

# Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 23 February 2022

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## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	192 Reevy Avenue Bradford BD6 3RP - 21/05307/HOU [Approve]	Royds
B	Grove Library Great Horton Road Bradford BD7 1AX - 21/01240/FUL [Approve]	City
C	Land North Of 5 To 17 Munster Street Bradford - 21/01388/FUL [Approve]	Bowling And Barkerend
D	Prince Of Wales Inn 91 Harrogate Road Bradford BD2 3ES - 21/02982/FUL [Approve]	Eccleshill
E	South Square Centre South Square Thornton Bradford - 21/06073/FUL [Approve]	Thornton And Allerton
F	South Square Centre South Square Thornton Bradford - 21/06074/LBC [Approve]	Thornton And Allerton

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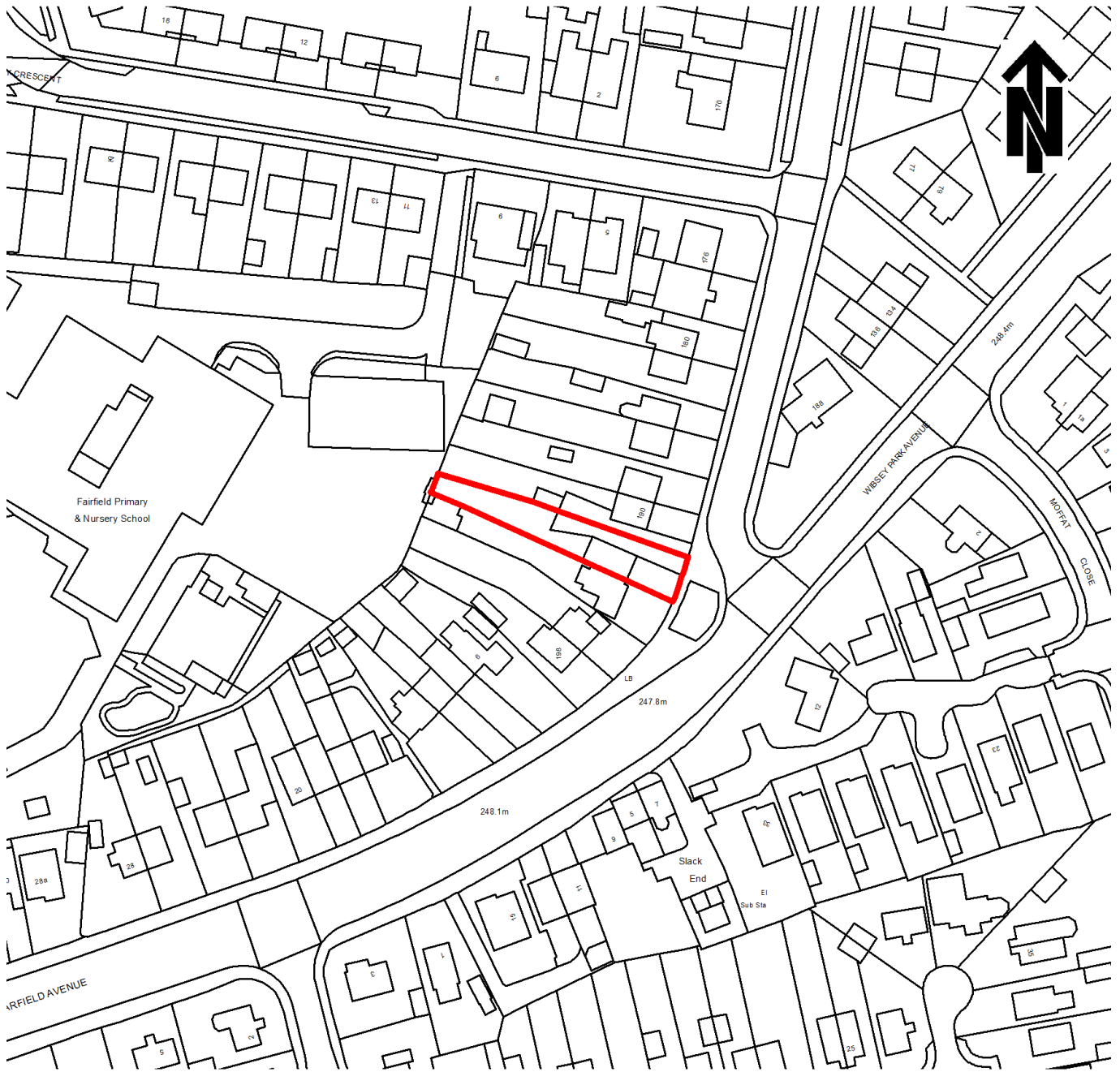
**Portfolio:**  
Regeneration, Planning & Transport

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

**21/05307/HOU**



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**192 Reeve Avenue**  
**Bradford**  
**BD6 3RP**

**23 February 2022**

**Item: A**  
**Ward: ROYDS**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
21/05307/HOU

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

This is a retrospective householder planning application for the construction of a garage and store room at 192 Reevy Avenue, Bradford, BD6 3RP.

**Applicant:**  
Mr C English

**Agent:**  
Paul Manogue

**Site Description:**

The application site is a semi-detached dwelling located in an area of mix dwelling types. Constructed from stone to the front elevation which has been painted white and the remainder of the dwelling is rendered with blue slate roof tiles. There is off street parking to the side leading to a detached garage and the dwelling has been extended single storey to the rear. The rear of the site backs onto Fairfield Primary and Nursery School.

**Relevant Site History:**

There is no directly relevant planning 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

Householder Supplementary Planning Document (SPD)

### **Parish Council:**

Not applicable.

### **Publicity and Number of Representations:**

The application was advertised by individual neighbour notification. Expiry Date 30 November 2021. Two objections from Ward Councillors and nine supporting comments have been received.

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

Objections:

- o The building has not been used as a garage but it is used to store horses, which are not kept safely.
- o Manure is found on streets and the stench of manure is such that windows of houses around 192 Reevy Avenue have to be closed.
- o Planning permission should only be granted for the stated purposes of storage and as a garage and that this permission is revoked if the building is ever used to stable horses.

Support comments:

- o The application should be decided on what's proposed.
- o Horses have not been seen at this address as claimed.
- o Building is an improvement to the area.
- o The building doesn't intrude on any one else and is in your property it should be allowed.
- o This building, it makes no difference to the neighbouring properties.

### **Consultations:**

Not applicable.

### **Summary of Main Issues:**

1. Impact on Built Environment (Design, Scale & Appearance).
2. Impact on Neighbouring Occupants.
3. Impact on Highway Safety.
4. Other matters.

### **Appraisal:**

This is a retrospective application for a detached garage and store. The building is located in the rear garden and has a depth of 11.45 metres with a width of 5.186 metres, a dual pitched roof with an overall height of 3.56 metres. Whilst there have been reports of horses being kept within this building that is not what is proposed in this application. It is important to determine this application based on the information contained within the planning application.

### **1. Impact on Built Environment (Design, Scale & Appearance)**

The Householder SPD looks at design and position of outbuildings and these may have as much impact on the overall appearance of a property as an extension and would therefore need to satisfy Design Principles 1, 2, 3, 4 and 5. Design Principle 1 looks at the size, position and form of extensions, which should maintain or improve the character and quality of the original house. The original house should be dominant and all extensions should appear as sympathetic additions. The garage and store is setback 41 metres from the highway, so is not be visible from public view and will not be a prominent feature within the wider street scene. The design is a dual pitched roof and has a height of 2.3 metres to the eaves and an overall height of 3.56 metres and sits alongside a neighbouring garage at no.194 Reevy Avenue. It is considered that the garage has an appropriate design and although the materials do not match the existing dwelling, boundary walling has been constructed of similar materials and neighbouring outbuildings have also been constructed in a mix of different materials and therefore the materials used are acceptable and will not cause any significant harm to the visual amenity of the local environment. The proposal complies with Policies DS1 and DS3 of the Core Strategy Development Plan Document and Householder Supplementary Planning Document.

### **2. Impact on Neighbouring Occupants**

Design Principle 3 of the Householder SPD states that extensions/outbuildings should not have an over dominating physical presence that damages the outlook of neighbours, or unacceptably reduce natural daylight reaching any neighbours property or well used part of their garden. The proposed garage is single storey and sits on the shared boundary with no's. 194 and 190, alongside an existing garage at no. 194, the gable roof design of the outbuilding shifts the highest part of the extension away from neighbouring properties and has a height of 2.3metres to the eaves therefore there would be no overshadowing of private amenity space and would not have an overbearing over-dominating impact on the occupants of neighbouring dwellings.

### **3. Impact on Highway Safety**

No impact

### **4. Other matters**

Objections have been received with regards to the use of the building as stabling for horses, keep them safe as well as smell from the use. At the time of the case officer's site visit there were no horses or evidence of their presence within the site. The agent has also confirmed that the building will be used as a garage and store only and the horses were stabled here temporally and have since been moved. It is acknowledged that the main objections are the use of the building and not the building itself. The welfare of the horses and odours from the subsequent use of the building for the stabling of horses can be dealt with under other legislation.

A condition has been suggested seeking to control the potential for the building to be used as stabling for horses but the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 under Part 2 Class E allows outbuildings to be used incidental to the domestic enjoyment of the occupants of the dwelling house which includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling house. Therefore, such a condition would be unreasonable as the keeping of horses can lawfully be incidental to the enjoyment of the occupants of a dwelling house.

