application/Proposal and Address:
Single storey rear extension and front dormer window at 27 Ambleside Avenue, Bradford.

Applicant:
Mr Hamid Tasib

Agent:
Faum Architecture

Site Description:
The application property is a part 2 and part 3 storey Victorian stone semi-detached dwelling. The adjoining house at No 25 Ambleside Avenue has an existing single storey rear extension.

Relevant Site History:
04/03286/FUL Single storey extension to rear, double garage in rear garden GRANT 02.09.2004.

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 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.

Core Strategy Policies

DS1 - Achieving good design
DS3 - Urban character
DS5 - Safe & Inclusive Places
SC9 - Making great places

Parish Council:

Not applicable.

Publicity and Number of Representations:

Application publicised by way of neighbour notification letters. The overall expiry for the publicity was 27 April 2017. To date no representations have been received.

Summary of Representations Received:

Not applicable.

Consultations:

Not applicable.

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. The proposed rear extension is considered to be in keeping with the character, scale and design of the existing dwelling and the street scene. The proposed front dormer is acceptable in terms of design, scale and would not over-dominate the roofscape. As such it is in compliance with Design Principles 1, 4 and 6 of the Council's approved Householder SPD.

2. Residential Amenity

The proposed depth of the rear extension is 4m. However the adjacent adjoining house, No 25 Ambleside Avenue, has an existing extension and therefore the net projection would not exceed 3m. The other neighbouring house, No 29 Ambleside Avenue, has a detached juxtaposition in relation to the application property whereby mitigating impact from the proposed extension. On this basis the 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 and SC9 of the Councils Core Strategy.

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. All the dormer cheeks hereby permitted shall be constructed of natural roofing slate materials to match the roofing of the host application building.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with complies with Policy DS1 and DS3 of the Councils Core strategy.

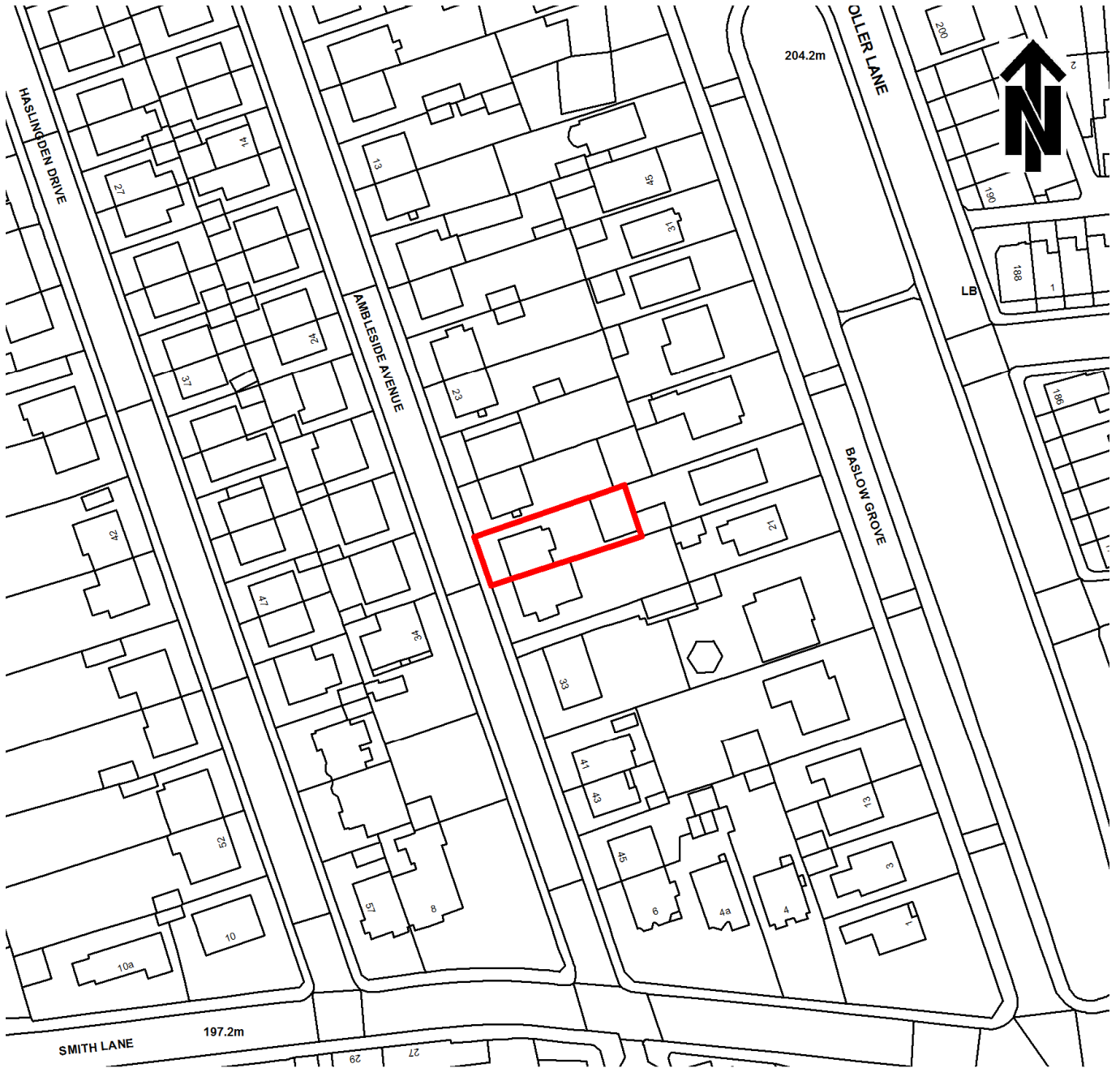
3. The rear extension hereby approved shall be constructed of facing and roofing materials to match the existing building as specified on the submitted application.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Councils Core Strategy.

18/00221/HOU



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1:1,250

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29 Ambleside Avenue
Bradford
BD9 5HX

9 May 2018

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

Application Number:
18/00221/HOU

Type of Application/Proposal and Address:

A householder application for the construction of dormer windows to the front and rear of No 29 Ambleside Avenue, Bradford.

Applicant:

Mr Mohammed Younis

Agent:

Faum Architecture

Site Description:

A residential street consisting of semi-detached and detached dwellings fronting onto Ambleside Avenue. There are a variety of house types but the street has a traditional appearance consisting of stone built properties under a slate roof.

Relevant Site History:

None.

The National Planning Policy Framework (NPPF):

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

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

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

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 on the RUDP. 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 guidance

The Council's adopted Householder Supplementary Planning Document.

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised by neighbour notification letter with the statutory publicity expiring on 27 November 2017. No representations were received.

Summary of Representations Received:

Not applicable.

Consultations:

None.

Summary of Main Issues:

1. Visual amenity.
2. Residential amenity.
3. Highway Safety.

Appraisal:

The application relates to the construction of two dormer windows to the front elevation and a large dormer window to the rear elevation.

1. Visual amenity

The front dormers measure 2.85 metres in width and would achieve a gap of 750 millimetres to the edge of the dwelling and the common boundary with the adjoining dwelling. A distance of 1 metre would also be achieved in between the two front dormers. The dormers are set down from the ridgeline of the roof and set well back from the eaves. The dormers proposed are fully glazed to the front and would have dormer cheeks finished in matching slate. The front dormers comply with guidance contained within the Council's adopted Householder Supplementary Planning Document. The property has a wide frontage and large roof and can accommodate the dormers without them appearing overbearing.

The application also includes a large dormer window to the rear elevation which practically covers the whole rear roof slope. The rear dormer would not comply with guidance contained within the Council's adopted Householder SPD but it can be built under permitted development rights under Schedule 2 Part 1 Class B of the General Permitted Development Rights 2015. The rear dormer would not be visible from the street scene and whilst it does not accord with policy contained within the Householder SPD the fall back position is such that it would be unreasonable to refuse this application on design grounds when the rear dormer window could be built without requiring a formal planning application. The proposed development is considered to be acceptable in terms of visual amenity and satisfies policies DS1 and DS3 of the Core Strategy Development Plan Document. A condition relating to the use of matching materials is recommended to be attached to any approval.

2. Residential amenity

There would be no significant increase in overlooking from the proposed development and no loss of light or overshadowing. The development is considered to be acceptable in terms of residential amenity and complies with policy DS5 of the Core Strategy Development Plan Document.

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

Reason for Granting Planning Permission:

The front dormer windows are considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impacts of the proposal upon the occupants of neighbouring properties have been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity. As such the front dormer windows are considered to be in accordance with policies DS1, DS3 and DS5 of the Core Strategy Development Plan Document and the Householder Supplementary Planning Document. The rear dormer window is of excessive width and cladding, however, subject to compliance with the conditions imposed under Class B, Section B.2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 the dormer window is permitted development and refusal cannot be justified.

