

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 27 April 2022

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

| <u>Item</u> | <u>Site</u> | <u>Ward</u> |
|-------------|---|-------------------|
| A | 5 Ashburnham Grove Bradford BD9 4NX - 22/00659/HOU [Approve] | Manningham |
| B | 6 Duckworth Lane Bradford BD9 5EP - 22/00316/FUL [Approve] | Toller |
| C | Land North Of Leylands Medical Centre 81 Leylands Lane Bradford BD9 5PZ - 21/04792/FUL [Refuse] | Heaton |

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

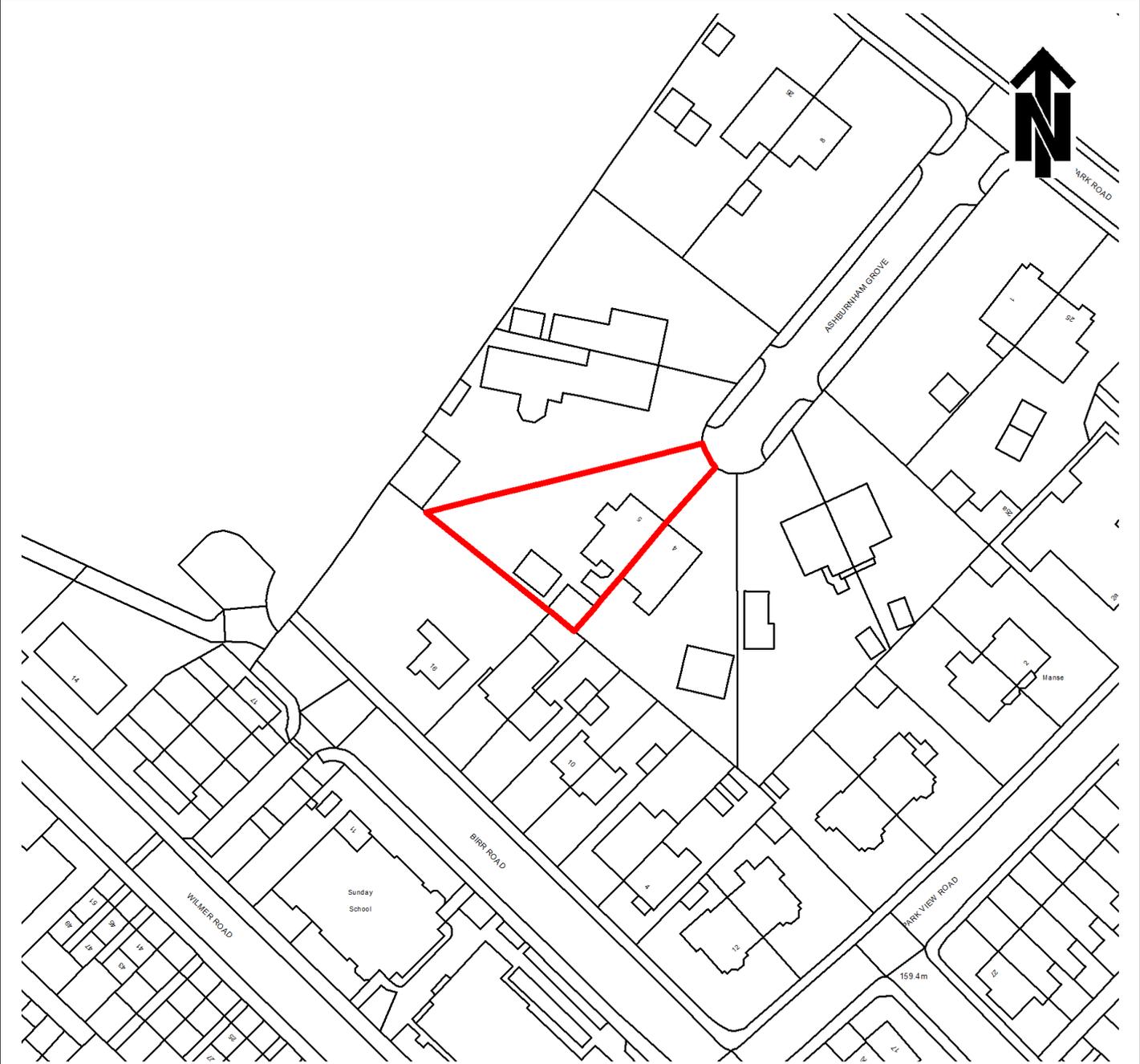
Report Contact: Mohammed Yousuf
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

22/00659/HOU



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**5 Ashburnham Grove
Bradford
BD9 4NX**

27 April 2022

Item: A
Ward: MANNINGHAM
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
22/00659/HOU

Type of Application/Proposal and Address:

This is a householder application for the construction of a single storey extension to the rear of 5 Ashburnham Grove, Bradford.

