

# Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 6 February 2019

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## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
1.	46 Dawnay Road Bradford BD5 9LH - 18/05034/HOU [Approve]	Little Horton
2.	62 Glenrose Drive Bradford BD7 2QQ - 18/04096/FUL [Approve]	Great Horton
3.	Former Site Of The Junction Hotel Leeds Road Bradford - 18/01150/OUT [Approve]	Bradford Moor
4.	Land To Rear Of 19 And 21 Ashfield Avenue Bradford - 18/02740/OUT [Approve]	Heaton

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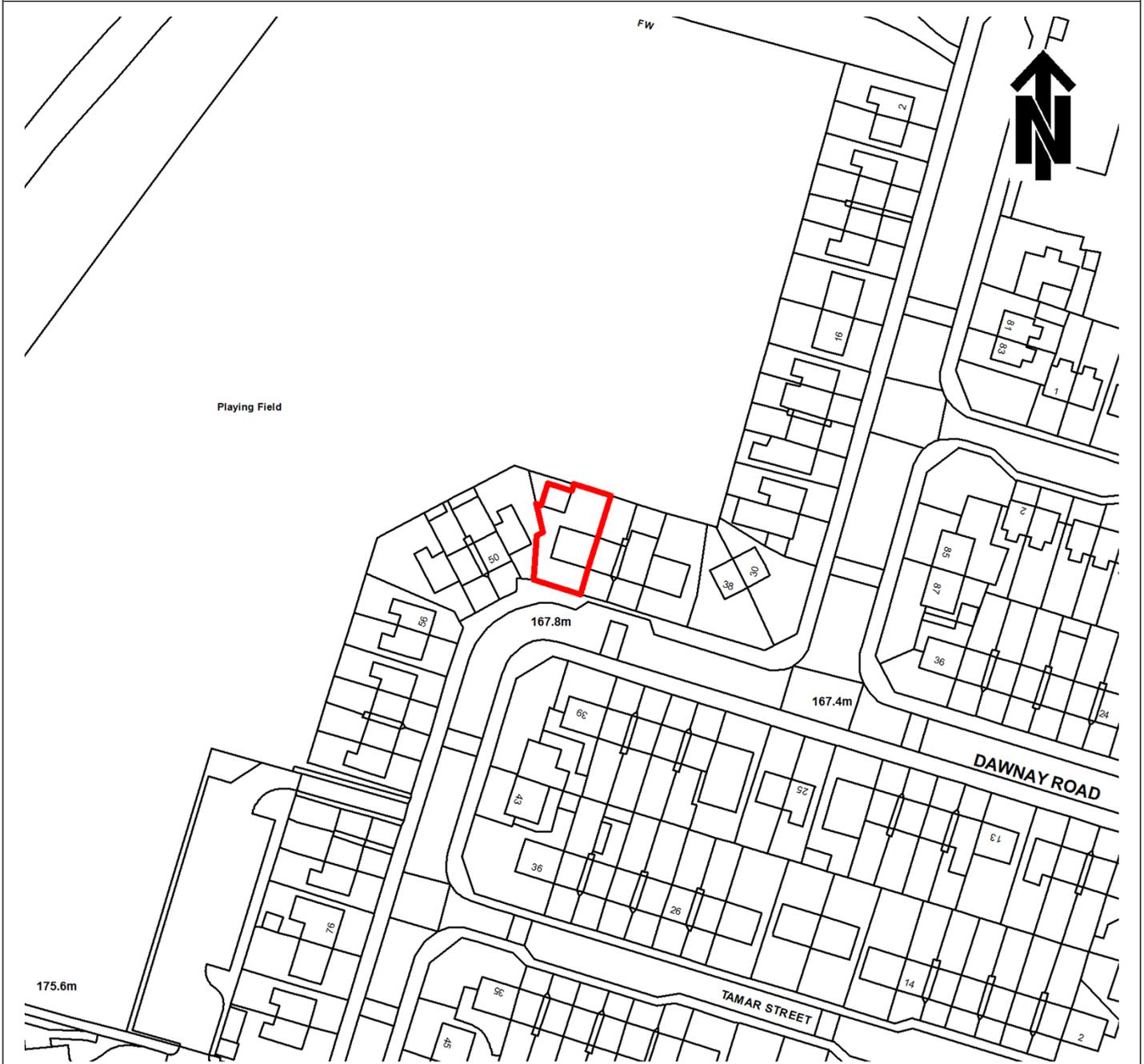
**Portfolio:**  
Regeneration, Planning & Transport

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

18/05034/HOU



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**46 Dawnay Road**  
**Bradford**  
**BD5 9LH**

**6 February 2019**

**Item: A**  
**Ward: LITTLE HORTON**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
18/05034/HOU

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

A householder application for the conversion of the roof from a hipped roof to a gable with the addition of dormer windows to the front and rear of No 46 Dawnay Road, Bradford.

**Applicant:**

Mrs Kim Wilkinson

**Agent:**

Unique AD Ltd

**Site Description:**

The application site is an end-terraced dwelling located in a residential street consisting of a mixture of semi-detached and terraced dwellings fronting onto Dawnay Road, with open playing fields to the rear. There are a variety of house types but the street has a traditional appearance consisting of brick built properties with tile roofs.

**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

"text"

**Saved RUDP Policies**

DS1: Achieving Good Design

DS3: Urban character

DS5: Safe and inclusive Places

**Other Relevant Legislation**

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 17 December 2018. No representations were received.

**Consultations:**

None required.