Conditions of Approval:

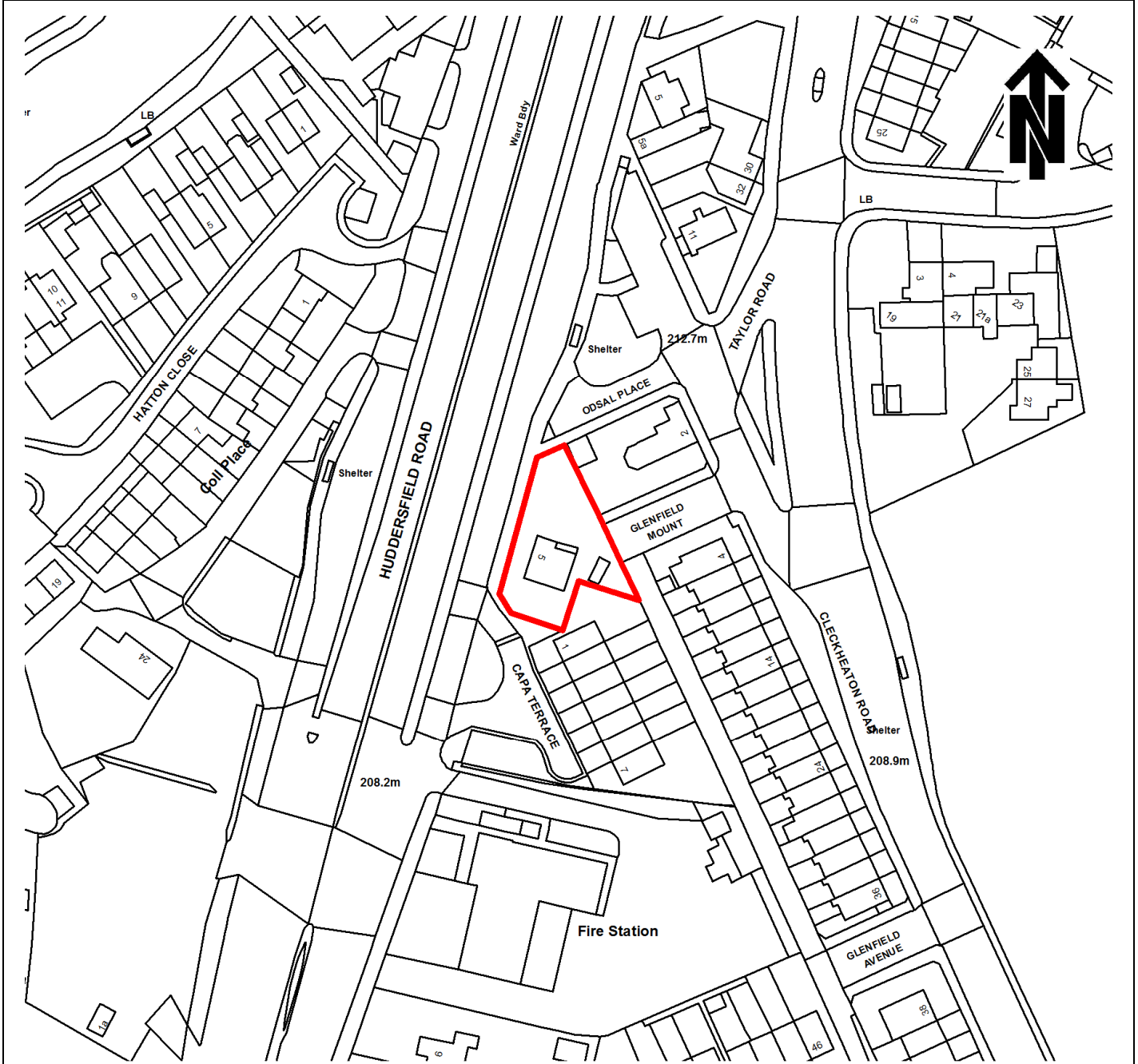
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

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

2. The dormer cheeks of the development hereby permitted shall be constructed of roofing materials to match the roofing of the host application building.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with complies with Policy DS1 and DS3 of the Councils Core strategy.

17/06803/OUT



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**5 Huddersfield Road
Bradford
BD6 1BA**

9 May 2018

Item: D
Ward: WYKE
Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
17/06803/OUT

Type of Application/Proposal and Address:

This is an outline planning application for the demolition of the existing dwelling and construction of pair of detached dwellings at 5 Huddersfield Road, Bradford. The application is made in outline with details of access, layout and scale submitted for approval. The appearance and landscaping of the site is reserved for later approval.

Applicant:
Mr Steven Palmer

Agent:
Belmont Design Services

Site Description:

This is a prominently located site which currently accommodates a brick built dormer bungalow and its garden areas. The site is a short distance to the south of the Odsal Top roundabout and is bordered by slip road from this roundabout to the southbound carriageway of Huddersfield Road. Due to its elevated position the site is prominent when viewed from Huddersfield Road. The dwelling currently on this site is poorly related to its immediate neighbours in terms of its design, siting and facing and roofing materials. Immediately to the south is a new build row of terraced dwellings behind which is a traditional row of stone terraced properties. A detached stone built dwelling sits to the north-east of the site. Vehicular access is currently from Glenfield Mount which is a short unmade road which links to Cleckheaton Road.

Relevant Site History:

16/08972/OUT - Demolish existing house and construction of two detached dwellings - Withdrawn 13.02.2017.

The National Planning Policy Framework (NPPF):

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

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

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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 on the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

Policy SC9 - Making Great Places
Policy DS1 - Achieving Good Design
Policy DS3 - Urban Character
Policy DS4 - Streets and Movement
Policy DS5 - Safe and Inclusive Places
Policy TR2 - Parking Policy
Policy HO5 - Density of Housing Schemes
Policy HO9 - Housing Quality
Policy EN8 - Environment Protection Policy

Parish Council:

The site is not within a Parish.

Publicity and Number of Representations:

The application was advertised with a site notice and neighbour notification letters. This publicity period expired on 17 January 2018. Initially the description of the proposal contained an error and so the application was re-publicised with further site notices and neighbour notification letters. This second round of publicity expired on 2 February 2018. Eleven objections have been received to the proposal which include an 11 signature petition and one from a Ward Councillor who asks for the application to be referred to the Area Planning Panel for determination if officers are minded to refuse it.

Summary of Representations Received:

- A number of representations note that the description of the proposal was inaccurate.
- Site notice placed on Huddersfield Road where nobody lives.
- Insufficient parking is provided which will exacerbate demand for on-street parking.
- Access should be taken via Huddersfield Road and not Glenfield Mount.
- Increased on-street parking will block access for emergency vehicles.

- Proposal will overlook the immediate neighbours and block out natural light.
- Proposal is an overdevelopment of the site. What is wrong with building one decent sized house?
- Glenfield Mount is a private road belonging to both Glenfield House and 4 Cleckheaton Road.
- Same as previous plans.
- There will be disruption and mess created during the demolition and building works.
- Any additional building work will impact on the water table due to the increased amount of hard standing.
- There are bats in the area.
- Application was publicised over the Christmas period when people may not notice.
- The development of these properties will place the two properties adjacent to the site on Cleckheaton Road in darkness. Suggest a street light be installed.
- Suggest that the section of unmade, unadopted highway be made up to an adoptable standard or that the developer reinstates the road to its original status after construction work.

Consultations:

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

Design & Conservation - No objections.

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

Drainage (from previous application) - No objections subject to conditions requiring the approval of foul and surface water drainage details. This should also require an investigation of the potential use of sustainable drainage techniques to dispose of surface water from the development. Also make recommendations relating to the use of porous materials for hardstandings.

Summary of Main Issues:

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

Appraisal:

1. Principle of the Development

This site is unallocated on the RUDP and so it is not protected for any particular uses other than those which accord with the general policies of the plan. The site is currently occupied by a detached dwelling and its gardens and so is partially a previously developed site. The surrounding area is mainly residential but is hard up against the wide and busy Huddersfield Road.

It is well publicised that Bradford has experienced a sizeable and persistent under delivery of housing for many years and also does not have a five-year supply of deliverable sites as required by the NPPF. The approval of this application would make a contribution towards meeting this housing need. The principle of residential development on this site is therefore considered to be acceptable. The proposed development achieves a housing density of around 33 dwellings per hectare which is in line with the density requirements set out in Policy HO5 of the Core Strategy DPD.

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

2. Residential Amenity

The proposed dwellings will replace an existing dwelling on this site. The existing dwelling is a dormer bungalow which has a very large roof within which living space is provided. The application proposes two detached two storey dwellings with their own parking and garden areas.

The Council normally works to separation distances of at least seven metres to shared boundaries and 17m between habitable room windows. Where an elevation containing habitable room windows faces a blank elevation a distance of at least 12m is required. Separation between two blank elevations is not required.

In this case both of the proposed dwellings retain well in excess of these distances to the existing properties which surround the site. Plot 1 retains around 8.3m to the side elevation of 1 Capa Terrace which contains two small landing windows in its side elevation. A distance of around 26m is retained from the front elevation to the rear elevation of 4 Cleckheaton Road and a similar distance is retained to the rear of 2 Glenfield Mount.

Plot 2 is positioned at an angle to the boundary with 2 Glenfield Mount and at its closest point is around 3.5m to the boundary with this property and around 14m to the rear of this property. Taking into account the angle at which the property is positioned these separation distances are considered to be acceptable. A distance of around 25m is retained to 4 Cleckheaton Road which is also considered to be acceptable.

The proposed dwellings are also considered to have a satisfactory relationship with each other. Overall the proposal is therefore considered to be acceptable in terms of its impact on neighbour's amenities.

3. Visual Amenity

The application is made in outline and reserves the appearance and landscaping of the scheme for later approval. The existing bungalow is, in terms of design, materials and positioning, itself an odd building in this location. It relates poorly with its surroundings and its replacement with a new well-designed development would represent an improvement to this streetscene.