Applicant:

Mr Shabir Hussain

Agent:

Zakaria Chhima of Faum Architecture

Site Description:

5 Ashburnham Grove is an attractive stone built semi-detached property at the end of a tree lined residential street. The property is accessed via large gates into the site and has a large canopy feature to the front with a bay window and balcony which overlooks the front garden area. Driveway access is to the front and curves around the side of the house, leading to two detached garages in the rear garden. The rear garden behind the house is largely hard surfaced, is bound by tall boundary treatments, with previous extensions visible.

Relevant Site History:

92/04155/OUT - Construction of two flats and one maisonette - Refused

99/02504/FUL - Erection of single storey rear extension and detached garage block to rear - Granted

07/08658/FUL - Construction of first floor rear extension and demolition to re-build rear garage block with first floor - Granted

The National Planning Policy Framework (NPPF):

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

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving Good Design
DS3 – Urban Character
DS4 – Streets and Movement
DS5 – Safe and Inclusive Places
EN3 – Historic Environment
TR2 – Parking Policy

Other Relevant Legislation

Bradford Council Householder Supplementary Planning Document.

Parish Council:

Not in a town or parish council area.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification letter, a site notice and in the local press. The overall date for publicity expiry was 18 April 2022. No representations have been received.

Summary of Representations Received:

Not applicable.

Consultations:

Heritage and Conservation – The property is a key unlisted building in the conservation area. Concerns were initially raised due to the visibility of the proposed extension from the public street, which would not have maintained the character of the host building or wider area, however the plans have since been amended, reducing the size of the extension with further information to demonstrate that the additions will not be seen from public land. Providing that materials match the main house, this flat roof contemporary addition, which replaces a number of poor quality outbuildings is considered to maintain the character of the conservation area and will not harm the public appearance of this key unlisted asset.

Summary of Main Issues:

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

Appraisal:

1. Background and Principle of Development:

The proposal seeks planning permission to construct a single storey extension to the rear of this residential property. The property is a key unlisted building in the conservation area and so should be assessed against relevant legislation, policy and guidance areas. The changes proposed are to take place within the curtilage of this property and are consistent with a residential use, therefore the development is considered to be acceptable in principle, subject to the outcome of a local impact assessment.

2. Impact on the Built Environment:

The proposal seeks to remove two detached garages in the rear of this garden which are of little design merit. They will be replaced by one single storey comprehensive extension of a contemporary flat roofed design, which is to be constructed in stone.

This low level addition is to be located behind the tall boundary treatments which bound this rear garden and will be largely hidden at the rear of this property, with only a small portion of decking visible from public land. The addition is of a comprehensive design, which although large, is to be attached to a large house and in large gardens is considered to be proportionate. The design of this extension will provide an acceptable visual contrast with the original house, paying sufficient respect in terms of its subordinate size, the significant setback from the public road and its construction in stone to match. It will retain all of the positive features on this site and is considered to provide an interesting and attractive addition that pays adequate respect to the original house, displaying modern architectural quality that is proportionately sized, acceptably positioned and of good design. The proposal accords with policies DS1 and DS3 of the Core Strategy Development Plan Document.

3. Impact on Heritage Assets:

The property is within the North Park Road Conservation Area and is identified in the area appraisal as a key unlisted heritage asset. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of conservation areas. In the exercise of a Local Planning Authority's planning functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The addition is to be located wholly behind the main house and will be hidden from public view. It seeks a contemporary design which contrasts with the traditional design of this property, but at the same time comprehensively replaces two detached garages which are considered to be of poor design quality, offering some benefit to the appearance of this property from within the site itself. Given the positioning of the extension, it is not considered to have any impact on the character or appearance of the conservation area and is therefore considered to maintain it. The only visible part will be a new area of decking, which is not prominent, set significantly back from the front road and is a feature commonly seen in residential gardens, which is not harmful. The proposal is considered to accord with the relevant area of legislation and policy EN3 of the Core Strategy Development Plan Document.

4. Impact on Neighbouring Occupants:

The proposed extension is to take place along the rear of the site replacing two large detached garages in a similar position. The proposed height at approximately 3.7 metres is below the height of the existing garages and only 0.8 metres above the height of the existing garden wall. The flat roofed design has been proposed to reduce the potential impacts on neighbours, which compared with the existing development on site and the tall boundary treatments already in place, does not raise any significant overbearing issues beyond any that may already exist. The impact on light reaching neighbouring gardens is comparable with the current situation, which is not adverse and raises no issues for neighbouring rooms also. Openings for the extension face into the site only and present no overlooking of neighbouring homes or their gardens.

Overall the addition is considered to be proportionately sized within this site, maintaining an acceptable amount of outdoor space and having an acceptable impact on neighbouring occupants. The proposal does not raise any significant or adverse issues for neighbours and accords with policy DS5 of the Core Strategy Development Plan Document.