**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 2.6 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 1.5 metres 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 tiles. 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 proposes a hip to gable roof conversion with the addition a large dormer window to the rear. Although the change in roof type will create some imbalance to the row, and the rear dormer does not follow guidance contained within the Council's adopted Householder SPD, done separately they are considered to fall within the permitted development rights for this property under Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015, as they are constructed in materials to match the existing roof and the combined additions are under 40 cubic metres. 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. To the rear there are open fields and to the front minimum distances of 17m are retained to neighbours habitable rooms. 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 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 change of roof type from hipped gable will result in some imbalance to the row and the rear dormer window is of an 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 this can be done through the permitted development associated with this property 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).

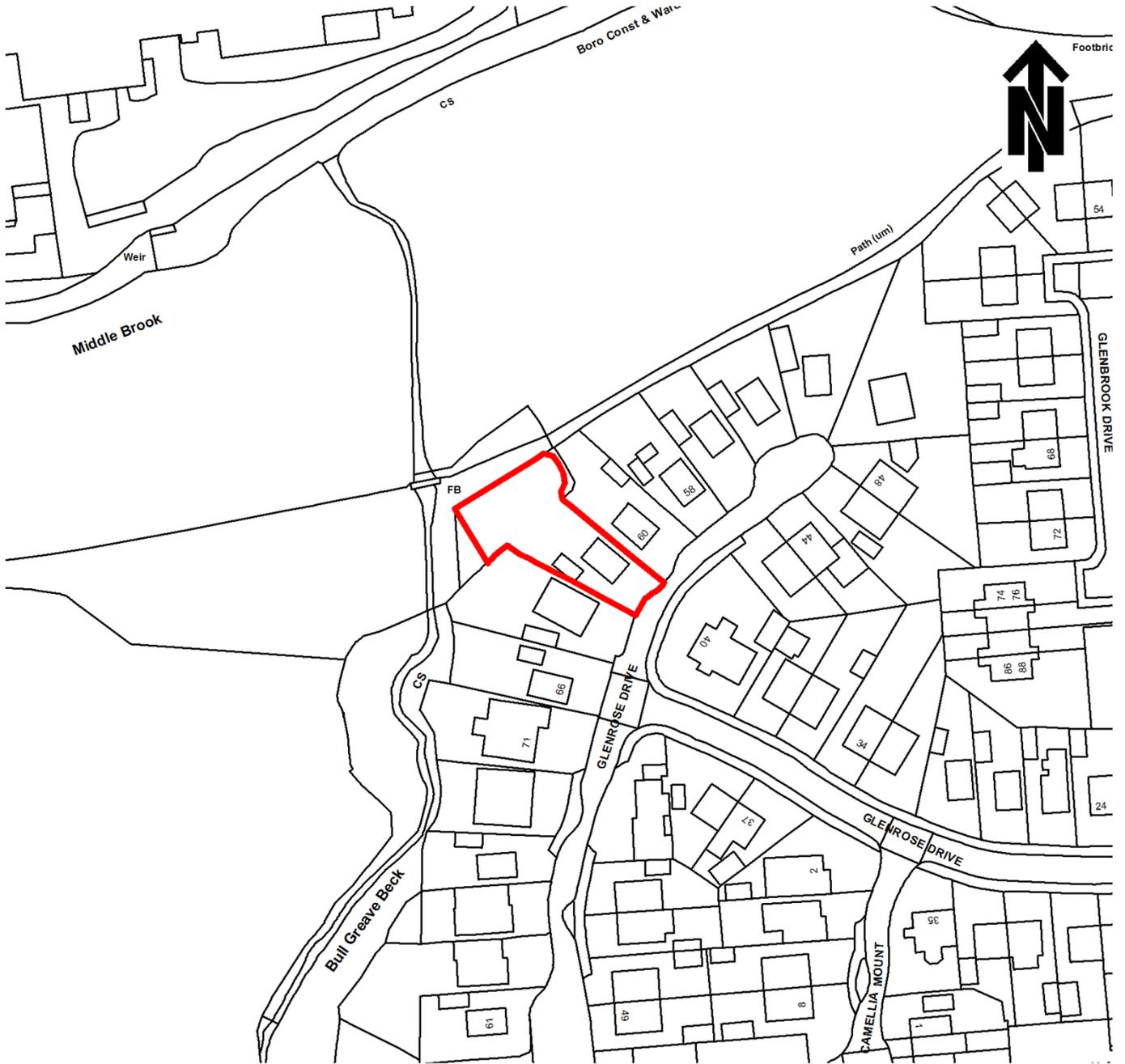
2. The dormer cheeks of the development hereby permitted shall be constructed of roofing materials to match the roofing of the host application building.

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.

18/04096/FUL



City of  
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**62 Glenrose Drive  
Bradford  
BD7 2QQ**

**6 February 2019**

**Item: B**  
**Ward: Great Horton**

**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
18/04096/FUL

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

A full planning application for the construction of a single detached dwelling within the vacant garden area to the rear and demolition of the existing detached garage and the addition of a front porch at 62 Glenrose Drive, Bradford, BD7 2QQ

**Applicant:**  
Mr Guy Humphrys

**Agent:**  
Mark Stewart Smith

**Site Description:**

The application plot is located to the rear and on a lower level to 62 Glenrose Drive. The plot sits at the edge of an existing housing development dating from the late 1970's and will take its access from the existing driveway of No 62. To the rear, north of the site is small stable yard which is separated by a public footpath, beyond there are areas of open land.

**Relevant Site History:**

18/00947/FUL: Demolition of existing prefabricated garage, construction of new porch entrance to No. 62 Glenrose Drive and construction of two dwellings in rear garden.  
Withdrawn.

