

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 17 September 2020

AG

Subject:

This is a full application seeking planning permission for a change of use from Public House (A4) to House of Multiple Occupancy of more than 6no persons (Sui Generis). The submitted plans indicate the HMO will provide accommodation for 10 people.

Summary statement:

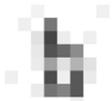
The site is unallocated for any specific land use, however the site is located within the Great Horton Conservation Area and is included in the Great Horton District Centre (CL1). The former public house is a Grade II Listed Building that has been vacant for some time.

The proposed use is not considered to harm the significance or character and appearance of the heritage assets. The proposal would also not be harmful to the amenities of nearby occupants or result in highway safety issues. It is recommended to grant planning permission.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and economy



1. SUMMARY

This is a full application seeking planning permission for the change of use from Public House (A4) to House of Multiple Occupancy of more than 6no persons (Sui Generis)

2. BACKGROUND

Attached as appendix 1 is a copy of the Officers Report which identifies the material considerations of the proposal.

3. OTHER CONSIDERATIONS

N/A

4. OPTIONS

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application, then reasons for refusal will need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from this application

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications

7. LEGAL APPRAISAL

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

8. OTHER IMPLICATIONS

N/A

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose, section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

Contact the Policy Officer, on Bradford 434123 or e-mail jamie.saunders@bradford.gov.uk for further guidance.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

8.4 COMMUNITY SAFETY IMPLICATIONS

The Community Safety Implications of the proposed development are considered in Appendix 1.

8.5 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. This is incorporated within the report attached as Appendix 1.

8.6 TRADE UNION

None

8.7 WARD IMPLICATIONS

There are no Ward implications posed by this development.

9. NOT FOR PUBLICATION DOCUMENTS

There are no 'not for publication' documents

10. RECOMMENDATIONS

It is recommended that the Committee accept the recommendation of approval within the report attached as Appendix 1.

11. APPENDICES

Appendix 1: Report of the Strategic Director of Regeneration and Culture.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework

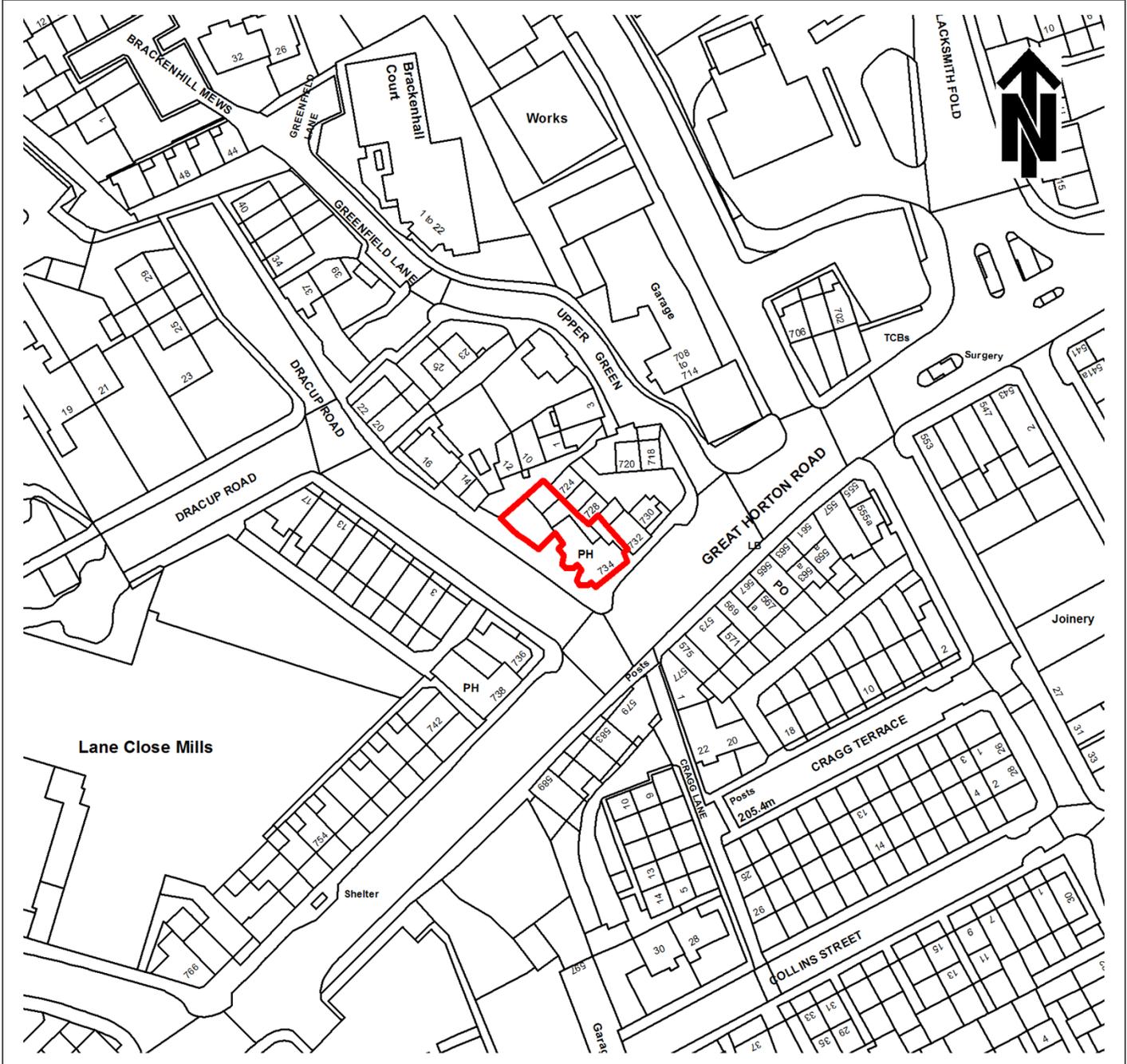
The Core Strategy Development Plan Document