The application proposes to construct two detached dwellings set at an angle with each other and with Huddersfield Road. Plot 1 presents its rear elevation to the south and will be highly visible as the site is approached from Huddersfield Road and Plot 2 presents its rear elevation to the north and will be most visible on the slip-road from the Odsal Top roundabout. The application is accompanied by section drawings which show that the proposed dwellings will be proportionate with the neighbouring dwellings. Indicative elevation drawings have been provided but a reserved matters application will be required to approve these details. Overall the proposals are considered to represent an improvement to this streetscene and are therefore considered to be acceptable.

4. Highway Safety

The existing dwelling takes access from Glenfield Mount which is a short unmade road which joins with Cleckheaton Road. This access is retained and two parking spaces for each dwelling and a turning area are provided within the site. The existing access road is unmade however given that only one additional dwelling is proposed and its short length this is not considered to be harmful to highway safety.

Some of the representations refer to the privately owned status of Glenfield Mount however this is a private matter over which the Local Planning Authority has little influence. The granting of planning permission does not change any ownership or access rights and any such issues are to be resolved privately between the interested parties.

Other representations question why access cannot be taken from Huddersfield Road rather than Glenfield Mount. It is first noted again that the existing access is via Glenfield Mount. Access from Huddersfield Road would be more difficult to achieve given the site's location close to the Odsal Top roundabout. In any case the LPA is required to consider all schemes that are submitted to it.

Overall the proposal is considered to be acceptable in terms of its impact on highway safety subject to conditions to secure car parking, the proposed access and the turning areas.

5. Other Issues Raised in Representations

- A number of representations note that the description of the proposal was inaccurate.
Response - Initially there was a typo on the description of the proposal, however this was rectified and the application was re-publicised.
- Site notice placed on Huddersfield Road where nobody lives.
Response - The site notice was placed on Huddersfield Road immediately outside the site. When the application was re-publicised a second site notice was also posted on Glenfield Mount.
- Increased on-street parking will block access for emergency vehicles.
Response - The application provides parking spaces in excess of the minimum requirements of the Core Strategy DPD.
- There will be disruption and mess created during the demolition and building works.
Response - It is accepted that there will be some disruption during the construction phase however it is the impact of the completed development that is to be considered. A condition limiting the hours in which construction work can be carried can be attached to any approval of this application.

- Any additional building work will impact on the water table due to the increased amount of hard standing.
Response - The Council's drainage officers have not raised any objections to this scheme. It is noted that the site is within Flood Zone 1 (land which is least likely to flood) and any approval of this application will carry a condition requiring all hardstandings to be constructed of a permeable materials.
- There are bats in the area.
Response - There are no recorded bat roosts in this area however a footnote advising of the protected species of bats can be attached to any approval of this application.
- Application was publicised over the Christmas period when people may not notice.
Response - The application was publicised as soon as it was valid.
- The development of these properties will place the two properties adjacent to the site on Cleckheaton Road in darkness. Suggest a street light be installed.
Response - As noted in the appraisal above sufficient distance is retained to neighbouring properties to avoid any significant harm to amenity.
- Suggest that the section of unmade, unadopted highway be made up to an adoptable standard or that the developer reinstates the road to its original status after construction work.
Response - The Highway Officer is satisfied with the current scheme. There is only an increase of one property which is unlikely to result in any significant harm to highway safety. These kinds of improvements are considered to be unreasonable given the relatively small scale of the proposed development. The status of the road and its condition are private matters to be resolved between the affected parties.

Community Safety Implications:

The proposed development does not present any community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development is not considered to be harmful to visual amenity, residential amenity or highway safety and is therefore considered to comply with Policies DS1, DS3, DS4, DS5, TR2 and HO5 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Conditions of Approval:

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

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

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

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

3. Before any development is begun plans showing the:-

- i) appearance,
- ii) landscaping,

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

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

4. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme would also be required to demonstrate that there is no resultant unacceptable risk to controlled waters. The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

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

5. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan and retained whilst ever the development is in use. The vehicle turning area 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.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

6. Prior to the first occupation of the hereby approved dwellings, the off-street car parking spaces 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. The parking spaces shall then be retained whilst ever the development is in use.

Reason: In the interests of amenity, floor risk and highway safety and to accord with Policies TR2 and EN7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

7. Before any works begin on site a report detailing the findings of a scheme of intrusive investigations to establish the situation regarding coal mining legacy issues on the site shall be submitted to and approved in writing by the Local Planning Authority. Should the intrusive surveys find that remedial works are necessary the report should also detail a scheme of remedial works. The development shall then be carried out in accordance with the approved details.

Reason: In order to be certain the development can be carried out in a safe manner and to comply with the requirements of the National Planning Policy Framework.

8. Construction work, including any works of demolition associated with the approved development, shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays and Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy DS5 of the Core Strategy Development Plan Document.

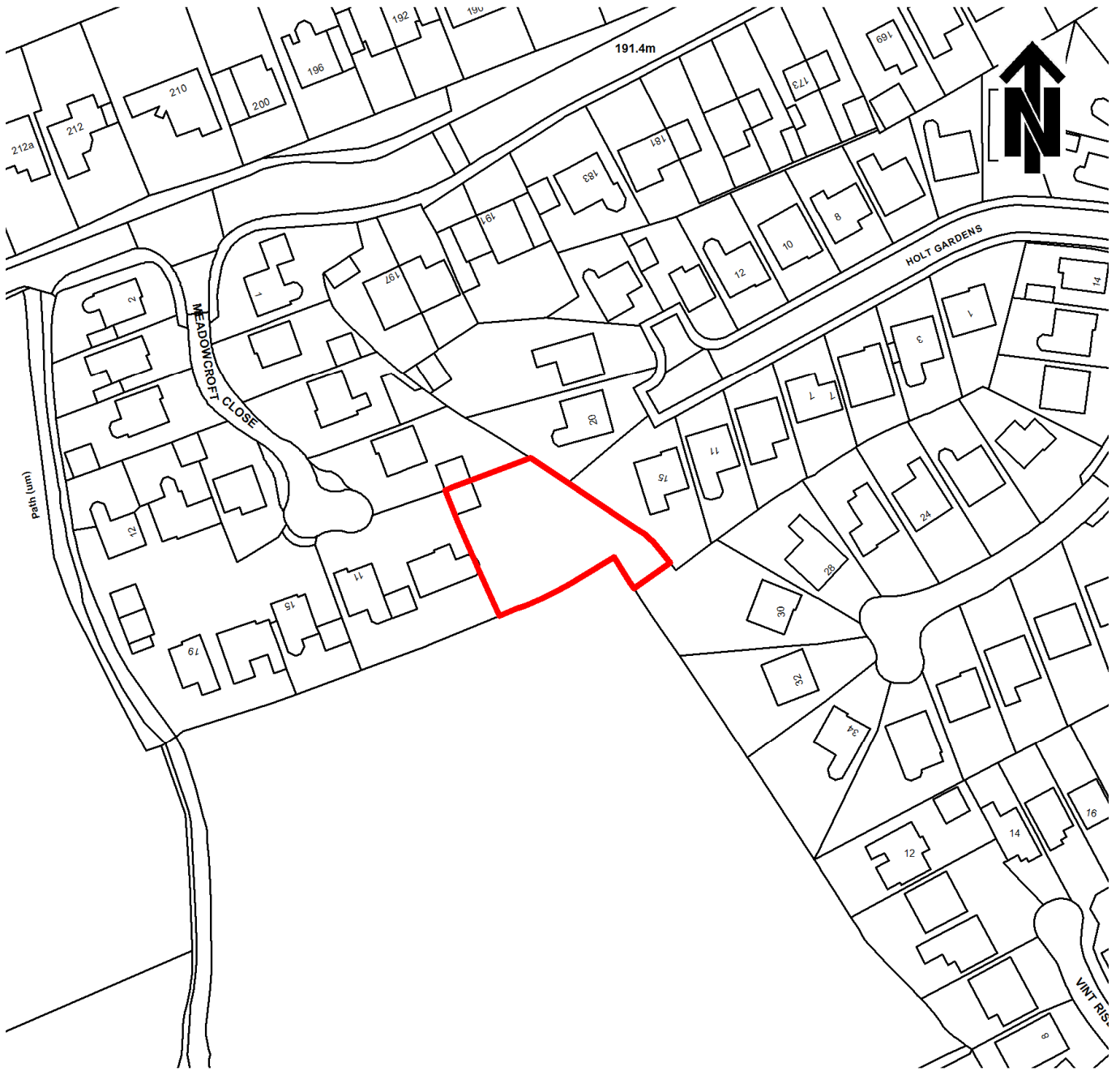
Footnote:

1. 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.

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.

18/00142/FUL



1:1,250

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**9 Meadowcroft Close
Bradford
BD10 8UN**

9 May 2018

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

Application Number:
18/00142/FUL

Type of Application/Proposal and Address:
A full application for the construction of two dwellings on land to the East of 9 Meadowcroft Close, Bradford, BD10 8UN.

Applicant:
Mr Townend

Agent:
Mr Mark Larham

Site Description:
The site consists of an area of greenfield land which currently forms the side garden of 9 Meadowcroft Close. The development plot extends to 781 square metres and is broadly square with a tapered eastern boundary. Meadowcroft Close is a residential cul-de-sac comprised of stone built detached properties beneath tiled roofs. Many of the properties benefit from detached garages and driveway parking. The surrounding area is of a residential character on Westfield Lane to the North and Holt Gardens to the East, with open fields to the South of the site.