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

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

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

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

**Local Plan for Bradford:**

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

**Proposals and Policies**

DS1 Achieving Good Design  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
TR2 Parking Policy  
EN7 Flood Risk

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised by neighbour letters and site notice. Publicity expired on 30 October 2018. The Council received 7 letters of representation.

**Summary of Representations Received:**

Loss of privacy/overlooking  
Flooding  
Inappropriate development in the Green Belt  
Noise/nuisance/anti-social behaviour from five bed dwelling  
Damage to neighbouring properties  
Disturbance during construction  
Impact on stables  
Overshadowing/noise disturbance  
Damage to trees/wildlife  
Set precedent  
Loss of view

**Consultations:**

Environment Agency (EA): The Local Planning Authority (LPA) to assess development in line with EA flood risk standing advice.

Drainage: No objections subject to conditions

Highways: No objections subject to conditions

**Summary of Main Issues:**

1. Principle
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Flood Risk
6. Other matters raised in representations

**Appraisal:**

**1. Principle**

An additional dwelling in this location would conform to surrounding uses. The principle of development satisfies sustainability objectives, representing an appropriate use of an unallocated site within the limits of the built up settlement and with good access to existing facilities in the local centre. The proposal will make a contribution (albeit small) towards meeting the District's housing demands and the development density is appropriate for the locality. In this respect the principle of the development is acceptable.

To confirm, the site does not lie in an area designed as the Green Belt in the RUDP.

**2. Visual Amenity**

The proposed dwelling is of an appropriate scale and design and will be constructed using materials to match the dwellings in the immediate vicinity (stone and red-brick under a concrete tile roof). It will sit comfortably on this plot and would have minimal presence in the street as it would sit to the rear of the dwellings on Glenrose Drive and on a lower level. Although it would result an additional built form extending northwards from Glenrose Drive, it would sit between the existing stables and housing development and therefore would not appear as an isolated dwelling within the open countryside. Subsequently, the overall impact on the wider, more spatial characteristics of the area would not be significant.

The alterations to 62 Glenrose Drive which include the construction of a small front porch and the creation of a parking bay to the front of the dwelling are acceptable and would have negligible impact on the overall character of the dwelling and area.

The development is acceptable in terms of design and visual amenity and satisfies policies DS1 and DS3 of the Core Strategy Development Plan Document.

**3. Residential Amenity**

The development for one new dwelling will not adversely affect the living conditions of occupiers of existing neighbouring dwellings south of the site in terms of resulting loss of outlook, dominance or overshadowing due to the degree of separation, changes in land levels and scale of the development proposal. There are no habitable room windows at first floor level facing neighbouring residential plots and therefore it will not result in any loss of privacy or subsequent overlooking issues. This is also the case when assessing the impact on the stables to the rear which are directly north and at a distance of approximately 7metres from the boundary. The application plot currently forms part of the garden of 62 Glenrose Drive and whilst there will be more activity with a new dwelling unit in situ, its proximity to the existing residential built form and degree of separation from the stables is as such that the impact on the stables would not be significant.

Access to the plot will be between properties 62 and 64 Glenrose Drive. The impact on these two properties as a result of vehicles passing will not be significantly greater than that currently experienced in terms of noise disturbance or pollution levels due to the small scale development proposal.

The proposal satisfies policy DS5 of the Core Strategy Development Plan Document.

#### **4. Highway Safety**

In order to access the site, an existing detached garage will be removed and the drive extended onto the plot. The site can accommodate two parking spaces and there is space for the manoeuvring of vehicles so that vehicles can exit the site in a forward gear.

Parking to the existing property at 62 Glenrose Drive will be re-configured to the front where two parking spaces are shown.

With no objections from the Council's Highways Engineer, the development does not raise any highway and pedestrian safety issues and complies with policies TR2 and DS4 of the Core Strategy Development Plan.

#### **5. Flood Risk**

The vast majority of the site lies in Flood Zone 1. The exception is for a small area in the north-west corner of the plot which lies in Flood Zone 2. The nearest main watercourse is Middlebrook which is located approximately 100metres north although a smaller brook is evident just north of the site.

The application has been accompanied by flood risk assessment (FRA) and a sequential test.

Given the proportionally small area of land which lies in zone 2 as well as the mitigation measures put forward in the FRA (e.g. flood resilient construction methods and materials, finished floor levels to be above 300mm, accessible exit routes to flood zone 1 areas, a subscription to EA flood warning services) there is sufficient confidence that should a flood event occur that the development and occupants of the dwelling would not be at such significant risk.

Naturally, there is will be greater level of impermeability on site, however measures have been proposed to collect rainwater and provide permeable surfaces. The nearest residential properties are located south and on a higher level and therefore there is sufficient confidence that they would not be unduly affected as a result of this development proposal.

Subject to a condition that the FRA mitigation measures are implemented, there is satisfactory compliance with policy EN7 of the Core Strategy Development Plan.

## **6. Other matters raised in the representations**

### **Noise disturbance during construction**

Comment: There will be a degree of disturbance during the construction of the dwelling but this should be short lived. Once the dwelling is built and occupied, its use as a residential unit which will form part of this larger residential estate does not raise any concerns in terms of noise disturbance. The plans indicate this will be a 4bedroomed dwelling and there is nothing to suggest that this particular residential dwelling would result in anti-social behaviour.

### **Damage to property**

Comment: Any damage to neighbouring property would be a civil matter to be resolved between the parties involved.

### **Loss of views**

Comment: This is not a planning consideration

### **Impact on trees**

Comment: There are no protected trees on the plot or in the immediate vicinity. Any damage to third party trees would be a private civil matter.

