

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 22 December 2021

G

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	20 Brackendale Parade Bradford BD10 0SR - 21/03248/FUL [Approve]	Idle And Thackley
B	Prince Of Wales Inn 91 Harrogate Road Bradford BD2 3ES - 21/02982/FUL [Approve]	Eccleshill
C	Redbeck Rabbit Boarding 48 Caldene Avenue Bradford BD12 0JP - 21/04676/FUL [Approve]	Wyke
D	Stadium Mills Pearson Road Bradford BD6 1BJ - 21/04241/FUL [Approve]	Wyke
E	16 Victor Street Heaton Bradford BD9 4RB - 21/02913/HOU [Refuse]	Manningham
F	17 Park View Road Bradford BD9 4PA - 21/04019/HOU [Refuse]	Manningham
G	19 Shay Drive Bradford BD9 5PP - 21/04530/HOU [Refuse]	Heaton
H	Land North Of Leylands Medical Centre 81 Leylands Lane Bradford BD9 5PZ - 21/04792/FUL [Refuse]	Heaton

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

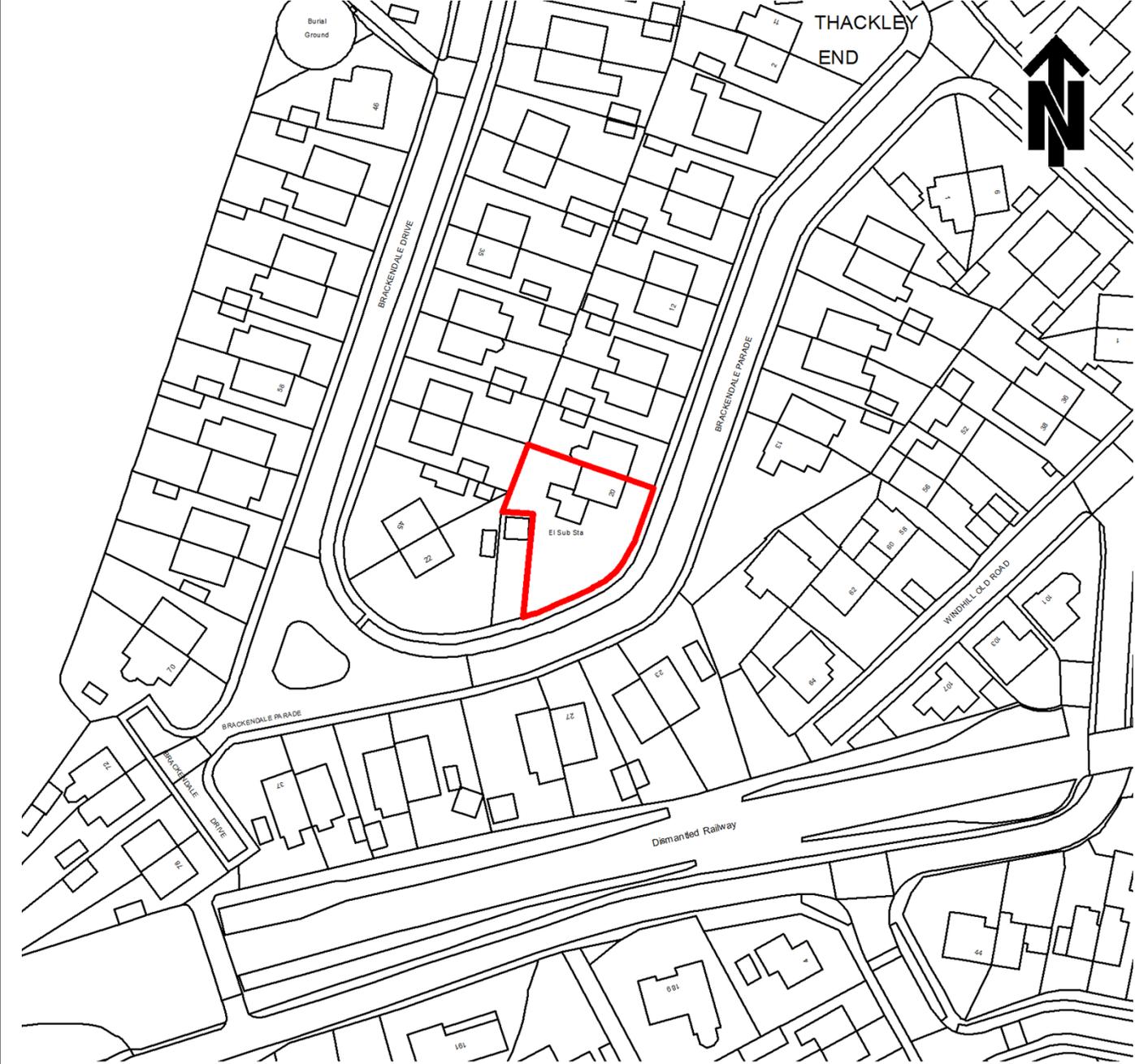
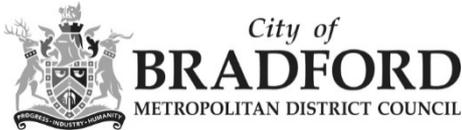
Report Contact: Mohammed Yousuf
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

21/03248/FUL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

20 Brackendale Parade
Bradford
BD10 0SR

22 December 2021

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

Application Number:
21/03248/FUL

Type of Application/Proposal and Address:

A full planning application for the construction of a new three-bedroom dwelling within the curtilage of 20 Brackendale Parade, Bradford, BD10 0SR.

Applicant:

Mr Stewart Marlow

Agent:

Mr Jonathan Simcock

Site Description:

The development site is the side garden of No 20 Brackendale Parade. 20 Brackendale Parade is a semi-detached chalet style dwelling orientated with large gable to the front and rear. This is a characteristic of the locality with the street scene primarily comprising this style dwelling and dormer bungalows. The property sits at the end of the row and benefits from a large side garden with the highway bending round giving the street a rough horse shoe layout. The properties behind are laid out in a similar fashion, but the equivalent of No 20's side garden has a pair of semi-detached dwellings. The garden for number 20 is however smaller due to the presence of an electricity substation.

The development site would be to the south of No 20's drive and garage and is slightly elevated, albeit still set down from the highway, highlighting the gradient within the locality. The driveway has already been enlarged creating a larger drive and wider access to the highway. Currently boundary treatment is in the form of a low hedge.

Relevant Site History:

07/04383/FUL - Construction of conservatory to rear - Granted

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

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. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

SC9 - Making Great Places
DS1 - Achieving Good Design
DS3 - Urban character
DS5 - Safe and Inclusive Places
HO5 - Density of Housing Schemes
HO8 - Housing Mix
HO9 - Housing Quality
TR2 - Parking Policy
EN2 - Biodiversity and Geodiversity
EN7 - Flood Risk
EN8 - Environmental Protection Policy

Homes and Neighbourhoods Supplementary Planning Document.

Parish Council:

Not in a Parish.

Publicity and Number of Representations:

The application was publicised via neighbour notification letter. The publicity period expired on 21.08.2021 – 29 representations have been received.

Summary of Representations Received:

The representations are all in objection to the proposed development citing the following concerns:

Loss of view
Impact on property values
Additional traffic
Highway Safety
Not in keeping with the street scene
Overdevelopment of the plot
Overshadowing
Overlooking
Design of the proposed dwelling
Covenants on the land
Proximity to electricity sub-station
Loss of tree
Works commenced to driveway
Disruption during development.

Consultations:

Minerals - Based on the records we hold, there are no apparent minerals or significant waste legacy issues that would have an adverse impact on the proposed development.

Summary of Main Issues:

1. Principle of development.
2. Local environment.
3. Residential amenity.
4. Highway safety.
5. Other issues.

Appraisal:

Permission is sought for the construction of a new three-bedroom dwelling with the side garden of 20 Brackendale Parade. The plans and design have been revised within the planning process and the appraisal is based on the revised drawings.

1. Principle of development

The Revised NPPF continues to stress the need for Local Planning Authorities to boost significantly the supply of new housing. The Core Strategy reiterates this strong policy support for delivering new housing and emphasises that housing delivery is one of the key issues facing the district.

The site is in unallocated in the Replacement Unitary Development Plan (RUDP), but situated in an established residential location. The proposed development would therefore be consistent with neighbouring land uses, make a contribution to the identified housing need within the district, albeit only modestly and would represent a sustainable location for a residential development given the proximity to local amenities and public transport links. The proposal is therefore considered to be acceptable in principle.

The application remains subject to an assessment of the local impact of the development and the main issues will now be considered:

2. Local environment

The Core Strategy DPD and Revised NPPF require that development proposals make a positive contribution to achieving good design and high quality places. Core Strategy Policy SC9 directs that development proposals should take opportunities to improve areas, create a strong sense of place. Policies DS1 and DS3 of the Core Strategy DPD also set out a number of criteria against which the LPA will assess development proposals. The criteria include that, among others, proposals should create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details, materials, and landscaping.

Policy HO9 of the Core Strategy identifies that a key objective for the District is to ensure that new housing creates popular neighbourhoods with high standards of quality and design. These policy aims are supported by the Homes and Neighbourhoods Supplementary Planning Document.

It is acknowledged that the proposed development of the garden is relatively tight, and that the development will be slightly at odds with the pattern of development - given the relative uniformity of Brackendale Parade and the predominance of semi-detached chalet style properties. However, it has been established that the site is capable of accommodating a dwelling, and during the planning process revisions have been received which have brought the design of the dwelling in keeping with the overarching character of the locality. The proposed dwelling will now be comparable in form and design to the neighbouring units and will address the highway with a large gable consistent with the established pattern of development. The layout will facilitate garden to the front, side and rear as well as providing a driveway capable of accommodating two vehicles giving a layout that is also comparable with the neighbouring properties. The use of similar construction materials will also serve to integrate the new dwelling into the street scene. The proposed development is therefore considered to preserve the appearance of the locality satisfying the requirements of Policies SC9, DS1, DS3 and HO9 of the Core Strategy DPD.

3. Residential amenity

Policy DS5 of the Core Strategy DPD and the NPPF require that development proposals make a positive contribution to quality of life through high quality design and that developments should not harm the amenity of existing or prospective users and residents.

Policy HO9 of the Core Strategy identifies that a key objective for the District is to ensure that new housing creates popular neighbourhoods with high standards of quality and design. This has been supplemented by the adoption of the Homes and Neighbourhoods - A Guide to Designing in Bradford SPD. It is important that new housing is designed to create sustainable, high quality places where people aspire to live, and which supports strong communities and healthy lifestyles.

The proposed dwelling provides 3-bedroom accommodation some external garden area and off street parking. The accommodation is proportioned to provide a good standard of living space and all habitable rooms have access to natural light, outlook, and ventilation. A 3-bedroom dwelling such as this would also serve to meet an identified need for family sized homes within the district.

The property has been positioned so that it represents a limited threat to neighbouring amenity. Suitable spacing distances to neighbouring dwellings are achieved which mitigates any concerns regarding the development establishing an overbearing relationship or causing a significant increase in overshadowing. The spacing distances and position of habitable room windows also ensures new windows do not represent a significant threat to the privacy of neighbouring properties and their amenity space. The closest neighbouring property would be No 20, but only one first floor window is in the rear elevation and in addition to having a suitable spacing distance, any overlooking would only be restricted by boundary screening and only impact a limited portion of the garden beyond this. No 20 does have windows in the side elevation facing the development site, but these either do not serve habitable room windows or the rooms concerned are also served by other windows.

The proposal is duly considered to satisfy the requirements of policies HO9 and DS5 of the Core Strategy DPD.

4. Highway safety

The NPPF requires that in assessing planning applications it should be ensured that opportunities to promote sustainable transport modes can be - or have been - taken up, safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network are effectively mitigated.

The NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The new development comes with parking space for two vehicles as well as the current level of parking provision being retained for the existing dwelling. This level of off street parking provision satisfies the requirements of policy TR2 of the Core strategy DPD.