Relevant Site History:
74/03164/OUT - Residential Development Land at Westfield Lane - Refused 26.05.1976.
85/05430/OUT - Residential development Land at Westfield Lane - Granted -09.07.1986.
17/03372/FUL - Construction of two dwellings – Granted - 01.11.2017.

The National Planning Policy Framework (NPPF):

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

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. This site is not allocated for any specific purpose within the RUDP. Accordingly the following adopted Core Strategy policies are applicable to this proposal:

Proposals and 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
HO1-The District's Housing Requirement
HO5-Density of Housing Schemes
HO8- Housing Mix
TR1- Travel Reduction and Modal Shift
TR2- Parking Policy
EN7- Flood Risk
EN8- Environmental Protection

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised by a site notice and neighbour notification letters. The expiry date for comments in connection with the application was 19 February 2018. Ten letters of objection and two representations neither supporting nor objecting to the proposal were received in connection with the application.

Summary of Representations Received:

- Harmful to the visual amenity of the street scene.
- Height of new properties is out of keeping with surrounding dwellings.
- Overdevelopment of site.
- Disruption during construction.
- Overlooking.
- Overbearing.
- Increased traffic.
- Loss of wildlife habitat.
- Inadequate parking.

- Loss of property value.
- Inappropriate construction materials.
- Inadequate separation from neighbouring properties.
- Inadequate publicity.
- Existing boundary treatments should be retained.
- Harm to foul and surface water drainage.
- Hard standing is out of keeping with neighbouring gardens.
- An application for a dwelling was previously rejected on this site.

The two additional representations make reference to the boundary treatment and express a desire for it to be implemented as detailed on the submitted plans.

Consultations:

Highways - No objections raised subject to conditions requiring that the access and off street parking are provided prior to first occupation of the dwellings.

Environmental Health – No objections to raise to the development

Drainage - A public sewer crosses the site in the area of the proposed development. The sewerage undertaker (Yorkshire Water) must therefore be consulted for any layout constraints and for a view on the impact of the development on the public sewerage system. In order to keep the impermeability of the land to a minimum the applicant should investigate the use of porous materials in the construction of the car parking and hard standing areas.

Summary of Main Issues:

1. Background and Principle.
2. Density and Housing Mix.
3. Visual Amenity.
4. Residential Amenity.
5. Highway and Pedestrian Safety.
6. Drainage.
7. Other Issues Raised by Representations.

Appraisal:

1. Background and Principle

This is a resubmission of a previously approved application. The difference between the two applications relates to the position of the second new property, which has been repositioned and rotated.

The principle of the development has been established with the granting of the previous planning permission in November 2017. This permission remains extant.

It was established with the previous application that the development site would be considered as 'greenfield' land by the National Planning Policy Framework, and whilst the priority is to direct development towards 'brownfield' sites this proposal would represent a sustainable form of development, that would contribute to meeting the districts housing needs, stated in policy BD1 to be 4400 new homes provided in North-East Bradford by 2030. It was also considered that a development of this scale would be unlikely to harm the aim of developing housing on 'brownfield' land.

In the short time that has passed since the previous decision there have been no site or policy changes that would impact the above assessment. The principle of housing therefore remains acceptable.

2. Density and Housing Mix

The development remains as before, and will provide two dwellings on a site with an area of 0.08ha yielding a density of 25 dwellings per hectare. Policy HO5 of the Core Strategy advises that densities should usually achieve a minimum of 30 dwellings per hectare, but with consideration to the layout and nature of the site and its surroundings this marginal deficit was deemed acceptable. The proposal is considered to accord with policy HO5 of the Core Strategy

Policy HO8 of the Core Strategy deals with housing mix and requires that a range of housing is provided across the district to meet the needs of a growing and diverse population. This proposal still seeks to provide two 4 bedroom homes and the development is therefore considered to remain in accordance with policy HO8 which, amongst other things, seeks to deliver more family housing across the district.

3. Visual Amenity

Following the initial submission concerns were raised with regard the proximity of plot 2 to the side garden of 15 Holt Gardens. Design concerns were also raised in respect of the appearance and the ridge heights of the properties. These concerns continue to be raised in the representations, but were deemed to be satisfied within the last application process. This scheme does not seek to amend the scale or design of the dwellings, which remains as approved, permission is effectively only sought to reposition the second dwelling.

The first dwelling will remain a continuation of the existing building line across the head of the cul-de-sac in line with its approved position. The second dwelling has now been turned approximately 40 degrees in the site and is angled towards the cul-de-sac. This is not considered to compromise the layout of the development, and given the complimentary design, form and appearance of the dwellings it is again not foreseen to adversely impact visual amenity with the layout of the development remaining in keeping with the character of the locality.

4. Residential Amenity

Notwithstanding the change in orientation of the second dwelling, 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 proposed dwellings also remain sufficiently separated from neighbouring properties to ensure that there would be no adverse overbearing, overshadowing, or loss of outlook from any neighbouring private amenity areas of habitable room windows. Whilst the alteration proposed does bring the second dwelling closer to the shared boundary with 15 and 20 Holt Gardens it retains a spacing distance of approximately 3.3m at the closest point, with the main massing of the dwelling being approximately 6m away. It is also noteworthy that the dwelling at a depth of 9.5m will only be alongside a small proportion of the shared boundaries which are both in excess of 20m in length. The associated dwellings are set further back in the site and will not be impacted.

5. Highway and Pedestrian Safety

Appendix 4 of the Core Strategy requires that new dwellings are served by an average of 1.5 parking spaces per property across a development. This proposal is for two four bedroom dwellings which would be served by six off street car parking spaces, including garages. This has not changed as a result of the revised layout consequently it remains the case that this level of car parking provision is considered sufficient to cater for the proposed dwellings.

The proposed properties would still be accessed via a shared driveway arrangement, which given the anticipated low vehicle speeds, is not considered to result in any adverse highway or pedestrian safety concerns. The Council's highway officer continues to raise no objections, but in the event that planning permission is granted it remains a recommendation that conditions are imposed requiring the provision of the driveway access and parking areas prior to first occupation of the dwellings.

6. Drainage

The Council's Drainage Officer noted previously that a public sewer exists within the site boundary which would be potentially impacted by the development. The submitted plan indicated that it was the developer's intention to divert the sewer to the east of plot 2, providing a 6 metre easement. The developer has consulted Yorkshire Water for a view on the impact of the development on the public sewerage system and the presence of the sewer will not prejudice this revised layout.

7. Other Issues Raised by Representations

A representation has raised concern that the development would result in disruption of neighbouring residents during construction works. It is considered that given the small scale of the development any disruption would most likely be short lived. However, in the event that noise emanating from the site is sufficient to be classified as a statutory nuisance the matter should be reported to the Environmental Health Department for investigation under the applicable legislation.

A representation has raised concern that the development would result in a loss of habitat for wildlife. The development site does not contain any trees protected by preservation orders and the existing planting is of a domestic or ornamental nature. As such the site is not considered to be of any significant habitat value.

Community Safety Implications:

The application does not present any community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development is considered to be acceptable in principle and it is not considered to result in any adverse implications in respect of visual amenity, residential amenity, highway and pedestrian safety or drainage. The proposal is therefore considered to accord with policies, BD1, SC9, DS1, DS3, DS5, HO1, H05, HO8, TR1, TR2, EN7 and EN8 of the Core Strategy and the National Planning Policy Framework.

Conditions of Approval:

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

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

2. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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

3. Before the first occupation of the dwellings, the access and off street car parking, 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 Policies TR2 and EN7 of the Core Strategy.

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

Reason: To ensure that risks from land contamination are minimised, in accordance with policy EN8 of the Core Strategy and paragraph 121 of the National Planning Policy Framework.