### **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 site is unallocated and not protected by any restrictive land designations, so the principle of a new dwelling is acceptable given the lack of an adequate supply of land for housing across the District. The scale and design of the new dwelling is appropriate and its position on the site is such that it would not cause significant loss of amenity to neighbouring occupiers. The development is considered to accord with relevant Core Strategy DPD policies and to amount to sustainable development in accordance with 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 development hereby permitted shall be constructed using external facing and roofing materials to match the existing building at 62 Glenrose Drive as is 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 Core Strategy Development Plan Document.

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment by STM Environmental dated 20.09.2018. The following mitigation measures detailed within the Flood Risk Assessment shall be incorporated prior to occupation of the new dwelling:-
- (i) Finished floor levels shall be set no lower than 300mm from the external ground level.
  - (ii) The development shall utilise flood resistant materials and services will be placed as high as practicable.
  - (iii) Safe egress to flood zone 1 areas shall be made available within the site.

Reason: To reduce the risk of flooding to the proposed development in accordance with the National Planning Policy Framework and Policy EN7 of the Core Strategy Development Plan Document for Bradford.

4. Before the proposed means of vehicular access for the existing dwelling hereby approved is brought into use, it shall be laid out in accordance with the approved plan and completed to a constructional specification that is first approved in writing by the Local Planning Authority.

Reason: 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.

5. Before the development is brought into use, the off street car parking facility for the existing and new dwelling shall be laid out using porous surfacing materials, or shall be surfaced in a manner that directs run-off water from a hard surface to a permeable or porous area within the curtilage of the site.

Reason: To support the effective regulation of car parking provision serving the development in the interests of amenity and highway safety, and in accordance with Policy TR2 of the Core Strategy Development Plan Document.

6. All new areas of hard-standing within the site shall be formed using porous surfacing materials, or shall be surfaced in a manner that directs run-off water from a hard surface to a permeable or porous area within the curtilage of the dwelling, and the surfaces shall thereafter be retained in this form as long as the additional dwelling is in use.

Reason: In the interests of securing satisfactory sustainable drainage and to accord with Policy EN7 of the Core Strategy Development Plan Document.

7. The development shall be drained using separate foul sewer and surface drainage systems within the site.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with policies DS1 and EN7 of the Core Strategy Development Plan Document.

8. The window at first floor level in the south elevation of the new dwelling hereby approved shall be glazed in obscure glass. Thereafter, this window shall be retained with obscure glazing.

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



**6 February 2019**

**Item: C**  
**Ward: BRADFORD MOOR**  
**Recommendation:**  
**TO GRANT OUTLINE PLANNING PERMISSION**

**Application Number:**  
18/01150/OUT

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

This is an outline application for the construction of two retail units with six apartments above at the site of the former Junction Hotel, Leeds Road, Bradford. The application seeks consideration of the access, appearance, layout and scale of the development but reserves the landscaping of the site for later approval.

**Applicant:**  
Mr Ammar Ali

**Agent:**  
Zeshan Khawaja, Khawaja Planning Services

**Site Description:**

The site is located on the junction of Leeds Road and Gain Lane. Access is taken from Gain Lane and at present the site is undeveloped having previously supported a hotel/public house building. Planning permission for retail use was granted in 2014 but not implemented. The surrounding area is mainly residential with some retail units on Leeds Road itself.

**Relevant Site History:**

12/02187/FUL - Demolition of public house and construction of two A1 retail units -  
Withdrawn 20.07.2012

13/00948/FUL - Demolition of public house and construction of three new build retail units –  
Refuse 14.08.2013

13/04277/FUL - Demolition of public house and construction of two new build retail units -  
Granted 17.01.2014

17/00726/OUT - Construction of two retail units with six apartments above – Refused  
11.04.2017

17/04789/OUT - Construction of two retail units with six apartments above - Refused  
03.10.2017

**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 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 TR1 - Travel Reduction and Modal Shift  
Policy TR2 - Parking Policy  
Policy HO9 – Housing Quality  
Policy HO5 - Density of Housing Schemes  
Policy EN8 - Environment Protection Policy  
Policy DS1 - Achieving Good Design  
Policy DS3 - Urban Character  
Policy DS4 - Streets and Movement  
Policy DS5 - Safe and Inclusive Places

**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 18 April 2018. Eleven objections and a 16 signature petition in objection have been received to date.

**Summary of Representations Received:**

- Proposal will result in anti-social behaviour issues.
- Noise will affect neighbours
- Parking issues
- Health and safety issues due to limited access to the unadopted street.
- The area is already densely populated and this development will increase this thus taking away facilities from the public.
- Proposal will affect the cycle lane to the front of the site.
- The area has become quieter since the pub closed.

**Consultations:**

Environmental Health Land Contamination – No objections subject to conditions.

Highways – Following the receipt of amended drawings no objections are raised subject to conditions relating to the provision of the access, car parking and approval of any external lights.

Minerals & Waste Team – No apparent minerals or significant waste legacy issues. No objections.

Drainage – No objections subject to conditions. These should include the requirement to seek the written approval of foul and surface water drainage and the use of porous surfaces for hard surfaced areas.

Leeds City Council – No comments.

**Summary of Main Issues:**

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

**Appraisal:**

**1. Background**

This is the latest in a series of applications for redevelopment of this site. The principle of small scale retail on this site has been previously accepted and considered appropriate in this out of centre location within planning reference 13/04277/FUL. This approval has been followed by a number of applications which proposed to add a residential element to this development and the most recent of these (reference 17/04789/OUT) was refused for the following reasons in October 2017:

1. The proposed building is considered unsympathetic to the location having regard to its overall large massing, flat roof section and large roof design. The proposal is therefore contrary to policies DS1 and DS3 of the Local Plan for Bradford.