**Community Safety Implications:**

There are no apparent community safety implications.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposed garage is considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed and representations received have been considered and would not affect their residential amenity. As such this proposal is considered to be in accordance with Policy DS1 and DS3 of the Core Strategy and the Council Approved Householder Supplementary Planning 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:-

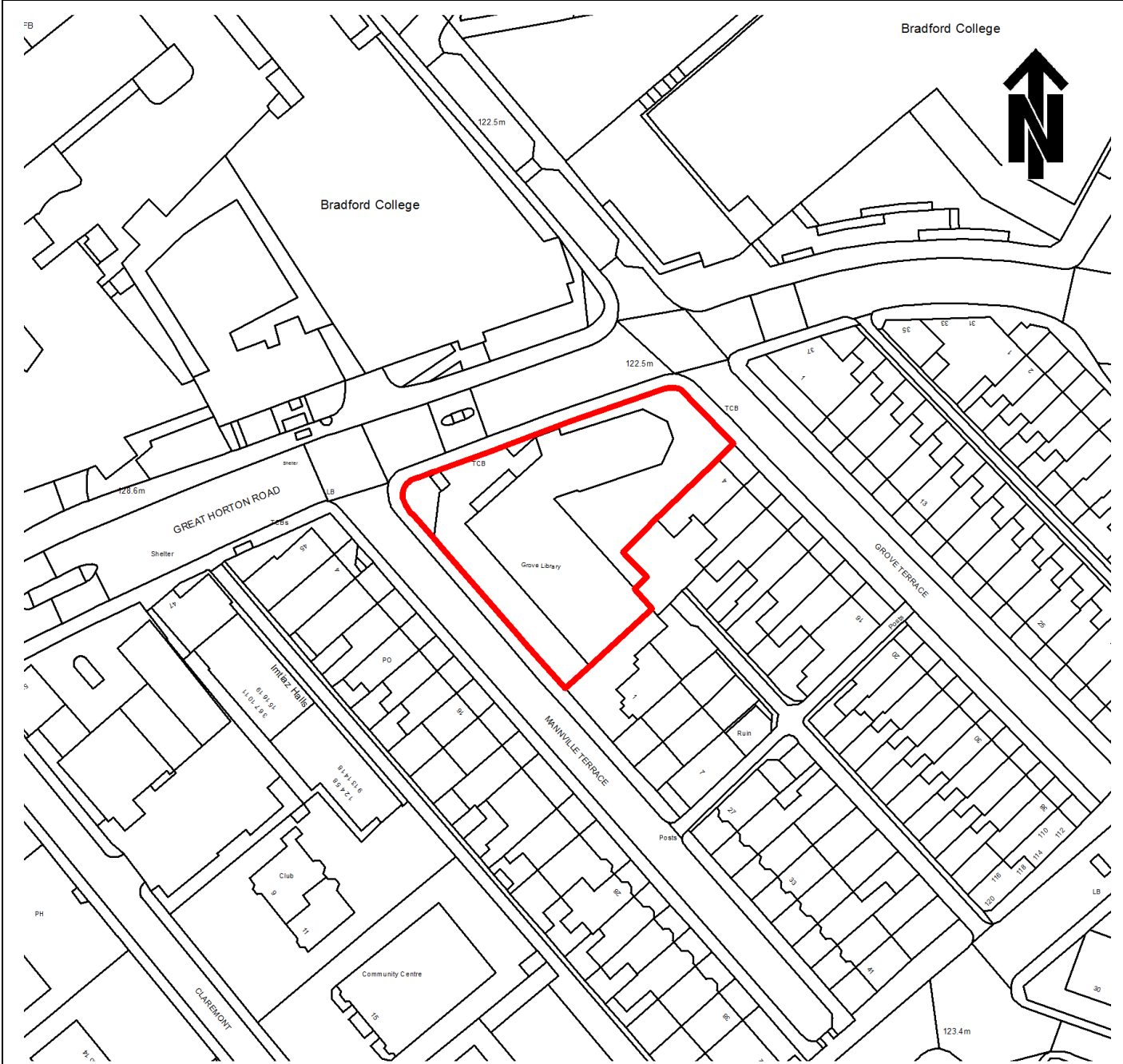
Composite drawings referenced PDA 21-095-001 Revision B received by the Council on 23 November 2021

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

3. The garage and store room hereby granted planning permission shall only be used for purposes which are ancillary to the residential use of the dwellinghouse 192 Reeve Avenue and shall not be used and occupied as a separate independent unit.

Reason: To safeguard the amenities of people living nearby and to accord with Policy DS5 of the Core Strategy Development Plan Document.

21/01240/FUL



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Grove Library  
Great Horton Road  
Bradford BD7 1AX

**23 February 2022**

**Item: B**  
**Ward: CITY**

**Recommendation:**

**TO DELEGATE AUTHORITY TO OFFICERS TO GRANT PLANNING PERMISSION  
SUBJECT TO CONDITIONS FOLLOWING THE EXPIRY OF THE PUBLICITY PERIOD  
APPLICATION WITH A PETITION**

**Application Number:**

21/01240/FUL

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

A full planning application for the change of use of part of the ground floor and mezzanine floor levels the former Grove Library, Great Horton Road, BD7 1AX to a restaurant (Use Class E(b)).

**Applicant:**

Mr M Rashid, Lala's Restaurant & M.R. Holdings Ltd

**Agent:**

Mr Josh Harling

**Site Description:**

This is a former chapel building which has long been used as a library serving Bradford College. It is a Grade II Listed Building located within the Little Horton Conservation Area and is a very prominent architectural presence on this part of Great Horton Road. The building sits between Grove Terrace to the East and Mannville Terrace to the West with Great Horton Road on its northern side. The surrounding area is dominated by the educational facilities provided by the University of Bradford and Bradford College. There are also residential properties and other commercial properties in the vicinity of the site.

**Relevant Site History:**

20/01701/FUL - Change of use of former college building into restaurant, conference facilities and sky lounge café – Refused 28.07.2020

19/02684/FUL - Change of use of former college building into serviced offices, restaurant, conference facilities and sky lounge café – Refused 23.09.2019

**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  
DS4 - Streets and Movement  
DS5 - Safe and Inclusive Places  
TR2 - Parking Policy  
EN3 - Historic Environment  
EN8 - Environmental Protection Policy

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was originally publicised by individual neighbour notification letters. The publicity period expired on 28 May 2021. A 34 signature petition from 17 addresses in objection to the development has been received. Subsequently the application has been publicised with a site notice and a press advertisement. This period of publicity expires on 4 March 2022. Any additional representations received after report preparation shall be reported verbally to the Panel.

**Summary of Representations Received:**

The petition relates to the initial proposal to develop the whole of the building with a number of uses citing the following concerns:

- The proposed development is not appropriate to the area.
- Current usage of existing businesses leads to parking issues for residents.

**Consultations:**

Highways Development Control – The site is outside the City Centre boundary and so the parking requirement for the different aspects of the development would result in a total parking requirement for up to 116 parking spaces. This is broken down to 45 spaces for the proposed restaurant at ground and first mezzanine level, 42 spaces for the D2 use at the first floor and the second mezzanine level and 29 spaces for the proposed Sky Lounge. (It is noted that only the restaurant at ground and first mezzanine level is now proposed.)

Design & Conservation – Note that the interior of the building has been comprehensively re-modelled and lacks any evidence of original features even behind later superficial finishes. Require details of the proposed extraction and ventilation system.

Environmental Health – Following receipt of a noise impact assessment and further information on the proposed fume extraction system no further objections are raised subject to the provision of the fume extraction and noise attenuation systems before first occupation.

**Summary of Main Issues:**

1. Background.
2. Principle.
3. Heritage Implications.
4. Highway Safety.
5. Residential Amenity.
6. Visual Amenity.
7. Other Issues Raised in Representations.

**Appraisal:**

**1. Background**

This is a full planning application for the conversion of the ground floor and first mezzanine level of this former College building to a Class E(b) restaurant. The application initially proposed a D2 conferencing facility and a further Class E(b) lounge/café within the building. Following receipt of significant objections to the scheme from the Council's highway officer the scheme has been reduced in scale. It is in this context that the development is to be considered.

**2. 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 of this development subject to its local impact.

**3. Heritage Implications**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This statutory duty is reflected in Policy EN3 of the Core Strategy DPD. Additionally, section 72 of the same act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

The Council's Conservation Officer confirms that the interior of the building has been comprehensively re-modelled in the 1970s or 1980s and now presents an institutionalised and dated appearance lacking any evidence of original features, even behind later superficial finishes. Consequently, internal changes to decoration and use of space will not impact any features of significance and removal of some walls on the ground floor, including in the entrance lobby would not cause harm to the understanding of the building or its remaining significance. The proposed fume extraction and ventilation system will also not cause any harm to the significance of this building. It is proposed that the extraction will be via an existing window on the north-east elevation and will only require a louvered grill within the window. No other external alterations are proposed and so the proposed development is not considered to result in any harm to the significance of this heritage asset.

**4. Highway Safety**

This application follows the refusal of previous applications for more intensive development of this building partly due to the low level off-street car parking that is provided and the resultant impact on highway safety.

The application originally proposed to introduce a restaurant, conferencing facilities and a 'sky lounge' café which would have required the provision of up to 116 car parking spaces according to the Council's maximum parking standards.

It is now proposed to limit this application to the creation of a restaurant at ground and the first mezzanine floor levels with a total gross floor area of 445sqm. This results in a parking requirement of 45 spaces which cannot be provided on this site given that it has no land available to do so. It is noted that it is proposed to operate the restaurant between 5pm and 11pm Monday to Friday and 1pm and 11pm on weekends and bank or public holidays.

In considering this application, it is important attach significant weight to the need to introduce a new use into this prominent Grade II Listed Building within a Conservation Area before it falls into disrepair. It must also be acknowledged that this is substantial building and any new use would likely place greater pressure on on-street parking in the vicinity of the site than the previous use as a library connected to Bradford College.

Whilst the site is not in the City Centre it is undeniably in a sustainable location being close to the University and College, on a 10-minute bus route and within walking distance of the City Centre.

The surrounding roads already have parking restrictions with double yellow lines across the whole of the Great Horton Road frontage and the first parts of Mannville Terrace and Grove Terrace where they join with Great Horton Road. Parking on much of Mannville Terrace and Grove Terrace is restricted by single yellow lines with the remainder being subject of a one-hour maximum stay restriction between 8am and 6pm on Monday to Saturday except for permit holders. In similar locations Inspectors have frequently referred to the ability of the Council to enforce these existing parking restrictions in allowing developments that do not accord with the Council's parking standards. The Council's highways officer acknowledges this and refers to an allowed appeal at 38 Manningham Lane, Bradford (application reference 19/00934/FUL).

In light of the above, the low level of off-street parking provided is not considered to result in significant harm to highway safety and is balanced against the importance of introducing a new use into this prominent Grade II Listed Building within a Conservation Area. The proposal is therefore considered to be acceptable in terms of its impact on highway safety.

## **5. Residential Amenity**

There are residential properties on Mannville Terrace and Grove Terrace close to this proposal. The scale of the development has been reduced significantly and now proposes only one restaurant with the remainder of the building to be subject of future applications. The proposed restaurant is to close at 23:00 which is considered to be reasonable and is now supported by a noise assessment which has satisfied the Council's Environmental Health Officer that the development would not be unduly noisy. Adequate details are also provided in regards to fume extraction and ventilation. Consequently, subject to conditions the proposed development is not considered to be harmful to residential amenity.