The Replacement Unitary Development Plan for Bradford District

20/02440/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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George And Dragon
734 Great Horton Road
Bradford BD7 4EY

Appendix 1

17 September 2020

Ward: Great Horton (Ward 11)

**Recommendation:
TO GRANT PLANNING PERMISSION**

**Application Number:
20/02440/FUL**

Type of Application/Proposal and Address:

This is a full application for a change of use from Public House (A4) to House of Multiple Occupancy of more than 6no persons (Sui Generis) at 734 Great Horton Road, Bradford

Applicant:

Mr Sheraz Shah

Agent:

Mr Jonathan Legge, Bulldog Design Ltd

Site Description:

The application site is a former public house located on the junction of Dracup Road and Great Horton Road. The former public house is an early 19th century stone built Grade II listed building that falls within the Great Horton Conservation Area.

Relevant Site History:

20/00844/PMI- PMIAMD 27.04.2020- Change of use of vacant pub to HMO

20/02437/LBC-GRANT 19.08.2020-Internal and external alterations in relation with change of use of Public House to HMO (10no bedrooms)

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now 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 Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Bradford Local Plan

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP, however is located within the Great Horton Conservation Area and included in the Great Horton District Centre (CL1) and District Centre Retail Area (CR1a). Accordingly, the above adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal

Core Strategy:

DS1 Achieving Good Design
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
EN3 Historic Environment
H09 Housing Quality
TR2 Parking Policy
CR1A - Retail Development Within Centres (RUDP)
CL1 - Leisure and Entertainment Development

Supplementary Planning Document:

SPD12 Homes and Neighbourhoods

Parish Council:

The site is not in a Parish.

Publicity and Number of Representations:

The application was advertised with a site notice, press advertisement and neighbour notification letters. This publicity period expired on 07 August 2020. Fifteen representations have been received objecting to the proposal.