5. Impact on Highways:

The changes proposed will result in the loss of two detached garages, reducing the number of off-street parking spaces available on this site, however a large area of this garden will remain open and available for parking. The access will remain unchanged and there will be parking for at least two vehicles off-road, with areas where they can turn and both enter and exit in a forward motion. Retaining a proportionate amount of off-street parking for the size of this house and maintaining the existing access arrangement, the proposal does not raise any highway safety concerns, according with policies DS4 and TR2 of the Core Strategy Development Plan Document.

6. Other Planning Matters:

No other matters raised.

Community Safety Implications:

The proposal has no implications for community safety.

Equality Act 2010, Section 149:

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

Recommendation:

The application is recommended for approval subject to conditions.

Reason for Granting Planning Permission:

The proposal is considered to have an acceptable impact on the built environment, neighbouring occupants and highway safety. The addition will maintain the public appearance of this site and maintain the character of the conservation area raising no significant or adverse issues. The proposal follows the design principles set out in the Council's Householder Supplementary Planning Document and accords with policies DS1, DS3, DS4, DS5, TR2 and EN3 of the Core Strategy Development Plan Document.

Conditions of Approval:

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

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

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

Location Plan - referenced 20-087-P-01 - received 14/01/2022

Existing and Proposed Plans - referenced 20-087-P-02-A - received 31/03/22

Proposed Elevations and Site Plan - referenced 20-087-P-03-A – 31/03/22

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

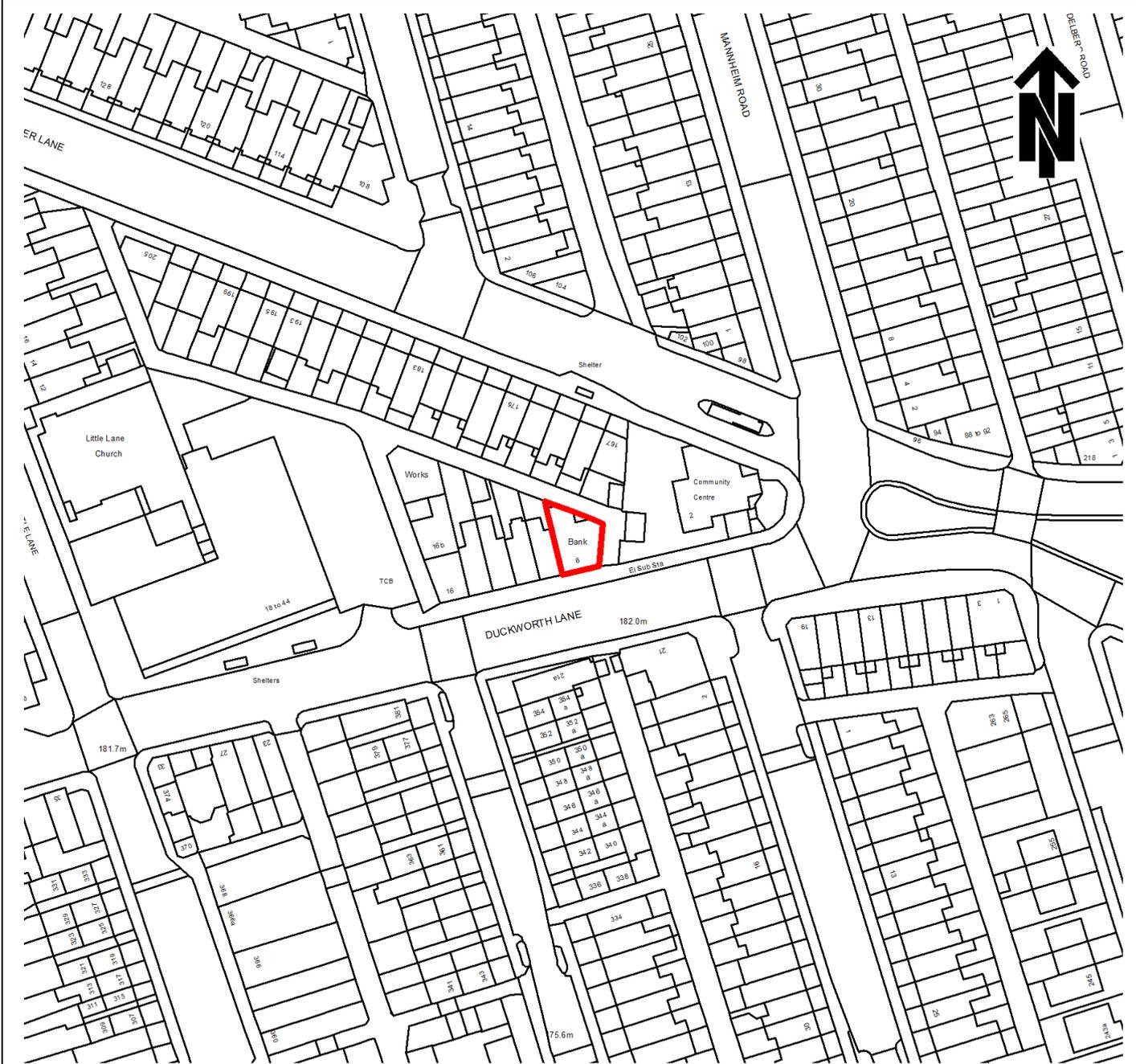
3. The development hereby permitted shall be constructed using natural stone facing materials to match the stonework of the existing building.