2. The scheme provides an inadequate access from Gain Lane and as submitted the scheme is likely to lead to implications for highway safety at the site close to the signalised junction contrary to guidance contained within the National Planning Policy Framework.

It is in this context that the current proposal is to be considered.

## **2. Principle of the Development**

The application is submitted in outline with only landscaping reserved for later approval. The site is unallocated on the RUDP and so is not protected for any particular use. The principle of small scale retail development on the site has been previously accepted and considered appropriate in this out of centre location (planning permission 13/04277/FUL). There have been no significant changes to policy in the intervening period and it is considered that the proposed retail units on this scale are acceptable in principle. Given the significant housing need in the District the principle of introducing residential units in the upper floors is also considered to be acceptable in principle. Overall the development is therefore considered to be acceptable subject to its local impact.

## **3. Residential Amenity**

The proposed building is not considered to result in any significant adverse implications for the surrounding properties. The plans show that the building will not breach a 45 degree line taken from the edge of the nearest habitable room window of the property at 1179 Leeds Road. There is also considered to be sufficient distance to this property to prevent overshadowing or overlooking. The proposed use is unlikely to generate significant levels of disturbance given its separation to the closest residential properties and that the busy Leeds Road generates high levels of background noise. A condition is recommended which would limit the hours of operation of the proposed retail units to between 8am and 10pm thus reducing the likelihood of noise and disturbance to local residents at unsociable hours and when the surrounding road network is less busy. Overall, the scheme is not considered to result in significant harm to amenity and would comply with policy DS5 of the Core Strategy DPD.

## **4. Visual Amenity**

Previously the visual impact of the scheme was considered to be unacceptable. The design of the building with a large flat roof and tall and expansive hipped roof, in combination with its large massing and bulk, and general design, was considered to lead to an adverse impact on the character of the locality, particularly given the prominent location.

The current application reduces the scale of the development and now proposes a more modest scale of development incorporating well-designed hipped roofs and offers a sympathetic window arrangement. The flat roofed section previously proposed now incorporates a hipped roof and the roof to the main body of the building has been reduced in height. The shopfronts to the ground floor are better proportioned with signage boards which do not wrap around the building. The upper floor windows are now of a more domestic scale further improving the character of the building.

The site is currently in a derelict state and the construction of a well design building of the type and scale detailed here is considered to represent an appropriate form of development which would not be harmful to visual amenity and which would comply with policies DS1 and DS3 of the Core Strategy DPD.

## **5. Highway Safety**

Previously it was considered that whilst sufficient off-street parking was to be provided to serve the development, the proposed primary access point from Gain Lane was slightly substandard in terms of its width. The proposal also included a second access point to Gain Lane which was too close to the signalised junction with Gain Lane.

The application now proposes an improved vehicular access to Gain Lane and includes the closure of the secondary access point. The proposal provides sufficient parking and turning facilities to serve the proposed development without causing harm to highway safety. The Council's Highways Engineer has not objected to the proposal but has suggested a number of planning conditions. Subject to conditions which secure the provision of the access, car parking, turning areas and details of external lighting the proposal is considered to be acceptable in terms of its impact on highway safety in accordance with policies DS4 and TR2 of the Core Strategy DPD and the NPPF.

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

- Proposal will result in anti-social behaviour issues.
- The area has become quieter since the pub closed.

Response - The development of this derelict parcel of land would serve to reduce opportunities for crime and anti-social behaviour. The proposed development does not propose any uses which are inherently noisy or generators of anti-social behaviour.

- Parking issues.

Response - The proposed development provides sufficient parking to serve the proposed development. It is noted that this is privately owned land and so any unauthorised parking by residents is a private matter to be resolved between the affected parties.

- Health and safety issues due to limited access to the unadopted street.

Response - It is not clear exactly what health and safety issues are referred to here but the access to the proposed development is considered to be acceptable.

- Proposal will affect the cycle lane to the front of the site.

Response - The proposal does not affect the cycle lane to the front of the site.

## **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 considered to be an appropriate form of development on this prominent site. The proposal is not considered to be harmful to visual amenity, residential amenity or highway safety and is therefore considered to comply with policies SC9, TR1, TR2, HO5, HO9, EN8, DS1, DS3, DS4 and DS5 of the Core Strategy DPD and the NPPF.

**Conditions of Approval:**

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

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

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

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

3. Before any development is begun plans showing the 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. Prior to the commencement of any drainage works details of a scheme for separate foul and surface water drainage, including any balancing works or off-site works, shall 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 Development Plan Document.

5. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy 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, flood 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 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.

8. The use of the A1 retail units hereby permitted shall be restricted to the hours from 08:00 to 22:00.

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

9. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external 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 Development Plan Document.

10. Before the installation of any external lighting on the site, details of the type and position of all proposed external lighting fixtures to be installed on the buildings or in all external areas (including measures for ensuring that light does not shine directly on the highway or is visible to highway users) shall first be submitted to and approved in writing by the Local Planning Authority. The lights so approved shall be installed in accordance with the approved details before first use of the approved development and maintained thereafter to prevent the light sources adversely affecting the safety of users of adjoining highways.

Reason: To avoid drivers being dazzled or distracted by such lighting, in the interests of highway safety, and in accordance with the National Planning Policy Framework.

11. 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 Development Plan Document and the National Planning Policy Framework.