Summary of Representations Received:

- HMO is not the best use of this building- much more suited as offices, retail or services
- Cramming in as many paying tenants as possible to cramped conditions
- Development will not benefit building or the surrounding environment
- Area is already turning into an undesirable area.
- Two pubs turned into flats on Southfield Lane and now the area is ruined
- The area is rapidly turning into a third world ghetto with crime on the increase and never ending begging
- Turning into a glorified bedsit would only attract the kind of tenant that society is trying to mend
- Probably better to pull the place down and create a communal area where the locals can battle in a controlled manner rather than running through the streets
- Another "diner" or mobile phone shop is hardly needed
- A bedsit will look out of place compared to the surrounding area
- Will not add value to the area
- The bedsit will make the road parking a lot more congested then what it is at the moment.
- Great Horton is going downhill fast and this will make matters worse
- with 10 occupants requires 10 car parking spaces and as the parking is already

congested in the area where local residents struggle to find places.

-The surrounding area are majority houses and minority flats, so a bedsit will be out of place.

- Surrounding area are majority young families so it is better suited to convert to flats rather than a bedsit.

-Not suitable for the area

-Lack of proper parking facilities.

-Don't need or want a 10-bedroom house that is going to be lived in by people who could cause trouble, this is what will happen it will become a HMO. We have enough trouble area the Great Horton area without this.

-Great shame to reduce a lovely old building into a building that will be destroyed by neglect

-Much of this area of Great Horton is listed and under the protection of the council's heritage portfolio. Unfortunately, this does not seem to be enforced and so my objection is based on the introduction of HMOs into an area that already struggles to cope with unregistered HMOs and fails to protect the character of our 17th century village.

-The poverty level is demonstrable here, the introduction of additional poverty housing will not help our village grow, it will merely add to an already overburdened situation

-For such a proposition to be viable for our community, we need support from council to improve the environmental conditions, particularly with street sanitation and waste disposal. We need support from the Police to reduce traffic offences, in particular the use of this stretch of Great Horton Road as a race track for cars, motorcycles and quads. The community policing needs to tackle the vandalism issues (I'm sure metro are thoroughly fed up of replacing bus shelters on an almost weekly basis), and the fly tipping is an additional factor that needs to be addressed systematically.

-Do not like idea of HMO in general in this area as it invariably raises crime rates and antisocial behaviour. Property would be better suited to being turned into 2 or 3 bedroom houses or flats

-Too much rental instead turning the area into a ghetto

-Great Horton is a conservation area, properties like the George & Dragon should either be demolished & replaced with something meaningful & required for the area or improved externally for an appropriate commercial activity

-Ramming 10 bed sits into the property hardly constitutes suitable housing accommodation.

-The purpose of the HMO is for tenants to live in squalor with no outside spaces (think Covid 19) & would be the equivalent of providing a prison cell should restrictions be reintroduced. Developers are motivated by money & greed; they walk away from these developments with bulging pockets & no backward glance to the existing residents who have their environments destroyed. Bradford council should be aiming to put the Great back into Horton & this isn't done with HMO's

-This area is fast becoming a slum due to the number of short term let properties. Allowing this development will only serve towards further degeneration of Great Horton

-These business buildings should be used for purpose that contribute to the community, not for more residents to be moved into a community that is becoming overcrowded with no businesses being supported.

-Great Horton used to be a prominent village filled with trade and businesses however, businesses are being unsupported and closed down with their residences being taken over by home occupancies. This does no good for any business and only supports big businesses such as the local Tesco. Please do not approve this planning request. Support potential businesses in starting up and get Great Horton back to being a desirable and

prominent trading area

-There's enough people around here why can't we keep the old great Horton

Consultations:

Conservation- No objections in principle

Drainage- Yorkshire water need to be consulted as a public sewer exists close to the boundary.

-Part of development is within land identified as having the potential to be affected by surface flooding. Developer should consider raising floor levels and using flood resilient building materials and construction techniques

Highways- No response received

Housing standards- The proposed layout does not provide acceptable means of escape, suggesting the only means of escape for all occupants is through a high risk room, namely the kitchen living room on the ground floor or the laundry room on the first floor.