Reason: To ensure the use of appropriate materials in the interests of the built environment, the appearance of this property and the character of the conservation area, and to accord with policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

22/00316/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

6 Duckworth Lane
Bradford
BD9 5EP

27 April 2022

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

Application Number:
22/00316/FUL

Type of Application/Proposal and Address:
External rear extraction canopy and AC unit to 6 Duckworth Lane, Bradford, BD9 5EP

Applicant:
Mr Salman Rajab

Agent:
Mr Shoyeb Nana

Site Description:
6 Duckworth Lane is an end terrace two-storey retail shop which sits within an established row of shops and is located within the Duckworth Lane local centre. The surrounding area is mixed use with commercial properties fronting onto Duckworth Lane many of which appear to have flats at first floor level and there are residential properties to the rear fronting onto Toller Lane.

Relevant Site History:
21/04816/FUL Change of use to takeaway with seating and external rear extraction canopy- REFUSE: Date Issued 15-11-21.

20/02909/FUL: Change of use from A2 (Professional & Financial Services) to A1 (Shop) to ground floor and C3 (Dwellinghouse) to first floor including new shopfront- GRANT: Date Issued 23-09-20.

11/03887/FUL- Internal and external alterations including installation of new air conditioning cassettes and kitchen to first floor- GRANT: 19.10.2011.

04/00639/FUL- Construction of disabled access ramp- GRANT: Date Issued 18.03.2004.

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
EN8 Environmental Protection Policy

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification. Expiry Date 26 February 2022. 16 objections have been received.

Summary of Representations Received:

Objections:

- Intention and suspicious nature of this application to gain a canopy and a.c. unit then get permission for a takeaway.
- Noise affecting us whilst trying to sleep.
- Add to existing pollution from other takeaways in the area; affecting an existing medical condition.
- Increase in rodents' and rubbish in the area.
- No more takeaways needed.
- Limited parking.
- The canopy would be unsightly and there are too many in the area.
- Increase in foul smells in the area making it hard to keep windows open at night in the summer.
- Degeneration of the local area with another canopy.
- No space for children to play.

Consultations:

Environmental Protection Nuisance – Following receipt of revised drawings and additional information the proposals are now acceptable subject to conditions.

Summary of Main Issues:

1. Principle of Development.
2. Impact on Residential Amenity.
3. Impact on Visual Amenity.
4. Impact on Highway Safety.
5. Other matters.

Appraisal:

1. Principle of Development

The proposals relate to the erection of an external extraction canopy and a.c. unit to the rear elevation. The site has a previously refused application to use the building as a takeaway with internal seating and external rear extraction canopy. The application was refused due to lack of off street parking, the effectiveness of the proposed extraction flue system which would have an adverse impact on the current/future occupier(s) of the adjacent residential flat, insufficient information with regards to providing a noise report and inaccurate plans. It is important to note that planning permission is not needed when the existing and the proposed uses fall within the same Use Class. In this instance the previous use as a bank E(c)(i) could be changed to a café/restaurant E(b) without the need for planning permission as both are within use Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The proposed floor plans show internal seating for 22 people which confirms the use proposed. However, the building work associated with the proposed change of use, the installation of an external rear extraction canopy and ac unit, requires planning permission and are the subject of this application. On that basis, the principle of the development is acceptable subject to its local impact.

2. Impact on Residential Amenity

There were concerns of noise generated by the proposed use, flue and ac unit on the previously refused application (21/04816/FUL). A significant amount of objections have also been received with regards to the noise generated by the use, extraction flue and ac unit. Noise generated from the use as a café/restaurant is not a matter for consideration as the use does not require planning permission. Although a noise report was submitted with the current application it did not adequately address the noise generated by the extraction flue and ac unit. Therefore, the position of the flue has been changed placing it at a distance of 6 metres from the adjacent residential window and an amended noise report has been received which addressed these concerns. In addition, the submitted plans also propose sound proof insulation to the party wall.