**Footnotes:**

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



**6 February 2019**

**Item: D**  
**Ward: HEATON**  
**Recommendation:**  
**TO GRANT OUTLINE PLANNING PERMISSION**

**Application Number:**  
18/02740/OUT

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

This is an outline application for the construction of four residential dwellings on land to the rear of 19 and 21 Ashfield Avenue, Bradford. The application seeks approval for the access, layout and scale of the development and retains the appearance and landscaping for later approval.

**Applicant:**  
Mr Ammar Ali

**Agent:**  
Zeshan Khawaja, Khawaja Planning Services

**Site Description:**

This is a large garden plot located to the rear of a detached dwelling fronting onto Ashfield Avenue. The levels within the site rise steeply to the south towards properties on Aireville Avenue. The site contains a number of large trees along the boundaries with a particularly large tree on the eastern boundary being the subject of a tree protection area. The surrounding area has a variety of detached and semi-detached dwellings. Vehicular access is to be created on land in between 19 and 21 Ashfield Avenue which is a relatively wide residential street.

**Relevant Site History:**

07/02640/OUT - Construction of 5 dwellings to rear of 19 and 21 Ashfield Avenue - Deemed withdrawn 28.11.2008

17/04479/OUT - Construction of 4 family houses consisting of 2 x 4 bed houses and 2 x 3 bed houses with access, parking, visitor spaces and area for refuse collection on land at and to rear of 19 and 21 Ashfield Avenue with access, parking, landscaping and fencing - Refused 22.09.2017

**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 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 TR1 - Travel Reduction and Modal Shift  
Policy TR2 - Parking Policy  
Policy HO5 - Density of Housing Schemes  
Policy HO9 - Housing Quality  
Policy EN2 - Biodiversity and Geodiversity  
Policy EN5 - Trees and Woodlands  
Policy EN8 - Environment Protection Policy  
Policy DS1 - Achieving Good Design  
Policy DS3 - Urban Character  
Policy DS4 - Streets and Movement  
Policy DS5 - Safe and Inclusive Places

### **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 18 April 2018. 23 objections have been received to date.

### **Summary of Representations Received:**

- Proposal will increase vehicular and pedestrian movements in the area thus harming neighbour's amenities.
- Proposal introduces additional parking spaces alongside the rear garden of neighbouring residential properties which is likely to result in increased noise and disturbance.
- Proposal will change the acoustic character of the area contrary to paragraph 180 of the NPPF.
- Proposal will increase traffic in the area.

- The application has already been refused once.
- How would emergency and refuse vehicles access these houses.
- The proposal will result in more rubbish bins.
- There is a storm drain on the site which overflows when it rains. Proposal could result in severe flooding and possible damage to the houses surrounding the area.
- Proposal would be harmful to air quality.
- Post and rail fence on top of wall alongside boundary with 19 Ashfield Avenue would obscure visibility from driveway.
- Proposal does not provide adequate pedestrian access to the site.
- Proposal does not provide sufficient car parking. The NPPF requires parking at a level which takes into account local car ownership levels. The average number of cars in this area is at least two per dwelling.
- The proposed bin collection area would be harmful to visual amenity.
- The proposal will expose the side of the neighbouring properties to increased security risks.
- Proposal will overlook neighbouring properties.
- Proposal will be poorly related to the surrounding area in terms of design, scale and character.
- Proposal will result in loss of existing greenery and trees.
- The Council's concerns that the health of the protected tree to the rear of 19 Ashfield Avenue would be jeopardised have not been overcome.
- The proposal will affect local wildlife and their habitats.
- The applicant does not live in the area.
- The site is incorrectly identified as a brownfield site in the application documents.
- Development of greenfield sites is contrary to the NPPF.
- Boundary to the rear of 19 Ashfield Avenue is 1.3m tall not 1.8m as claimed on the submitted drawings.
- Proposal will overlook, overshadow and affect existing views from neighbouring properties.
- The proposed housing is of unacceptably high density.
- Proposal will harm neighbours amenities by way increased vehicular movements and parking manoeuvres leading to increased noise and disturbance.

**Consultations:**

Trees Section - Following receipt of revised drawings and additional information no objections are raised to this development subject to conditions relating to the implementation of the submitted arboricultural method statement, tree protection fencing and the details of type and installation methods of hard surfaces.

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

Drainage Section - No objections subject to conditions requiring the approval of foul and surface water drainage including investigation of the use of sustainable drainage techniques. Car parking and hard surfaced areas should be constructed using porous materials.

West Yorkshire Police - No objections but make a number of suggestions to improve the security of the site. In particular, recommend a 1.8m high fence around the boundary of the site, numbering parking bays for each plot and external lighting.

Coal Authority - Following receipt of a Coal Mining Risk Assessment no objections are raised.

**Summary of Main Issues:**

1. Background
2. Principle of the Development
3. Residential Amenity
4. Visual Amenity
5. Highway Safety
7. Drainage
8. Coal Mining Risk
9. Other Issues Raised in Representations

**Appraisal:**

**1. Background**

This is a resubmission of a recently refused application for a similar development in 2017 which was refused for the following reasons:

1. The proposed development would introduce one or more windows which would overlook the private garden of existing properties around the site. As such the development would be detrimental to the amenity and privacy of existing and future residents and would be contrary to the guidance contained within the Council's adopted 'Householder' Supplementary Planning Document and policy DS5 of the Local Plan for Bradford.
2. The proposed development is undesirable as it would involve works to a category A tree to facilitate housing and parking areas. The works to the tree and future pressure to carry out works or fell the tree would be detriment of the visual amenity of the area as a whole. This would be contrary to Policy EN5 of the Local Plan for Bradford.
3. The proposed development occurs to the rear of other properties in a virtually landlocked situation, the new activities principally related to vehicular movements and parking manoeuvres will lead to an increase in noise and disturbance in a relatively tranquil environment which would be contrary to the aims of policy DS5 of the Local Plan for Bradford.
4. The proposed development would be over-dominated by an existing tree and would result in a poor outlook for future occupants of the dwelling and future maintenance issues. The development would therefore be contrary to policy DS5 of the Local Plan for Bradford.
5. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information on how the past coal mining legacy issues affect the proposed development and therefore the application requires a Coal Mining Risk Assessment Report. The development is not considered to satisfy policy EN8 of the Local Plan for Bradford.