It is noted on site and in the representations that the proposed access has already been constructed, and the application has been submitted with confirmation of an agreement to the new access with the council's relevant highways department. The use of the access will change slightly with the addition of a new dwelling and the subsequent requirement for two separate households to use the drives, but given the visibility and slow speeds of vehicles this would not be envisaged to be a highway safety issue. The arrangement is not dissimilar to others within the street scene. It is notable that there is a bend in the highway shortly after the drive, but any threat to highway safety would be no greater as a result of the new dwelling given the drive will be in use regardless. Furthermore, visibility is acceptable and a condition can be added regarding the heights of boundary treatments to maintain this.

5. Other issues

Loss of view – This is not a material planning consideration and cannot therefore be considered as part of the appraisal.

Impact on property values - This is not a material planning consideration and cannot therefore be considered as part of the appraisal.

Covenants on the land – This is a private civil matter; the granting of planning permission would not supersede any covenants placed on the land.

Proximity to electricity sub-station – The proposed dwelling is not significantly closer to the sub-station than existing buildings, most notably the conservatory attached to No 20.

Loss of tree – The tree was not protected and as such no consent was required for its removal.

Works commenced to driveway – Any works carried out are at the applicant's risk, but works to the driveway may not require express consent.

Disruption during development – It is inevitable that some disturbance will occur as a result of development, but it is not anticipated that this would be sufficient for a planning refusal and will be relatively short lived given the modest nature of the development.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

Reason for Granting Planning Permission:

The proposed dwelling represents a sustainable form of development that makes efficient use of land and makes a modest contribution to the housing provision within the district. The dwellings design and layout is reflective of the character of the locality and the proposal will not result in conditions prejudicial to neighbouring amenity or highway safety. The proposal as such satisfies the requirements of the NPPF and policies SC9, HO9, DS1, DS3, DS5 and TR2 of the Core Strategy DPD.

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 and information listed below:-

1st December 2012 – 3013 - 001 SITE AND LOCATION PLANS
1st December 2012 – 3013 - 002A GROUND FLOOR PLAN
1st December 2012 – 3013 - 003A FIRST FLOOR PLAN
1st December 2012 – 3013 - 004A ROOF PLAN
1st December 2012 – 3013 - 005B ELEVATIONS
1st December 2012 – 3013 - 006C SITE AND LOCATION PLANS

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

3. 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.

4. The development hereby permitted shall be drained using separate foul and surface water drainage systems.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

5. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented as part of the development.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

Reason for pre-commencement condition: It is necessary to secure agreement of effective drainage measures before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

6. Before the development is brought into use, the associated off street car parking facility shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority. The off street car parking space shall be retained for so long as the development is in use.

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 and Appendix 4 of the Core Strategy Development Plan Document.

7. Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document.

8. The property shall not be occupied unless and until it is provided with access to a fully operational 3 pin socket on a dedicated 16A circuit, capable of providing a 'trickle' charge to an electric vehicle. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking area.

Reason: To facilitate the uptake and use of low emission vehicles and reduce the emission impact of traffic arising from the development in line with policy EN8 of the Core Strategy Development Plan Document, the West Yorkshire Low Emission Strategy, and the National Planning Policy Framework.

9. 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 to B of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To preserve neighbouring amenity and the amenity of the locality and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

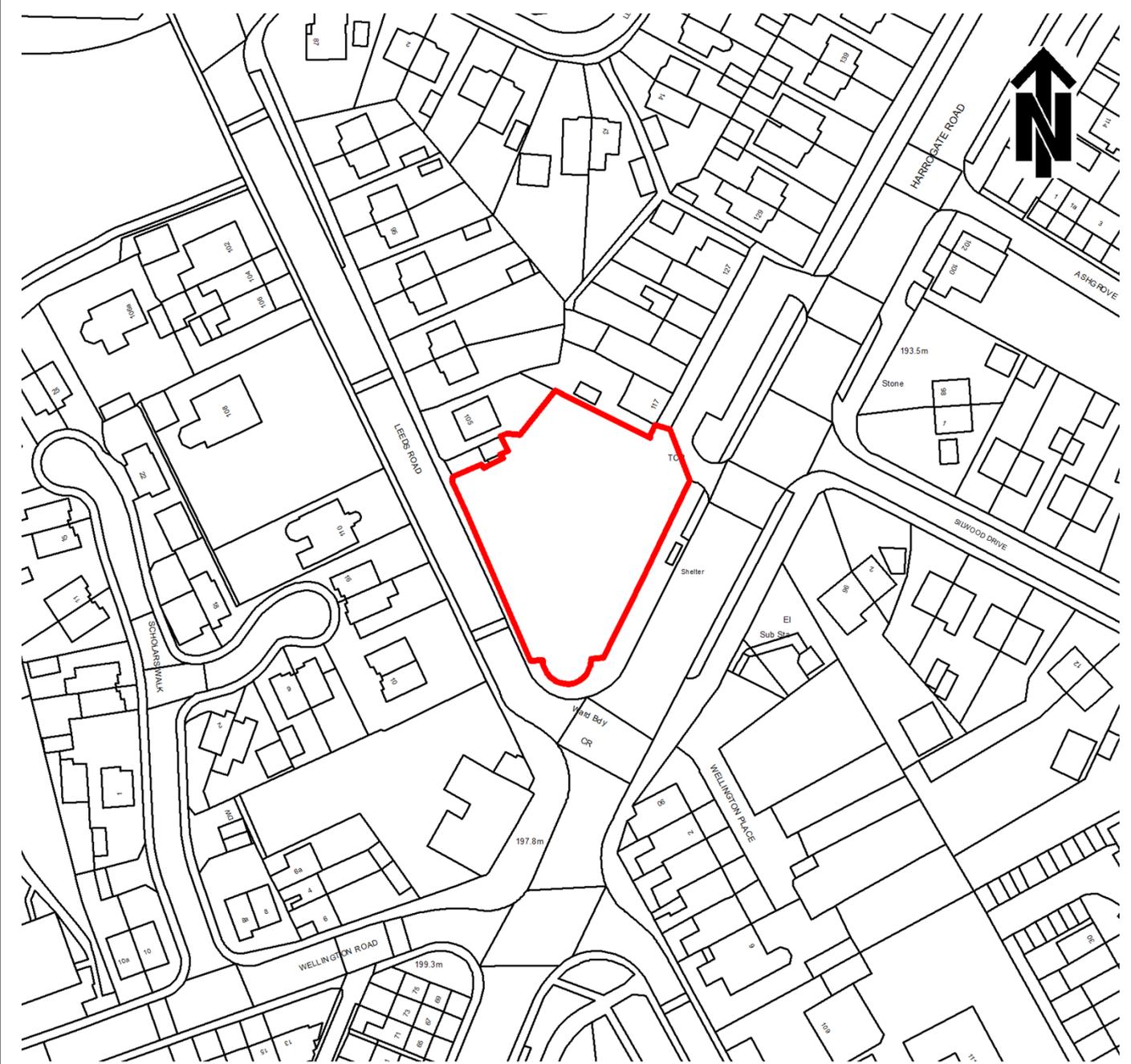
10. The first floor bathroom window in the rear elevation of the new dwelling hereby permitted shall be glazed in obscure glass and be top opening only prior to the first occupation of the building and thereafter retained.

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

11. Notwithstanding any details shown on the submitted plans, no obstruction or boundary treatment, including fences, walls, and planting with a height exceeding 900mm shall be constructed/grown within 2 metres of the access.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

21/02982/FUL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

Prince Of Wales Inn
91 Harrogate Road
Bradford BD2 3ES

22 December 2021

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

Application Number:
21/02982/FUL

Type of Application/Proposal and Address:

A full planning application for the construction of a new roadside service station with canopy and ancillary parking at 91 Harrogate Road, Bradford, BD2 3ES.

Applicant:
Farook Asmal

Agent:
Ms Racheal Bamford

Site Description:

The site sits west of Harrogate Road and is the site of a former public house (The Prince of Wales). The building has been demolished and the site cleared. The site is roughly triangular in shape with its point at the junction with Leeds Road which runs to the south west of the site. Boundaries are shared with no. 123 Leeds Road a residential property which sits at a higher level and 117 Harrogate Road a hot food takeaway at the end of a parade of shops. The locality is a mix of retail/commercial lining Harrogate Road and residential dwellings of the adjoining side streets.

Relevant Site History:

96/01532/COU Change of use of out buildings to bedrooms to rent out as bed and breakfast
GRANT 16.08.1996

99/00661/FUL Ground floor extension to lounge bar GRANT 23.04.1999

17/00548/FUL Change of use of existing disused public house to a dental practice A4 to D1
GRANT 13.04.2017

17/04552/FUL Redevelopment of the building including significant changes elevational alterations and addition of 3 retail units and a practice training facility GRANT 28.09.2017

17/04552/SUB01 Submission of details required by Condition 3 (materials) of planning permission 17/04552/FUL GRANT 06.11.2019

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

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. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

SC9 - Making Great Places
DS1 - Achieving Good Design
DS3 - Urban character
DS5 - Safe and Inclusive Places
TR2 - Parking Policy
EC5 - City, Town, District and Local Centre
EN2 - Biodiversity and Geodiversity
EN5 - Trees and woodlands
EN7 - Flood Risk
EN8 - Environmental Protection Policy

Parish Council:

Not in a Parish.

Publicity and Number of Representations:

The application has been publicised by individual neighbour notification letter. The publicity period expired on 12.07.2021 – 23 representations have been received including two from the local Ward Councillors.

Summary of Representations Received:

The representations are all in objection to the proposed development citing the following concerns:

Highway safety.
Noise, air and light pollution.
Impact on property values.
Inadequate publicity of the application.
No requirement for a further petrol station.
Anti-social behaviour.

Consultations:

Highways Development Control – The proposed petrol filling station (PFS) would likely draw the majority of its trade from passing vehicular traffic on Harrogate Road and as such, the proposed development would likely generate a relatively low level of 'new' vehicular trips. Therefore, Highways have no objections to the principle of the development. The highway officer also required various alterations to the proposed scheme in relation to the access/egress, internal layout and has required agreement to offsite highway works including the moving of a bus stop to the front of the site.

Environmental Protection – A phase 1 study was requested and provided. The Councils Environmental Health officer is satisfied with the findings of the Phase 1 and going forward has recommended a condition in respect of unexpected contamination.

West Yorkshire Combined Authority (WYCA) – Notes that the relocation of the bus shelter must be agreed with WYCA and the local authority.

Summary of Main Issues:

1. Principle.
2. Residential Amenity.
3. Visual Amenity.
4. Highway Safety.
5. Other material planning considerations.

Appraisal:

Permission is sought for a new roadside service station comprising of fuel pumps, EV charging points, retail unit, forecourt canopy and ancillary parking.

1. Principle

The site is unallocated in the Replacement Unitary Development Plan (RUDP). Accordingly, there would be no policies that would seek to resist the principle.

The shop facility is modest and the retail floor space is below 200 sqm which is considered acceptable for this location outside a designated centre. This is in line with the requirements of policy EC5 of the Core Strategy Development Plan Document.

The application remains subject to an assessment of the local impact of development and the main issues will now be considered:

2. Residential Amenity

Policy DS5 of the Core Strategy DPD and the NPPF require that development proposals make a positive contribution to quality of life through high quality design and that developments should not harm the amenity of existing or prospective users and residents.

The site sits alongside the A658 Harrogate Road a busy arterial route within the district. At this point the land use has developed to provide local amenities and there are number of shops either side of the development site. The proposal will add to this mix and replaces a public house that was situated on the site previously, permission has also previously been granted to develop the site as dental practice with 3 small retail units. These uses all carry a level of use that is comparable to that of the proposed petrol filling station. Where the use differs is that it is proposed to operate on a 24hr basis. This brings with it concerns for

residents regarding noise and disturbance, but the activity at unsocial hours would not be expected to be at a level that represented a significant threat to neighbouring amenity. The site layout allows for the pumps and retail/payment area to be away from neighbouring residents. The petrol station is unlikely to generate significant demand in its own right at any point in the day with the main aim being to draw trade from passing vehicles, and this will naturally fall off to low levels at unsocial hours. Conditions can be attached to any planning approval controlling the times of deliveries to ensure these do not represent a specific threat to neighbouring residents. Jet washes have also been removed from the scheme to ensure these do not represent a threat to neighbouring amenity as the operation of these can result in noise pollution.