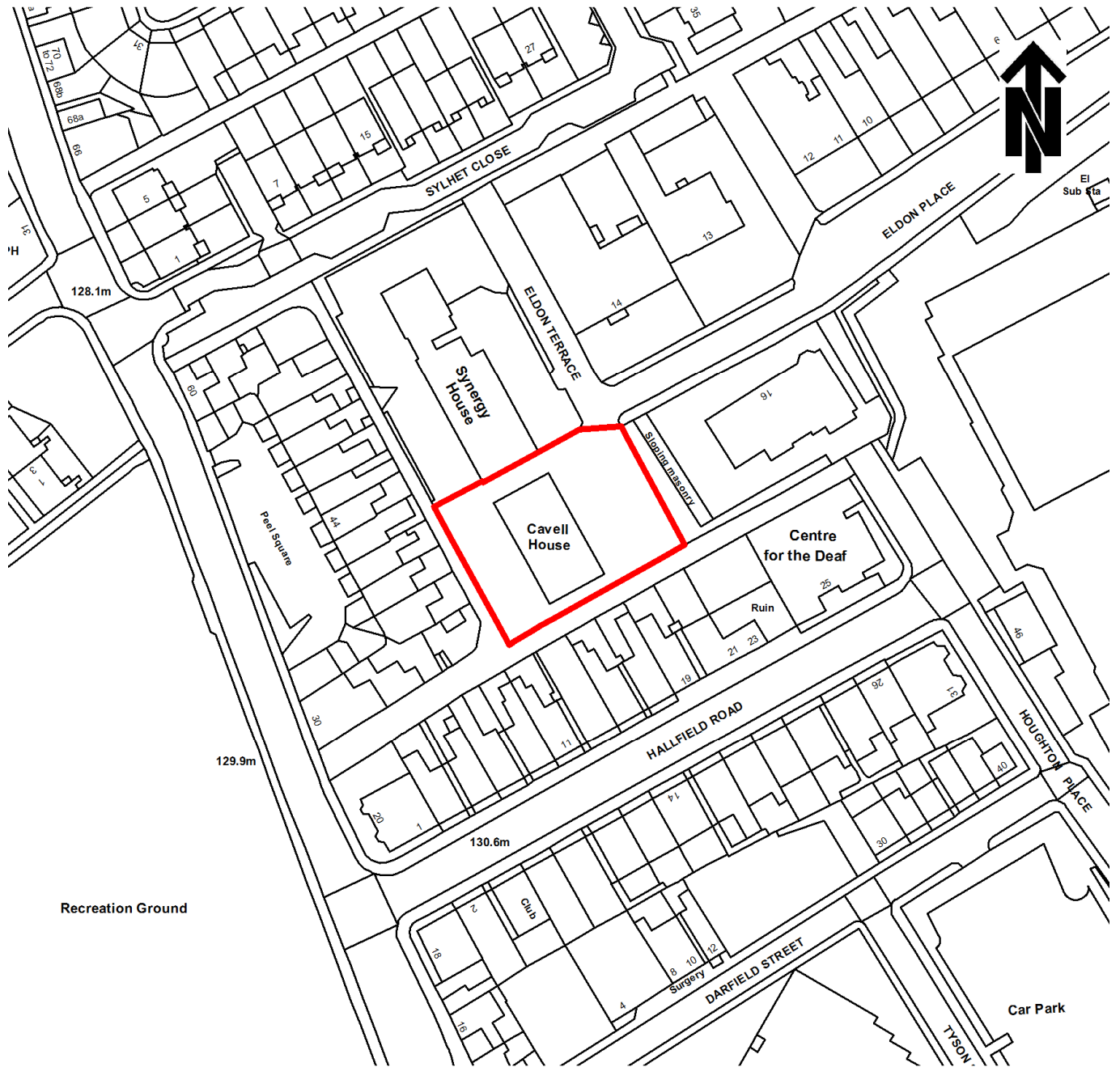
5. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme would also be required to demonstrate that there is no resultant unacceptable risk to controlled waters. The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Core Strategy.

Footnote:

A Public sewer exists close to the site boundary. The sewer undertakers (Yorkshire Water) must therefore be consulted for a view of the impact of the development on the public sewerage system.

18/00986/FUL



1:1,250

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Cavell House
1 - 2 Eldon Terrace
Bradford BD1 3AY

9 May 2018

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

Application Number:
18/00986/FUL

Type of Application/Proposal and Address:

This is a full planning application for a change of use from office (B1 use) to an educational centre (D1 use) at Cavell House, 1-2 Eldon Terrace, Bradford, BD1 3AY.

Applicant:

Mr A Mashadi

Agent:

Adrian Rose - Rose Consulting

Site Description:

Cavell House is a detached, three storey, stone built property dating from the mid-19th century and is Grade II Listed. The site is accessed from Eldon Place and there is a large car park associated with the property. The site is located in the Eldon Place Conservation Area. There are residential properties to the south / south east of the site and buildings in office use to the north / north east.

Relevant Site History:

09/00032/FUL: Change of use to offices - Granted 02.03.2009.

09/00033/LBC: Change of use to offices - Granted 09.02.2009.

88/00174/COU: Change of use of ground floor to nursery - Granted 21.04.1988.

88/04512/COU: Change of use of second floor to training centre - Granted 23.08.1988.

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 in a Community Priority area and in an area designated as a Conservation Area. Accordingly, the following adopted Core Strategy policies and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 Achieving Good Design
DS3 Urban Character
EN3 Historic Environment
DS5 Safe and Inclusive Places
DS4 Streets and Movement
TR2 Parking Policy

Parish Council:

Not in a Parish.

Publicity and Number of Representations:

The application was publicised by individual neighbour notification letters, site notice and through the newspaper. Publicity expired on 13 April 2017. Eleven letters of representation have been received.

Summary of Representations Received:

Will result in further segregation within the community by having a single sex school.

Consultations:

Highways Development Control – No objections.
Design and Conservation Team – No objections.

Summary of Main Issues:

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

Appraisal:

The application has been put forward by a registered charity called 'Chaar Yaar Welfare Foundation'. One of its main aims is the promotion of education, particularly that of women's education.

The proposal seeks permission for the change of use of the building from an office to an Islamic education facility; with 150-200 pupils once it is fully operating. It is understood that there are only a few educational centres in Bradford similar to the one proposed and these are generally aimed at providing Islamic education for men. The charity considers that there is a real need for a similar education centre for women. Although limited details have been provided with the application with regard to how the facility will operate, the agent has explained that the new use would effectively be as a training centre, with an adult woman education facility operating in the day, and an after school service providing academic support and mentoring to children and youths, after school hours. Further, it is hoped that the facility will host various cultural, social, literary activities/events besides its primary use which the Char Yaar Welfare Foundation hope will help them engage with the local community.

The plans indicate that at ground floor level, a meeting hall/prayer room is proposed with other rooms to provide book stores and toilet facilities. At first floor level, children's classrooms and a prayer hall are proposed with additional classrooms proposed at second floor level. There are no physical alterations to the building proposed.

1. Principle

The application site is unallocated within the Replacement Unitary Development Plan but is located in a mixed use and a community priority area in which a number of uses are appropriate. The building currently stands vacant but has an established use as an 'office' (B1 use). The proposal for an education centre would meet the needs and aspirations of a section of the local community. This is supported by local and national Government and reflected in the objectives of the NPPF which aim to deliver the social, recreational, cultural facilities and services the community needs.

Further, the re-use of an existing building, which currently stands vacant, would meet the sequential aims of sustainable development. The proposed change of use of the building as an education centre (D1 use) is therefore considered to be acceptable in principle subject to the local impact of the development.

2. Impact on local environment

The proposal does not involve any physical alterations to the building. As such and in the absence of any internal or external alterations to the building, there would be not be any resulting impact on the character or significance of the host listed building or the setting of the nearby listed buildings and no impact on the wider character of the conservation area and locality. There is no material conflict with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

3. Residential amenity

The proposed hours of operation (09:00-20:00 Monday to Friday and 09:00-16:00 on Saturdays) are suitable to ensure that the proposed use would not result in adverse implications for the amenity of neighbouring residents as a result of the coming and going of attendees at the site.

It is advised that a condition be imposed in order to restrict the use of the building within Use Class D1, so that it can only be used as an education centre. This is necessary because the broader range of uses available within Use Class D1 (e.g. place of worship) have significant potential to have an adverse impact on neighbouring residents by reason of noise and disturbances.

As proposed, it is not considered that the change of use would result in any harm to neighbouring amenity and policy DS5 of the Core Strategy Development Plan Document is satisfied.

4. Impact on highway safety

There will be 5 full time and 8 part time employees and there will be adequate car parking spaces (22 spaces). The site is situated in a relatively sustainable location on the edge of the city centre and close to all amenities including public transport and parking on-street is well controlled in this locality. With no objections from Highways Development Control, the change of use is not anticipated to result in any adverse highway or pedestrian safety implications. The proposed development is therefore acceptable in light of policies DS4 and TR2 of the Core Strategy Development Plan Document for Bradford and the NPPF.

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

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

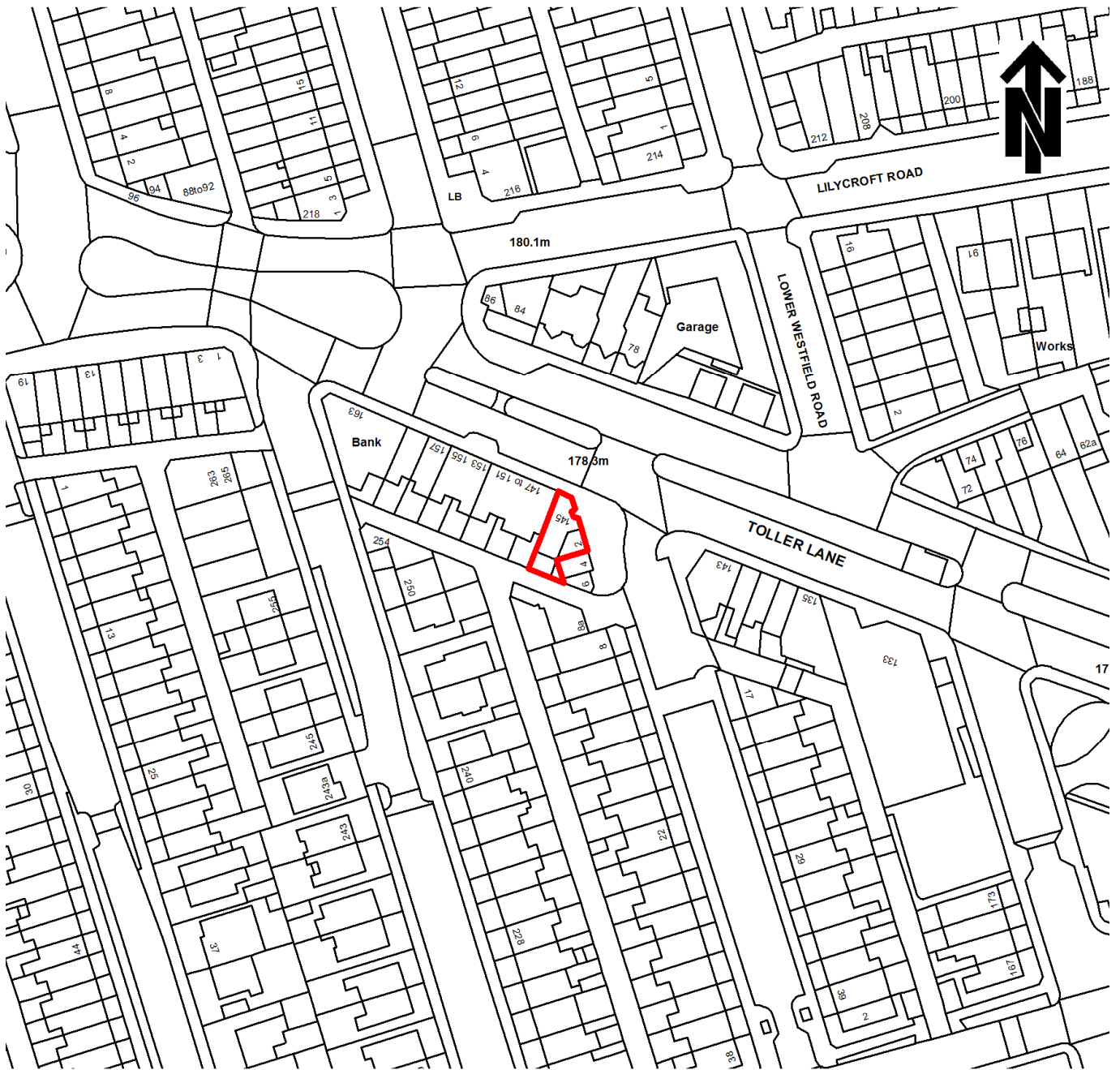
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any subsequent equivalent legislation, the premises shall be used only as an education centre, as described in the application documents, and for no other purpose (including any other activity within Class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