With regard to the effect on nearby houses, the current flue has been situated on the rear elevation away from the adjoining flat 8a Duckworth Lane. The residential properties to the rear fronting onto Toller Lane are separated by an unnamed road/track with a distance of approx. 13 metres between the rear elevation of the application building and rear elevation of the closest dwelling on Toller Lane. On this basis, it is not considered that noise or vibrations will adversely affect either the current/future occupier(s) of the adjacent flat or surrounding residential dwellings.

3. Impact on Visual Amenity

The building is at the end of a stone built terrace with an unnamed access road which runs along the side and rear. The accompanying Design and Access statement confirms that the front elevation will remain as existing and the submitted plans do not include the front elevation of the building and therefore any changes to the front cannot be considered as part of these proposals. The main visible external alterations would be the construction of the flue to the rear elevation of the building, the blocking up of the window at first floor, the external a.c. cooling fan and the formation of an external access door from the single storey extension.

The proposed extraction equipment should be designed so as to minimise their impact on visual amenity, including in terms of their location and external finish. It is acknowledged that the application site is located within a commercial setting and there are air conditioning units and flues within the immediate vicinity. The air conditioning unit is small in size and sits on the roof of the single storey extension to the rear. The extraction flue will be visible from both the rear access and, to a lesser degree, from Duckworth Lane. Objections have also been received from local residents with regards to the visual effect of the extraction flue and that it will be 'unsightly' and there are too many in the area. Seen from the rear, the flue will extend from the top of the ground floor window to a point 2.10 metres above eaves level. It will be clad in natural stone slips and the remaining exposed jet cowl to be painted in black and its size and finish are considered to fit into the wider scene of the terrace's rear elevation. In other words, they will not be obtrusive features in the street scene. Similarly, from Duckworth Lane, the flue will be seen in the context of the side elevation of the building. Given the roof slope, the flue will be situated on the lower side, near the rear access. In this position, whilst it will be visible in the street scene, it will not be out of keeping with the side elevation in terms of scale or design. In that the cladding in natural stone slips and black coated finish will be visually acceptable.

The blocking up of the first floor window would allow this room to be used as a cold store and addition of the rear ground floor access door provides access to the internal bin storage area. Both these changes are considered visually acceptable and are essential changes which are required for the operational use as a café/restaurant.

4. Impact on Highway Safety:

As mentioned earlier in this report there is no change of use that requires planning permission involved in this application. Consequently, any effect of the proposed restaurant/café cannot be determining factors in this application which relates only to the external changes to the rear elevation.

5. Other matters:

Objections have been received with regards to the potential use of the building as a takeaway. The use proposed does not require planning permission and if the use changes to any use outside of Class E this would be subject to separate planning consent. The applicant has provided internal bin storage which would address concerns with regards to refuse and attraction of vermin, albeit the use is within the same use class and there is no requirement within planning to provide additional measures to control this. These issues would however be controlled by other departments such as Environmental Health during the duration of the use.

The previous application (21/04816/FUL) which included an extraction flue was refused on the grounds that its position was too close to the window of the adjacent residential flat 8a Duckworth Lane. In that the extraction flue system will create an unacceptable amount of odour by not discharging at a height sufficient to disperse odours adequately. In the present application, this has been addressed by changing the position of the extraction flue being fairly centrally placed on the rear of the building 6 metres from the window of the adjacent residential flat. It will be fitted with filters and a fan and will terminate 2.10 metres above the eaves. It is considered that this position for the flue, coupled with its odour suppression equipment, is sufficient to ensure that odours created by the use and will not have a detrimental effect on the adjacent neighbour's residential amenity and addresses objections raised in this regard.

The parking and noise from the development have been addressed within the body of the report and there would not be any encroachment of private land and therefore would not affect children playing in the area.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed extraction flue and ac unit are considered to relate satisfactorily to the character of the existing building 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, DS3 and EN8 of the Core Strategy.

Conditions of Approval:

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

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

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

Location Plan referenced 21-113-P-01 received by the Council on 25.01.2022
Amended Existing and Proposed Plans and Elevation referenced 21-113-P-02-F received by the Council on 09.03.2022

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

3. The development hereby permitted shall be constructed using external facing materials to match the existing building as is specified on the submitted application.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

