

# Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 22 March 2023

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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	1 Malvern Road Bradford BD9 6AR - 22/02269/FUL [Approve]	Toller
B	15 Acre Crescent Bradford BD2 2LP - 22/04628/HOU [Approve]	Eccleshill
C	6A Southfield Road Bradford BD5 9ED - 22/03253/FUL [Approve]	Wibsey
D	Caravan At Orchard Meadow Farm Upper Heights Road Thornton Bradford BD13 3AY - 22/04205/FUL [Approve]	Thornton And Allerton
E	Fairweather Green Inn 799 Thornton Road Bradford BD8 0HJ - 22/04457/FUL [Approve]	Clayton And Fairweather Green
F	First Floor 15 Mansfield Road Bradford BD8 7LY - 22/03118/FUL [Approve]	Manningham
G	29 Whetley Lane Bradford BD8 9EH - 22/04561/FUL [Refuse]	Toller
H	783 Little Horton Lane Bradford BD5 9ER - 22/05306/HOU [Refuse]	Wibsey
I	Sandy Lane Methodist Church Bairstow Street Sandy Lane Bradford BD15 9JX - 22/04432/HOU [Refuse]	Thornton And Allerton

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Richard Hollinson  
Assistant Director (Planning, Transportation and  
Highways)

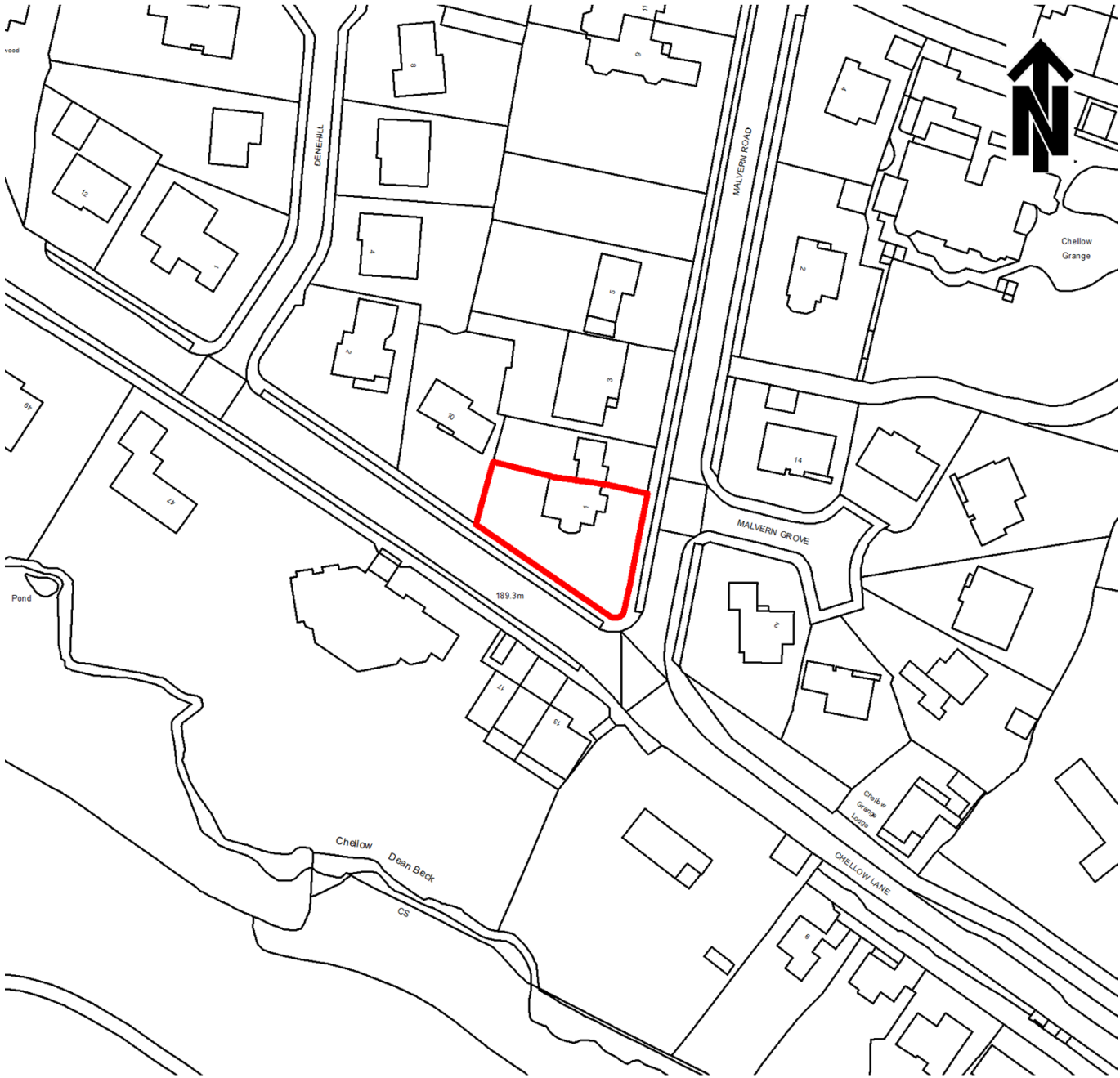
Report Contact: Amin Ibrar  
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**Portfolio:**  
Regeneration, Planning &  
Transport