Summary of Main Issues:

1. Background and principle of development
2. Impact on the significance and character of the heritage asset
3. Visual amenity
4. Amenity of occupiers of adjoining premises
5. Amenity of future occupants
6. Highway safety
7. Other matters raised by representations

Appraisal

The proposal is for a change of use from a public house (A4) to a House of Multiple Occupancy of more than 6 people (Sui Generis). The submitted plans indicate the HMO will provide accommodation for 10 people.

1. Background and principle of development

HMO'S are a residential use that contributes towards meeting the Council's housing targets across the Bradford District and in principle, their location within residential areas is acceptable.

The former George and Dragon public house has been vacant for some time. The previous use of the building appears to be no longer commercially viable. As such, the building is in need of a sustainable use that would ensure its future maintenance rather than it falling into disrepair. In principle, there is no objection to the change of use of the building to a HMO, provided that the resulting layout and appearance does not have any adverse impact on residential or visual amenity.

The proposal site is a Grade II listed building and is located within Great Horton Conservation Area and this is material planning consideration. As such under the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that

area.

Section 66 is also relevant given the Grade II listing of the property. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The impact on the designated heritage assets will be discussed in the report below.

2. Impact on the significance and character of the heritage asset

The Council's Conservation team are satisfied with the principle of development for a change of use. The proposed minor internal and external alterations are considered to have no harm to the significance of the heritage asset and the character and appearance of the Conservation Area, subject to details and materials conditions which will be controlled through separate Listed Building Consent. The proposal therefore has the capacity to accord with policy EN3 of the Core Strategy Development Plan Document.

3. Visual amenity

The exterior alterations to the principle elevation include the blocking up of one doorway, a new door for the main entrance lobby and changing the window opening at ground floor level. On the side elevation, a new window opening will be created at first floor level, alteration of an existing ground floor window and glazing to be added in the door at ground floor. The proposed development is not considered harmful to visual amenity with only minor alterations to the façade, therefore accords with policies DS1 and DS3 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

4. Amenity of occupiers of adjoining premises

The proposal is not considered to affect the amenities of neighbouring occupants. The site is bounded by residential properties and the proposed fenestration alterations will not introduce habitable room windows in locations that will compromise privacy or overlooking of the neighbouring occupants habitable room windows and private amenity space

The change of use to a HMO is not considered to result in excessive noise and disturbance when taking into account the longstanding history of the site as an established public house and that the HMO is more than likely to be less disruptive than the former public house.

The proposal therefore accords with policy DS5 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

5. Amenity of future occupants

The proposed plans indicate there is to be some external communal amenity space within the curtilage of the site to the front with additional storage for bicycles and bin storage. The internal layout of the HMO allows for sufficient natural lighting to reach the habitable living spaces of the future occupants. The plans for the habitable bedrooms indicate 10 double beds. In line with the Nationally Described Space Standards a double room for two people would need to be a minimum of 11.5square metres and 2.55metres in width. Whilst the rooms meet the required width, they do not meet the overall square footage with some rooms smaller than others. However, it is important to note that whilst double beds are

provided for each room, the bedrooms will provide accommodation for one occupant only. As such, the size of the bedrooms are considered to adequately meet the needs of the future occupants.

The Housing Standards consultation did not raise issues with amenity in terms of the amount of space available, but there are concerns for safety in regards to means of escape. The proposed layout indicates the only means of escape for future occupants is through a high risk room- the kitchen living room on the ground floor or laundry room on the first floor. Although this is acknowledged, the internal layout is controlled by planning and building regulations and the 2004 Housing Act. The developer has been advised to consult with Housing Standards regarding this issue.

The proposal is therefore considered to accord with policies H09 and DS5 of the Core Strategy Development Plan, the Homes and Neighbourhoods Supplementary Planning Document and the National Planning Policy Framework.

6. Highway safety

Some representations are concerned with congestion and other parking issues that already exist in the area and that the proposed HMO will only contribute and exacerbate the situation further. Nevertheless, the proposal is not considered to have any adverse effect on highway safety.