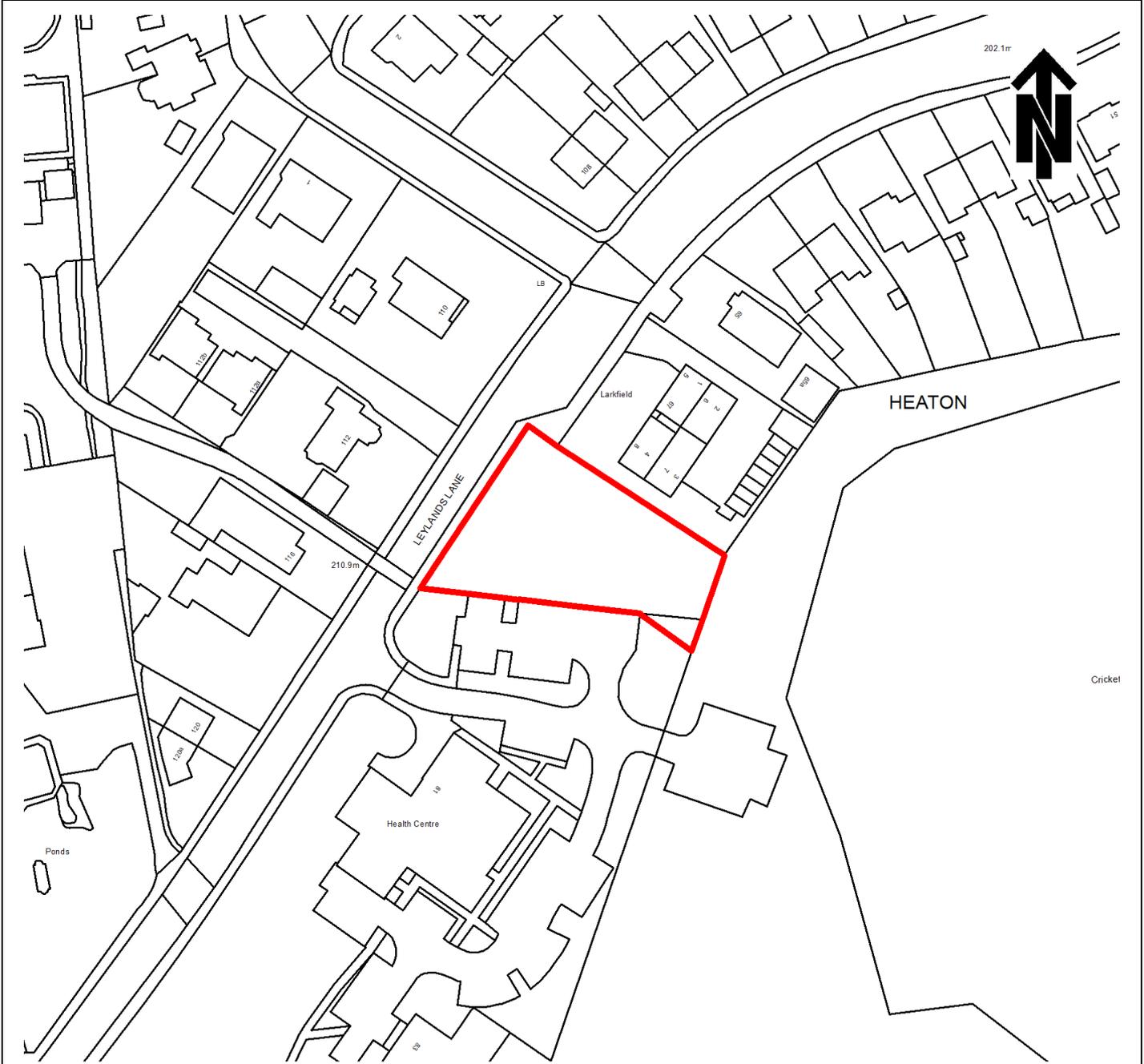
4. All works which form part of the development scheme shall be completed before any part of the development is occupied as recommended in the Noise Impact Assessment dated 7th March 2022.

Reason: To minimise the effect of noise on adjacent properties, in the interests of amenity and to accord with Policy EN8 of the Core Strategy Development Plan.

5. The visible parts (not clad) of external extraction flue shall be painted black before first use as is specified on the submitted application.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

21/04792/FUL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

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

27 April 2022

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

Application Number:
21/04792/FUL

Type of Application/Proposal and Address:

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

Applicant:
Mr Waqaas Khan

Agent:
Michael Ainsworth Design Partnership

Site Description:

The site is currently an overgrown vacant area of land which fronts onto Leylands Lane. It is in a mixed use area with a cricket field at the East, a medical centre to the South and existing residential properties to the North. It is bound by a low level stone boundary wall with trees fronting the most prominent areas of the site.

Relevant Site History:

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

The National Planning Policy Framework (NPPF):

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

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving Good Design
DS2 – Working with the Landscape
DS3 – Urban Character
DS4 – Streets and Movement
DS5 – Safe and Inclusive Places
EN2 – Biodiversity and Geodiversity
EN5 – Trees and Woodlands
EN7 – Flood Risk
EN8 – Environmental Protection Policy
HO9 – Housing Quality
TR1 – Travel Reduction and Modal Shift
TR2 – Parking Policy
SC8 – Protecting the South Pennine Moors

Other Relevant Legislation

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

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by a site notice and individual neighbour notification letters. A total of nine representations were received.