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

**22/02269/FUL**



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**1 Malvern Road  
Bradford  
BD9 6AR**

**22 March 2023**

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

**Application Number:**  
22/02269/FUL

**Type of Application/Proposal and Address:**  
Two storey side extension and conversion of property to create 5 flats at 1 Malvern Road, Bradford

**Applicant:**  
Mr S Mohammed

**Agent:**  
Architects Build Limited - Ben Clare

**Site Description:**  
The application relates to a large detached dwelling located on the corner of Malvern Road and Chellow Lane. The house has garden to all sides. To the north side is an attached double garage. The site is enclosed by trees/hedging behind a stone wall. The surrounding houses are of a similar size and design in good sized plots.

Permission has been granted (21/00399/FUL) to demolish the garage and erect a dwelling in its place.

**Relevant Site History:**  
21/00399/FUL - Demolition of existing garages and construction of new dwelling. Granted 15.04.2021

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

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

**Core Strategy Policies**

SC9 Making Great Places  
DS1 Achieving Good Design  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
HO9 Housing Quality

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters which expired on the 28 July 2022.

Representations received:

31 in objection  
1 in support

**Summary of Representations Received:**

**Objection to this application:**

- Parking on the road is a problem. 7 flats will make it worse. [NB the number of flats has been reduced to 5]
- There are a number of trees on the plot.
- Concern over loss of privacy.
- Out of character with the area.

**Support:**

No specific comments.

**Consultations:**

Highways: No objection to the revised plans subject to conditions.

**Summary of Main Issues:**

1. Principle
2. Design and Street scene
3. Trees
4. Residential amenity
5. Highway safety
6. Biodiversity

**Appraisal:**

**1. Principle**

The application has been revised from 7 flats down to five flats. Consideration has been given to Paragraph 11 of the National Planning Policy Framework which requires that planning decision-takers should apply a presumption in favour of sustainable development. It is also appreciated that this proposed development would add to the supply and mix of housing in the area. For applications involving the provision of housing, the presumption in favour applies in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the

delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. That is acknowledged to be the situation in Bradford District, within which the latest Housing Delivery Test results published on 14 January 2022 showed supply falling below this threshold. As of September 2022 the Council's housing year supply is 2.08 years well below the required 5 years.

The proposal is for a two storey side extension and the change from a dwelling to seven flats. This would see a net increase of 4 residential units. This is a benefit of the scheme that has to be considered against the constraints of the site and the impact of the development on the locality.

## **2. Design and Street Scene**

Core Strategy policy DS1 states "Planning Decisions including Plans, development proposals, and investment decisions should contribute to achieving good design and high quality places."

The proposed extension is of a large size and would occupy a large proportion of the side garden of the house. The host dwelling has a steep roof pitch with a feature gable to the east elevation and one to the south facing elevation and a large roofslope to the side (south) elevation facing towards Chellow Lane.

The extension would bring the building closer to Chellow Lane and the massing of the building is significant. The plans show dimensions of 5.6m x 9.5m. The proportions of the extension mean that the gable end to the south elevation is very wide, and this is not reflective of the established character of the house.

The existing driveway to the side of the house, off Malvern Road, would be lost to the new approved dwelling. The parking layout has been revised to create two areas of parking. One area with two spaces located to the west of the house accessed off Chellow Lane and three to the south east corner of the plot accessed off Malvern Road.

