

Report of the Assistant Director (Planning Transportation and Highways) to the meeting of Regulatory and Appeals Committee to be held on 18 May 2020

AI

Subject:

This is a full planning application for the installation of roller shutters and creation of an additional Use Class A1 unit at 24 Heights Lane, Bradford.

Summary statement:

The main issue relating to the installation of roller shutters is their visual appearance and, with regards the additional retail unit, its effect on neighbouring amenities and highway safety.

The roller shutters have been amended to include a 'brickbond' design such that they now comply with the Council's adopted supplementary planning document, 'Shopkeepers Guide to Securing Premises'.

The additional retail unit is to be formed within the footprint of a building that was granted planning permission last year. The proposal does not increase the bulk or floor space of the building beyond that already permitted and so would have no additional impact on local residents, traffic generation, parking demand or delivery pressures.

The proposal is acceptable subject to standard conditions relating to commencement of the permitted development and compliance with approved plans, plus another to limit hours of operation.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a full planning application for the installation of roller shutters and creation of an additional Use Class A1 unit at 24 Heights Lane, Bradford.

2. BACKGROUND

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are as set out in Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

None

6. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Consideration of Section 149 of the Equality Act 2010 is set out in the report at Appendix A.

7.2 SUSTAINABILITY IMPLICATIONS

No significant issues are raised by this small-scale scheme, which is located within a sustainable location within walking distance of potential customers and with good links to the bus services on nearby roads.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

No implications

7.4 COMMUNITY SAFETY IMPLICATIONS

None, as confirmed in the report attached at Appendix A

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal, which is noted in the report at Appendix A.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal, with one raising objections and a referral to the Area Planning Panel (Regulatory and Appeals Committee), which is detailed in the report at Appendix A. There are no significant implications for the Ward itself.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application. If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material considerations.

10. RECOMMENDATIONS

The application is recommended for approval subject to the conditions included with Appendix 1.