Summary of Representations Received:

Three objections were received and six support comments. One support comment was from a Ward Councillor stating that if officers were minded to refuse the application, then he requests that a decision is made by the Planning Panel.

In summary the objections were;

- That protected trees would either be damaged or removed and the changes to the plans do not address this issue, raising the same concerns.
- The proposed planting would not mitigate the loss of the tree and is a poor alternative to what is already there.
- Previous applications have been refused and an appeal dismissed.
- The new buildings would impact on neighbouring outlook, overbearing and overshadowing their habitable room windows.

In summary the support comments were;

- The houses will uplift the area.
- Using this site for housing will reduce the potential for fly tipping, vermin and anti-social activity.
- There is a huge demand for housing in the area.
- The proposal will not be overbearing or out of character with the area.
- A tree on this site previously fell into the road, which could happen with the other trees.

Consultations:

Trees – There are a number of significant trees on this site, with many afforded some protection from individual and group Tree Protection Orders. The proposal seeks tree removal and the redirection of roots of another tree to facilitate access into the site. The loss of T1 is not supported and would be detrimental to the character of the area and lacks sufficient justification. The air spading technique proposed does not appear to be a practical, workable solution, and could lead to additional problems for this tree, including root damage, instability and potentially future loss. The proposal is not supported.

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

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

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

Summary of Main Issues:

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

Appraisal:

1. Background Information

The site is a vacant and undeveloped area of land that sits slightly higher than Leylands Lane. It is bound by a low level stone wall and is fronted by a number of trees which are protected through a Tree Protection Order. There has been a previous application for a residential development on this site, which was refused planning permission in 2017 due to the impacts on protected trees facing Leylands Lane. The Council's decision was appealed to the Planning Inspectorate who concurred with the Council's view that the loss of these specimens, that make a substantial and positive contribution to the area, would harm the amenity value and was not justified.

An Ash tree has since been removed from the front of the site, which was a poor quality tree, as acknowledged in the previous assessment of this site prior to its removal. Replanting in an alternative location has taken place but to form the new access into the site, this application now seeks to fell an additional Sycamore tree.

There is a significant housing need in the Bradford district and Bradford Council cannot currently demonstrate a 5-year supply of deliverable land for housing. Recent correspondence with the Planning Inspectorate suggests that the authority should be making decisions in line with paragraph 11 of the NPPF and should apply a tilted balance in their assessment and within the decision making process.

2. Principle of Development:

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

3. Landscape Character, Biodiversity and Trees:

The site is an undeveloped parcel of land fronting Leylands Lane which is the main route through Heaton Village. It is currently accessed on foot through the grounds of the neighbouring medical centre and offers a suburban woodland character to the area, with tall, mature trees of high amenity value fronting the site. This proposal was also previously recommended for a refusal at an earlier planning panel due to the impact on trees, but was deferred at the request of the developer to allow them to try and address officers' concerns.

The proposal seeks to retain the majority of the stone perimeter walling and proposes access in from Leylands Lane by removing a substantial tree at the corner of the plot, identified as T1 on the submitted tree protection plan, with further trees works required to T2.

The trees on the site contribute significantly to the character of the local area and are the subject of a Tree Protection Order, number 0561, and so are offered statutory protection. Although the principle of a residential development on this site is not disputed, there is significant concern regarding the loss of a substantial tree in this very public location, and concern around the potential damage that could occur to T2, which again is of a very high quality and in a publically prominent position.

The information submitted with the application suggests that the development of the access will take place over a number of phases. It proposes the loss of T1 and seeks to replace this Sycamore with two Lime trees within the site. The proposal seeks the retention of T2 by offering a process called 'air spading', which in basic terms, appears to entail the excavation of tree roots with their redirection to less sensitive areas of the site. The process will expose roots and redirect them to run parallel with the edges of the drive, with surplus soil progressively removed by hand as roots are separated and pegged in an alternative positions and covered back with soil. The access and service trenches will then be built back up with permeable materials.

The trees along the front of this site offer clear amenity value to the local area, however the arboricultural report submitted argues that pressure is being applied to the perimeter wall and that this is a potential safety issue. There is also a suggestion that that the tree is a category C tree, however the Council's Tree Officer disagrees and stresses that there is no information to substantiate a safety concern. Although a tree was recently removed from the site due to the impact of bad weather and its poor quality, the tree now proposed for removal appears to be in good health and has been there for a considerable number of years without any issues.