A 10-bedroom HMO would require 5 parking spaces to be provided with the site (1 space per 2 bedrooms) in line with parking standards contained in appendix 4 of the Core Strategy DPD, however there are no parking facilities provided as part of the proposal. Despite the lack of car parking facilities, the application site is located within the Great Horton District Centre and a designated District Centre Retail Area. As such, the site is considered to be located within a sustainable location, where occupants are within walking distance to a range of local services and amenities as well as being served by public transport routes in and out of the city. The proposal has storage facilities for bicycles which in turn promotes the future occupants to choose more environmentally and socially friendly modes of transport that provide additional health benefits to the user.

Furthermore, the application site has a longstanding history of being a public house with no parking provisions on site. In line with the parking standards of appendix 4 of the Core Strategy DPD, the public house should have provided 24 spaces for the 120 sqm of floor space (1 space per 5 sqm). Taking this into account, the lack of parking facilities for the proposed development is not considered to result in conditions above and beyond that experienced at the site for a substantial period of time and that the former public house would have a far greater impact on highway safety than that of a HMO.

Factoring in all the above, the proposed HMO is not considered to result in conditions prejudicial to highway safety, thereby accords with policies DS4 and TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

7. Outstanding Matters Raised by Representations

The proposal has received a considerable amount of representations objecting to the proposal. The representations have been acknowledged by the planning officer and where they relate to material planning considerations, they have been taken into consideration in the determination of the application and addressed in the appraisal above. Any other

representations that are not considered a material planning consideration are addressed below:

-HMO is not the best use of this building- much more suited as offices, retail or services
Response: No other proposals have been put forward for the change of use of the building since it became vacant. As the building is a designated heritage asset, it is considered to allow the change of use rather than the building to fall into a state of disrepair.

-Cramming in as many paying tenants as possible to cramped conditions
Response: Living conditions in HMO's are controlled by Planning and Building Regulations and covered by the requirements of Housing Act 2004.

- Development will not benefit building or the surrounding environment
Response: The development is considered to benefit the building and surrounding environment by protecting and preserving a designated heritage asset.

-Area is already turning into an undesirable area.
Response: This is subjective and it is not possible to refuse a planning application solely on these grounds.

-Two pubs turned into flats on Southfield Lane and now the area is ruined
Response: The impact of other development elsewhere in the district is not grounds for refusal- each planning application is treated on its own merits

-The area is rapidly turning into a third world ghetto with crime on the increase and never ending begging
Response: This is subjective and it is not possible to refuse a planning application solely on these grounds

-Turning into a glorified bedsit would only attract the kind of tenant that society is trying to mend
Response: The nature of the future occupants is not a planning matter.

-A bedsit will look out of place compared to the surrounding area
Response: The exterior alterations proposed are minor and will have not any impact on the existing appearance of the building within the context of the present street scene.

-The surrounding area are majority houses and minority flats, so a bedsit will be out of place. Surrounding area are majority young families so it is better suited to covert to flats rather than a bedsit.
Response: HMO's are a residential use that contributes towards meeting the Council's housing targets. Their siting amongst established residential areas is considered acceptable.

-Don't need or want a 10-bedroom house that is going to be lived in by people who could cause trouble, this is what will happen it will become a HMO. We have enough trouble area the Great Horton area without this.
Response: Any apparent crime or public nuisance is controlled by other legislation and departments

-Much of this area of Great Horton is listed and under the protection of the council's heritage portfolio. Unfortunately, this does not seem to be enforced and so my objection is based on the introduction of HMOs into an area that already struggles to cope with unregistered HMOs and fails to protect the character of our 17th century village.

-Response: The nature of the proposed change of use and associated works are not considered to have any impact on the designated heritage assets.

The poverty level is demonstrable here, the introduction of additional poverty housing will not help our village grow, it will merely add to an already overburdened situation

Response: The quality and condition of HMO accommodation is controlled through design planning policies, Planning and Building Regulations and covered by the requirements of Housing Act 2004.