With the exclusion of highway safety which will be discussed below, the other pertinent concerns raised in the representations regarding the operation of the petrol filling station relate to light and air pollution. It would be proposed that a condition is attached to the development that would see a full lighting scheme submitted and agreed with the local planning authority. Given how the site sits in respect of neighbouring residential properties, a level of illumination will be possible without injuring neighbouring amenity, just because the site will be illuminated does not necessarily correlate to the illumination causing harm.

In terms of air quality there is a growing awareness of air quality and it is an important issue both nationally and locally. However, as noted above the filling station is aimed at attracting passing trade, it will create very few trips in its own right where visiting the site is the primary or sole purpose of the trip. The previous or, alternate uses of the site would on the other hand likely generate specific vehicular trips to the site. The proposal also incorporates EV charging points which encourages the use of electric vehicles and expands the network of charging facilities which will be required to keep up with the shift to electric vehicles. In respect of air quality and emissions a vapour recovery system is also proposed to be employed further mitigating air pollution concerns.

The site layout and nature of the building are sufficient to ensure that the massing of the proposed building will not represent a threat to neighbouring amenity. In terms of the nearest neighbouring properties, 123 Leeds Road is directly to the east, but at a higher level, which will serve to naturally mitigate any impact. This property is also side on to the development site and has a drive and garage between the property and the development. The rear garden is at a lower level, but is already enclosed by a 1.8m close boarded fence, with the proposed building being set back a minimum of 2 metres it is not anticipated to result in an overbearing relationship or, excessive levels of overshadowing. The other property of note lies behind the new building, no. 117 Harrogate Road. This property is in use at ground floor level as a hot food takeaway, so whilst there are ground floor windows facing the site, these are not serving habitable rooms. To the rear the property has a garage that would sit between the development and the garden, the building again is also set into the site by approximately 3m. This relationship is therefore also considered acceptable.

The proposal is considered to satisfy the requirements of policy DS5 and EN8 of the Core Strategy DPD.

3. Visual Amenity

The Core Strategy DPD and Revised NPPF require that development proposals make a positive contribution to achieving good design and high quality places. This is reflected at local level in Core Strategy Policies SC9, DS1 and DS3 which direct that development proposals should take opportunities to improve areas, create a strong sense of place, by amongst other things, being informed by a good understanding of the site/area and its context.

The site is currently cleared of development and enclosed by security fencing. This, and arguably the public house before given its declining condition, offered little to the amenity of the area. The petrol station proposed consists of a canopy covered forecourt and a modest retail unit in the northern corner of the site. The building has been revised to maintain the established building line set by the neighbouring parade of shops.

The proposed development has a form and appearance that is both functional and an environmental improvement for the site and locality. The overall development has an appearance in keeping with what would be expected for a petrol station with the layout tailored to fit the site conditions. The retail unit has a modern appearance and the materials proposed should serve to enhance this aspect of the design. The canopy represents an accepted feature of this type of development and will not be out of character alongside this busy road bordered either side by commercial uses. The proposal is therefore considered to satisfy the requirements of policies DS1 and DS3 of the Core Strategy DPD.

4. Highway Safety

The NPPF requires that in assessing planning applications it should be ensured that opportunities to promote sustainable transport modes can be - or have been - taken up, safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network are effectively mitigated.

The NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The scheme has been revised from the original submission and subject to a section 278 agreement requiring off site highways works the council highway officer is satisfied this scheme does not represent a threat to highway safety. The proposed layout provides adequate parking, circulation space and provision for servicing. The scheme also includes EV charging points and a cycle stand. The external highway works improve the access, make revisions to existing road markings in the form of a new ghost right turn and a bus stop will also be required to be moved, all at the developers' expense. The bus stop is to be moved further down Harrogate Road to the front of the nearby parade of shops, the siting has been accepted by WYCA and the Councils highway officer. The new siting is close to a street tree, but remains outside the trees drip line, so it would not be envisaged that the tree will be unduly impacted.

5. Other material planning considerations

Land contamination – As noted above a Phase 1 survey has been submitted, and the Councils Environmental Health officer is satisfied with the findings of the Phase 1 and has recommended a condition in respect of unexpected contamination.

Method of publicity –During the pandemic the number of notices posted was reduced, the application was however still publicised in accordance with the publicity requirements for this type of application.

Anti-social behaviour – It would be difficult to establish a causal link between the proposal and anti-social behaviour.

Impact on property values – This is not a material planning consideration and cannot therefore be considered as part of the appraisal of the proposed scheme.

No requirement – This is not a material planning consideration, whilst there are petrol filling stations within the wider locality there are none within the immediate vicinity to suggest a saturation. The nearest appears to be on Killinghall Road approximately 0.5 mile away, and the nearest on Harrogate Road is approximately 1.5 miles away.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations

Reason for Granting Planning Permission:

The redevelopment of the site with a petrol filling station is considered acceptable when measured against the requirements of the NPPF and core strategy DPD policies SC9, DS1, DS3, DS5, TR2, EC5, EN7 and EN8 There will be no harm to the amenity of neighbours, the wider locality or highway safety from the development, and the modest retail provision at the site is not deemed a threat to the viability or vitality of allocated centres within the district.

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 and information listed below:-

1833-1 - Location Plan – 03 June 2021

1833-4D – Proposed Site Plan – 02 December 2021

1883- 5 - Plans and Elevations

1883 – 6 – Site Elevations

1833 – 7 – Petrol Canopy Details – 03 June 2021

1833-8 – Electric Metre Kiosk – 03 June 2021

DTP-3704221-SK101-B – Highways and Access – 22nd October 2021

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

3. 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.

4. Surface water from the vehicle parking and manoeuvring area comprised within the development shall be drained using petrol/oil interceptors which shall be installed before the development is brought into use and thereafter retained whilst the development is in use.

Reason: To ensure proper drainage of the site and in the interests of pollution prevention and to accord with Policy EN8 of the Local Plan for Bradford

5. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The details and scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason for Pre-commencement: To ensure full consideration is given to the drainage measures required for the site and to accord with policy EN7 of the Core Strategy Development Plan Document.

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

6. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, marked out into bays and drained within the curtilage of the site in accordance with the approved site plan. The car parking facilities so provided shall be kept available whilst ever the development is in use.

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 and Appendix 4 of the Core Strategy Development Plan Document

7. Before any part of the development is brought into use, the works to upgrade the means of access/exit from the site and identified on the approved plan shall be implemented in accordance with the approved drawing reference DTP-3704221-SK101-B and completed to a detailed construction specification and drainage details to be submitted to and approved in writing by the Local Planning Authority. The said facilities so provided shall be kept available whilst ever the development is in use.

Reason: To ensure that the site is connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

8. From the date of first occupation a minimum of 2 parking spaces shall be equipped with fully operational, purpose built EV charging point(s) capable of providing a continuous supply of at least 16A (7.5kW) via a mode 3 type 2 connection. The location of the charging points shall be clearly and permanently signposted and their existence highlighted in staff induction packs. Details of the exact model and specification of charging points, and planned maintenance arrangements shall be provided to City of Bradford MDC for their approval prior to the opening date of the development. Charging points installed shall be retained thereafter.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

9. Prior to any part of the development being brought into use, the off-site highway works, shown on drawing number DTP-3704221-SK101-B including the re-siting of the bus stop to the site frontage (bus stop number 16812) shall be implemented in full.

Reason: In order to ensure that a safe access is maintained and to mitigate vehicular movements in the interest of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

10. A drawing indicating the extent and full details of a Traffic Regulation Order for parking restrictions to the site frontage on Leeds Road and Harrogate Road shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development and no part of the development hereby approved shall be brought into use until the highway measures have been fully implemented in accordance with the scheme approved by the Council

Reason: In the interests of highway safety and to accord with the requirements of the National Planning Policy Framework

11. Before the development is brought into use, details of the position and luminance of all external lighting to the building and car park areas shall be submitted to, and approved in writing by the Council. Thereafter, the external lighting shall be installed and maintained solely in accordance with the approved scheme.

Reason: To safeguard the amenity of occupiers of adjacent properties and highway safety in accordance with Policies DS5 and EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

12. There shall be no deliveries to the site between the hours of 21:00 and 07:00.

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

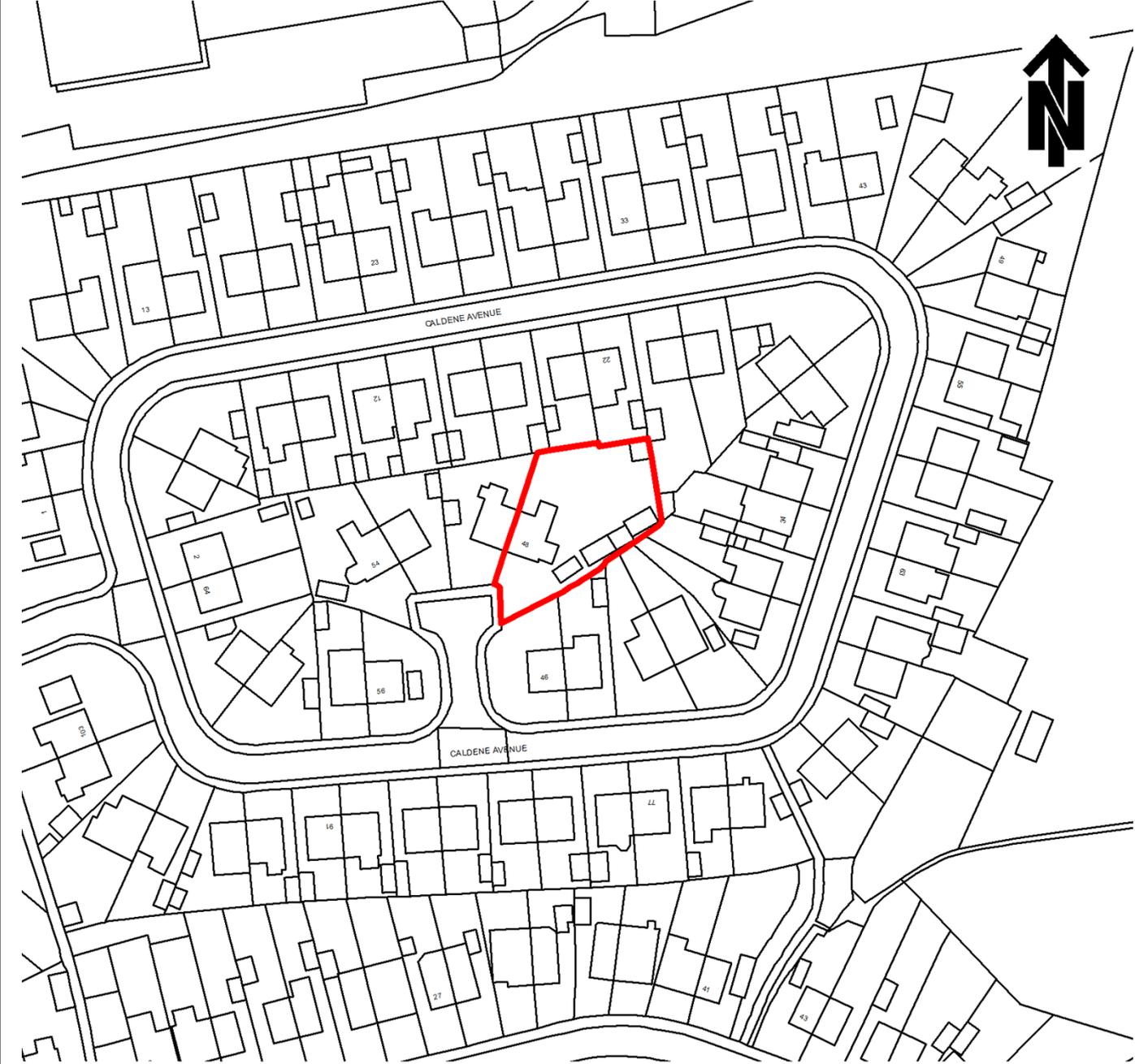
13. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days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

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

Informative: Offsite highway works required by condition 9 are to be carried out under a Section 278 Agreement of the Highways Act 1980 with all costs borne by the applicant. You should contact the Highways Department to discuss the requirements of the s278 Agreement.