Reason: In order that the Local Planning Authority retains reasonable control over future changes of use with particular regard to residential amenity and road safety, and to accord with policies DS5 of the Core Strategy Development Plan Document for Bradford.

18/00707/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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145 Toller Lane
Bradford
BD8 9HL

9 May 2018

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

Application Number:
18/00707/FUL

Type of Application/Proposal and Address:

A retrospective application for the installation of an extractor flue to the rear elevation of No 145 Toller Lane, Bradford.

Applicant:

Mr Mushtaq Asghar

Agent:

Mr K Singh, KMS Consultants and Associates Ltd

Site Description:

The application site consists of a traditional end terrace property fronting onto Toller Lane and Whitby Road. The application site as shown on the red outline covers both No 145 Toller Lane and 2 Whitby Road which are currently occupied by businesses known as Pizza Palace and BBQ Express. The property is a traditional two storey property with windows in the side and front elevation. The terraced row is commercial in nature consisting of a variety of uses including takeaways, solicitors, retail and hairdressers. Residential properties are located to the rear of the site which are set perpendicular to the site. There are some residential units on upper floors along the row.

Relevant Site History:

10/00136/FUL Change of use from shop and residential to ground floor hot food takeaway and cafe with first floor office and second floor light storage GRANT 11.03.2010.

11/00628/CLE Opening of premises until 2am Sunday to Thursday and 4am Friday and Saturday (advertised as 3am to allow time for serving and eating last orders) REFUSE 09.06.2011.

13/00874/FUL Renewal of planning permission 10/00136/FUL dated 11/03/2010: Change of use from shop and residential to ground floor hot food takeaway and cafe with first floor office and second floor light storage GRANT 01.05.2013.

The National Planning Policy Framework (NPPF):

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

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

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

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 within the Duckworth Lane Local Centre on the RUDP. Accordingly, the following adopted RUDP and Core Strategy policies are applicable to this proposal.

Core Strategy Policies

EN8 - Environmental Protection
DS1 - Achieving Good Design
DS3 - Urban Design
DS5 - Safe and Inclusive Places

Other Relevant Legislation

Council's adopted Hot Food Takeaways Supplementary Planning Document (Adopted November 2014).

Parish Council:

Not applicable.

Publicity and Number of Representations:

The development was advertised by way of a site notice and neighbour notification letter. The statutory publicity date expired on 19 March 2018, at the time of the report there had just been one representation which was a request from a local ward Councillor to refer the application to the area planning panel.

Summary of Representations Received:

There are many similar extraction flues within the district. The flue does not have any detrimental impact on the amenities. The applicants are prepared to change the colour to black to further blend in with the street.

Consultations:

Environmental Health: No comments received at the time of the report.

Summary of Main Issues:

1. Visual Amenity.
2. Residential Amenity.

Appraisal:

The takeaway use was granted in 2013 under application ref 13/00874/FUL. The approved application had an internal flue discharging through the ridgeline of the host property. The section of flue above the plane of the roof was conditioned to have a black painted finish. Contrary to the approved plans a flue has been added to the rear elevation which has a galvanised finish and this flue has been applied for under this application. The flue is the subject of an enforcement investigation.

1. Visual amenity

The Council's adopted Hot Food Takeaways Policy Document states that consideration must be given to the visual impact of flues and care should be taken to locate them where they will not appear prominent. The Council will take into account issues of visual amenity in deciding whether or not a proposed extraction system is acceptable. The policy document goes on to state that where practicable, equipment should be installed predominantly within the building. Where external flues are proposed colour coated flues that complement the existing building materials, should normally be used.

The main section of the flue extends from the top of the rear ground floor window to a point approximately one metre above the eaves the flue bends round to face back on the roof plane. It is constructed of galvanised, unfinished metal, giving it a shiny appearance, which, together with its size, clashes with the residential appearance of the rear of the terrace. The flue currently has a galvanised finish but the supporting information states the applicant is prepared to paint the flue black to try and reduce the impact. Whilst painting the flue black will reduce the visual impact to some extent, as can be seen on the neighbouring property at No.151 Toller Lane, simply painting the flue black does not change the discordant appearance of the structure. The flue and supporting brackets are considered to contrast with the traditional detailing on the host property. The fact the flue, even with a black finish would look alien to the character of the rear elevation of the terraced row would result in an adverse impact on the character of the area. The rear elevation is not visible from Toller Lane but it is visible from the service roads to the rear and from the residential properties to the south of the site. If an external flue was to be agreed it should be boxed in with stonework to match the host property. It is also worth noting that there are systems of odour control and extraction that vent out at ground floor level, rather than a flue, which would reduce concern about visual impact. The application is made retrospectively and it has not been satisfactorily demonstrated that the flue cannot be placed internally or an alternative extraction system cannot be employed which would not require an external flue.

By reason of its size and discordant appearance to the traditional stone property the flue appears as an obtrusive feature in the wider area, to the detriment of visual amenity. As such, it is contrary to policies DS1 and DS3 of the adopted Core Strategy for the Local Plan for the Bradford District and the policy contained within the adopted "Hot Food Takeaways Supplementary Planning Document".

2. Residential amenity

The flue is located to the rear of a commercial row of properties, however there are flats above and the amenity of current and future occupants needs to be considered.

Firstly the application does not provide any supporting information in relation to whether any noise attenuation measures such as silencers and anti-vibration brackets have been incorporated into the development to demonstrate that it does not impact on neighbouring residential properties in terms of noise. There has been no noise assessment to demonstrate that noise from the flue does not exceed background noise level as measured or calculated at the nearest residential property.

Secondly the flue discharges above eaves level but faces down towards the roof therefore the odour may not be adequately dispersed. In order for the odour to adequately disperse it is recommended flues discharge 1 metre above the roof and have no cowl affecting the dispersion in addition odour must be extracted directly upwards at a speed and height that will ensure adequate dispersion past adjacent buildings. Again in the absence of any information regarding the filters within the flue it has not been demonstrated that odour from the use has been adequately controlled.

The development is not considered to be acceptable in terms of residential amenity and fails to satisfy policies DS5 and EN8 of the Core Strategy Development Plan Document and the policy contained within the adopted "Hot Food Takeaways Supplementary Planning Document".

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. By reason of its size and discordant appearance to the traditional stone property the flue appears as an obtrusive feature in the wider area, to the detriment of visual amenity. As such, it is contrary to policies DS1 and DS3 of the adopted Core Strategy for the Local Plan for the Bradford District and the policy contained within the adopted "Hot Food Takeaways Supplementary Planning Document".