For such a proposition to be viable for our community, we need support from council to improve the environmental conditions, particularly with street sanitation and waste disposal. We need support from the Police to reduce traffic offences, in particular the use of this stretch of Great Horton Road as a race track for cars, motorcycles and quads. The community policing needs to tackle the vandalism issues (I'm sure metro are thoroughly fed up of replacing bus shelters on an almost weekly basis), and the fly tipping is an additional factor that needs to be addressed systematically.

Response: These issues do not relate directly to the proposed development and can be suitably controlled by legislation available to other departments such as Environmental Health and the Police.

Do not like idea of HMO in general in this area as it invariably raises crime rates and antisocial behaviour. Property would be better suited to being turned into 2 or 3 bedroom houses or flats

Response: There is no evidence to support that the HMO will raise crime rates and antisocial behaviour. Any apparent crime or public nuisance is controlled by other legislation and departments

-Great Horton is a conservation area, properties like the George & Dragon should either be demolished & replaced with something meaningful & required for the area or improved externally for an appropriate commercial activity

Response: The building is a Grade II listed building and is statutorily protected. It is considered the change of use will enhance and protect the significance of the heritage asset with minor alterations proposed.

-Ramming 10 bed sits into the property hardly constitutes suitable housing accommodation.

Response: Living conditions in HMO's are controlled by Planning and Building Regulations and covered by the requirements of Housing Act 2004.

-The purpose of the HMO is for tenants to live in squalor with no outside spaces (think Covid 19) & would be the equivalent of providing a prison cell should restrictions be reintroduced. Developers are motivated by money & greed; they walk away from these developments with bulging pockets & no backward glance to the existing residents who have their environments destroyed. Bradford council should be aiming to put the Great back into Horton & this isn't done with HMO's

Response: Living conditions in HMO's are controlled by Planning and Building Regulations

and covered by the requirements of Housing Act 2004.

-This area is fast becoming a slum due to the number of short term let properties. Allowing this development will only serve towards further degeneration of Great Horton

Response: HMO's are a residential use that contributes towards meeting the Council's housing targets. The surrounding area is residential in nature with a mixture of housing types and tenure, and so the HMO is considered acceptable. Also, it is not possible to refuse planning permission solely on these grounds.

-These business buildings should be used for purpose that contribute to the community, not for more residents to be moved into a community that is becoming overcrowded with no businesses being supported.

Response: The proposed development is small scale, and so it is unlikely that the HMO will place significant additional pressure on services in this area.

-Great Horton used to be a prominent village filled with trade and businesses however, businesses are being unsupported and closed down with their residences being taken over by home occupancies. This does no good for any business and only supports big businesses such as the local Tesco. Please do not approve this planning request. Support potential businesses in starting up and get Great Horton back to being a desirable and prominent trading area

Response: The proposed change of use does not conflict with the District Centre policies regarding businesses and local facilities. Also, it is not possible to refuse a planning application solely on these grounds

-great shame to reduce a lovely old building into a building that will be destroyed by neglect

Response: The proposed change of use will see the Grade II listed building be retained and will not fall into a state of disrepair. Any changes to the internal layout and external façade are controlled by separate consent and subject to conditions.

-Too much rental instead turning the area into a ghetto

Response: The surrounding area is residential with a mixture of housing types and tenure. Also, it is not possible to refuse planning permission solely on these grounds.

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

Reason for Granting Planning Permission:

The proposal is not considered harmful to visual amenity, residential amenity and highway safety. The proposal does not harm the significance of the listed building or the character and appearance of the conservation area. Accordingly, the proposal complies with the

relevant policies of the Core Strategy Development Plan Document, National Planning Policy Framework and the S72 and S66 duty.

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 drawing numbers listed below:

Existing Plans and Elevations	1696-01	Received 24.06.2020
Proposed Plans and Elevations	1696-02	Received 24.06.2020
Site Plan	1696-03	Received 24.06.2020
Location Plan	1696-04	Received 24.06.2020

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