Informative: The TRO to be approved and implemented in accordance with condition 10 will require agreement or consent under relevant highway legislation with all costs borne by the applicant. You should contact the Highways Department to discuss the procedure as failure to implement the measures could prevent the use of the proposed petrol station.

21/04676/FUL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**Redbeck Rabbit Boarding
48 Caldene Avenue
Bradford BD12 0JP**

22 December 2021

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

Application Number:
21/04676/FUL

Type of Application/Proposal and Address:

This is a retrospective planning application for change of use of domestic garden to small animal boarding business (Sui Generis), retention of a number of small purpose built wooden sheds and secure enclosures (8 small sheds) at 48 Caldene Avenue, Bradford, BD12 0JP.

Applicant:
Martin Maran

Agent:
Not applicable.

Site Description:

The development site is to the rear of a semi-detached bungalow on a cul de sac spur off the main part of Caldene Avenue. The bungalow is sited at the head of the cul de sac spur and arranged at an angle so that a triangular shaped garden fans out behind the property. The rear garden is reasonably level and it abuts the gardens of several other dwellings. Various sheds and cages are arranged along the garden boundaries around a central grassed area.

Relevant Site History:

21/03701/CLE: 8 x small sheds (including boarding office) to accommodate the use of short term boarding of small animals (Rabbits). APPLICATION REFUSED. DECISION ISSUED 07.09.2021.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

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. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 - Achieving Good Design
DS3 - Urban character
DS4 - Streets and Movement
DS5 - Safe and Inclusive Places
EN8- Environmental Protection
TR2 - Parking Policy

Other Relevant Legislation

Town and Country Planning (General Permitted Development) (England) Order 2018 (as amended).

The Town and Country Planning (General Development Procedure) Order 1985.

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters. The publicity period expired on 25 October 2021. Six letters of objection and 50 letters of support have been received. The objections include one from a Ward Councillor requesting the application goes to panel for health and safety reasons and that the sheds cannot be undertaken under permitted development rights.

Summary of Representations Received:

Objection comments:

- Since the establishment of the business there has been an influx of vermin and flies to the neighbouring properties.
- Business was established without planning permission.
- The Deeds of the business prevent commercial use.
- No licence to run the business from the property.
- Light pollution from the floodlights effects neighbouring rear gardens.
- Increase in traffic to the property.
- The application has not been advertised correctly.

Support comments:

- No over intensification of the site.
- The sheds and huts are of a residential appearance.
- Limited views of the sheds and huts from the public viewpoints.
- Well run business.
- Hours of operation reasonable.
- Operates on an appointment only basis.
- No significant increase in traffic to the site.
- No noise, odour or light pollution.
- No increase in vermin to the neighbouring properties as a result of the business.
- No residential amenity impacts on neighbouring properties.
- Potential loss of family run business that provides employment.

Consultations:

Highways Development Control - No objections.

Environmental Health - No objections.

Summary of Main Issues:

1. Principle of Development.
2. Impact on Built Environment (Design, Scale & Appearance).
3. Impact on Neighbouring Occupants.
4. Highways.
5. Other Issues.

Appraisal:

1. Principle of Development:

The proposal is for the retrospective planning application for change of use of domestic garden to small animal boarding business (Sui Generis), retention of a number of small purpose built wooden sheds and secure enclosures (8 small sheds).

The development site is unallocated under the Replacement Unitary Development Plan, as such there are no policies inhibiting proposed development. The principle of the proposed development is acceptable subject to the assessment of the proposal against planning material considerations.

2. Impact on Built Environment (Design, Scale & Appearance):

Paragraph 130 of the NPPF states "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Policy DS1 of the Core Strategy DPD states that achieving Good Design Planning Decisions including Plans, development proposals, and investment decisions should contribute to achieving good design and high-quality places.

Policy DS3 of the Core Strategy DPD states that achieving plans and development proposals should create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials.

The development site is a large corner plot that is bordered by 2m high timber fences and sheds. To the front of the development site is a long driveway that provides off street car parking for two cars and a grassed area. Separating the front garden from the rear garden is a 2m high fence and shed. Within the rear garden the purpose built sheds, enclosures and office are situated around a central grassed and paved area. The collection of sheds, enclosures and office represent a low intensity development that is not highly prominent from the street scene.

The small animal boarding business provides accommodation for 24 rabbits and 18 Guinea Pigs. The average weekly occupancy throughout the year is 26.44% which equates to 4 visitors per week to the business. The animal boarding is seasonal and is busier around national and school holidays. The hours of operation are 9am until 6pm, Monday until Friday and 10am until 4pm on Saturdays. The business is closed on Sundays and Bank Holidays. The business is running on an appointment only basis.

It is acknowledged that the Covid 19 pandemic may have impacted on the business; however, the business is low intensity and small scale in nature and it is not foreseen that any small increase in visitors to the site which would result from the reduction in Covid 19 restrictions will have a significant impact on the character of the surrounding area.

As such the retained business will have a similar impact as other working from home businesses that are sited within a residential setting. The retained business will maintain the character of the surrounding area. The proposal accords with Paragraph 130 of the National Planning Policy Framework and Policies DS1 and DS3 of the Core Strategy DPD.

3. Impact on Neighbouring Occupants:

Policy DS5 of the Core Strategy DPD states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular, they should be designed to ensure a safe and secure environment and reduce the opportunities for crime. Further to this, not harm the amenity of existing or prospective users and residents.

Policy EN8 of the Core Strategy DPD states that 'Proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity'.

The retained sheds, enclosure and office represent a low intensity development, as such they will not result in any significant overshadowing, overlooking or overbearing impacts on the residential amenity of neighbouring properties.

Interested parties have raised concerns regarding light and noise pollution and an infestation of vermin to the neighbouring properties. From the site visit photos, it is noted that the site is very well maintained and tidy. The applicant has provided evidence of a management plan for vermin for the site. The Council's Environmental Health Section raise no objections to the proposal.

Further to this interested parties have raised concerns regarding increased comings and goings to the site. As mentioned previously, there is on average 4 visitors a week to the business and the business is running on an appointment only basis. It is noted the business is busier around national and school holidays. The hours of operation are 9am until 6pm, Monday until Friday and 10am until 4pm on Saturdays, and the business is closed on Sundays and Bank Holidays. The hours of operation will be conditioned.

It is acknowledged that the Covid 19 pandemic may have impacted on the business; however, the business is low intensity and small scale in nature and it is not foreseen that any small increase in visitors to the site which would result from the reduction in Covid 19 restrictions will have a significant impact.

As such the retained business will have a similar impact as other working from home businesses that are sited within a residential setting; thus it is not foreseen that there will be a significant increase in comings and goings to the site that would result in significant impacts on the residential amenity of neighbouring properties. The retained business will result in no significant adverse impacts on the residential amenity of neighbouring properties. The proposal accords with Policy DS5 and EN8 of the Core Strategy DPD.

4. Highways

Policy DS4 of the Core Strategy DPD states that development proposals should Take a design led approach to car parking so that it supports the street scene and pedestrian environment whilst also being convenient and secure.

Policy TR2 of the Core Strategy DPD states that development proposals should take a design led approach to parking which is well integrated within the overall layout so that it supports the street scene and local character, and creates a safe and pleasant environment even in parking areas.

Interested parties have noted that the retained business will result in an increase in traffic to the site. The Council's Highway's Officer raises no objections to the proposal. As mentioned previously, the site benefits from 2 off street car parking spaces, and the business is operated on an appointment only basis. The business is low intensity and small scale in nature and would have a similar impact to highways and pedestrian safety to that of other business that operate from residential settings. As such the proposal will result in no significant adverse impacts on highways and pedestrian safety. The proposal accords with Policy DS4 and TR2 of the Core Strategy DPD.

5. Other Issues:

Interested parties have noted that the deeds to the property prevent commercial operations from the property, and that no licence has been applied for to run the business from the site. These are civil matters and are not a planning material consideration.

Interested parties have noted that the application has not been correctly advertised, the planning application has been advertised in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Statement of Community Involvement.

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 proposed development is not considered to be harmful to visual amenity, residential amenity or highway safety and is considered to accord with Policies, DS1, DS3, DS4, DS5, EN8 and TR2 of the Core Strategy Development Plan Document.

Conditions of Approval:

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

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

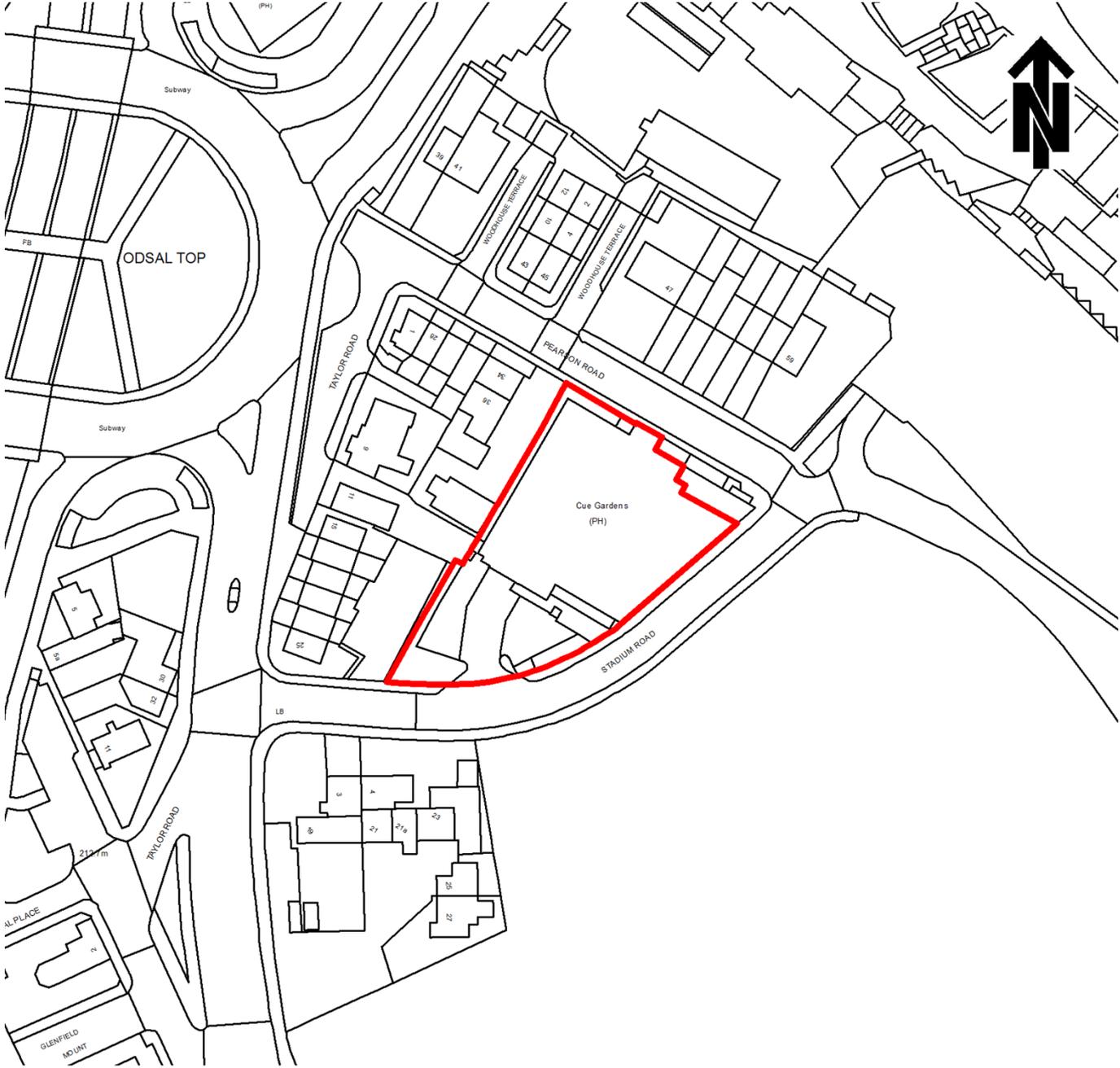
2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

Block Plan		23.09.2021
Proposed plans	Cottage 1,2 and 3	28.09.2021
Proposed plans	Cottage 4,5,6,7 and 8	28.09.2021
Proposed plans	Deluxe Cottage	28.09.2021
Proposed plans	Office Plans	28.09.2021

3. The development hereby permitted shall only be for the keeping of small domestic pets including hamsters, hedgehogs, rabbits and guinea pigs but excluding cats, dogs, poultry, farm animals and other animals which are not rodents.