The boundary walls along Malvern Road and Chellow Lane are a pleasant feature that, along with the mature trees, create a pleasing streetscape. The revised plans now mean that two, relatively narrow openings in the boundary wall will be created and the mature trees would be maintained.

With the suitable design of the extension and the retention of the boundary trees, the proposed development would not have a significantly negative impact on the visual amenity of the street scene.

## **3. Trees**

The site benefits from a number of mature trees around its perimeter. The surrounding area benefits from a good level of tree coverage that add to the amenity of the area. The proposed development requires additional parking to be created in the garden area to provide for the 5 flats. This involves the formation of two openings; one onto Chellow Lane to create two parking spaces and one onto Malvern Road to provide three parking spaces. The plans show that the parking areas have been positioned so as to retain the mature trees along the perimeter of the site. The trees are not formally protected but it is advised that conditions be added to the planning consent, should permission be granted, that seeks to defend the root protection area of the trees during construction work.

#### **4. Residential amenity**

Core Strategy policy DS5(F) states development should “Not harm the amenity of existing or prospective users and residents”.

The extension to the dwelling, to create the flats, is suitably designed. The extension continues the profile of the house to the south. It complements the host dwelling and incorporates design features that are already present. The dwelling sits in a large plot, as is common along Malvern Road and Chellow Lane, which means there is space within the plot to accommodate an extension of this size that does not negatively impact the amenity of the nearest neighbours.

The proposed flats consist of 4 x two bedroom and 1 x one bedroom. They are all of a good size and provide adequate amenity for future users and each flat has one allocated parking space.

It is noted that in flat 1 there is no natural lighting to middle bedroom and is borrowed light from the corridor which is an additional escape route. This reduces the amenity and usability of this bedroom but not to a point of being detrimental to the amenity and living conditions of future residents. All the other details of the layout of the proposed flats are acceptable.

#### **5. Highway safety**

The revision to the proposal, to reduce the number of flats from 7 to 5 is, primarily, due to the highway constraints. The site layout has been revised to create 5 parking spaces in two separate areas as commented on above.

The new driveways onto Malvern Road and Chellow Lane require the removal of length of the existing boundary wall and the laying out of hard surfacing. This can be done appropriately and would not result in detriment to safety of road users or amenity of nearby residents. Should the application be granted, it is recommended that conditions be added concerning the creation of the new parking spaces and driveways.

#### **6. Biodiversity**

The site is in a residential area that is close to Chellow Dene reservoirs. There are no specific biodiversity constraints at the site. It is in Zone C (0-7km) from the South Pennine Moor SPA/SAC. The development would not impact on the biodiversity quality of the SPA/SAC habitat. The woodland at Chellow Dene Reservoirs are Ancient Replanted Woodland and the site is in its 500m buffer. However, the development would not impact on this woodland. The scale of the development is such that it is considered that a Preliminary Ecological Appraisal is required. The site comprises a domestic garden and is, therefore, unlikely to be of high ecological value. The proposed development retains the tree coverage of the site and it is therefore concluded that no further

#### **Community Safety Implications:**

There are 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.

**Reason for Granting Planning Permission:**

The proposed extension to the dwelling is suitably designed and would not cause detriment to the character of the area. The parking area has been suitably laid out to ensure that the trees surrounding the site are retained and protected. The net increase in dwellings at the site make a contribution towards the housing land supply of the District at a time when the present figure of 2.08 years is below the required level.

The amenity of nearby residents and road users has been considered and protected by the development and the proposed flats provide a good level of amenity for future residents.

**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 be completed in accordance with the following plans:

- Location plans, existing site plan and existing elevations.
- Proposed plans and elevations drawing number 002 P1

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

3. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed 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: In the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document.

4. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered 002 P1 and retained whilst ever the development is in use.