## **6. Visual Amenity**

External alterations are limited to the introduction of a louvre in a window to the rear elevation which will have minimal impact on visual amenity. Any changes to signage would need to be subject of a future application for advertisement consent and listed building consent. Consequently, no harm to visual amenity is anticipated.

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

Residents raise concerns about the appropriateness of this development in this area and the existing pressure for on-street parking from existing businesses.

There are no planning policies that would restrict the formation of a restaurant in this building or in this area.

It is acknowledged that there is existing pressure for on street parking in the area however existing on-street parking restrictions would prevent long term parking during the day. This is a large vacant building which previously placed very little demand on on-street parking and it must be acknowledged that any new use within it will place greater pressure on on-street parking. The impact of the development on the local highway network is discussed in greater detail in the highway safety section above.

### **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 development is considered to introduce an acceptable use into this Grade II Listed Building within the Little Horton Conservation Area. Whilst there will be some increased pressure for on-street parking this would be the result of any redevelopment of this building which has limited parking of its own and no real opportunities to create new spaces. When taking into account all of the factors discussed in the appraisal the development is not considered to result in significant harm to highway safety.

Sufficient information has been provided to demonstrate that the development would not be harmful to the significance of this heritage asset and that the development would not be harmful to setting of the Conservation Area. No significant harm to neighbour's amenities or visual amenity would occur. Consequently, the development is considered to comply with the aforementioned Core Strategy DPD policies, The NPPF and the statutory duty imposed on the Council by the Planning (Listed Buildings and Conservation Areas) Act 1990.

**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:-

Existing floor plans referenced 2019016(0-)01 dated 26.01.2022  
Existing elevations referenced 2019016(0-)02 dated 26.01.2022  
Proposed floor plans referenced 2019016(0-)03 dated 26.01.2022  
Proposed elevations referenced 2019016(0-)04 dated 26.01.2022  
Proposed elevations & location plan referenced 2019016(0-)05 dated 26.01.2022  
Proposed site plan referenced 2019016(0-)06 dated 26.01.2022

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

3. The restaurant use hereby permitted shall be restricted the ground floor and first mezzanine floor levels only as shown on approved drawing referenced 20190161(0-)03.

Reason: For the avoidance of the doubt as to the terms of this consent and to avoid the undesirable formation of a larger restaurant unit without further planning consideration in the interests of neighbour's amenities and highway safety and to comply with Policies DS5 and TR2 of the Core Strategy Development Plan Document.

4. The use of the premises hereby permitted shall be as a restaurant within Class E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended). Notwithstanding the provisions of the Order, or any subsequent equivalent legislation, the premises shall not be used for any other use including any other activity within Class E of the Order.

Reason: In order that the Local Planning Authority retains control over future changes of use with particular regard to the amenity of neighbouring residents and parking provision at the site, and to accord with Policies DS5 and TR2 of the Core Strategy Development Plan Document.

5. The use of the premises shall be restricted to the hours from 17:00 to 23:00 Mondays to Friday and 13:00 to 23:00 Saturdays, Sundays and Bank or Public Holidays.

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

6. Before the restaurant use hereby approved begins to operate, the fume extraction and odour control system shall be installed in full in accordance with details shown on the approved drawings and set out in the Extraction & Ventilation Statement dated December 2021 and in accordance with the recommendations of the Acoustic Assessment Report prepared by A Reed & Associates referenced A21/76. The system shall thereafter be retained and kept in use whilst ever the use remains.

Reason: In order to ensure the satisfactory dispersal of odours and to ensure the level of noise generated by the equipment does not result in harm to neighbour's amenities in accordance with Policies DS5 and EN8 of the Core Strategy Development Plan Document.

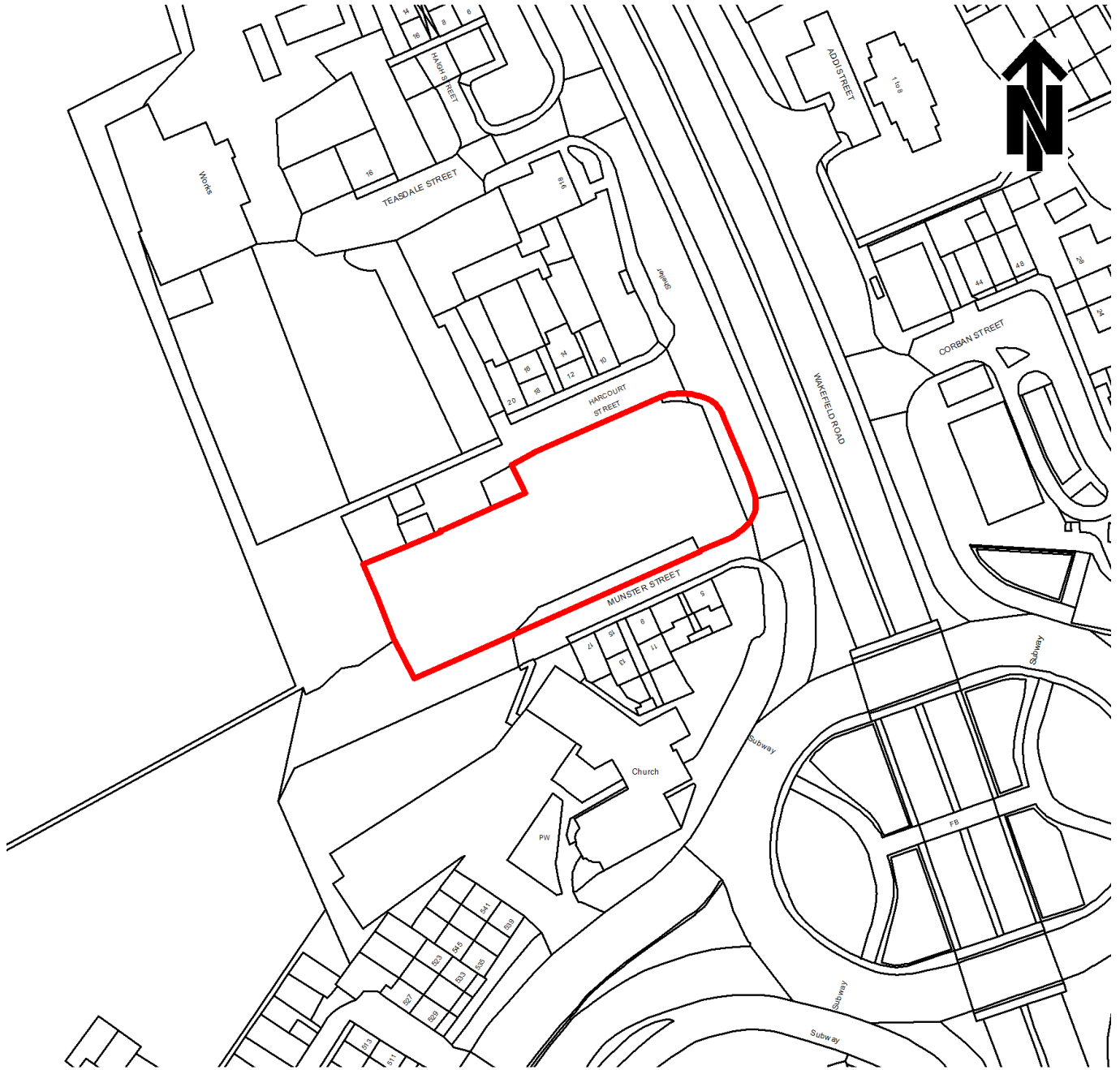
**Informatives:**

1. This notice grants permission only for the development described in the planning decision notice and works detailed on the approved drawings. Any other external alterations that materially alter the external appearance of the building, such as the installation of external flues or extraction equipment; new windows and door openings; security shutters and other works, are likely to amount to development that would require the benefit of a separate planning permission. Further advice should be sought from the Local Planning Authority on 01274 434605 or [www.bradford.gov.uk/planning](http://www.bradford.gov.uk/planning).
2. As this building is a Listed Building, the applicant should be aware that works of demolition, extension or alteration (including internal alteration works) will also require the consent under the Town and Country Planning (Listed Buildings and Conservation Areas) Act, 1990. The works should not commence until the relevant Listed Building Consent has been obtained. Any work that does proceed is at the developer's risk and would entail the commission of a criminal offence under section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The applicant should be aware that advertisements and signs are controlled under the separate provisions of the Town and Country Planning (Control of Advertisement) Regulations, 2007. Even if advertisements or signs are shown on the drawings that form part of this planning application, express consent may be needed before external signs can be lawfully displayed on the building or site. Further advice should be sought from the Local Planning Authority on 01274 434605 or [www.bradford.gov.uk/planning](http://www.bradford.gov.uk/planning).

**21/01388/FUL**



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**Land North Of 5 To 17  
Munster Street  
Bradford**

**23 February 2022**

**Item: C**  
**Ward: BOWLING AND BARKEREND**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
21/01388/FUL

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

A full planning application seeking approval for the construction of eight residential dwellings on land north of 5 to 17 Munster Street, Bradford.

**Applicant:**

Mrs C Bailey

**Agent:**

Mr Michael Ainsworth

**Site Description:**

The site sits between Munster Street and Harcourt Street close to Dudley Hill Roundabout and is close to a slip road adjoining Wakefield Road, offering good links into the city centre. The site is an open area of land which is currently overgrown and there are established trees which front the most public parts of the site. Munster Street and Harcourt Street both have short residential terraces facing onto the site and at the end of Harcourt Street, there is an enclosed area with a caravan present. Neither highway is fully surfaced and both are utilised for off street parking.

**Relevant Site History:**

11/05786/FUL - Residential development consisting of two detached houses – Withdrawn.  
12/03186/FUL - Residential development of two detached houses – Refused.  
12/04932/FUL - Residential development of two detached houses – Refused.  
15/03596/OUT - Outline planning permission for the construction of nine residential dwellings – Refused.  
20/02416/FUL - Residential development comprising of nine residential dwellings – Withdrawn.

**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  
DS2 - Working with the Landscape  
DS3 - Urban character  
DS5 - Safe and Inclusive Places  
HO5 - Density of Housing Schemes  
HO9 - Housing Quality  
TR1 - Travel reduction and modal shift  
TR2 - Parking Policy  
EN2 - Biodiversity and Geodiversity  
EN5 - Trees and woodlands  
EN7 - Flood Risk  
EN8 - Environmental Protection Policy

### **Saved RUDP Policies**

UR7A - Mixed Use Areas

### **Other Relevant Legislation**

Homes and Neighbourhoods Design Guide Supplementary Planning Document.