Reason: To protect the residential amenity of the occupiers of adjacent properties and to accord with Policy DS5 of the Core Strategy Development Plan Document.

21/04241/FUL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

Stadium Mills
Pearson Road
Bradford BD6 1BJ

22 December 2021

Item: D
Ward: WYKE
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
21/04241/FUL

Type of Application/Proposal and Address:

A full application seeking to change the use of the existing snooker club with American pool lounge bar and function facilities at Stadium Mills, Pearson Road, BD6 1BJ to include use as a wedding ceremony venue (Sui-Generis).

Applicant:

Mr David Shipley

Agent:

Dawson Williamson Ltd

Site Description:

The property is a former mill building that has undergone significant changes and is now in use as a snooker club/drinking establishment and function hall. The form remains consistent with its former use to the side, but to the front a new frontage includes glazing, raised platform and terrace with timber design features. The frontage also offers the option for outdoor seating and forms a gravelled parking area. The wider locality has a mix of uses, but is predominantly residential, with residential properties present to the north, south and west. To the east there is a sports field.

Relevant Site History:

There is extensive site history the most relevant of which is application reference: 06/00375/COU. This granted permission for the Change of use of existing mill building into snooker club with American pool lounge bar and function facilities.

07/02305/COU | Status: Application Granted

Change of use of part of the ground floor from offices to a catering kitchen and associated installation of extractor flues

07/09727/COU | Status: Refused

Variation of Planning Application No 07/02305/COU to construct amended integral layout, disabled ramp, office entrance and basement access

07/10062/FUL | Status: Application Granted

Construction of detached office building and integral store

07/10194/FUL | Status: Refused

Retrospective change of use of part of ground floor to a catering kitchen and associated installation of extractor flues on the North East facing elevation

08/02865/COU | Status: Application Granted
Construction of new detached office building with integral store
08/06663/FUL | Status: Application Granted

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

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. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS5 - Safe and Inclusive Places
TR2 - Parking Policy
EN8 - Environmental Protection Policy

Parish Council:

Not in a Parish.

Publicity and Number of Representations:

The application was publicised by neighbour notification letter. The publicity period expired on 22.09.2021 – 19 representations have been received.

Summary of Representations Received:

The representations are all objecting to the proposal citing the following concerns:

Noise and disturbance.

Highway Safety.

Parking issues.

Anti-social behaviour including violence, drug taking, criminal damage and littering.

Consultations:

Highways Development Control – This use would likely result in an increase in the number of people/guests present on site, which would lead to an increase in the number of vehicles.

Notwithstanding, the area around the venue is covered by parking restrictions, therefore, whilst there are some concerns about a shortfall in on-site parking provision given the on-street parking restrictions that are already in place this is not a significant enough reason to warrant a refusal on highway safety grounds.

Environmental Protection - The Environmental Health officer has concerns about the potential impact of noise on residents who are living within close proximity to the proposed wedding venue. There are already ongoing complaints regarding the noise levels at this premises and have dealt with complaints about this venue in the past. The likelihood is that wedding parties will stay at the venue after the ceremony to drink and as such, the levels of noise would also be increased into the evening.

Summary of Main Issues:

1. Principle.
2. Residential Amenity.
3. Highway Safety.
4. Other matters.

Appraisal:

The application seeks permission to add wedding venue to the existing mix of uses at the premises. This would facilitate the performing of wedding ceremonies at the venue in addition to the existing approved uses - snooker club with American pool lounge bar and function facilities.

1. Principle

There are no planning policies that would seek to resist the principle of using the venue as a wedding venue. The mix of uses would mean that the property already falls within a sui generis use class, under the current use class order, the addition of the ability to perform wedding ceremonies would not impact the use class and the property would remain in a sui generis use albeit with the ability to provide the additional wedding services.

2. Residential Amenity

The venue has permission in place to operate as a snooker club and function hall. The premises are licenced and can already host functions such as birthdays and wedding receptions.

The proposal seeks to build on the wedding aspect and add the ability to perform wedding ceremonies, it does not propose any changes to the external appearance, layout, hours of operation or any other aspects of the premises use. The current operating hours are restricted as per condition 3 of planning permission reference: 06/00375/COU which granted the snooker club/function hall. The operating hours are therefore from 10-00 to 00-00 Sun days to Thursdays and from 10-00 to 01-00 on Fridays and Saturdays.

The wedding functions will remain within these parameters. The actual ceremony will take place between 10am and 4pm.

Given the wedding reception can already occur at the venue, the proposal will therefore only increase the activity at the site by a few hours, and these will be in the day when activity around the venue is less harmful to the amenity of neighbouring residents.

The supporting information notes that the application is prompted by a response to the Covid 19 pandemic and a modification in business model. It also notes that the proposal would hopefully result in employment opportunities beyond the 18 currently employed. Whilst supporting business is a key consideration, this carries limited weight as beyond the current activities neither aspect is likely to be significant to the business or economy above and beyond the current arrangement.

It can be seen in the representations and consultation response from Environmental Health there have been some ongoing issues with the neighbouring residents. This appears to be as a result of the noise from the venue and customer's behaviour leaving the premises. This application is not anticipated to contribute to this, as the activities that are seemingly causing the harm are already permissible. Whilst not to discount these concerns, a wedding ceremony would not likely contribute to these problems, if the use is extending beyond any of its current restrictions this would be a matter for planning enforcement (no recent enforcement cases), and if the noise is a statutory nuisance this would be controlled by Environmental Health who are investigating the complaints. What is being considered is only the ability to carry out the wedding ceremonies, which will take place in the day and generate little in terms of noise and disturbance. The proposal is thereby considered acceptable when measured against policies DS5 and EN8 of the Core Strategy Development Plan Document and subject to a condition controlling the hours of operation in line with the existing approval.

3. Highway Safety

As noted above the use will operate within the existing restrictions of the premises and within the same footprint as the existing function spaces. However, it is acknowledged that this use could potentially result in an increase in the number of people/guests present on site at any one time when compared to those that might be using the function areas. This would lead to an increase in the number of vehicles present on site and no additional parking is available.

Notwithstanding, any increase is likely to be limited, and only brought forward in the day from the existing function use. It is also notable that the area around the venue is covered by existing parking restrictions in the form of residents parking only schemes and other Traffic Regulation Orders i.e. "No Parking at Any Time" as well as other limited hours parking restrictions, which all serve to manage on-street parking.

Therefore, whilst the highway officer has noted some concerns about a shortfall in on-site parking provision, given the on-street parking restrictions that are already in place the highway officer considers that the proposal would not warrant a refusal on highway safety grounds.

4. Other matters

Anti-social behaviour- residents are experiencing various acts of anti-social behaviour to varying degrees of severity many of which are matters for the police. The anti-social behaviour is associated with the existing operations and is unlikely to be compounded by allowing wedding ceremonies to take place. It would be hoped that an increase in weddings at the venue would lead to a decline in some of the issues currently being experienced.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

Reason for Granting Planning Permission:

The addition of the ability to conduct wedding ceremonies at the premises is not seen as a threat to neighbouring amenity or highway safety. The proposal is thereby compliant with the requirements of the National Planning Policy Framework and policies DS5 and EN8 of the Core Strategy Development Plan Document.

Conditions of Approval:

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

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

2. The development hereby approved shall only be carried out in accordance with the approved plans and information listed below:-

12 August 2021 - C1097 010 Rev 1 – Location Plan and Existing Plan

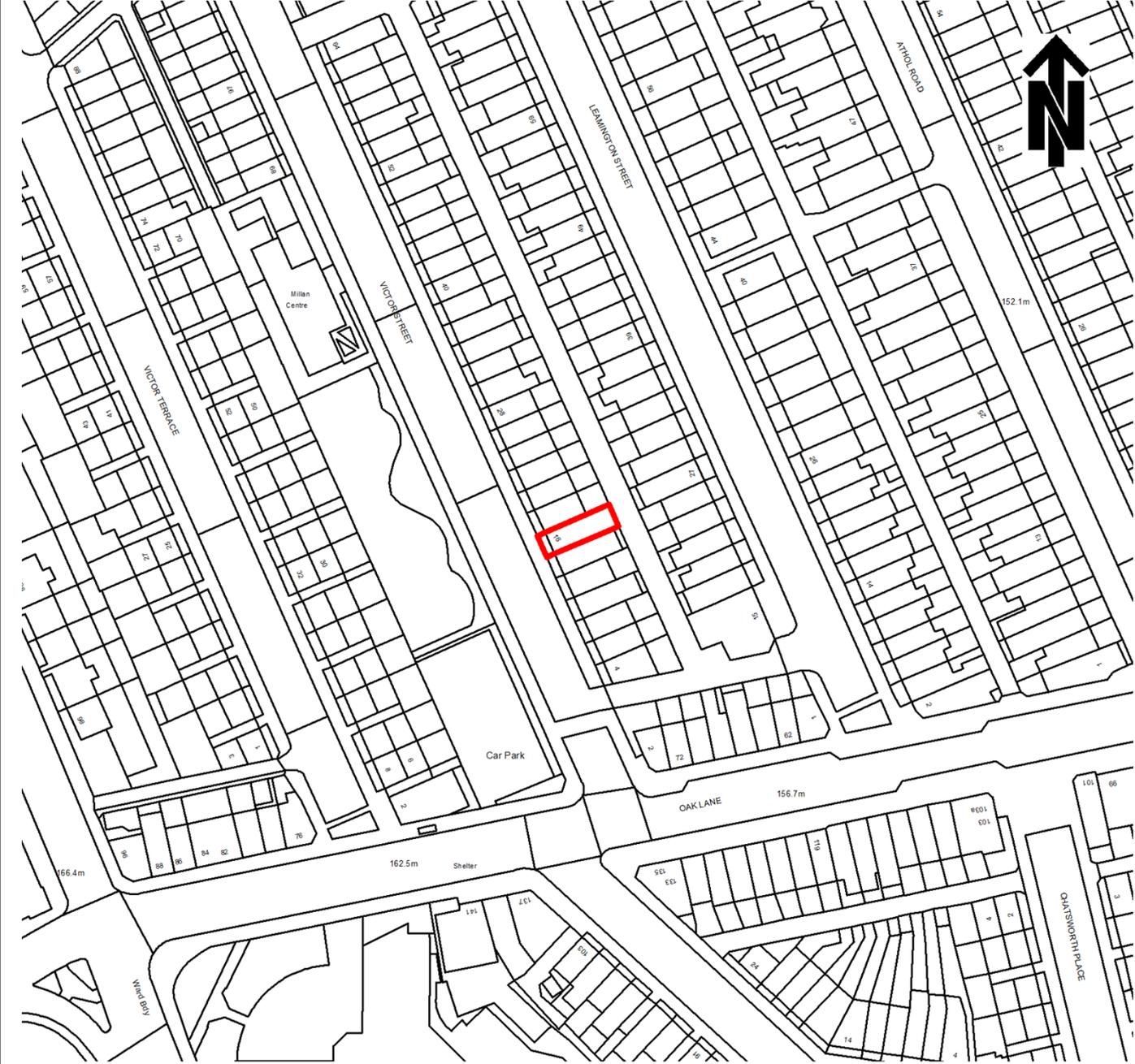
12 August 2021 - C1097 110 Rev 1 – Proposed Plans

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

3. The use of the premises shall be restricted to the hours from 10-00 to 00-00 Sundays to Thursdays and from 10-00 to 01-00 on Fridays and Saturdays.

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

21/02913/HOU



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**16 Victor Street
Heaton
Bradford BD9 4RB**

22 December 2021

Item: E
Ward: MANNINGHAM
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
21/02913/HOU

Type of Application/Proposal and Address:

This is a householder application for dormer windows to the front and rear roof of 16 Victor Street, Manningham, Bradford.

The application was deferred from the Area Planning Panel meeting held on 25 August 2021 to allow for additional evidence to be considered and to allow for revisions to the drawings to be made to make it compliant with policy.