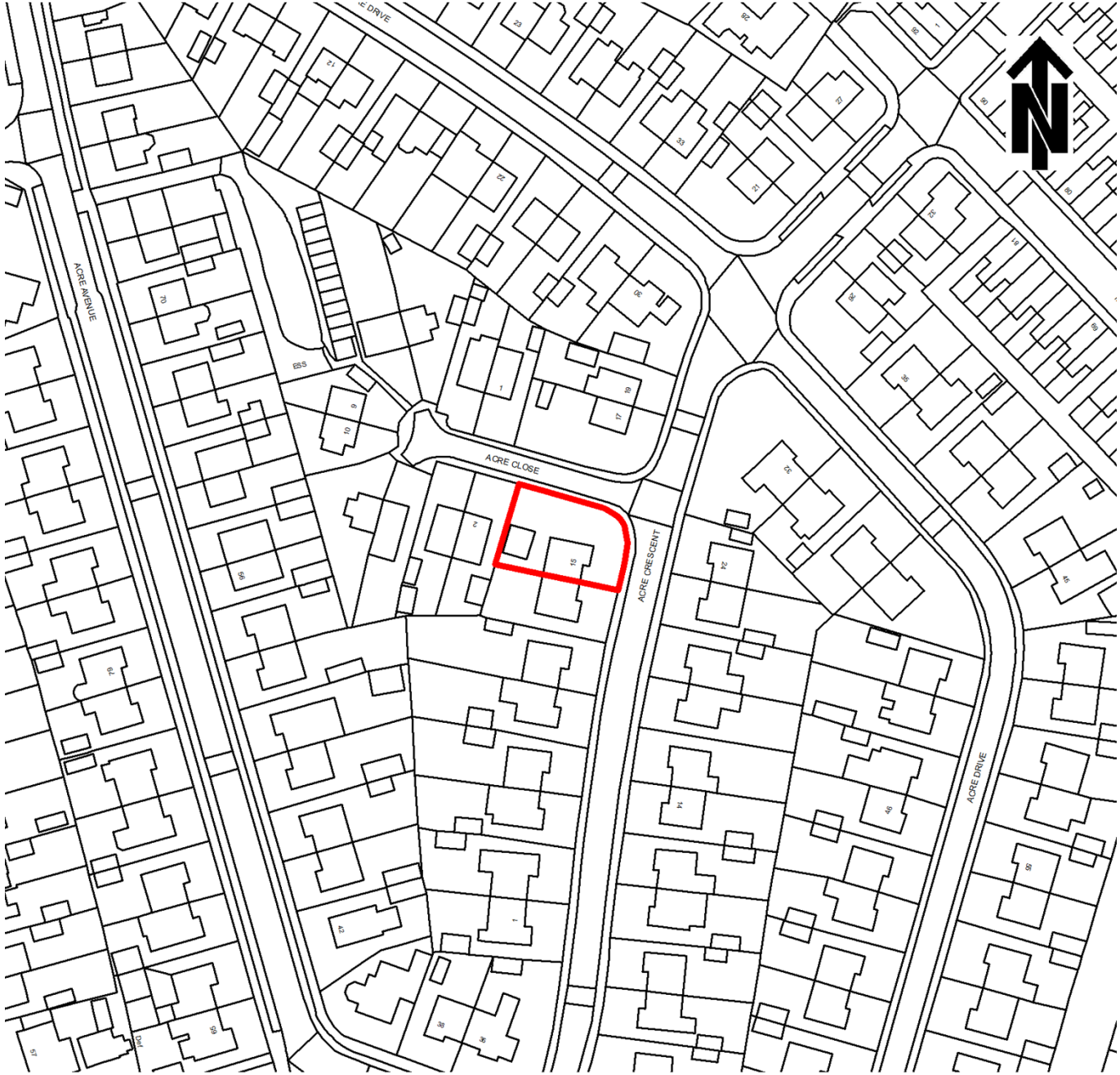
Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document.

5. The development hereby permitted shall be constructed using external facing and roofing 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 EN3, DS1 and DS3 of the Core Strategy Development Plan Document.



22/04628/HOU



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**15 Acre Crescent  
Bradford  
BD2 2LP**

**22 March 2023**

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

**Application Number:**  
22/04628/HOU

**Type of Application/Proposal and Address:**  
Rear extension, a loft conversion with dormers, and the replacement of a garage with an annex at 15 Acre Crescent, Bradford.

**Applicant:**  
Mr H Rashad

**Agent:**  
Mr Paul Manogue

**Site Description:**  
The property is a bungalow occupying a plot on the corner of Acre Crescent and Acre Close. It is constructed in render, has a tile roof, and supports a large projecting apex feature to the front, that is replicated on the attached neighbour. The property benefits from gardens to the front, side and rear, and has a large detached garage in the rear garden, with a driveway.