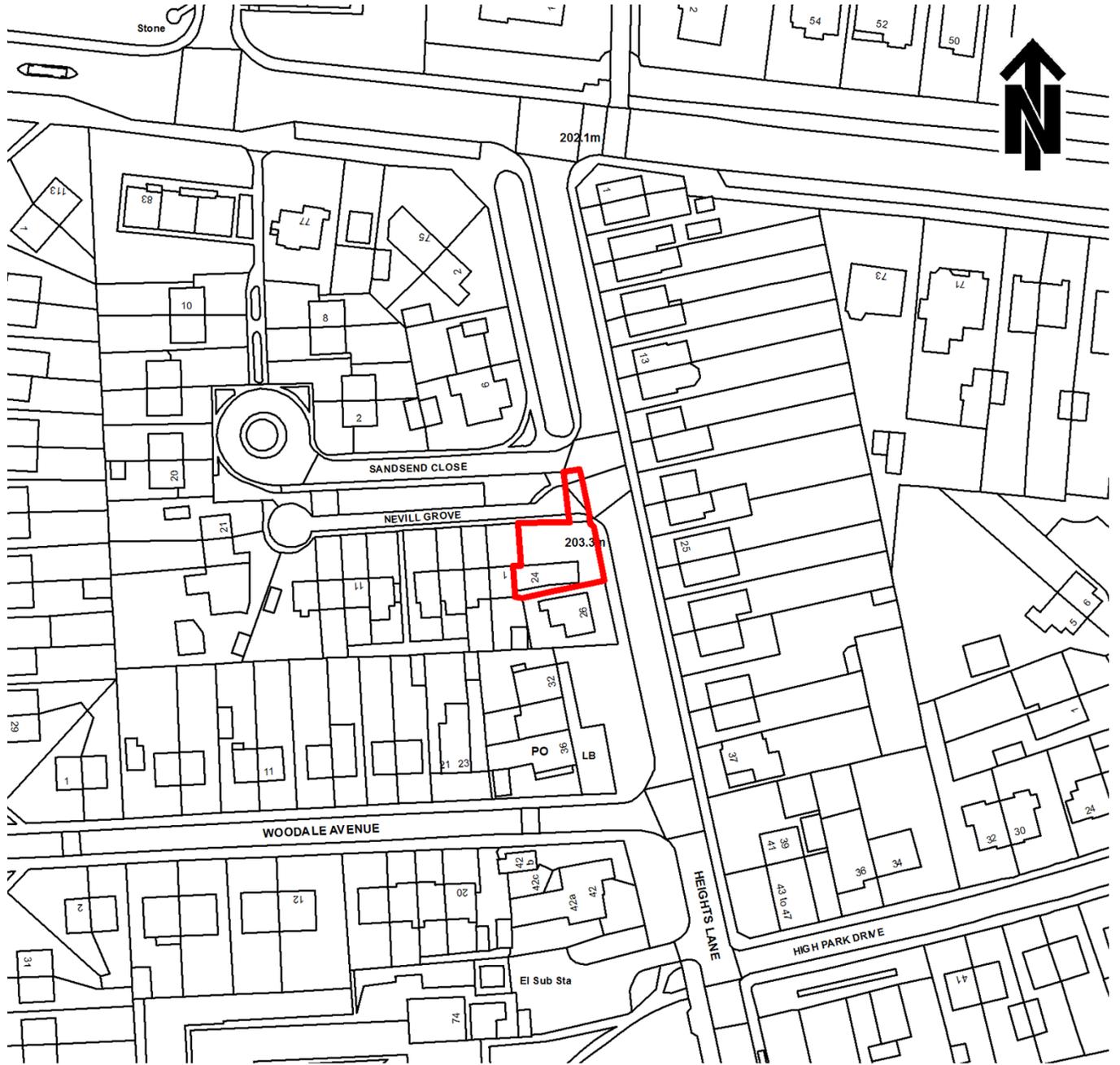
11. APPENDICES

Appendix 1 Technical Report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy Development Plan Document
Replacement Unitary Development Plan

19/05275/FUL



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**24 Heights Lane
Bradford
BD9 6JB**

Ward: HEATON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
19/05275/FUL

Type of Application/Proposal and Address:
Installation of roller shutters and creation of an additional unit (A1) class use at 24 Heights Lane, Bradford.

Applicant:
Mr T Rashid

Agent:
Tractus AD Limited - Mr Asif Munir

Site Description:
The development is a single storey building, situated at the junction of Nevill Grove and Heights Lane. It is built of render with three display windows in its front elevation, one of which is given over to a hair studio. Another such window is in the side elevation. Solid shutters cover the windows. A short flight of wide steps gives access from the front; to the side is a row of houses. Round the corner to the other side is a short parade of shops.

Relevant Site History:
19/04392/FUL - Proposal: Retrospective application for roller shutters as installed and creation of an additional unit (A1) class use - Status: WITHDRAWN 17.12.19
19/01469/FUL - Proposal: Conversion of shop (A1) into 2 shops (A1) with new shopfronts and security shutters, single-storey extension to north and east facing elevations and alteration of existing flat roof to pitched roof - Status: GRANT 24.05.19.
99/01528/FUL - Proposal: Erection of single storey extension to hairdressing salon and construction of front porch - Status: GRANT 27.07.99.
96/00660/COU - Proposal: Use of shop (Class A1) as hot food takeaway (Class A3) - Status: REFUSE 18.04.96.

The National Planning Policy Framework (NPPF):
The NPPF is a material planning consideration on any development proposal. The NPPF 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 NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

Core Strategy Development Plan Document

Core Strategy Policies

- DS1 – Achieving good design
- DS3 – Urban character
- DS4 – Streets and movement
- DS5 – Safe and Inclusive Places
- EC5 – City, Town, District and Local Centres
- SC9 – Making Great Places
- TM10 – The National and Local Cycle Network
- SPD07 – Shopfront Design Guide SPD
- SPD11 – Shopkeepers Guide to Securing Premises

Parish Council:

Not applicable.

Publicity and Number of Representations:

Advertised by neighbour notification site notice and letters. Expiry date 5 February 2020.

One representation received from a Ward Councillor, raising concerns and requesting the application is determined at the Area Planning Panel.

Summary of Representations Received:

Local residents have expressed concern about:

- a) Their visual amenity.
- b) Increase in traffic flow.
- c) Increased disruption in the local environment.