### **Parish Council:**

Not in a Town or Parish Council area.

### **Publicity and Number of Representations:**

The application was publicised by individual neighbour notification letter. The publicity period expired on 21 April 2021. Twenty-one representations have been received.

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

The representations are all in objection to the proposed development and in summary cite the following concerns:

- The application has not been determined in the statutory timeframes with no extension of time agreed.
- Bias has been given to the developer over residents who feel ignored.
- The focus on parking is for new residents. Not enough for existing.
- Properties in the area have had issues relating to its coal mining past.
- Cars park on both sides. Residents won't be able to park in front of their houses as there is not space for 6 cars on one side of the road.
- Access is required for residents who have disabilities.
- Resident pay Council Tax and Car Tax and are unhappy with the highways situation proposed.

- The development could cause friction between neighbours.
- The developer is only interested in financial gain.
- Developments here have been refused previously.
- The site is close to a roundabout and is unsafe.
- Harcourt Street is too narrow.
- There could be environmental impacts from this development.
- The developer has had sufficient opportunity to address the issues.
- The road is in a poor state of repair.
- Accidents have happened on this junction before.
- Loss of privacy and a view.
- Noise, pollution and disruption from this development will be detrimental to health and wellbeing.
- Some of the development will involve land outside of the developer's ownership and control.
- Nothing has ever been built here in the past.
- The drains can't handle more houses.
- A tree will be removed.
- The bat report is out of date.
- The proposal does not comply with Council policies.
- Loss of visual and residential amenity.
- Out of keeping with the area.

**Consultations:**

Environmental Health (Land Contamination) – Although the site has been classified as low risk by the Phase 1 Desk Study supplied by Integral Design, the site appears to have undergone a number of development phases. There appears to be many unknowns and so on the basis of the sensitive end residential use, it is recommended that there should be provision ensuring that end users are protected from any potential contamination, that an intrusive site investigation is carried out, and any required remediation measures are incorporated in the development. Providing this is done by condition, then there are no objections at this stage.

Minerals Section – No comments

Transport Planning – Have raised concerns about taking access from the slip road, with Munster Street which they feel will not have enough visibility.

Highways – Originally objected to the proposal, however following additional information and surveys, the applicant has demonstrated that a refuse vehicle can enter and exit the site safely. They have provided sufficient parking on site and have commissioned a road safety audit. The proposal sees the introduction of a Traffic Regulations Order outside of the site which will be necessary to prevent parked vehicles on the development and to prevent the obstruction of traffic movements and visibility.

Drainage – Have highlighted that there are public sewers close to the site but raise no objection to the proposal, providing that a number of suggested conditions and informatives are applied to any granting of planning permission.

Trees – The proposal will result in the loss of one tree which is of poor quality and of little amenity value. Providing that works are carried out in accordance with the submitted arboricultural information, then no significant issues are raised.

The Coal Authority – Based on the original submission the Coal Authority held substantive concerns regarding the development and objected to the application. Additional information was subsequently received which indicated that the site is in an area of coal mining features and hazards which need to be properly considered. The Coal Authority are now content that the report and risk assessments have been informed by an appropriate range of sources, but due to potential stability risks on this site have made further recommendations for conditions of intrusive site investigations prior to any works beginning. It is considered that this can be dealt with through a condition and later submission of detail and conditions are given by the Coal Authority.

WY Police – Have raised concerns regarding the access, although have noted that this will be covered by highways officers. They raise no objections to the proposal, but have suggested ways of improving the security of the site which are available on public access.

### **Summary of Main Issues:**

1. Principle of Development.
2. Housing Density.
3. Impact on the Built Environment.
4. Trees.
5. Impact on Neighbouring Occupants.
6. Impact on Highways.
7. Drainage and Flood Risk.
8. Air Quality.
9. Coal Mining Legacy.
10. Other Planning Matters.
11. Other Matters Raised by Representations.

### **Appraisal:**

#### **1. Principle of Development:**

The application seeks planning permission for a residential development consisting of 8 dwellings. The site is in an allocated mixed use area, and is set between Munster Street and Harcourt Street which are both residential in nature.

The National Planning Policy Framework stresses the importance for Local Planning Authorities to boost significantly the supply of new housing in their areas. Furthermore, it is noted that the Council does not have a five year and so there is a presumption in favour of sustainable development contained within paragraph 11 d) of the NPPF which applies to this development. There is a clear need to deliver more housing within the Bradford District and this site which is surrounded by predominantly residential uses, is considered to be an acceptable location in principle.

The site is not in the vicinity of any listed buildings and is not within a conservation area and so is not offered any statutory protections. Within easy reach of the city centre and close to other residential uses, this site is considered to be an appropriate and sustainable location for a new residential development, but is subject to the outcome of a local impact assessment.

## **2. Housing density:**

The site has a total area of approximately 0.23 hectares and indicates the construction of 8 dwellings. This would achieve an appropriate development density in line with the 30 dwellings per hectare target that policy HO5 of the Council's Core Strategy Development Plan Document seeks to achieve. No significant issues with development density are therefore raised.

## **3. Impact on the Built Environment:**

The site is a parcel of land which is distinctly separate from the terraced rows to the North and South. Although the development does not mirror the patterns of the linear terraced rows seen either side of this site, it is considered that a range of home types and sizes are required to meet the needs of the people in the Bradford district and that there is already some variation in this area, with a combination of back to back and through terraces.

This proposal will provide four sets of semi-detached houses which address the sloping levels of the site, and add to the existing residential character of the immediate area, joining the two distinctly separate streets to create a more visually cohesive community. The properties proposed allow an increased amount of personal choice, proposing family-sized homes, whilst giving consideration to the character and appearance of the wider area, by retaining some greenery and constructing in a reclaimed natural stone with grey slate roofing tiles.

The development proposal will expand on the existing neighbourhood, on what appears to be overgrown and largely unused land. The modern design is in contrast to the more traditional terraced rows, but present high standards of design and quality. The layout of the properties is in response to the topography of the site and the modest variations in design between the properties are considered to add some interest to the area.

The layout of the site will retain the majority of existing trees, which already contribute to the character of the area and will contribute further, adding to the setting of the new development. The trees will also provide some screening between the development and the slip road onto Wakefield Road, with the most prominent views being of the existing terraced rows. A number of indicative trees are shown on the site plan, and will help to contribute to the character of the area, however further details should be sought through a landscaping condition, to ensure that the finish of the site is appropriate and acceptable.

It is considered that the properties proposed are of an acceptable design for this location. The layout of the properties will visually enhance the appearance of the site, creating a link between the two existing communities, whilst maintaining and adding to the 'green' character of the area through the use of trees and large open gardens.

Although the proposal will alter the appearance of the site and is in contrast to the linear form of the existing terraced rows, the development is informed by a good understanding of the site and the wider context, being of a similar scale to neighbouring properties, using consistent materials and both maintaining and adding to the character of the area through the use and retention of trees on this site. The impact of this proposal on the built environment is considered to be acceptable and the proposal is considered to accord with policies DS1, DS2, DS3, HO9 and SC9 of the Core Strategy Development Plan Document.

#### **4. Trees:**

The group of trees closest to the slip road on Wakefield Road are protected through a Tree Protection Order. The trees on site contribute significantly to the character of the area and are in large to be retained in their positions. One tree is to be lost as a result of this development, however this is offered no statutory protections, has little amenity value and is of a poor quality. It is considered that as part of wider landscaping conditions of the site, a replacement tree of better quality could be located in a more publically visible area. Other trees which are shown indicatively on the proposed site plan, will be addressed through the same landscaping conditions. Providing this is done, no significant harm to protected trees is likely to occur as a result of this development which accords with policy EN3 of the Core Strategy Development Plan Document.

#### **5. Impact on Neighbouring Occupants:**

The layout of the site has been designed to minimise impacts on neighbouring houses. The new properties will be separated from existing houses by roads on all sides and are not considered to raise any overbearing issues for neighbours. The plans show that new properties will not conflict with a 25-degree line when measured from their closest neighbour's ground floor windows, which is the accepted standard. Although there will be some increased overshadowing towards properties on Harcourt Street, this will not be substantial and limited to small parts of the day. Given the limited loss of light and the separation distance of the road and some garden space between the properties, the relationship and impact on light is not considered to have an adverse impact on the living conditions of existing residents.

The properties have been positioned to minimise potential overlooking by facing habitable room windows into the site. The proposal will retain more than 17 metres between habitable rooms on neighbouring properties and raises no increased overlooking issues for private garden areas. The amount of overlooking is considered to be of an acceptable level.

There are a significant number of objections to this proposal and it is acknowledged that the development will clearly be less desirable for neighbours than the current arrangement, however the situation proposed is considered to present an acceptable impact on neighbouring properties and does not raise any significant or adverse issues that would warrant a refusal.

The properties themselves are considered to be well positioned, have a logical layout and support a design that meets the minimum space standards. The design is considered to meet modern day living arrangements, supporting living, dining and kitchen areas at ground floor levels with downstairs toilets and proportionate storage. On the upper floors, the rooms are acceptably sized with good sized bathrooms and outside, there are open garden areas which are proportionately sized, with open frontages and areas that are more private at the rear. The outdoor space is of a good size to provide functionality such as parking, the storage of refuse bins and the undertaking of simple domestic tasks, but at the same time is ample enough to support some outdoor recreation.

Overall the proposal is considered to have an acceptable impact on neighbouring houses and garden areas, and will present a good standard of living for future occupants. The site and each individual property are considered to be of a good design, will meet the needs of modern day living and follows the guidance given in the Homes and Neighbourhoods Design Guide, according with policies DS5 and HO9 of the Core Strategy Development Plan Document.

#### **6. Impact on Highway Safety:**

Initially an objection was raised by the highways team due to a lack of information and the potential impact this development could have on the highway network in this location. The site is particularly sensitive due to its close proximity with the Dudley Hill roundabout and will take access from Harcourt Street which directly accesses the slip road linking to the A650 Wakefield Road. Further information has been provided by the developer, including a traffic survey and swept path analysis showing turning arrangements for refuse vehicles. Highways have removed their objection.

The slip road accommodates one-way traffic, with Munster Street being the first junction and Harcourt Street being the second. Munster Street is an unadopted highway and no vehicular access is proposed here, however a new pavement installed around the site will allow pedestrian connectivity to the wider network and will link the two existing streets, with the new development between. Harcourt Street is an existing access currently serving six houses. It is adopted highway and of a sufficient width for accommodating two-way traffic. It is hard surfaced in tarmac, with cobbles visible due to deterioration over time, however the surface is relatively level and no highway safety issues have been reported in this location.