Applicant:
Mr Khan

Agent:
S R Design

Site Description:

Number 16 Victor Street is a two storey mid-terraced property located in the North Park Road Conservation Area. It is a property constructed in stone, with a slate tile roof and has an attractive canopy feature above the door which is replicated on other houses on this street. The roof at the front currently has a roof light.

Relevant Site History:

00/01191/FUL - Single storey extension to rear of dwelling to provide shower room - Granted
11/04626/HOU - Construction of single storey rear extension - Granted
13/00637/HOU - Construction of single storey rear extension - Granted

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

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. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving Good Design
DS3 – Urban Character
DS5 – Safe and Inclusive Places
EN3 – Historic Environment

Relevant Legislation

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Relevant Planning Documents

Bradford Council Householder Supplementary Planning Document.
Conservation Area Appraisal. North Park Road. November 2007.

Parish Council:

Not in a Parish.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification letters. It was also advertised by site notice and within the Telegraph and. One representation of support was received from a Ward Councillor.

Summary of Representations Received:

The Councillor supports the proposal as the applicant has two children who have additional needs and requires this additional space to manage the care of his growing family. He has asked that this is taken into consideration when making a decision and if officers are minded to refuse the application, that a decision is made by the Planning Panel.

Consultations:

Heritage and Conservation – The site is within a conservation area and although the addition of dormer windows do not raise any issues in principle, the expectation is that their design should follow the adopted Council guidance. The size and design of the dormer windows is currently inappropriate, would appear discordant, presenting a harmful addition to the roof which fails to maintain or enhance the character and appearance of the area, which is contrary to policy EN3 of the Core Strategy Development Plan Document.

Occupational Therapy – Assessed an occupant at this address in 2010 and as a result a ground floor bathroom and bedroom extension was created. No involvement since this time, however they are aware of a large number of occupants residing at this address, the majority of whom are children.

Summary of Main Issues:

1. Principle of Development.
2. Impact on Neighbouring and Future Occupants.
3. Impact on the Built Environment.
4. Impact on the Heritage Assets.
5. Highway Safety.
6. Other Planning Matters.

Appraisal:

1. Principle of Development:

The proposal seeks planning permission to add dormer windows to an existing residential property. The building is not listed, but is within a conservation area and so is afforded some statutory protections and should be assessed against relevant legislation, policy and guidance areas. The current use of the site is not altered and so the proposal is considered to be acceptable in principle, subject to a local impact assessment.

This application was previously brought before the Planning Panel in August with the recommendation for refusal. It was discussed at that meeting that an alternative design could allow dormer windows additions to the front and rear of this property, giving the applicant the space required. The previous design conflicted with the Council's guidance and duties to preserve and enhance the conservation area, without sufficient justification. The determination of the application was deferred by members in agreement with the applicant, to allow further discussions in regards to the design and the submission of evidence for claims that there were extenuating circumstances in relation to this application.

Minor changes and supporting information were received by the Council at the end of September. The delay in receiving this information resulted in a subsequent delay in a consultation with occupational therapy. Issues were raised again with the current proposal, however an email received from the agent was explicit in stating that they were not prepared to compromise on the design and would like the application to go back to planning panel for a determination.

A local impact assessment is below.

2. Impact on the Built Environment:

The proposed dormer window to the front has been altered to remove any cladding from the face of the dormer window with a slight setback from the principle elevation. It is still much larger than what the Council's Householder Supplementary Planning Document suggests for and although there are other box type dormers seen nearby, others on the street are few in number and they appear to have been installed prior to the adoption of this guidance document, and in one case has previously been the subject of enforcement action.

The dormer window to the rear seeks a wall to wall construction, with large amounts of cladding to the face, spanning the full width of the property giving it a flat-roofed appearance. As the property is within a conservation area, it is not afforded the same permitted development rights as those outside such areas. This wall to wall construction is disproportionate to the size of this property and would result in significant harm.

A consistent approach over the last decade has seen a number of dormer window applications on this street given a planning approval. These have comprised of appropriately sized pitched roof dormer windows to the front and box type dormer windows to the rear, which are seen on a number of neighbouring properties. A similar design has been encouraged here.

Currently the design of the dormer windows due to their mass, dominance and on the rear, the excessive amounts of cladding to the face, would present significant harm to the appearance of this property and impact significantly on the wider terraced row. The design does not follow the guidance given in the Council's Householder Supplementary Planning Document and fails to accord with policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

3. Impact on Heritage Assets:

The application site is located within North Park Road Conservation Area. It is a late 19th century terraced property, which was originally constructed to house mill workers. It not only contributes to the character of the area, but as a group of properties is important to the city, providing a visual understanding of the historical development of this area.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of conservation areas. In the exercise of a Local Planning Authority's planning functions 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.

Although the principle of dormer windows on this property is acceptable, this should be subject to a design that is appropriate to the size and appearance of this property and the wider area. The traditional appearance this terrace is largely unchanged and the Council's Conservation Area Appraisal of the area identifies existing poor dormer windows as a weakness of the area.

The Local Planning Authority has a duty to pay special attention to the character and appearance of conservation areas. The Council has published guidance for dormer windows in its Householder Supplementary Planning Document and the expectation is that to help preserve the character and appearance of this area, changes to the roof should be appropriate to the site's context and should not detract from the character of the property, which this currently does.

The large box style dormers appear to over dominate the appearance of the roof and do not pay adequate respect to the character of the existing property or those around it. Although a box style dormer could be achieved on the rear given the limited public vantage points, a dormer window spanning the full width of the house would over dominate the roof space, with the front box style dormer failing to respect the traditional design of this property and the character of the wider row, which is not acceptable.

The proposed design does not follow the guidance given in the Council's Householder Supplementary Planning Document, is harmful to the character and appearance of the conservation area and is contrary to policy EN3 of the Core Strategy Development Plan Document. The level of harm posed is unacceptable and should not be accepted under the Council's duties outlined in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

4. Impact on Neighbouring Occupants:

The dormer windows do not go beyond the ridge of the roof or sit forward of the property's existing walls and so do not raise any overbearing, overshadowing or overlooking issues beyond any that already exist. The impact on neighbouring properties is considered to be acceptable and accords with policy DS5 of the Core Strategy Development Plan Document.

5. Highway Safety:

The proposal seeks a relatively small increase to an existing residential use and will not generate any additional parking need. No highway safety issues are raised.

6. Other Planning Matters:

Both the applicant and a ward Councillor have stated that the proposal is required to help meet the needs of a growing family and the additional needs of 2 disabled residents living at this address. This was not made clear when the application was submitted however further information has been submitted and consultation with occupational therapy undertaken.

There are no floorplans submitted for the existing layout, however sky lights are present in the front and rear elevations, suggesting that the attic space may already be used to provide residential accommodation. Occupational therapy has stated that they have had no involvement in this application however there appears to be 8 people residing at this address and that involvement in 2010 resulted in a ground floor bedroom and bathroom extension being approved and constructed.

Submitted information suggests that extra space may be needed to store equipment and that further adaption is likely required in the future. Dormers would give them more space.

Notwithstanding the above, the changes proposed are to take place within the roof only and apart from the additional head height, it is unclear how the addition of dormer windows would lead to an increase in storage space. By following the guidance published in the Council's Householder Supplementary Planning Document, the same number of bedrooms as proposed could still be achieved, with no impact felt on the ground floor uses which have previously been extended to meet the additional needs of a resident. Although further adaptation may potentially be required in the future, the lack of involvement from Occupational Therapy and the lack of any additional storage space shown on the plans, suggest that this bedroom space is to facilitate the needs of the growing family only.

The principle of a dormer windows is acceptable on both elevations and amendments were sought during the application process. The additional volume created by not following the adopted guidance would only produce a minimal amount of additional usable area than what could be achieved otherwise and would not make a significant difference in alleviating a potential overcrowding issue at this address. Without information to suggest otherwise, there appears to be a viable and less harmful alternative to creating additional space which would have similar benefits for the applicant, and therefore any additional harm is unjustified.

Community Safety Implications:

The proposal has no implications for community safety.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between different groups and foster good relations between different groups. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

Reasons for Refusal:

1. The dormer windows by way of their excessive size and poor design, present an over dominating and incongruous feature on this roof. The proposed changes do not pay adequate respect to the traditional appearance of the existing property and would have a significant and detrimental impact on the character of the Conservation Area in which the property resides. The proposal does not follow the guidance in the Council's Householder Supplementary Planning Document and fails to accord with policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

By failing to preserve and enhance the character of the Conservation Area, the proposal should be refused under the Council's duties outlined in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

21/04019/HOU



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**17 Park View Road
Bradford
BD9 4PA**

22 December 2021

Item: F
Ward: MANNINGHAM
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
21/04019/HOU

Type of Application/Proposal and Address:

Householder application for the installation of external stairs to basement level removal of front boundary wall and dropped kerb to be form an off-street parking space in the front garden of 17 Park View Road, Manningham.

Applicant:
Mr M Hanif

Agent:
A A Planning Services

Site Description:

The applicant property is a terraced dwelling constructed in stone under a tile roof. The site is located within a residential area of similar property types.

Relevant Site History:

No relevant site history.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

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. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving Good Design
DS3 – Urban Character
DS5 – Safe and Inclusive Places
EN3 – Historic Environment

Other Relevant Legislation

Householder Supplementary Planning Document.

Parish Council:

Not applicable.

Publicity and Number of Representations:

Advertised by site notice, a press advertisement and neighbour notification letters. The publicity period expired on 3 September 2021. One representation has been received from a Ward Councillor.

Summary of Representations Received:

The Councillor asks for the application to be heard by the Planning Panel if Officers are minded to refuse the application. The reasons given are:

- Shortage of parking in the area.
- Other houses have such parking areas.
- Residents have made changes to try and accommodate feedback.

Consultations:

Design & Conservation - Object to the proposal as it would harm the character and appearance of the Conservation Area.

Summary of Main Issues:

1. Principle of development.
2. Impact on visual amenity.
3. Impact on the conservation area.
4. Impact on residential amenity.
5. Highway safety.

Appraisal:

1. Principle of development

The proposal is for external stairs to the basement and a dropped kerb for parking access. The plans also show that to facilitate this, the boundary wall will have to be removed entirely to the front of the site. Revised drawings were received which attempted to address the concerns raised by the conservation team, however these did not alleviate those concerns and the conservation officer maintains their objection.

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. The impact of the development on the character of the conservation area will be considered in greater depth later in this report.

In principle, the development appears appropriate for a residential dwelling house, but this is subject to a full assessment against the relevant planning policies and guidance.

2. Impact on visual amenity

The parking space proposed to the front of the applicant dwelling will require the removal of part of the boundary wall to the front of the site. This low wall appears to be a feature of the properties within the locality and is likely an original feature. As such, the partial removal of this wall will result in some loss of the character of the locality. Whilst it is accepted that properties either side of the applicant dwelling have carried out similar works, these works do not appear to have been granted planning permission, and so are not a reason why the proposed development here should be approved.

The external stairs and basement level door will not be overly visible from public vantage points, and as such will have little impact on visual amenity and the overall appearance of the applicant dwelling.

The removal of the boundary wall to the front of the site is considered to be detrimental to the character of the applicant dwelling and locality, therefore the proposal is considered to be to the detriment of visual amenity and would conflict with policy DS1 and DS3 of the Core Strategy.

3. Impact on the conservation area

The application site is a late 19th century mid-terrace property. It is located within the North Park Road Conservation Area and forms part of an attractive streetscape of traditional housing set back from the road behind boundary walls and gardens.

The boundary wall is a character element of the streetscape and is identified as a key unlisted asset in the Conservation Area Appraisal (CAA). The trees in the front gardens, although maybe not individually identified, are part of a grouping of key trees/green space also marked in the CAA. Both the wall and garden are features which have been identified as positively contributing to the character of the conservation area. The loss of these elements would neither preserve or enhance the character of the conservation area so approval would not accord with S.72 of the 1990 Act or Policy EN3 of the Core Strategy.

The compromise removal of two-thirds of the wall would still result in a detrimental impact to the streetscape character and appearance of the streetscape and Conservation Area, and set a precedent for further applications like this which would cause cumulative harm.