The current application has been revised and additional information submitted which seeks to address these issues and it is in this context that this application is to be considered.

## **2. Principle of the Development**

The proposal relates to the construction of 4 dwellings and has been submitted in outline form with access, layout and scale all to be agreed at this stage. Landscaping and appearance are to be reserved for later approval. The site is greenfield forming the garden area of an existing property but is located within a sustainable location close to existing infrastructure and a 10 minute bus route along Keighley Road. The surrounding area is residential in nature and the proposed residential development is considered to be an acceptable form of development in this area.

The proposed development would result in a housing density of around 30 dwellings per hectare which is in line with the requirements of policy HO5 of the Core Strategy DPD. The Council's lack of a five year supply of deliverable housing sites also weighs heavily in favour of this development. The principle of the development is therefore considered to be acceptable subject to its local impact.

## **3. Residential Amenity**

This is a steeply sloping garden area which rises steeply to the south towards Aireville Avenue. The site is to be served by an access road which runs between the host dwelling (21 Ashfield Avenue) and the neighbouring 19 Ashfield Avenue. As you enter the site plots 3 and 4 sit towards the western boundary of the site and plots 1 and 2 sit towards the southern boundary of the site.

The side elevation of plot 3 is set around 12.5m from the rear wall of 21 Ashfield Avenue and a cross-section drawing has been provided which shows that the proposed dwelling would not significantly overshadow or be overly dominant on this property. Previously there was concern about the potential overlooking from these plots towards dwellings on Ashfield Drive. The Council ordinarily requires a 7m separation distance to a shared boundary and 17m between habitable room windows. The current application increases the separation distances to the boundary to 7m from the nearest habitable room window in plot 4 and a distance of at least 28m is retained to the properties on Ashfield Drive.

Immediately to the south is 31 Aireville Avenue which sits side on to the site. The elevation facing into the site includes a dormer window which looks over the application site. The gable of Plot 3 is around 11.3m away from this dwelling and a cross-section drawing demonstrates that the proposed dwelling would not extend beyond a 25 degree line taken from the centre of this window. It is therefore considered that the proposal would not cause significant loss of outlook or an overbearing impact on this property.

Revised drawings have been received which slightly re-orient plots 1 and 2 so they now sit further away from the protected tree on the eastern boundary of the site and face more towards 21 Ashfield Avenue. These dwellings now face towards the end of Aireville Avenue and whilst the back corner of plot 2 is around 9.3m from the nearest corner of 31 Aireville Avenue the relationship with this property is considered to be acceptable given the change in levels and the fact that plot 2 does not sit immediately to the front of number 31. These properties will also sit around 17m from the rear boundary with 19 Ashfield Avenue and around 24m from its rear wall and a greater distance to 21 Ashfield Avenue. Even with the change in land levels this is considered to be adequate to avoid any significant harm to the amenities of these properties.

Previously it was considered that the introduction of further built form into this relatively quiet rear garden area would introduce additional development which would be harmful to the amenities of the surrounding residential dwellings. The application proposes four modestly sized residential dwellings within a residential area. Whilst there would obviously introduce some additional noise and disturbance it would be reasonable to assume that this would be within normal times associated with domestic use of the premises. It is unlikely that the proposal would significantly increase noise and disturbance at unsociable hours and powers exist with other authorities such as Environmental Health and the Police which can address anti-social behaviour by potential occupants of these dwellings. In reaching these conclusions consideration is given to policies EN8 and DS5 of the Core Strategy DPD, the former of which requires consideration of the noise impacts of developments and the latter requires development to not affect the amenities of existing and prospective residents. Significant weight is also given to the current need for housing within the District and the current absence of an adequate 5-year supply of deliverable housing sites.

The bin storage area has been shown adjacent to a neighbour's drive and whilst this should be located adjacent to the host dwelling it is not considered it would result in significant disturbance to the neighbouring occupants in terms of smells and noise. It is reasonable to anticipate that the bins will only be there over night and the next day until collected. A suitably screened bin store can be provided in this location without affecting the amenities of neighbours.

Overall the proposal is therefore considered to be acceptable in terms of its impact on residential amenity subject to conditions and would comply with Policies DS5 and EN8 of the Core Strategy Development Plan Document.

#### **4. Visual Amenity**

Appearance and landscaping are matters reserved for later approval but the scale and layout submitted for approval give an idea of the impact the development will have on the surrounding area. The development is set to the rear of Ashfield Avenue behind existing housing and this would limit the impact on the street scene to some extent. The proposed dwellings are modest in size however if appropriately designed they would not be harmful to the character of the area. The appearance of the proposed dwellings is reserved for later approval but the indicative details show an acceptable form of development.

The plans indicate a bin collection area to the front of the site alongside the new private drive. Whilst this would be visible from the street as noted above, bins would only remain in this location awaiting collection and shortly after. Overall the proposal is therefore not considered to be harmful to visual amenity.