Although on-street parking will be reduced as a result of this development, there will still remain space for six vehicles to park on-street immediately in front of the existing houses, which is one per dwelling on Harcourt Street. The applicant has demonstrated that a refuse wagon can enter and exit the site in a forward motion, and has commissioned a road safety audit which demonstrates that the development will not lead to any increased highway safety issues.

On the new development, two parking spaces per property will be provided and visitor parking within the site is accommodated and so no additional on-street parking is likely to occur. A Traffic Regulations Order has been agreed with the applicant to maintain a suitable visibility splay when exiting the site and onto the slip road, which can be delivered through a section 278 agreement. Although this is outside of the planning process, highways have suggested that they would be supportive of this agreement, which would have safety benefits to all using Harcourt Street, including existing residents. The entrance to the new development would also provide a wider turning point for all users of the highway network and so overall the impact of this development is not considered to increase any highway safety concerns beyond any that already exist.

Overall the proposed development is considered to be in a location which enables good connectivity to sustainable modes of transport, provides sufficient parking for proposed residents and visitors, and will not adversely impact on the amount of on-street parking provision for existing uses. Providing that the proposal is constructed as is shown on plan, and that the Traffic Regulations Order is agreed which should be reinforced by condition, the site will provide an acceptable highways arrangement that does not raise any significant safety issues for vehicles or pedestrians. The proposal is considered to be acceptable and accords with policies DS4 and TR2 of the Core Strategy Development Plan Document.

#### **7. Drainage and Flood Risk:**

The site is within Flood Zone 1 which means it has an approximate 1 in 1000-year annual probability of being flooded from sea or river. This level of flood risk is considered to be acceptably low for this residential use and the ability to connect to the existing sewerage and drainage network will be investigated at building control stage. Conditions to promote water efficiency through the use of sustainable drainage techniques are sought, and a full scheme of foul and surface water drainage will need to be submitted and approved, with foul and surface water drainage on separate drainage systems, to allow the effective management of flood risk in this location.

Providing suggested conditions are applied and the details are later accepted under a submission of details process, the site is considered to be a sustainable location which will not significantly impact on drainage or flooding in the area and is considered to accord with policy EN7 of the Core Strategy Development Plan Document.

#### **8. Air Quality:**

Bradford Council has been mandated by Government to reduce emissions from motor vehicles and to improve air quality. Any development will have some environmental impacts, however can be supported, should these impacts be appropriately balanced and mitigated. The proposal shows that each of the properties will have a designated Electric Vehicle charging point and cycle storage within their curtilage. This will give occupants increased choice in choosing their mode of travel and is considered to mitigate the environmental impacts of this development to an acceptable level, in line with the West Yorkshire Low Emissions Strategy, the guidance published in the Council's Homes and Neighbourhoods Design Guide and in accordance with policies TR1, TR2 and EN8 of the Core Strategy Development Plan Document.

#### **9. Coal Mining Legacy:**

The site falls within an area defined by the Coal Authority as a High Risk Development Area, with a possible legacy of past coal mining which has the potential to cause stability issues. This is understood by the developer and there has been multiple amounts of information provided by them, which has been passed to the Coal Authority at various stages. There is also no certain information regarding the past history of this site in regards to potential land contamination issues from other sources.

A desk study dating from 2012 shows that there have been a number of structures on the site over the past century, which has been undeveloped in recent years and for a significant amount of time. In terms of the information available, the site is considered to be a medium to low risk in terms of potential land contamination issues but there is nothing to suggest a residential use on this site would raise any significant concerns. Due to the proposed end residential use been of a sensitive nature and a number of unknowns here, it is considered that further site investigations should take place prior to development of the site. This can be done by condition, with any outcomes or remediation strategies required, implemented and reported back to the Council through a submission of details.

The most recent information was a Coal Mining Risk Assessment received by the Local Planning Authority in December. The Coal Authority have stated that this assessment is informed by an appropriate range of sources, and although there is still a stability risk to future land use, the recommendations suggest that with appropriate ground works, the site could be developed for a residential purpose, by mitigating the risks.

The Coal Authority have suggested that prior to development, further intrusive works are carried out to establish the risks posed and to provide suitable remediation works or mitigation to address any potential issues. Providing suggested conditions are applied to any granting of planning permission, then the Coal Authority withdraws previous objections. Subject to conditions and on the basis of information received, the proposal is not considered to raise any adverse land quality issues that cannot be overcome, and is considered to accord with policy EN8 of the Core Strategy Development Plan Document.

#### **10. Other Planning Matters:**

The site is within a Bat Alert Zone and a survey report from 2015 has been submitted with this application. There are no structures on site currently and the site has remained relatively similar since the survey was conducted. The conclusion of this report showed that the site lacked any opportunity for bat roosts and that the value for bats would be associated with foraging from the trees. As there is to be no significant tree loss, the site is not otherwise recognised for being of wildlife value and the proposed gardens will retain a green presence the proposal is not considered to raise any conflicts with policy EN2 of the Core Strategy Development Plan Document.

#### **11. Other Matters Raised by Representations:**

A considerable number of objections were raised in relation to this proposed development. Most of these are addressed in the report, however concerns over the timeframe of this application, the financial gain of developers, the past refusals on this site, and the potential nuisance through the development phase are addressed below.

- Although the application has gone past the original target dates and has been with the Local Planning Authority for some time, the delays were due to the need for additional information to make a full and proper assessment of this proposal, and an extension of time with the developers has been agreed.
- Any financial gain that developers stand to achieve is not a planning consideration.
- There has been a history of refusals on the site, however each application is assessed on its own merits, in accordance with the relevant legislation, policy and guidance areas in place at that time.



- Noise, pollution and disruption from the development phase was raised as a concern. Although it is acknowledged that there will be some limited disruption on this site, it is detached from neighbouring properties and these issues, can be better monitored and dealt with through legislation outside of planning, such as Environmental Health.

**Community Safety Implications:**

Community safety concerns have been addressed by the addition of further supporting information in respect of the vehicular access arrangements.

**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:**

Providing that suitable conditions are placed on the granting of planning permission and on the balance of the issues raised in this report, the proposal is not considered to result in any significant harm to the built environment, neighbouring occupants or highway safety. The site is of an acceptable quality for a residential development and raises no significant environmental issues, issues for drainage, trees or biodiversity that cannot be dealt with through conditions. The proposal follows the guidance given in the Council's Homes and Neighbourhood's Design Guide and accords with policies DS1, DS2, DS3, DS4, DS5, EN2, EN5, EN7, EN8, TR1 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 and information listed below:

16 Mar 2021	906-101	LOCATION PLAN
28 Jan 2022	906-200 REV B	PLANS AND ELEVATIONS OF PLOTS 1 AND 2
28 Jan 2022	906-201 REV C	PLANS AND ELEVATIONS OF PLOTS 3 AND 4
16 Mar 2021	906-202	PROPOSED PLANS AND ELEVATIONS OF PLOTS 5 TO 8
28 Jan 2022	906-203 REV E	PROPOSED SITE PLAN
11 Oct 2021	906-204 REV D	BLOCK PLAN
11 Oct 2021	906-205 REV B	SITE SECTIONS
23 Oct 2021	906-206 REV C	REFUSE TRACKING AND TRO
11 Oct 2021	DTPCJ1332	ACCESS

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 the built environment and to accord with policies DS1 and DS3 of the Core Strategy Development Plan Document.

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

5. Before any part of the residential development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced and drained within the site in accordance with the approved site plan and completed to a constructional specification first approved in writing by the Local Planning Authority.

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 Paragraph 32 of the National Planning Policy Framework.

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.

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. Prior to occupation of the dwellings hereby permitted, each property shall be installed with at least one fully operational 3 pin socket on a dedicated 16 Amp circuit, capable of providing a 'trickle' charge to an Electric Vehicle (EV) as shown on the approved plan numbered 906-203 REV E. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas. The charging points will be retained in an operational state whilst the development is in use.

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 policies TR1, TR2 and EN8 of the Core Strategy Development Plan Document, the West Yorkshire Low Emission Strategy and the National Planning Policy Framework.

8. Prior to construction of the development, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy EN8 of the Local Plan for Bradford.

Reason for pre-commencement: To ensure that the any contamination risk is suitably addressed prior to works commencing on site and to comply with the requirements of the National Planning Policy Framework and policy EN8 of the Local Plan for Bradford

9. Prior to construction of the development the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved 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.

Reason for pre-commencement: To ensure that the any contamination risk is suitably addressed prior to works commencing on site and to comply with the requirements of the National Planning Policy Framework and policy EN8 of the Local Plan for Bradford.

10. Prior to construction of the development, a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved 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.

11. A remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

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.

12. 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.

13. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. The approved methodology will be complied with in implementing this permission.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN8 of the Local Plan for Bradford.

14. No development shall take place until a scheme of intrusive investigations has been carried out on the site to establish the risks posed to the development by past coal mining activity, and any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that risks from land stability are minimised, in accordance with policy EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Reason for pre-commencement conditions: The undertaking of intrusive site investigations prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

15. Prior to the occupation of any part of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the land is suitable for its proposed future use and to protect the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

16. The development hereby permitted shall not be commenced otherwise than with full compliance with the Arboricultural Impact Assessment Tree Protection plan ("AIATPP") specifically including the retention and protection of the existing trees identified in the said AIATPP.

Reason: To ensure that trees are adequately protected prior to development activity on the site which would otherwise unacceptably harm trees to the detriment of public visual amenity and to accord with EN5 of the Core Strategy.

17. The approved tree protection measures shall remain in place, shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection areas without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected prior to development activity on the site which would otherwise unacceptably harm trees to the detriment of public visual amenity and to accord with EN5 of the Core Strategy.

18. No development above damp proof course level shall be carried out on the hereby approved dwellings until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP should include the mitigation recommendations in the bat survey and show the following details:

- i) Position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell;
- ii) Details of proposed new trees and details of new shrub and grass areas - including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety;
- iii) The extent, types and heights of the means of enclosure to all curtilages.
- iv) Details of types of hard surfaces within the development other than those within the domestic curtilages.

- v) Details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.
- vi) Full elevational details of the cycle storage units approved on plan number 906-203 REV E.

The landscaping scheme detailed in paras i) and ii) so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved details.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: To ensure protection and enhancement of biodiversity, to achieve a satisfactory standard of landscaping in the interests of visual amenity, and to accord with policies SC9, EN2, EN5, DS1, DS2, and DS3 of the Core Strategy Development Plan Document and National Planning Policy Framework.