**Relevant Site History:**  
There is no relevant site history.

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

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

### **Core Strategy Policies**

DS1 – Achieving good design  
DS3 – Urban character  
DS4 – Streets and Movement  
DS5 – Safe and inclusive places  
EN7 – Drainage and Flood Risk  
EN8 – Environmental Protection  
TR2 – Parking Policy

### **Other Relevant Documents**

Bradford Council's Householder Supplementary Planning Document.

### **Parish Council:**

Not in a Parish.

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

The application was publicised with neighbour notification letters which expired on 3 December 2022. A total of 10 representations have been received.

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

There are 2 support comments and 8 objection comments, which includes an objection from a ward councillor.

In summary the support comments suggest;

- The application meets planning policy and should be allowed.
- The house has a large footprint that was originally underdeveloped.

In summary the objection comment suggests;

- The dormer windows will overlook neighbouring windows, presenting an unacceptable loss of privacy.
- The size, form and expanse of the extensions are not in-keeping with the street or the wider area, are an overdevelopment of the site, and will look out of place.
- The roads are already narrow, and this proposal will increase traffic, will not provide enough off-street parking spaces for the use and could lead to inconsiderate on-street parking which is already sometimes an issue.
- The loss of garden will result in the loss of natural drainage and would have a negative impact on the environment.
- Other houses have been refused dormers in the past.
- There are covenants on the property restricting some development.
- All of the old people on the street will have the last years of their lives disrupted due to development.
- The proposal could result in more extensions in the area.
- The summer room could be used as a bedroom.
- There are inaccuracies with the plans. The description of an annex does not match the description of a summer room.
- This will result in the loss of a bungalow. Bungalows are predominantly used by old people due to the lack of steps and the provision of everything on one level. This application would reduce the stock of bungalows in Bradford and there is already a shortage. This will put further pressure on hospitals and care facilities, and by allowing them to disappear could cause massive problems in the future.

- The additions will impose on neighbours, are unsociable and do not maintain fair or neighbourly relations.
- Extending properties removes the ability for others to downsize.
- The NPPF is in need of review.
- If people want a big house they should buy one and should leave these as they are. A 4 to 5 bed roomed house here is not warranted.
- The annex could in effect join to the house creating a big expanse of development.
- The neighbours pay Council tax and would like something back

**Consultations:**

No consultations were sought.

**Summary of Main Issues:**

1. Background and Principle of Development
2. Impact on the Built Environment
3. Impact on Neighbouring Residents
4. Impact on Trees
5. Impact on Highways

**Appraisal:**

**1. Background and Principle of Development:**

The proposal seeks planning permission for the addition of dormer windows, an extension at the rear, and the construction of an annex in the rear garden. The site is not a heritage asset, is not within the vicinity of any listed buildings, and so is not statutorily protected from such works. All works are to take place within the curtilage of the site which is in an established residential use, and this proposal is consistent with the nature of that use. The development is therefore considered to be acceptable in principle, but is subject to the satisfactory outcome of a local impact assessment.

The application has been reduced in scope significantly, with a side extension now omitted from the proposed plans and a reduced sized dormer window on the rear. As this is a reduction on what was originally proposed, this has not been re-advertised to neighbours, however the revised plans are considered alongside the comments received in the local impact assessment below.

**2. Impact on the Built Environment:**

The changes include the addition of dormer windows to the front and rear, the construction of a rear extension and the construction of an annex within the garden. The site does benefit from permitted development rights.

The proposed rear extension has a flat roofed design and projects from the original rear wall by 3 metres. It is to be constructed in materials to match the main house and is below 3 metres in height, which in this location is permitted development. There will be some imbalance to the appearance of the semi-detached pair from the hip to gable roof conversion and the addition of a large dormer window at the rear, which is acknowledged. However, the rear dormer window is to be set into the roof above the eaves and below the ridge, and looks to create a cubic addition of 28 metres. The change in roof type will create an addition of 13 cubic metres, with the combined addition creating a cumulative volume of 41 cubic metres, which is below the 50 cubic metres that permitted development would allow on this property. Finished in materials to match the main property, these additions and

changed cannot be resisted by the Local Planning Authority as they could be constructed without the need for planning permission.

The dormer window proposed at the front is considered to be set sufficiently into the roof, is above the eaves and below the ridge, and follows the guidance given in the Council's Householder Supplementary Planning Document. It seeks a fully glazed front elevation, and proposes to have cheeks that are clad in materials to match the rest of the roof. Although this is a relatively new feature for the street, at 3 metres in width and retaining more than 0.75 metre to either edge, it is consistent with the Council's guidance, will not over-dominate the roof, and is not considered to raise any significant harmful impacts for the appearance of this property or the wider character of the area.