Although the properties either side have removed the boundary walls to the front of the site, this is not considered to be a positive pattern of development which should set a precedent for other development in the area. The cumulative impacts of the development would cause significant harm to visual amenity.

On this basis, the application is considered to conflict with policy EN3 of the Core Strategy and would cause harm to the character of the conservation area.

4. Impact on residential amenity

The works are unlikely to have any impact on residential amenity by way of either overshadowing or overbearing, because no works of any considerable scale are proposed. There will be no overlooking issues from the new basement access, due to the site levels also.

There is no conflict with policy DS5 of the Core Strategy.

5. Highway safety

The proposal would provide additional parking for the property, so there is no harm to highway safety.

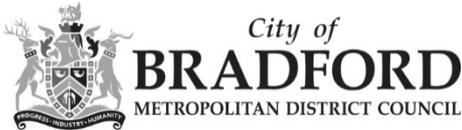
Equality Act 2010, Section 149:

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

Reasons for Refusal:

1. As the wall and garden area have been identified as key assets which make positive contributions to the character of the conservation area, their loss would be detrimental to this character and as such, contrary to policy EN3 of the Core Strategy Development Plan Document.
2. The removal of the boundary wall to the front of the site is considered to be detrimental to the character of the applicant dwelling and locality, therefore the proposal is considered to be to the detriment of visual amenity and would conflict with policy DS1 and DS3 of the Core Strategy Development Plan Document.

21/04530/HOU



Sports Facility



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**19 Shay Drive
Bradford
BD9 5PP**

22 December 2021

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

Application Number:
21/04530/HOU

Type of Application/Proposal and Address:

This is a householder application and permission is sought for roof alterations and front and rear dormers at 19 Shay Drive, Bradford, BD9 5PP.

Applicant:
Nageena Khan

Agent:
Mr Eatzaz Hassan

Site Description:

The property comprises of a two storey detached dwelling located on a prominent plot at the corner of Shay Drive and Shay Fold. The roof is hipped and pyramidal in form, with a front gable as an integral feature. The property is also at noticeably higher land levels to Shay Drive. The area is residential in character. Hipped roofs and front gables are features of the detached and semi-detached houses in this locality.

Relevant Site History:

16/05037/HOU - Hip to gable roof and construction of dormer windows to front and rear – Refused

16/09063/HOU - Hip to gable roof and construction of dormer windows to front and rear – Refused

17/00055/APP/HOU - Hip to gable roof and construction of dormer windows to front and rear – Appeal Dismissed

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

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. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 - Achieving Good Design

DS3 - Urban character

DS5 - Safe and Inclusive Places

The Householder Supplementary Planning Document (HSPD)

Parish Council:

Not in a Parish.

Publicity and Number of Representations:

The application has been publicised by neighbour notification letter. The publicity period expired on 10.10.2021, one representation has been received from the local Ward Councillor.

Summary of Representations Received:

The representation is in support of the application citing the following reasons:

Additional space is required to meet the needs of a growing family.

The extension is comparable to other extensions in and around Shay Drive.

Consultations:

Not applicable.

Summary of Main Issues:

1. Background.
2. Impact on the local Environment.
3. Residential Amenity.
4. Other Issues.

Appraisal:

1. Background

This is the third application for significant roof alterations to the property the previous two being refused. The most recent refusal was also the subject of a dismissed planning appeal. These proposals were predominantly based on changing the hip style roof to gables. The proposal seeks to overcome the concerns with modifications to the proposed roof form.

2. Impact on the Local Environment

The Core Strategy DPD and Revised NPPF require that development proposals make a positive contribution to achieving good design and high quality places. Core Strategy Policy SC9 directs that development proposals should take opportunities to improve areas, create a strong sense of place. Policies DS1 and DS3 of the Core Strategy DPD also set out a number of criteria against which the LPA will assess development proposals. The criteria include that, among others, proposals should create a strong sense of place and be appropriate to their context.

These policies are re-enforced for domestic alterations by the guidance and design principles contained within the Householder SPD. Design Principle 1 requiring the size, position and form of extensions, dormer windows and outbuildings to maintain or improve the character and quality of the original house and wider area.

The roofline is one of the most important and prominent features within residential areas, it is therefore vital that roof extensions or alterations are carefully considered. Inappropriate changes have damaged the character and appearance of many neighbourhoods within the district.

19 Shay Drive occupies a prominent position in the street scene in an area characterised by hipped roofs. The inspector noted in their decision that where roof alterations have taken place, they have maintained this appearance.

The proposal no longer seeks to replace the hip roof with two gables, and an alternate roof design has been proposed. This would see the lower section of the property raised to match the highest point and the eaves to the side raised. A box dormer is proposed to the front and a larger box dormer window to the rear.

The alterations proposed to the roof result in a half-way house solution, a mix between a gable and hip which creates a roof form not dissimilar to a mansard roof. This appears as a contrived solution to gaining additional space in the roof and is at odds with the character of the dwelling and incongruous within the street scene.

Given the location and elevated position of the property this will result in the proposals appearing highly prominent in the street scene, particularly, when approaching from the east along Shay Drive exacerbating the visual harm. The proposal is therefore found contrary to the requirements of policies DS1 and DS3 of the Core Strategy DPD and design principle 1 of the Householder SPD.

The front and rear dormer window in their own right are likely to be acceptable, but as they rely on the changes to the roof form they cannot be considered separately.

It is also worthy of note that discussions were held regarding a potential compromise solution, but these were not pursued as the alterations suggested would not facilitate the same level of living space within the roof.

3. Residential Amenity

In residential amenity terms policy DS5 of the Core Strategy DPD requires that development proposals should not harm the amenity of existing or prospective users and residents. This is again reinforced in the Householder SPD in design principles 2 and 3 which seek to preserve privacy and maintain acceptable physical relationships between properties respectively.

Physically the proposal is not seen as significant concern in terms of how the dwelling will subsequently relate to neighbouring properties. To Shay Fold the neighbouring property no.2 is at a higher level and to the opposite side neighbouring properties are separated by the highway (Shay Drive). To the rear the garden separates the properties sufficiently to maintain an acceptable relationship.

Overlooking is a tighter balance, but the proposed rear dormer which would be the concern just satisfies the required spacing distances to the rear boundary to be acceptable. The proposal is thereby considered to satisfy the requirements of policy DS5 and those of the HSPD in this regard.

4. Other Issues

The Ward Councillor has stated that the proposal is required to help meet the needs of a growing family, and the HSPD does include some flexibility where overcrowding is highlighted. No evidence of this has been presented with this application in respect of overcrowding.

Community Safety Implications:

There are no community safety implications associated with this development.

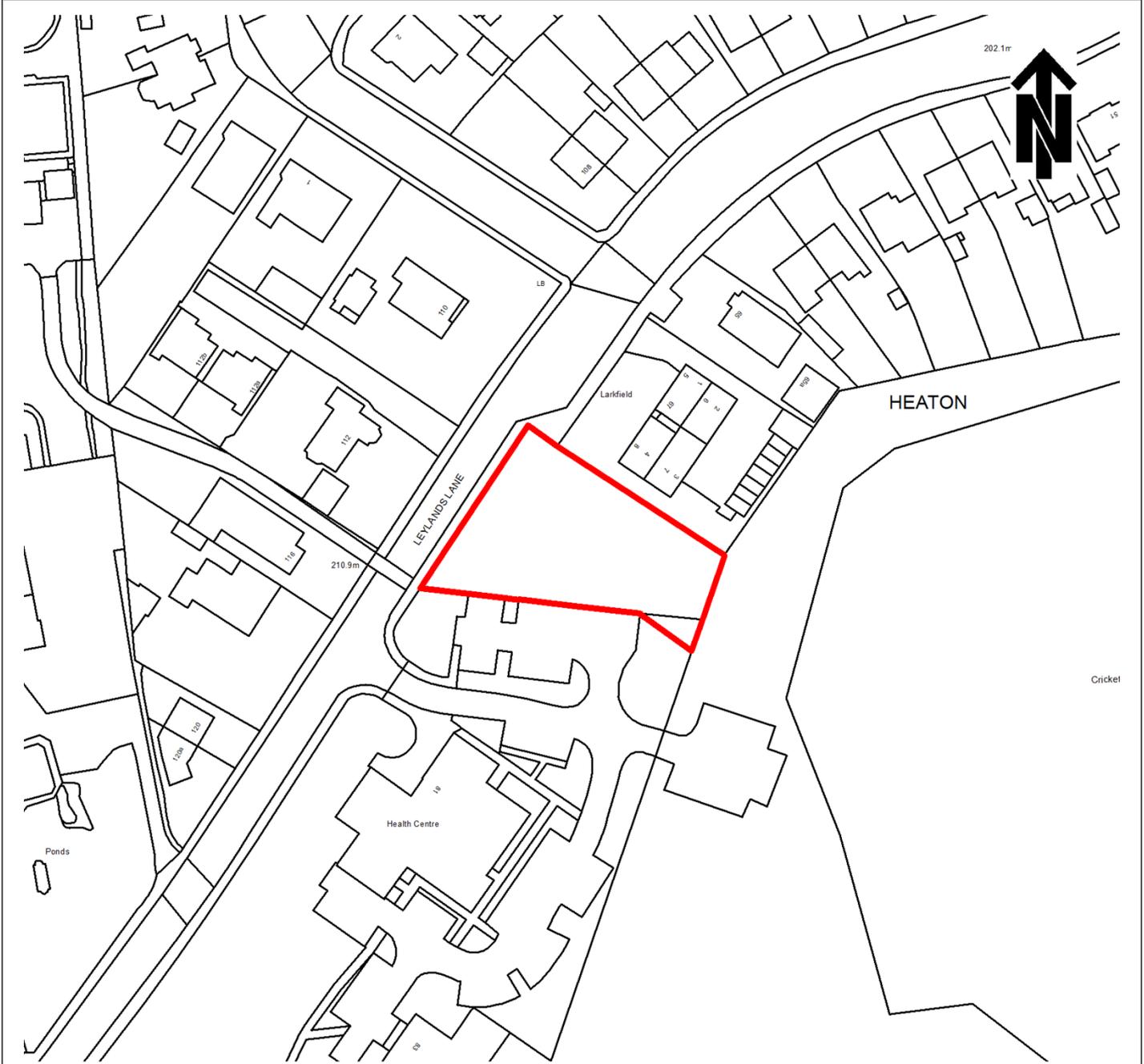
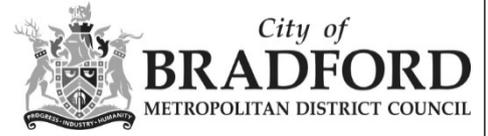
Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

Reasons for Refusal:

1. The proposed roof alterations would result in a contrived and incongruous form that would cause unacceptable harm to the character and appearance of the dwelling and wider area. The visual harm is exacerbated by the prominent and elevated siting of the dwelling. The proposal therefore fails to meet the requirements of policies DS1 and DS3 of the Core Strategy and those of the Householder Supplementary Planning Document.

21/04792/FUL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**Land North Of
Leylands Medical Centre
81 Leylands Lane
Bradford BD9 5PZ**

22 December 2021

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

Application Number:
21/04792/FUL

Type of Application/Proposal and Address:

This is a full planning application for the construction of three houses including parking, access and landscaping on land to the North of Leylands Medical Centre on Leylands Lane.

Applicant:
Mr Waqass Khan

Agent:
Michael Ainsworth Design Partnership

Site Description:

The site is an area of undeveloped land which is set at a higher level than Leylands Lane which runs along the western boundary of the site. There are a number of prominent trees close to the site frontage with Leylands Lane which are protected by a Tree Protection Order. To the north and west are residential properties and there is a medical centre to the south. To the east beyond mature trees are playing fields.