19. A drawing indicating the extent and full details of a Traffic Regulation Order for parking restrictions on Harcourt Street 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

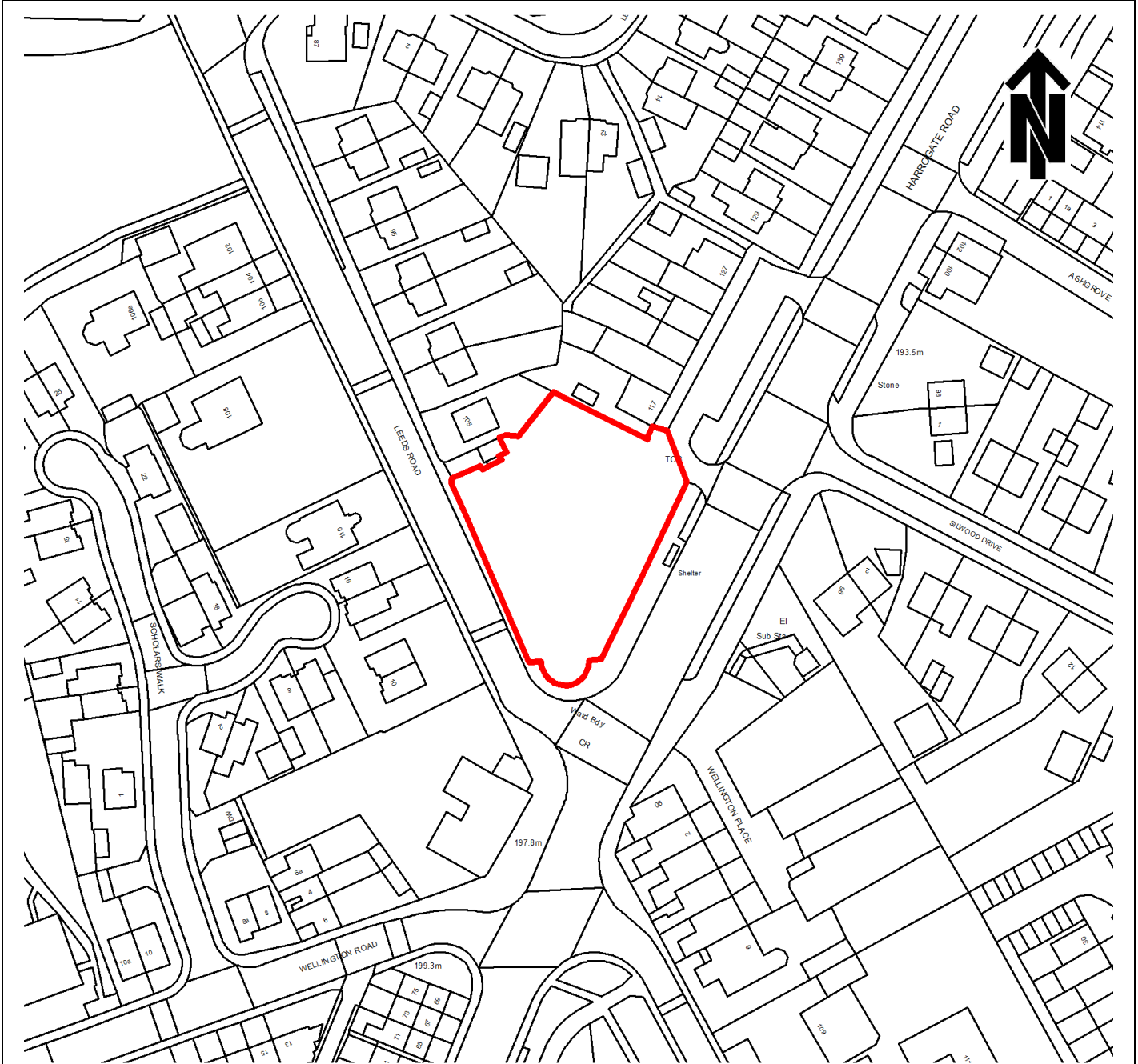
20. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Class A, Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To retain control over new additions in the interests of the character and appearance of the neighbourhood, in the interests of neighbouring amenity, and to accord with policies DS3 and DS5 of the Core Strategy Development Plan Document.

**21/02982/FUL**



**City of  
BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Prince Of Wales Inn  
91 Harrogate Road  
Bradford BD2 3ES**

**23 February 2022**

**Item: D**  
**Ward: ECCLESHILL**

**Recommendation:**  
**TO GRANT PLANNING PERMISSION**  
**ITEM DEFERRED FROM MEETING HELD ON 22 DECEMBER 2021**

**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 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.

Following deferral of the application additional information was submitted to justify the proposal and the Council's highways officers have confirmed that they still do not have any objections to the scheme.

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. Background.
2. Principle.
3. Residential Amenity.
4. Visual Amenity.
5. Highway Safety.
6. 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. Background**

This application was considered at the December meeting of the Area Planning Panel where concerns were raised by Members about the potential impact of the development on highway and pedestrian safety. Members resolved to defer the application and asked for 'a comprehensive Highway Safety Assessment Report' to be carried out.

The application is now supported by an additional report which considers the issues raised by Members. It is in this context that this application is to be considered.

**2. 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 sq m 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.

### **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.

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, 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.

#### **4. 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.

#### **5. Highway Safety**

This application was deferred from the last meeting of the Bradford Area Planning Panel to allow for additional information to be submitted to address Members concerns about the impact of the development on highway and pedestrian safety. Additional information has been received which assess these matters in greater detail.

It is important to remember that this site was previously occupied by a 300sqm public house with additional first floor accommodation. Planning permission has also been granted in the past for the formation of three retail units and a dental practice training facility (17/04552/FUL).

The additional information looks at similar developments in similar locations on or adjacent to A roads and finds that on average these developments generated a 14% increase in journeys to and from the developments. When applied to the proposed development this equates to around 15 new two-way vehicle trips during the AM and PM peak-hour periods, equating to only one additional vehicular movement every four minutes.

When this is compared to the former public house use of the site this equates to 14 additional two-way trips during the AM peak-hour period and a reduction of 9 two-way trips during the PM peak-hour period. It is reasonable to conclude that that the proposals do not result in a significant change in terms vehicle trips. Furthermore, the dental practice and retail development approvals would have likely generated a significantly higher level of new vehicular activity than the current proposals.

In all other respects the development remains the same as previously presented to Members 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.

Overall the proposal is not considered likely to result in any unacceptable impacts on highway safety and the residual cumulative impacts on the road network would not be severe. Consequently, the proposal is considered to be acceptable in regards to its impact on highway safety.

## **6. 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	3 June 2021
1833-4D	Proposed Site Plan	2 December 2021
1883-5	Plans and Elevations	
1883-6	Site Elevations	
1833-7	Petrol Canopy Details	3 June 2021
1833-8	Electric Metre Kiosk	3 June 2021
DTP-3704221-SK101-B	Highways and Access	22 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.

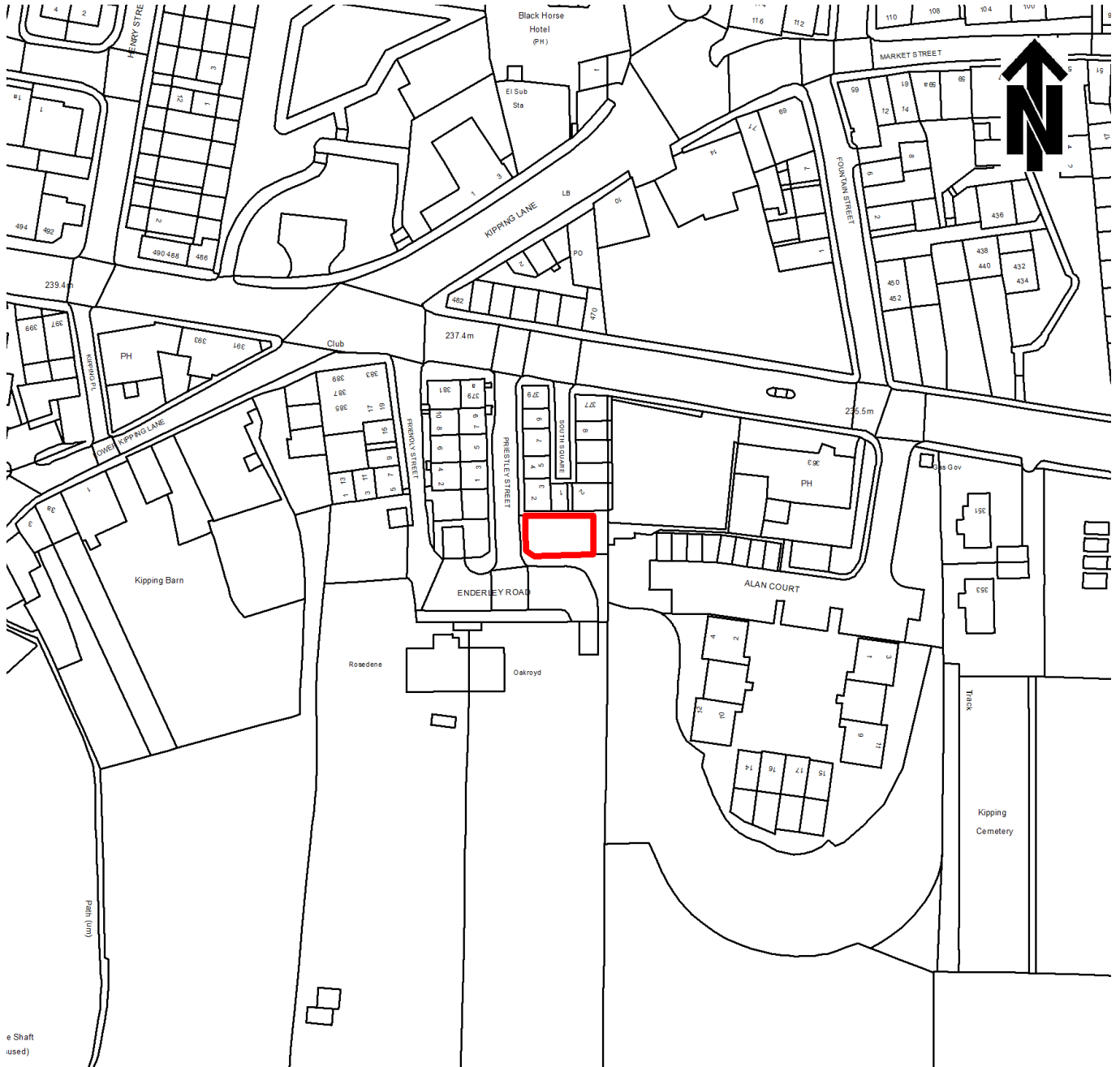
Informative: Offsite highway works required by condition 9 are to be carried out under a Section 278 Agreement of the Highways Act 1980 with all costs borne by the applicant. You should contact the Highways Department to discuss the requirements of the s278 Agreement.