The new access is proposed between T1 and T2. Access into the site is required for this development to go ahead and land level changes on the site, alongside the presence of trees and tree roots, means that a conventional build is not possible on this site. The Council's Tree Officer has suggested that the method proposed of 'air spading' is highly unusual. They suggest that tree roots have grown in their positions for a reason, which is confined by the perimeter boundary. Trees rely on their root networks to provide nutrients and water uptake as well as for stability, and by moving a substantial portion of these roots to other areas in the site, could result in damage and in turn could destabilise this tree. Larger roots are unlikely to have the flexibility to allow the extent of movement required to accommodate sufficient clearance and such intrusive works are likely to result in an unacceptable level of damage to roots which could impact on the future stability of this tree, and result in its future loss, which is not supported. There is also additional doubt as to whether this method would work in practice and questions as to why this practice would work for the retention of T2 but not for T1, which casts further doubt on this method.

Two trees are offered to replace T1 which are of an alternative species to those already on site and would increase the variety of trees, which is considered to mitigate any potential habitat loss raising no significant concerns for biodiversity in this suburban area. Although there are no significant conflicts with policy EN2 of the Core Strategy Development Plan Document, T1 is a high quality tree with clear amenity value, that contributes to the character of the area. It appears to be healthy and should be retained. The redirection of the tree roots for T2 will be a cumbersome process and there is significant doubt that this method here will work in practice. Roots are unlikely to have the flexibility to redirect into areas away from the driveway in, and the method is likely to result in irreparable damage to this tree that could destabilise it and lead to its future loss, meaning further tree loss on this site in the future.

Overall, the proposal will harm the landscape character of the area and have an unacceptable impact on protected trees fronting this site, failing the objectives of policies DS2 and EN5 of the Core Strategy Development Plan Document.

4. Impact on the Built Environment:

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

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

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

Overall, the design of the properties are informed by a good understanding of the local area and will also introduce their own design features, which adds interest to this development. Notwithstanding the loss of character resulting from the loss of protected trees on the site, the houses themselves will be set well away from these trees and are not considered to raise any concerns by their appearance, following appropriate guidance from the Council's Homes and Neighbourhoods Supplementary Planning Document and according with policies DS1 and DS3 of the Core Strategy Development Plan Document.

5. Impact on Neighbouring and Future Occupants

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

In relation to Larkfield Flats, the properties include what appears to be four primary habitable room windows in their side elevation. This development is off-set from these neighbouring windows allowing unobstructed outlook from the front two apartments and clearing 25 degrees from the rear apartments. Although the outlook will alter for these apartments, the distance retained will not be overbearing on these neighbours and is considered to be of an acceptable level, meeting the guidance set out in the Council's Homes and Neighbourhoods Supplementary Planning Document.

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

The proposed developments would provide a good standard of living for future occupants, are logically arranged, meet the nationally described space standard and provide an adequate amount of indoor and outdoor space for their proposed use. The outdoor space provides a good amount of land for the storage of bins, the undertaking of domestic tasks and outdoor recreation, proportionate to the size of these dwellings. The impact on neighbouring houses and their gardens is considered to be acceptable, with not significant or adverse issues raised. The proposal accords with policies DS5 and HO9 of the Core Strategy Development Plan Document.

6. Highway Safety and Sustainable Travel:

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

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

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

7. Drainage:

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

8. Other Planning Matters:

A supporter of the development has correctly suggested that there is a housing need in the Bradford district, for which the Council cannot currently demonstrate a 5-year supply of deliverable land. The Local Planning Authority take a positive and proactive stance when assessing development proposals, particularly where there is an identified need. As there is an under-delivery of housing in the city, a tilted balance has been applied to this assessment, however the development plan policies are up-to-date and relevant, and both these and the NPPF seek to protect assets of particular importance. The removal of one protected tree and the substantial harm of another tree within this site, will be detrimental to the amenity value offered by these trees and will have an adverse impact on the local area, which is not outweighed by the delivery of a limited number of houses on this site. Although access is

required to deliver houses on this site, there is no evidence to show that an alternative access is not possible and the proposal does not justify an approach which will result in the loss of assets of clear value to the area, which are afforded strong protection through a Tree Protection Order. The broad need for housing, is not considered to be outweighed by this material planning consideration on this site.

9. Other Matters Raised by Representations:

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

- Fly tipping, vermin and anti-social behaviour on the site are considered to be matters that fall outside of planning's remit and can be controlled by either management of the site, alternative development, or other legislation areas.

Community Safety Implications:

The proposal has no implications for community safety.

Equality Act 2010, Section 149:

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

Reasons for Refusal:

1. The loss of T1 which is a high quality protected tree, in good health with clear amenity value, alongside intrusive works to the roots of T2, which appears to be an impracticable solution that is likely to result in irreparable damage and its potential future loss, will have a detrimental and erosive impact on open wooded appearance of this site and the leafy character of the immediate area. Failure to sufficiently integrate these important features into the development, the potential future issues and lack of retention of healthy trees, is contrary to policies EN5 and DS2 of the Core Strategy Development Plan Document.