Relevant Site History:

95/00414/OUT - Healthcare centre development - Granted
97/00246/REM - Erection of Health Care Centre including crèche - Granted
97/00247/FUL - Erection of self-contained retail pharmacy as part of Health Care Centre building - Granted
04/00830/FUL - Single storey extension to medical centre - Granted
14/03810/FUL - Construction of two detached dwellings - Refused.
17/03953/FUL - Construction of one detached dwelling house - Refused

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

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. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving Good Design
DS2 – Working with the Landscape
DS3 – Urban Character
DS4 – Streets and Movement
DS5 – Safe and Inclusive Places
EN5 – Trees and Woodlands
EN7 – Flood Risk
EN8 – Environmental Protection Policy
HO9 – Housing Quality
TR1 – Travel Reduction and Modal Shift
TR2 – Parking Policy

Other Relevant Legislation

Homes and Neighbourhoods - A Guide to Designing Bradford Supplementary Planning Document
Bradford Council Householder Supplementary Planning Document

Parish Council:

Not in a Parish.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification letters. A total of seven representations were received.

Summary of Representations Received:

One objection was received and six support comments. One support comment was from a ward councillor stating that if officers were minded to refuse the application, then they request that a decision is made by the planning panel.

In summary the objections were;

- That protected trees would either be damaged or removed.
- Previous applications have been refused and an appeal dismissed.
- The new buildings would impact on neighbouring outlook, overbearing and overshadowing their habitable room windows.

In summary the support comments were;

- The houses will uplift the area.
- Using this site for housing will reduce the potential for fly tipping, vermin and anti-social activity.
- There is a huge demand for housing in the area.

- The proposal will not be overbearing or out of character with the area.
- A tree on this site previously fell into the road, which could happen with the other trees.

Consultations:

Trees – There are a number of significant trees on the site, with many afforded some protection from a tree protection order. The proposal seeks tree removal and significant pruning of the roots to another tree to facilitate the access. For T1 this will be detrimental and the issues have been stated have not been evidenced. It has not been demonstrated that all works are necessary and that the development would not cause additional problems in the future.

Whilst arboricultural information has been provided it outlines the issues that need to be overcome but falls short of presenting workable solutions to overcome them. The impact would be detrimental and its effects cannot be rectified by the use of planning conditions

West Yorkshire Police – Provided advice to the applicants to enhance the security of the site. They have suggested gated access to rear gardens, tall boundary treatments and a management plan for the shared open area at the front of the property.

Highways – Initially raised objection due to the visibility splays being incorrectly shown and no sustainable travel modes being facilitated. The issues with the visibility splay have been rectified with a revised plan and Electric Vehicle charging points shown with cycle storage. No objections.

Drainage – Raise no objections to the proposal and have suggested conditions should the development proposal be given a planning permission.

Summary of Main Issues:

1. Background and Principle of Development.
2. Landscape Character and Trees.
3. Impact on the Built Environment.
4. Impact on Neighbouring and Future Occupants.
5. Highway Safety and Sustainable Travel.
6. Drainage.
7. Other Planning Matters.
8. Other Matters Raised by Representations.

Appraisal:

1. Background and Principle of Development:

The proposal seeks planning permission to construct three residential properties on an area of vacant land close to the car park of Leylands Medical Centre. The land sits slightly higher than Leylands Lane, is bound by a low level stone wall and is currently occupied by a number of trees and shrubbery. The site is not within the vicinity of a listed building and is not within a conservation area, however there are a number of statutorily protected trees within the site which should be considered against relevant legislation, policy and guidance areas. The site is unallocated for any specific purpose in the Council's Replacement Unitary Development Plan, and within a predominantly residential area, the residential development of the site is considered to be an acceptable use for this site in principle, subject to a local impact assessment.

2. Landscape Character and Trees:

The site is an undeveloped piece of land fronting Leylands Lane which is the main route through Heaton Village. It is currently accessed on foot through the ground of the neighbouring medical centre and offers a suburban woodland character to the area, with significantly tall trees which are mature in age and of high amenity value. The proposal seeks to retain the majority of the stone perimeter walling fronting the site, however to gain access, seeks to remove a substantial tree at the corner of the plot, identified as T1 on the submitted arboricultural information, and seeks significant root pruning to T2.

The trees on the site contribute significantly to the character of the local area and are the subject of Tree Protection Order, number 0561, and so are offered statutory protection. Although the principle of a residential development on this site is not disputed the submitted information fails to suitably justify why the loss of a significant tree is acceptable and does not account for the potentially substantial damage that could occur to other trees within the site, particularly closest to the proposed entrance.

The trees which border the front of the site offer the most amenity value to the local area, however the arboricultural report argues that pressure is being applied to the perimeter wall and that this is a potential safety issue. There is little information to substantiate this claim, and although previously a tree on the site has been removed due to safety concerns, the submitted report also states that the remaining trees appear to be in good health, including T1 and acknowledges that they have been there for a considerable amount of time. The developers have offered a replanting scheme as an alternative, however it is not certain where new trees are proposed and these could potentially impact on the living conditions of the proposed properties, resulting in their future removal.

The submitted arboricultural information states specifically that engineering input will be required to design a ramp into the site to accommodate the land level changes between the site and Leylands Lane. Although it is proposed to dig the entrance out by hand, there will still be significant root loss and without detailed site specific information on the ramp, the local planning authority are unable to make a full and proper assessment of the impacts on this T2. It is considered that information regarding the ramp would need to be submitted as part of the application as without it, there is the potential that two very significant trees could be lost on this site in the future, removing much of its character which would significantly impact on the site's amenity value. Although further information has been requested at this stage, this has not been provided. Other trees in the site will largely remain and no issues are raised in relation to these, providing that suitable conditions to ensure their safety through the build phase are applied if granted.

Overall, there is not enough information or mitigation to justify the loss of T1 or the significant root pruning to T2. Both trees make a substantial and positive contribution to the character of the local area which is recognised by the Tree Protection Order. The information submitted with this application acknowledges the high value these trees hold, but continues to seek T1's removal and does not give sufficient information in regards to the ramped access for the Council to be reassured that the harm to T2 would not be substantial. Root pruning to T2 could potentially create unstable conditions for this tree and depending on the amount of root loss, could be detrimental, resulting in its unintended loss.

For the reasons stated, the proposal would have an unacceptable impact on the amenity value of protected trees and be contrary to policies EN5 and DS2 of the Core Strategy Development Plan Document, failing to integrate and retain trees that are healthy and have clear public amenity value, and having a detrimental impact on the contribution these trees have on the character of the area.

3. Impact on the Built Environment:

The proposal seeks to construct a row of three town houses. These are to be finished in natural stone at the ground floor level, with render to the upper floor levels, and a roof finished in a grey slate. Within the immediate area there are a wide variety of different property types, with varying designs visible. All the materials proposed are consistent with those seen in the immediate area and will not appear out of place.

The design of the new houses mirrors that of each property, forming a row of three identical houses. They propose a projecting apex feature at the front, with proportionate window and door arrangements across each of the buildings. Their appearance to the front is relatively regular and traditional, with a more contemporary single storey projection proposed at the rear. These design features are considered to raise some interest and are not considered to raise any significant concerns.

Although there is contention with regards to the trees on site which is discussed above, from the front the site will remain largely open, retaining the existing boundary stone wall treatment, with taller treatments seen to the rear. Conditions for the stone wall boundary treatment to be retained as is shown on the plan would help retain that character and appearance of this development on the local area.

Overall, the design of the properties is informed by a good understanding of the local area and also introduce their own features, which are good design. Notwithstanding the loss of impact of the development on protected trees, the aspects of the proposal set away from these trees is considered to have an acceptable impact on the built environment, follows appropriate guidance from in the Council's Homes and Neighbourhoods Supplementary Planning Document and accords with policies DS1 and DS3 of the Core Strategy Development Plan Document.

4. Impact on Neighbouring and Future Occupants:

The town houses proposed are to be located South of a neighbouring residential building known as Larkfield Flats. Apart from these, all other neighbours, including the local medical centre are considered to be a significant distance away from this development for no issues to occur.

In relation to Larkfield Flats, these properties include what appears to be 4 primary habitable room windows in their side elevation. This development is off-set slightly from these neighbour however will impact on their direct outlook, which at 7 metres is considered to be within a close proximity. An appropriate test to apply, would be to measure 25 degrees from the neighbours ground floor windows, as set out in the Homes & Neighbourhoods SPD. Without information to suggest otherwise, it does appear that the proposed development would conflict with the 25-degree line of the neighbouring habitable room windows, resulting in an adverse and unacceptable impact on their outlook, raising overbearing issues for their habitable spaces.

There would also be some impact on light at times during the day towards these windows, however as the row of terraces is to be off-set slightly from the neighbouring row of properties, light will still reach these rooms for a significant proportion of the day and so is not considered to be an adverse issue. Given the relationship between the two sites, no adverse issues are raised for most usable outdoor garden areas of neighbouring properties. With no side facing habitable room windows and no residential neighbours directly to the front and rear, no overlooking concerns are raised.

The proposed developments would provide a good standard of living for future occupants, are logically arranged, meet the nationally described space standard and provides an adequate amount of indoor and outdoor space for their proposed use. The outdoor space provides a good amount of land for the storage of bins, the undertaking of domestic tasks and outdoor recreation, proportionate to the size of these dwellings. This accords with policy HO9 of the Core Strategy Development Plan Document.

Although the proposal would present a good standard of living to potential occupants, without information to demonstrate otherwise, the new properties would have an oppressive and unacceptable impact on the outlook of neighbours to the North of the site, failing to accord with the objectives of policy DS5 of the Core Strategy Development Plan Document.

5. Highway Safety and Sustainable Travel:

The proposal seeks access onto Leylands Lane by forming a new entrance in the existing boundary wall. Although objection was initially raised by the highways team as the visibility splay was incorrectly shown, a revised plan demonstrates a suitable level of visibility can be achieved in both directions raising no significant concerns for highway safety.

Within the site there is ample provision for off-street parking, which will be served by electric vehicle charging points and should be conditioned as part of any approval of development on this site, along with the cycle storage provided. There is also visitor parking and ample space within the driveway area to both enter and exit the site in a forward motion. The driveway is wide enough to accommodate two-way vehicular movements and pedestrian traffic, and is considered to be of an acceptable length for residents to take bins to the entrance for collection. As the driveway will remain private, service vehicles such as refuse wagons will not need to enter the site.

Providing that suitable conditions are sought and that all facilities shown are provided prior to the occupation of these residential properties, it is considered that the impact of this proposal on highway safety and sustainable travel is acceptable and accords with policies DS4, DS5, TR1 and TR2 of the Core Strategy Development Plan Document.

6. Drainage:

The site is close to a public sewer and so the developer will be required to consult with Yorkshire Water prior to commencement but it is considered that this matter can be further investigated at building control stage and so a footnote should be applied to any granting of planning permission. To maintain the permeability of the land, porous surfacing materials should be investigated. Providing that the permeability of the land remains and is controlled by condition, and that further drainage details are provided at a later date and agreed, the proposal is considered to accord with policies EN7 and EN8 of the Core Strategy Development Plan Document.

7. Other Planning Matters:

A supporter has stated that there is a housing need in the area. This is accepted as both a local and national issue. The Local Planning Authority takes a positive and proactive stance when assessing development proposals, however this does not always outweigh the material considerations.

8. Other Matters Raised by Representations:

Matters raised that are not covered in the report above are addressed here;

- Fly tipping, vermin and anti-social behaviour on the site are considered to be matters that fall outside of planning's remit and can be controlled by either management of the site, alternative development or other legislation areas.
- Previous site history and dismissed appeals have been considered in forming the recommendation to refuse consent. It is noted that, each application is assessed on its own merits in relation to the relevant legislation, policy and guidance at that time.

Community Safety Implications:

The proposal has no implications for community safety.

Equality Act 2010, Section 149:

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

Reasons for Refusal:

1. The loss of a substantial tree protected because of its significant amenity value, and the large amounts of root pruning of another tree required to facilitate the construction of the proposed access into the site, would be detrimental to the open wooded appearance of this site and the leafy character of the immediate area. The failure to sufficiently integrate these important features into the development, potential future issues and lack of retention of healthy trees with a clear public amenity value, is contrary to policies EN5 and DS2 of the Core Strategy Development Plan Document.
2. The development will come within close proximity of a number of primary habitable room windows serving the neighbours at Larkfield Flats. Without information to suggest otherwise, the close proximity of the proposed development in relation to these windows, will result in an adverse and unacceptable impact on their outlook, raising significant overbearing issues on their habitable room windows. This is contrary to policy DS5 of the Core Strategy Development Plan Document.