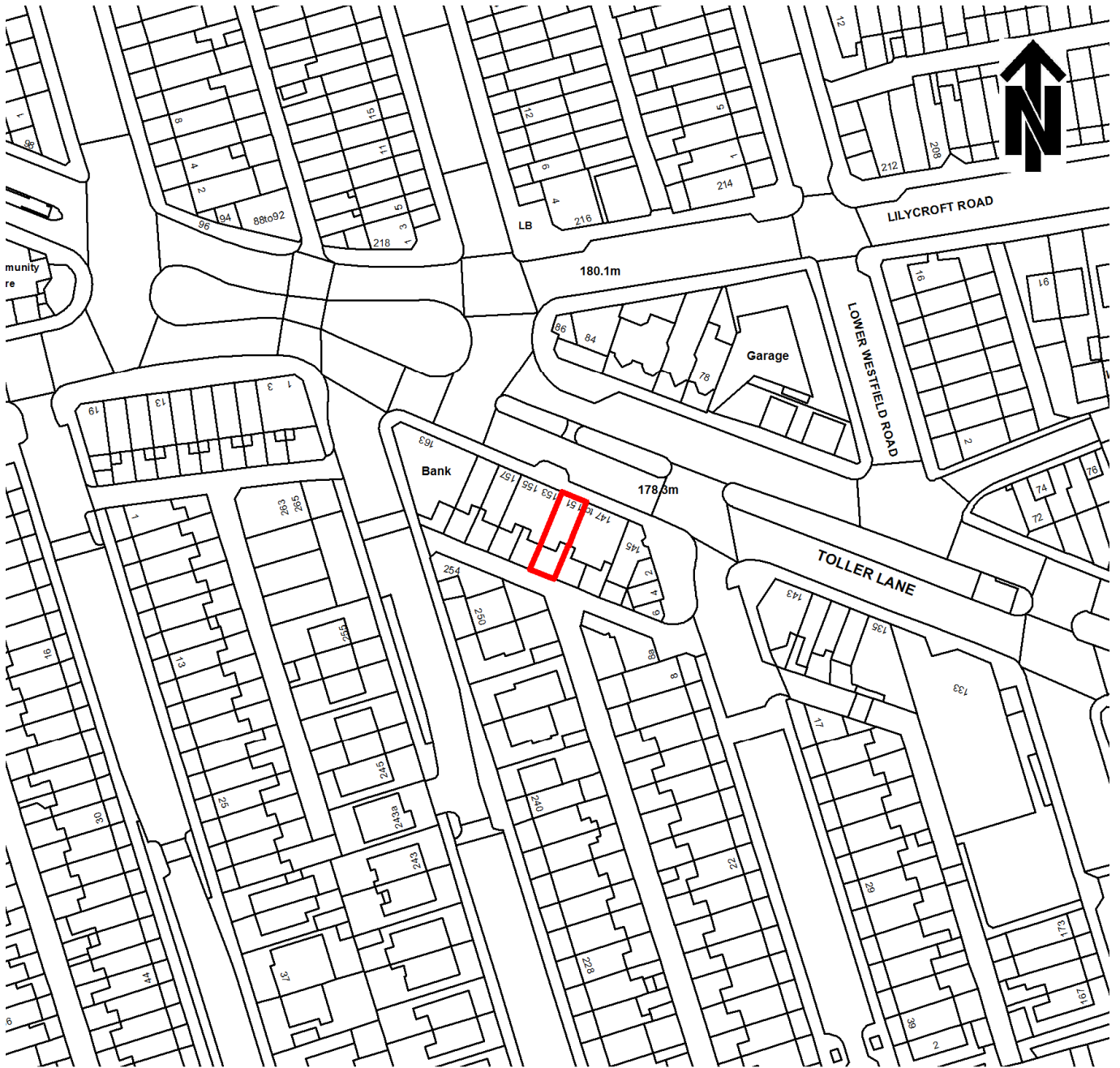
2. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information on what noise attenuation measures have been incorporated into the flue to prevent a noise disturbance being caused to the occupants of noise-sensitive premises in the immediate vicinity. The application therefore fails to satisfy policies DS5 and EN8 of the Core Strategy Development Plan and policy contained within the adopted "Hot Food Takeaways Supplementary Planning Document".

 3. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information on what filters have been incorporated into the flue to ensure odour from the use is adequately dispersed. The application therefore fails to satisfy policies DS5 and EN8 of the Core Strategy Development Plan and policy contained within the adopted "Hot Food Takeaways Supplementary Planning Document".
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18/00416/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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151 Toller Lane
Bradford
BD8 9HL

9 May 2018

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

Application Number:
18/00416/FUL

Type of Application/Proposal and Address:

A retrospective application for the installation of a black coloured extractor flue to the rear elevation of No 151 Toller Lane, Bradford.

Applicant:

Mr Usman Ali

Agent:

Tractus AD Limited

Site Description:

The application site consists of a traditional mid terrace property fronting onto Toller Lane. The property is a traditional two storey property with a pitched style dormer window on the front elevation. The property has a natural stone finish and a blue slate roof. The rear of the property has a two storey annex covering part of the building which is original and this is replicated along the rear row. The terraced row is commercial in nature consisting of a variety of uses including takeaways, solicitors, retail and hairdressers. Residential properties are located to the rear of the site which are set perpendicular to the site.

Relevant Site History:

16/02080/FUL - Change of use from Class A2: Office to Class A5: Hot Food Takeaway
GRANT - 18.07.2016.

17/02630/VOC - Variation of condition 2 of planning permission 16/02080/FUL to vary the restriction of opening hours - REFUSE 07.06.2017.

17/04059/VOC - Variation of condition 2 of planning permission 16/02080/FUL to vary the restriction of opening hours - REFUSE 10.08.2017.

The National Planning Policy Framework (NPPF):

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

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

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

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

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 within the Duckworth Lane Local Centre but is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted RUDP and Core Strategy policies are applicable to this proposal.

Core Strategy Policies

EN8 - Environmental Protection
DS1 - Achieving Good Design
DS3 - Urban Design
DS5 - Safe and Inclusive Places

Other Relevant Legislation

Council's adopted Hot Food Takeaways Supplementary Planning Document (Adopted November 2014).

Parish Council:

Not in a Parish.

Publicity and Number of Representations:

The development was advertised by way of a site notice and neighbour notification letter. The statutory publicity date expired on 28 February 2018, at the time of the report there had just been one representation which was a request from a local ward Councillor to refer the application to the Area Planning Panel.

Summary of Representations Received:

The development has reduced noise pollution and has a better visual appearance on the area.

Consultations:

Environmental Health: No comments received at the time of the report.

Summary of Main Issues:

1. Visual amenity.
2. Residential amenity.

Appraisal:

The host property was granted planning permission for a change of use from an A2 Office to a hot food takeaway in 2016 (16/02080/FUL). This permission granted the use with an internal extraction flue running internally through the building and discharging adjacent to the existing chimney. The small section of flue adjacent to the chimney was conditioned to have a black painted finish. This approval would have had a minimal impact on the appearance of the host property. However the takeaway use has been implemented but with an external flue which has a black finish.

1. Visual amenity

The Council's adopted Hot Food Takeaways Policy Document states that consideration must be given to the visual impact of flues and care should be taken to locate them where they will not be prominent. The Council will take into account issues of visual amenity in deciding whether or not a proposed extraction system is acceptable. The policy document goes on to state that where practicable, equipment should be installed predominantly within the building. Where external flues are proposed colour coated flues that complement the existing building materials, should normally be used. There has been no justification as to why the previously agreed internal flue has not been implemented which would have less of an impact on the surrounding area than the current flue. By reason of its size and discordant appearance to the traditional stone property the flue appears as an obtrusive feature in the wider area, to the detriment of visual amenity. As such, it is contrary to policies DS1 and DS3 of the adopted Core Strategy for the Local Plan for the Bradford District and the policy contained within the adopted "Hot Food Takeaways Supplementary Planning Document".

If an external flue was to be agreed it should be boxed in with stonework to match the host property. It is also worth noting that there are systems of odour control and extraction that vent out at ground floor level, rather than a flue, which would reduce concern about visual impact. The application is made retrospectively and it has not been satisfactorily demonstrated that the flue cannot be placed internally or an alternative extraction system cannot be employed which would not require an external flue.

2. Residential amenity

The flue extends past a first floor and second floor rear window which serve habitable rooms of the flat above. The submitted drawing indicates that the extractor flue has been fitted with noise attenuation measures and grease filters but does not provide any detail beyond this. Indeed the 16/02080/FUL permission required through a planning condition that full details of the proposed fume extraction system were submitted to and approved in writing by the Local Planning Authority. There is no record of the condition being discharged. Based on the lack of information on noise attenuation and grease filters within the flue, the application fails to demonstrate that the flue does not result in harm in terms of noise and smells. There has been no noise assessment to demonstrate that noise from the flue does not exceed background noise level as measured or calculated at the nearest residential property.

The flue is located right outside a habitable window of a first floor flat, this may or may not currently be occupied by somebody linked to the ground floor takeaway but as there is no planning condition linking the flat to the ground floor use it could be rented by anybody and therefore it is important that the living conditions of both current and future occupants of the flat are protected. It is not considered the siting of the flue directly outside the habitable room window is acceptable as it leads to harm to the outlook experienced from the room served from this window.

As such the application is not considered to satisfy policies DS5 and EN8 of the Core Strategy Development Plan Document and guidance contained within the Council's adopted "Hot Food Takeaways Supplementary Planning Document". Policy DS5 requires that development does not harm the amenity of existing or prospective users and residents.

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.