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.

21/06073/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**South Square Centre**  
**South Square Thornton**  
**Bradford**

**23 February 2022**

**Item:** E  
**Ward:** THORNTON AND ALLERTON  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
21/06073/FUL

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

This is a retrospective planning application for the erection of new fencing, gazebo and ground surfaces to rear garden at the Grade II Listed worker's cottages at South Square Centre, Thornton.

**Applicant:**

Yvonne Carmichael, The Thornton and Allerton Community Association

**Agent:**

Bauman Lyons Architects

**Site Description:**

The development site is the rear garden to South Square. South Square is a group of vernacular stone-built mill workers cottages located around a small courtyard and dating to the early 19th century. The cottages now form the South Square Centre, a community and arts centre. The group of former cottages are Grade II listed and they are located within Thornton Conservation Area. The garden is bordered by a traditional dry stone wall and the land levels slope through the site. Prior to the works being undertaken, the gardens consisted of an informal garden area laid to earth and with some landscaping including a mature tree. The garden is accessed from South Square through an access way from the square within South Square and a side gate off Priestley Street. The garden is bordered along the southern eastern boundary by maturing trees.

**Relevant Site History:**

21/06074/LBC: New fencing, gazebo and ground surfaces to rear garden of Grade II Listed workers' cottages at South Square Centre, Thornton. – TO BE DETERMINED ALONGSIDE THIS PLANNING APPLICATION.

21/06138/CLL: Replacement of slab in lower ground floor Studios 9 & 10 accessed from Priestley Street to new breathable limecrete slab with free draining foamed glass aggregate insulation and geotextile membrane sublayers. Other improvement work to the same Studios include ventilated wall panelling to neaten up walls and a perimeter drainage channel cast into the new slab along the back-to-earth wall on the courtyard side connecting to an existing internal drain. Remedial repair to a single stone paving slab in the south east corner of the courtyard. Re-paving of pavement along Priestley Street using salvaged stone pavers from the replacement slab work in Studios 9 & 10. APPLICATION GRANTED. DECISION ISSUED 10.01.2022.

20/05143/LBC: Replacement of gutters and downpipes with new cast aluminium gutters and downpipes and timber gutters. APPLICATION GRANTED. DECISION ISSUED 05.01.2021.

19/02712/FUL: Alterations to community centre including repairs to external fabric, internal alterations and new measures to improve accessibility. APPLICATION GRANTED. DECISION ISSUED 21.08.2019.

19/02713/LBC: Alterations to community centre including repairs to external fabric, internal alterations and new measures to improve accessibility. APPLICATION GRANTED. DECISION ISSUED 21.08.2019.

**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**

DS1 - Achieving Good Design  
DS3 - Urban character  
DS4 - Streets and Movement  
DS5 - Safe and Inclusive Places  
EN2 - Biodiversity and Geodiversity  
EN3 - Historic Environment  
EN8 - Environmental Protection

**Other Relevant Legislation**

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The Town and Country Planning (General Development Procedure) Order 2015.

Planning (Listed Buildings and Conservation Areas) Act 1990

**Parish Council:**

Not applicable.

### **Publicity and Number of Representations:**

The application was publicised with neighbour notification letters, a site notice and a press advertisement which expired on 26 January 2022. A second set of site notices for this application and the accompanying listed building consent application were posted on the 19 January 2022. 27 Letters of objection have been received. 3 Noise records received in support of objections. 72 Letters of support have been received. 1 Letter neither supporting or objecting was received.

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

#### Objections

- Significant noise pollution and anti-social behaviour impacting on the amenity of neighbouring residential properties. Exacerbated by the site layout.
- Overlooking and loss of privacy of neighbouring residential properties.
- Poor design of the gazebo and fence does not maintain the character of the surrounding Thornton Conservation Area and the setting of the Grade II Listed Building.
- Potential increase in crime as a result of the new use.
- Fence does not provide additional security or address safety concerns.
- The site has existing outdoor space.
- Change of use of a community garden to a beer garden with no planning permission granted.
- Loss of outdoor provision for vulnerable adults and children.
- Garden design and use of materials not inclusive for people with mobility issues or vulnerable adults and children.
- Should be restored to a natural community garden.
- Loss of mature trees and wildlife and natural habitat.
- Condition the hours of operation.
- Data protection breach by the applicant.
- No site notices erected.

#### Support comments

- Improved and aesthetically pleasing garden area including fence and gazebo.
- Design and materials used for the garden sympathetic to the character of the listed building.
- Supports long term use of the centre and allowed for expanded cultural and arts provision.
- Allows for adaptability and flexible use of space at the centre for workshops in light of Covid 19.
- Provides safe, secure and accessible outdoor space.
- Outdoor area supports mental health and wellbeing.
- Provides high quality outdoor space in Thornton when outdoor space is lacking in Thornton.
- Well managed and maintained garden area through restrictions in the bottom gate use and hours of use.
- Fencing protects privacy of users of the garden and neighbouring properties, and reduces noise pollution.
- Fencing prevents overlooking of neighbouring properties.
- Supports community cohesion and inclusion.

**Consultations:**

Design & Conservation raise no objections.

Biodiversity raise no objections and recommend suitably worded conditions.

Environmental Health raise no objections and recommend suitably worded conditions.

**Summary of Main Issues:**

1. Principle of the development.
2. Heritage Implications.
3. Impact on Built Environment (Design, Scale & Appearance).
4. Impact on Neighbouring Occupants.
5. Biodiversity.
6. Other issues raised.

**Appraisal:**

**1. Principle of Development**

The proposal is for the retention of new fencing, gazebo and ground surfaces to the rear garden of Grade II Listed worker's cottages at South Square Centre, Thornton. The development site is located within the Thornton Conservation Area. The proposal will support the long term use of a key heritage asset. The principle of the proposal is acceptable subject to the assessment of the proposal against relevant material considerations.

**2. Heritage Implications**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This statutory duty is reflected in Policy EN3 of the Core Strategy DPD. Additionally, section 72 of the same act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

The proposed development is not considered to be harmful to the setting of the listed building or the conservation area in which it is located. Any very minimal harm would be outweighed by the public benefits presented in support of the proposal. The proposed development is therefore considered to comply with the aforementioned policies and statutory duties imposed on the Council.

**3. Impact on Built Environment (Design, Scale & Appearance)**

The proposal is for the erection of an open sided gazebo and fencing/gates around the perimeter of the garden. Interested parties have raised concerns regarding the poor design of the gazebo and fence and that it does not maintain the character of the surrounding Thornton Conservation Area and the setting of the Grade II Listed Building.

The gazebo is constructed of timber with open sides and pitched roof, and is modestly sized. The gazebo is located in the south-eastern corner of the gardens and, due to the site characteristics and layout and the design and form the gazebo is not an unduly prominent feature within the setting of the listed buildings. The gazebo is located away from the principle elevations of the heritage asset, and further owing to the gazebo's open sides, it has a less solid appearance than an enclosed structure. When the above considerations are considered the gazebo does not harm their significance or setting of the listed buildings or the conservation area.

The fencing and gates have been erected adjacent to the existing stone boundary walls. The fence has a modern appearance and due to the sloping land levels, the fence does impede views of the southern elevation of the buildings to a degree when viewed from the south of the gardens. However, this is not a principle elevation of the building, and any harm to the setting of the listed building is very limited as it only affects one view point of the buildings, and not the principle elevations. Further to this the fence and the gate could be removed in the future without any harm to the original boundary features.

Within the Design and Access Statement the applicant has presented public benefits for the proposal and these are considered to outweigh the very minimal harm. The garden area appears attractive and provides a pleasant setting to the heritage assets and allows visitors to appreciate the historic buildings from an alternative vantage point. When the above elements are finely balanced, the proposal will preserve the special historic interest and significance of the heritage assets and does not conflict with Core Strategy Policy EN3 or with the National Planning Policy Framework.

#### **4. 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 proposal is for the erection of a gazebo and fence. No change of use is proposed for the community garden. Interested parties have raised concerns regarding noise pollution impacting, overlooking and loss of privacy of neighbouring residential properties, and potential increase in crime.

As mentioned previously, the community garden is south of South Square, and the land levels slope through the site to Enderley Road. The community garden is abutted by a pub car park and Priestley Street and Enderley Road and the garages serving Alan Court. To the south of the site is a grassed area with a metal canopy. The site benefits from a favourable northern orientation.

The boundary treatment consists of 1.4m high stone wall and 1.2m fence and gate. The proposed gazebo lies within the garden, and has an eaves and ridge height of 2.1m and 3.1m. Due to the favourable site orientation and layout, and the design and form of the fence and gazebo, it is not foreseen that significant overshadowing or overbearing impacts will arise on the residential amenity of neighbouring properties. No conflict identified.

As mentioned previously, no change of use is proposed for the community garden. The refurbishment of the garden will make the garden more attractive for people to use and there may be an increase in the gardens usage. Thus, the hours of operation will be subject of a planning condition and Environmental Health have not raised any objections to the application provided the garden is used no later than 21:30. This is considered to be reasonable and has been agreed by the applicants. The proposal accords with Policy DS5 of the Core Strategy Plan Document for Bradford.

## **5. Biodiversity**

Interested parties have noted the proposal has resulted in the loss of mature trees and wildlife and natural habitat. The Council's Biodiversity Officer raises no objections to the proposal and identifies no harm with regards to protected species and sites or notable habitats. It is noted that the garden area was mainly laid to earth with some early flowering bulbs and herbs. The Council's Biodiversity Officer has reviewed a planting scheme provided during the application submission and is satisfied with the proposed planting scheme and this addresses any concerns regarding biodiversity loss. Further to this within the additional information provided the Council's Biodiversity Officer has reviewed proposed hedgehog pass, the additional bat and bird boxes provided and is satisfied with the additional provision. The proposal accords with EN2 of the Core Strategy Plan Document for Bradford.