#### **5. Protected Trees and Wildlife**

Historically the whole of this site and part of the neighbouring site were subject of a Tree Protection Order which has since lapsed. The only protected tree within this site is the large Sycamore (marked as T1 on the proposed site plan) which sits immediately to the rear of 19 Ashfield Avenue. Previously significant concern was raised about the pruning and likely future conflict between plot 1 and the protected Sycamore. The current application re-orientates and moves plots 1 and 2 away from this tree. The Council's Tree Officer is satisfied that the revised proposal, subject to conditions, will not affect the long term health of this protected tree. As a consequence the proposal would now comply with Policy EN5 of the Core Strategy DPD.

Many local people have spoken of the potential impact of this development on local wildlife. There are no records of protected species within this site and as only one of the trees within the site is protected no consent from the Council is required for works to the other trees within the site. As a consequence a refusal on these grounds is not considered to be justifiable. A footnote advising of the developer's responsibility towards protected species such as bats should however be attached to any approval of this application.

## **6. Highway Safety**

Access is to be agreed at this outline stage. The development provides access from Ashfield Avenue in between two existing dwellings. The access would be unadopted and would include a 600mm service margin to one side and would be block paved. The gradient would be 1 in 40 for the first 10 metres. The Council's Highways Engineer accepts that this provides an acceptable access for both pedestrians and vehicles. Parking spaces for nine vehicles plus garages to plots 3 and 4 would be included within the development and this is considered to comply with policy TR2 of the Core Strategy DPD. The development is acceptable in terms of highway safety subject to the access being laid out and parking provided which can be controlled with appropriately worded planning conditions.

## **7. Drainage**

The Council's Drainage Engineer has not objected to the proposal subject to conditions which require the approval of foul and surface water drainage details. The use of sustainable drainage systems should first be investigated for the disposal of surface water. This condition will also require the consideration of how the proposed drainage will interact with existing drainage features within the site. A second condition relating to the use of a permeable surface for all car parking and hard surfaces should also be attached to reduce the amount of surface water runoff to neighbouring sites. Subject to conditions the proposal is not therefore considered to present any insurmountable drainage or flood risk issues.

## **8. Coal Mining Risk**

The site is within a high risk area for past coal mining activity and previously the application did not include adequate information to discount the potential for any associated land stability issues. The current application provides a coal mining risk assessment which concludes that there are unlikely to be any risks associated with such activity and the Coal Authority has accepted the findings of this report. The proposal is therefore considered to comply with Policy EN8 of the Core Strategy DPD.

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

- How would emergency and refuse vehicles access these houses.

Response - The proposed access road is 3m wide which is considered to be sufficient to accommodate emergency vehicles. Refuse vehicles are unlikely to enter the site as bins are to be collected from the access point alongside Ashfield Avenue.

- Proposal would be harmful to air quality.

Response - Whilst the proposal would inevitable increase the number of vehicles in this area it is not considered that this would be an amount which would significantly harm air quality in this area. It is noted that this site is not within an air quality management area.

- Post and rail fence on top of wall alongside boundary with 19 Ashfield Avenue would obscure visibility from driveway.

Response - A boundary treatment up to 2m in height can be constructed along such a boundary without the need for any planning consent.

- Proposal does not provide adequate pedestrian access to the site.

Response - The proposed access to the site has been assessed by the Council's Highways Engineer who accepts that it provides adequate pedestrian and vehicular access to the site.

- The proposal will expose the side of the neighbouring properties to increased security risks.

Response - Whilst the proposal will introduce new dwellings which will share boundaries with existing dwellings it is unlikely that the proposal would significantly increase security risks in the area. It is noted that the Police Architectural Liaison Officer has not objected to the proposal but has asked for all boundaries to the site to be at least 1.8m in height. A condition requiring approval of all boundary treatments would be attached to any approval of this application.

- The applicant does not live in the area.

Response - This is not a material planning consideration.

- Boundary to the rear of 19 Ashfield Avenue is 1.3m tall not 1.8m as claimed on the submitted drawings.

Response - This may be the case on site however full details of boundary treatments will be agreed via a planning condition.

#### **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:**

This revised proposal is now considered to propose an acceptable form of development in this residential area. The proposed development would not be harmful to neighbouring amenities, visual amenity, highway safety or the protected tree within the site. The proposal is therefore considered to comply with policies

The proposed development is considered to be an appropriate form of development on this prominent site. The proposal 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 EN8 of the Core Strategy DPD and the NPPF.

**Conditions of Approval:**

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

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

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

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

3. Before any development is begun plans showing the appearance and 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. Prior to the commencement of any drainage works details of a scheme for separate foul and surface water drainage, including any balancing works or off-site works, shall 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 Development Plan Document.

5. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan.

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

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

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

9. The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details shown on the submitted Arboricultural Impact Assessment and associated drawings 576.03.00 Rev B.

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

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

10. Before any works take place within the special construction area marked on drawing referenced 576.03.00 Rev B full details of the types and installation methods of the hard surfaces in this area shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

11. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A, B, D, E and F of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the dwelling at Plot 1 hereby approved without the prior express written permission of the Local Planning Authority.

Reason: In the interest of the long term health of the adjacent protected tree and to comply with Policy EN5 of the Core Strategy Development Plan Document.

12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A, B and E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the dwellings at plots 1, 2 and 3 of the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with policies DS3 and DS5 of the Core Strategy Development Plan Document.

13. Prior to the first occupation of the development hereby permitted the bin collection area shown on the approved site plan shall be provided and shall thereafter be kept available for its intended use whilst the development remains in use.

Reason: In the interest of visual amenity and to comply with policies DS1 and DS3 of the Core Strategy Development Plan Document.

**Footnotes:**

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.