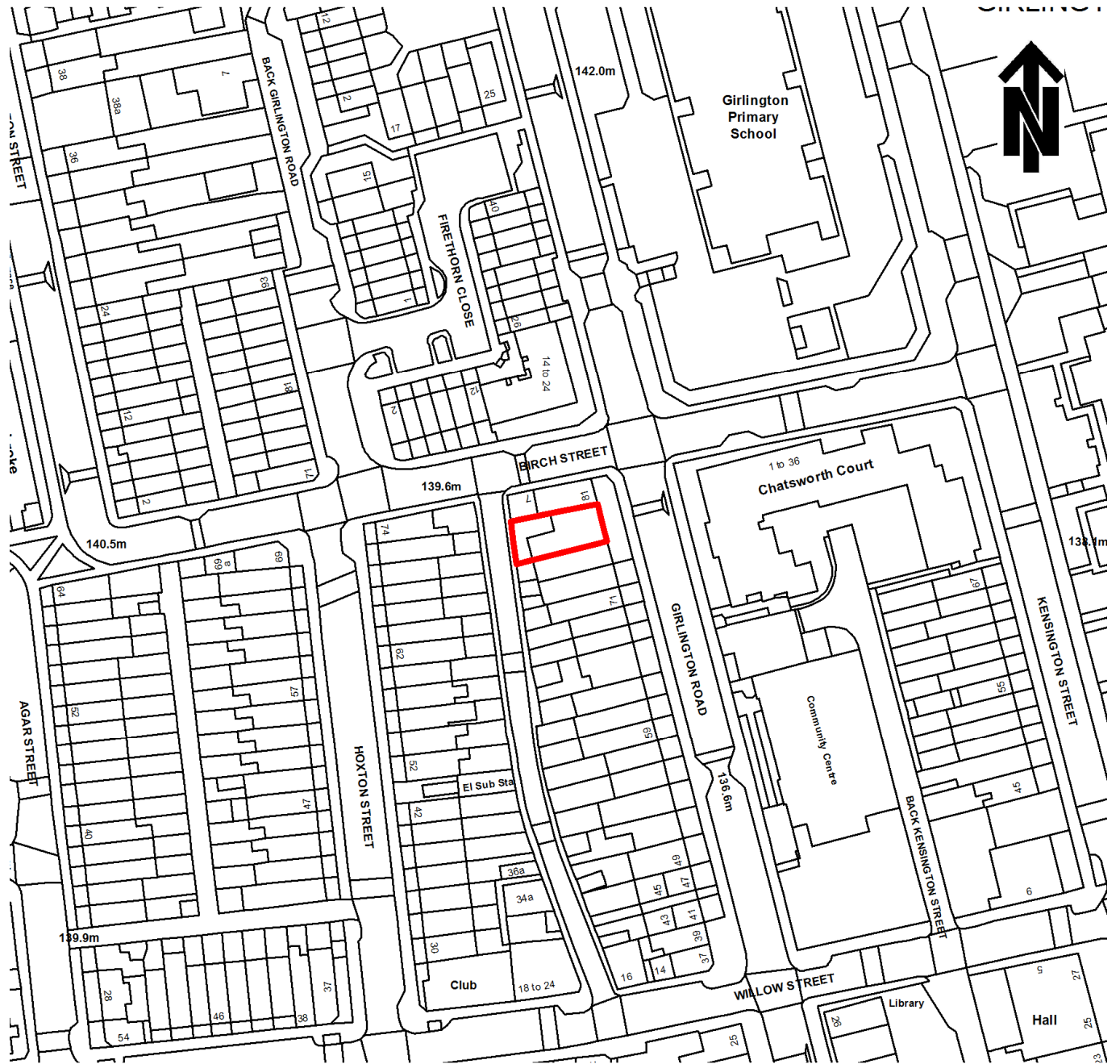
Reasons for Refusal:

1. By reason of its size and discordant appearance to the traditional stone property the flue appears as an obtrusive feature in the wider area, to the detriment of visual amenity. As such, it is contrary to policies DS1 and DS3 of the Core Strategy Development Plan Document and policy contained within the adopted "Hot Food Takeaways Supplementary Planning Document".
 2. The siting of the flue directly outside a habitable room window harms the outlook from habitable room windows of the first floor flat to the detriment of current and future occupants and as such the development is unacceptable in terms of residential amenity and contrary to policy DS5 of the Core Strategy Development Plan Document and guidance contained within the National Planning Policy Framework.
 3. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information on what noise attenuation measures have been incorporated into the flue to prevent a noise disturbance being caused to the occupants of noise-sensitive premises in the immediate vicinity. The application therefore fails to satisfy policies DS5 and EN8 of the Core Strategy Development Plan and policy contained within the Council's adopted "Hot Food Takeaways Supplementary Planning Document".
 4. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information on what filters have been incorporated into the flue to ensure odour from the use is adequately dispersed. The application therefore fails to satisfy policies DS5 and EN8 of the Core Strategy Development Plan and policy contained within the adopted "Hot Food Takeaways Supplementary Planning Document".
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18/00018/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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77 - 79 Girlington Road
Bradford
BD8 9NN

9 May 2018

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

Application Number:
18/00018/FUL

Type of Application/Proposal and Address:
Full planning application for the change of use from A1 retail to A3 restaurant/café at 77 -79 Girlington Road, Bradford.

Applicant:
Mr Mohammed Saleem

Agent:
Mr Sohaib Ahmed

Site Description:
The premises are currently in use as a hardware shop located in a row of shops towards the bottom of Girlington Road close to businesses on Thornton Road. There is residential accommodation above the shop as well as houses opposite and on surrounding streets; it has operated as a shop for many years and there are a mix of commercial and retail premises in the area as well as houses.

Girlington Road is a busy traffic calmed through road from Thornton Road to Duckworth Lane with a large number of parked cars on both sides of the road at most times of day.

Relevant Site History:
None.

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

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
DS2 – Working with the landscape
DS3 – Urban character
DS4 – Streets and movement
DS5 – Safe and inclusive places
SC9 – Making great places
TR2 – Parking Policy
EN8 – Environmental Protection Policy

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised with a site notice and neighbour notification letters. This publicity period expired on 6 February 2018. One representation has been received from a Ward Councillor which requests the application be determined by the Area Planning Panel if Officers are minded to refuse it.

Summary of Representations Received:

Consider that the parking availability in surrounding streets has not been taken into consideration.

Consultations:

Highways – Objected to the original proposal due to insufficient parking availability but welcomed the idea of having the restaurant use restricted to the ground floor only. This would be likely to reduce the amount of on street parking as a result of the development, decreasing the likely impact on highway safety.

Environmental Health – No objection subject to details of the extraction system, restriction on opening hours and soundproofing if necessary.

Summary of Main Issues:

1. Principle of Development.
2. Visual Amenity.
3. Amenities of Occupiers of Adjacent Land.
4. Highway Safety.

Appraisal:

1. Principle of Development

The site is unallocated on the RUDP and so it is not protected for any particular uses other than those which comply with the general policies of the plan. The principle of the development is therefore considered to be acceptable subject to its local impact.

2. Visual Amenity

Save for the creation of a new doorway and the reduction in the size of the shopfront, no further changes is proposed to the front elevation of this property. To the rear however a large external extraction flue is proposed which terminates 1m above the ridge height of the host property. This would sit between two large dormer windows and would be a discordant and obtrusive feature causing significant harm to the character and appearance of this property and that of the wider streetscene. As a consequence the proposal is considered to be unacceptable when measured against Policies SC9, DS1 and DS3 of the Core Strategy DPD.

3. Amenities of Occupiers of Adjacent Land

The site has residential accommodation above and the proposed use is inherently more likely to generate more noise and disturbance than the current use. It is proposed to open until 11pm throughout the week and the development would be completely reliant on on-street parking. The submitted drawings indicate 32 seats are to be provided at ground floor level.

The late night opening proposed and the additional demand for on street parking outside residential properties late at night; resultant noise from customer's coming and going, car doors closing and conversations would be likely to result in noise and disturbance where currently there is none to the detriment of residential amenity.

The proposed flue from the extraction system would be located on the rear of the property and would run past habitable room windows including between the two dormers which presumably serve bedrooms. It is likely that noise and vibrations from this would result in disturbance to the occupants of these rooms and be detrimental to residential amenity.

As a consequence of the above the proposal is considered to be contrary to Policies DS5 and EN8 of the Core Strategy DPD.

4. Highway Safety

Girlington Road is extremely busy and used as a cut-through between Duckworth Lane and Thornton Road, double parked cars and speed bumps slow down the free flow of traffic. There is unrestricted on street parking available in surrounding streets and although the site is located close to the local centre with good public transport links and within easy walking distance of surrounding residential properties a restaurant is likely to generate more vehicle trips than a shop.

A restaurant of the size proposed (86m²) would require at least 16 parking spaces in line with the parking standards in the Core Strategy and the parking standards suggest that 4-5 parking spaces are required for an A1 use. The Highway Officer was initially concerned that the lack of dedicated parking for the use could result in conditions prejudicial to highway safety. In response to this the floor area has been reduced to ground floor only.

The proposal would still be likely to exacerbate existing parking problems; it is accepted there may be some availability to park on Birch Street and some customers may walk from the local area but in reality customers are unlikely to walk any significant distance and are more likely to drive. This is likely to lead to indiscriminate parking close to the premises particularly on Girlington Road where parking is at a premium and its width is restricted by traffic calming measures. Whilst the reduction in the size of the restaurant will reduce the potential impact on highway safety it is still considered that this would be detrimental to residential amenity.

Community Safety Implications:

The proposal does not present any community safety implications.

Equality Act 2010, Section 149:

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

Reasons for Refusal:

1. The location of an external extraction duct close to habitable room windows, late night opening proposed and the additional demand for on street parking outside residential properties late at night; resultant noise from customers coming and going, car doors closing and conversations would be likely to result in noise and disturbance where currently there is none to the detriment of residential amenity. The proposal is therefore contrary to policy DS5 and EN8 of the Core Strategy DPD.
 2. The proposed external extraction system would be a discordant and dominant feature on the rear elevation and roof of the property, detrimental to the appearance of the property and the street scene. The proposal is therefore contrary to policies DS1 and DS3 of the Core Strategy DPD.
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