## **6. Other Issues**

Interested parties have raised the following concerns regarding the potential increase in crime as a result of the new use, the garden design and use of materials not inclusive for people with mobility issues or vulnerable adults and children. It is noted that through the erection of the fence has introduced features which make the site more difficult to access for unauthorised persons, thus addressing security concerns raised. With regards to the garden design and materials not being inclusive for people with mobility issues or vulnerable adults and children, it is acknowledged that it is better to have easy access for people with disabilities to all development proposals this is not always possible given the varying site circumstances. It is noted that the provision of wood chippings for the surfacing would not in itself require planning consent.'

### **Community Safety Implications:**

There are no community safety implications.

### **Equality Act 2010, Section 149:**

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



**Reason for Granting Planning Permission:**

The proposal accords with guidance found within Policies, DS1, DS3, DS5, EN3, EN8 of the Core Strategy Plan Document for Bradford.

**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:-

Location Plan	06.12.2021
Block Plan	06.12.2021
Existing and Proposed Site Plan	06.12.2021
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Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

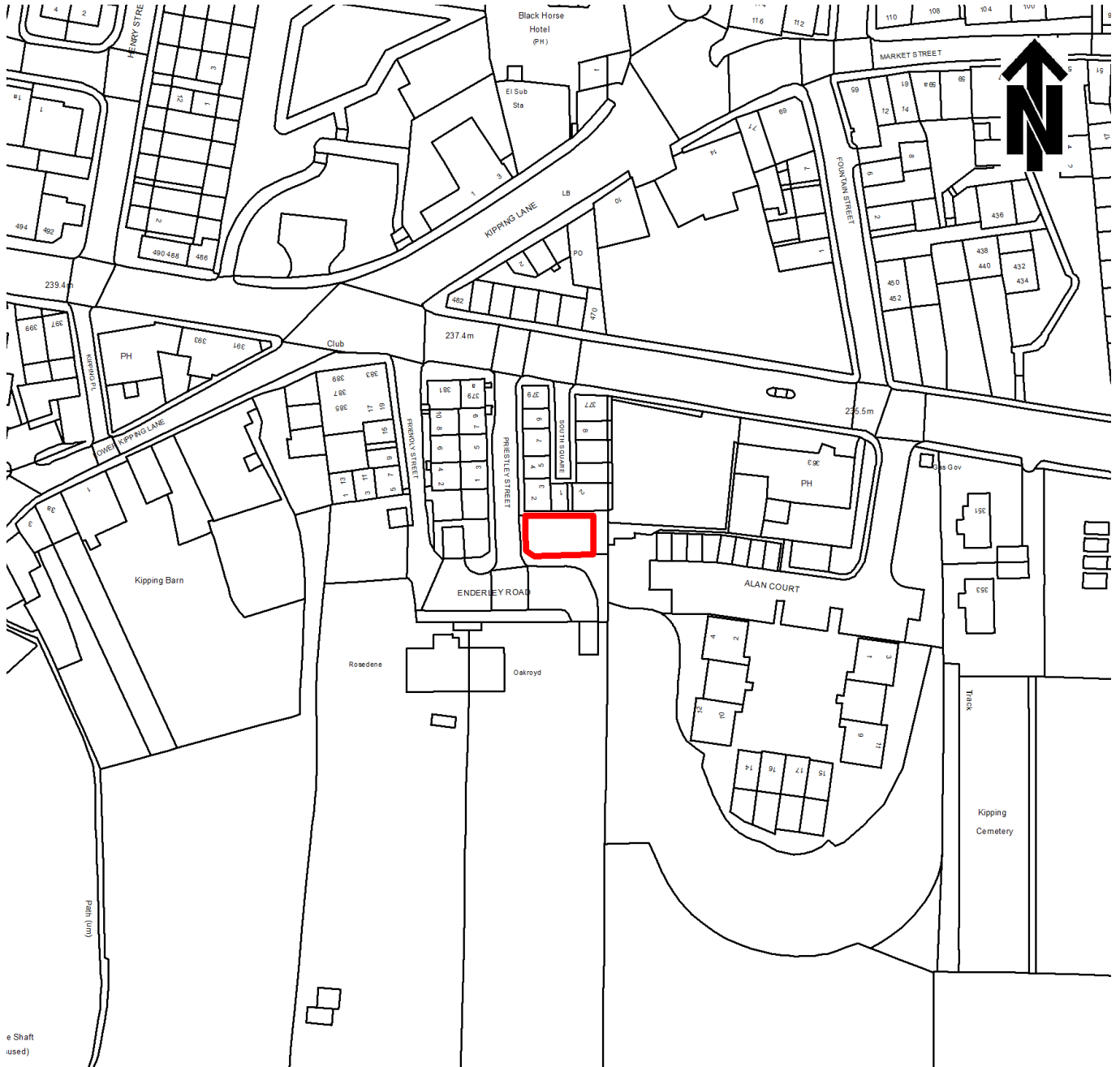
3. The use of the premises shall be restricted to the hours from 0900 to 2130 Mondays to Saturdays and from 0900 to 2130 on Sundays, Bank or Public Holidays.

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

21/06074/LBC



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**South Square Centre**  
**South Square Thornton**  
**Bradford**

**23 February 2022**

**Item:** F  
**Ward:** THORNTON AND ALLERTON  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
21/06074/LBC

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

This is a retrospective planning application for the erection of new fencing, gazebo and ground surfaces to rear garden at the Grade II Listed worker's cottages at South Square Centre, Thornton.

**Applicant:**

Yvonne Carmichael, The Thornton and Allerton Community Association

**Agent:**

Bauman Lyons Architects

**Site Description:**

The development site is the rear garden to South Square. South Square is a group of vernacular stone-built mill workers cottages located around a small courtyard and dating to the early 19th century. The cottages now form the South Square Centre, a community and arts centre. The group of former cottages are Grade II listed and they are located within Thornton Conservation Area. The garden is bordered by a traditional dry stone wall and the land levels slope through the site. Prior to the works being undertaken, the gardens consisted of an informal garden area laid to earth and with some landscaping including a mature tree. The garden is accessed from South Square through an access way from the square within South Square and a side gate off Priestley Street. The garden is bordered along the southern eastern boundary by maturing trees.

**Relevant Site History:**

21/06138/CLL: Replacement of slab in lower ground floor Studios 9 & 10 accessed from Priestley Street to new breathable limecrete slab with free draining foamed glass aggregate insulation and geotextile membrane sublayers. Other improvement work to the same Studios include ventilated wall panelling to neaten up walls and a perimeter drainage channel cast into the new slab along the back-to-earth wall on the courtyard side connecting to an existing internal drain. Remedial repair to a single stone paving slab in the south east corner of the courtyard. Re-paving of pavement along Priestley Street using salvaged stone pavers from the replacement slab work in Studios 9 & 10. APPLICATION GRANTED. DECISION ISSUED 10.01.2022.

21/06073/FUL: New fencing, gazebo and ground surfaces to rear garden of Grade II Listed workers' cottages at South Square Centre, Thornton. PENDING CONSIDERATION.

20/05143/LBC: Replacement of gutters and downpipes with new cast aluminium gutters and downpipes and timber gutters. APPLICATION GRANTED. DECISION ISSUED 05.01.2021.

19/02712/FUL: Alterations to community centre including repairs to external fabric, internal alterations and new measures to improve accessibility. APPLICATION GRANTED.  
DECISION ISSUED 21.08.2019.

19/02713/LBC: Alterations to community centre including repairs to external fabric, internal alterations and new measures to improve accessibility. APPLICATION GRANTED.  
DECISION ISSUED 21.08.2019.

**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**

EN3 - Historic Environment

**Other Relevant Legislation**

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The Town and Country Planning (General Development Procedure) Order 2015.  
Planning (Listed Buildings and Conservation Areas) Act 1990.

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters, site notice and a press advertisement which expired on 26 January 2021. Twenty-five letters of objection and one letter of support received.

**Summary of Representations Received:**

**Objections**

- Poor design of the fence and gazebo.
- Not in keeping with the character or the setting of the listed building and Thornton Conservation Area.

**Consultations:**

Conservation raise no objections.

### **Summary of Main Issues:**

1. Impact on the heritage asset.

### **Appraisal:**

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works, the local planning authority shall have regard to the desirability of preserving the building or its setting or any special architectural features or historic interest which it possesses. This places a special duty on the local planning authority to seek to preserve or enhance the character or appearance of a conservation area in the determination of a relevant application.

In terms of South Square, section 16 (2) of the Act requires that, in considering whether to grant listed building consent for any works, the local planning authority shall have regard to the desirability of preserving the building or its setting or any special architectural features or historic interest which it possesses.

Policy EN3 of the Core Strategy Plan Document states that the Council, through planning and development decisions, will work with partners to proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the District's designated and undesignated heritage assets and their settings.

The application is for the retention of new fencing, gazebo and ground surfaces to rear garden of Grade II Listed worker's cottages at South Square Centre, Thornton.

### **1. Impact on the heritage asset**

Within the National Planning Policy Framework (NPPF) paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Further to this paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The gazebo is constructed of timber with open sides and pitched roof, and is modestly sized. The gazebo is located in the south-eastern corner of the gardens and, due to the site characteristics and layout and the design and form the gazebo is not an unduly prominent feature within the setting of the listed buildings. The gazebo is located away from the principle elevations of the heritage asset, and further owing to the gazebo's open sides, it has a less solid appearance than an enclosed structure. When the above considerations are considered the gazebo does not harm their significance or setting of the listed buildings or the conservation area.

The fencing and gates have been erected adjacent to the existing stone boundary walls. The fence has a modern appearance and due to the sloping land levels, the fence does impede views of the southern elevation of the buildings to a degree when viewed from the south of the gardens. However, this is not a principle elevation of the building, and any harm to the setting of the listed building is very limited as it only affects one view point of the buildings,

and not the principle elevations. Further to this the fence and the gate could be removed in the future without any harm to the original boundary features.

Within the Design and Access Statement the applicant has presented public benefits for the proposal and these would appear to outweigh the very minimal harm. The garden area appears attractive and provides a pleasant setting to the heritage assets and allows visitors to appreciate the historic buildings from an alternative vantage point. Consequently, the proposal will preserve the special historic interest and significance of the heritage assets and does not conflict with Core Strategy Policy EN3 or with Paragraph 194, 197 and 202 of the National Planning Policy Framework.

**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 Listed Building Consent:**

The proposal accords with guidance found within Policies, DS1, DS3, DS5, EN3, EN8 of the Core Strategy Plan Document for Bradford.

**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: -

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