Consultations:

Highways - Whilst an increase in the number of units could lead to some increase in the number of deliveries, it is likely that the smaller units could be served by smaller vehicles, which would experience less difficulty carrying out turning manoeuvres on the highway. Police Architectural Liaison Officer (ALO) - No objection in principle. The style of shutter is acceptable.

Summary of Main Issues:

- 1. Background and Principle of the development.
- 2. Visual Amenity.
- 3. Amenities of occupiers of adjacent land.
- 4. Highway safety.
- 5. Other planning matters.

Appraisal:

1. Background and Principle of the development

The application seeks permission for the change of two retail outlet (use class A1) into

three and the provision of roller shutters. The existing building, which is in process of construction, has an overall floor coverage of approximately 100 square metres, which is the same area as previously approved (ref: 19/01469/FUL). The floor coverage is such as would be allowed to locate outside an established centre and, despite the presence of a small retail terrace round the corner, it is not considered that the creation of an extra retail outlet will have an adverse impact on the vitality and viability of any existing centre. In principle, the development is acceptable.

2. Visual Amenity

Previously, concern arose with the shutters. These were initially approved as brick bond shutters. Later, as part of a retrospective application, it was proposed to replace these with shutters which, to all intents and purposes, were solid. However, planning policy has a strong presumption against solid shutters and the "dead" appearance they create; hence the fitted shutters were not in accordance with policy. Whilst the shutter box did not protrude forward of the front elevation of the building, being concealed behind the fascia, the proposal nevertheless remained visually unacceptable.

It is now proposed to revert to brick bond shutters, which have previously been approved. With no protruding shutter box and in view of the previous approval, the development is visually acceptable.

The development extends towards both Nevill Grove and Heights Lane. There is no increase in size over what was previously approved. The proposal remains proportionate to the previous unit that stood on the site and in keeping with its character, scale and design. A pitched roof is considered acceptable, notwithstanding the use of concrete tiles and wider, more prominent shop windows emphasise the retail nature of the building. The use of render as a facing material is acceptable and, overall, it is considered that the building and shutters are visually acceptable.

3. Amenities of Occupiers of Adjacent Land

The extension will cause a slight, early morning overshadowing of the nearest window in the front elevation of 1 Nevill Grove. It will also be visible from the window, but since number 1 will retain amenity space to the rear and the overshadowing effect will not be great, it is not considered that any effect on the amenity of number 1 will be adverse. No other properties, including the shops in the nearby terrace will be affected.

4. Highway Safety

Whilst the parking spaces are still adequate to serve three shops, there is concern that there is insufficient space for loading and turning delivery and service vehicles, which in turn would have an adverse effect on highway safety, particularly on the busy Heights Lane.

However, given the size of the units, it is highly likely that the shop vehicles themselves will be used for bringing goods/stock to the units and a planning condition can restrict delivery times to minimise potential highway problems.

It is considered that since the new units will be small, the amount of deliveries and servicing will be small. There is space to the front of the units for service and delivery vehicles and overall, it is not considered that the level of servicing and deliveries for the three units will be such as to cause a detriment to highway safety.

5. Other Planning Matters

One representation has been received from a ward councillor, raising concern about visual amenity, increase in traffic flow and increased disruption in the local environment. It is unlikely that significant disruption or loss of amenity will occur from the addition of an extra retail unit and no measures such as, say, a restriction on opening hours is therefore necessary. Similarly, any increase in traffic will not be large, since the units are small, convenience shops.

Community Safety Implications:

There are no community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposal is acceptable in principle and will have no adverse implications for neighbouring amenity, visual amenity or highway safety. It therefore complies with policies EC5, DS1, DS3, DS5 and SC9 of the adopted 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. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

Site Location & As Approved Plans EX-01 received 19.12.2019

As Approved Elevations EX-02 received 19.12.2019

Proposed Plans PL-01 received 19.12.2019

Proposed Elevations PL-02 received 19.12.2019

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. Deliveries to the premises shall be restricted to the hours between 09-00 and 16-00 Mondays to Saturdays and between 09-00 and 16-00 on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and to accord with policy DS5 of the adopted Core Strategy.