The annex visually will be an improvement when compared with the existing concrete, pitched roofed garage that it will replace. Although in a close proximity to the proposed extension, it is not attached and will present a similar relationship to what a rear extension would look like alongside a garage, which could not be avoided. The pitched roof design is more reflective of the roofs seen on the properties in this area, and the materials to match the main house are considered to be an improvement on the current situation. Overall, the addition is not considered to result in any new or significant harm to the local area.

Although it is acknowledged that the symmetrical appearance of the semi-detached property will in part be lost, this is predominantly as a result of the development that can be achieved as permitted development and so does not require a planning permission. The changes that do require planning permission take guidance from the Council's Householder Supplementary Planning Document and are considered to accord with policies DS1 and DS3 of the Core Strategy Development Plan Document.

### **3. Impact on Neighbouring Residents**

The change to the roof type, the rear extension and the rear dormer window cannot be avoided as they all fall within the permitted development rights for this property, and so their impacts are not assessed.

The front dormer window is to be set sufficiently into the roof and will not raise any overbearing or overshadowing issues for neighbours. Although there will be some increase in overlooking from this addition, this will be minimal and not beyond the amount of overlooking that can already be achieved from the public road. The window will sit back behind other windows on this front elevation, and although higher, is not considered to raise any significant issues for neighbours, given the existing relationship between properties.

The annex to the rear is to be positioned in an area where there is an existing garage. The annex will face into the host site and down the driveway, raising no overlooking issues for neighbouring properties or their gardens. It is suggested that permitted development rights for new windows in the annex are removed, to prevent future development having any adverse overlooking impacts.

Although the annex will be within a close proximity of a number of windows on the side of number 2 Acre Close, considering the extent of walling proposed along the shared boundary which is similar to the current garage, and the height of the annex, with the tallest part to be designed away from this neighbour at 3.4 metres to its tallest point, any overbearing or overshadowing impacts are considered to be comparable to the current situation.

Although the proposal could be interpreted as the loss of a bungalow as objectors suggest, the proposal will increase the amount of ground floor area, retaining a bedroom and a bathroom at ground floor level. There aren't any policies, local or otherwise, that require the retention of bungalows and so the loss of a bungalow cannot be avoided, however ground floor accommodation and a bathroom area will remain, and can be used by occupants if their needs require.

Given the existing development on this site and the relationship that this and neighbouring sites already share, the impact on habitable room windows are not considered to be made any worse, and the proposal will not impact on neighbour's ability to use their outdoor space. For the parts of the proposal that require planning permission, the impact on neighbouring residents is considered to be acceptable and raises no significant concerns, with the amount of outdoor space remaining proportionate to the size of this house, and sufficient for outdoor recreation, the storage of refuse and the undertaking of domestic tasks. The proposal overall is not considered to be an overdevelopment of this site and its impact on neighbours accords with the policy aims of DS5 of the Core Strategy Development Plan Document.

#### **4. Highways Impacts:**

Although the roads surrounding the site are narrow in places and the proposal will result in the loss of a double garage, two off-street parking spaces will be retained on this site, which is considered to be a sufficient amount of parking for a 4 bedroomed house. The surrounding highway network is capable of the additional traffic movements and can accommodate on-street parking in areas close to the site that will not lead to highway safety issues, or nuisance for neighbours. The number of traffic movements from this extended use will not increase significantly beyond those already achieved, and by making use of the existing access, no new highway safety concerns are raised. The impact on highway safety is considered to meet the aims of policies DS4 and TR2 of the Core Strategy Development Plan Document.

#### **5. Impact on Environment:**

The development will take place above the existing footprint of the house, in an area of hardstanding at the rear, and in the place of an existing garage. This is not considered to raise any significant environmental impacts and will not have any new impacts on the ability for natural drainage of this site. This accords with policies EN7 and EN8 of the Core Strategy Development Plan Document.

#### **6. Outstanding Matters Raised in Representations:**

Many of the objections are addressed in the sections above, however those that are not are included below;

- The fact that other houses have been refused dormer windows in the past has very little bearing on this decision. The development is assessed on its own merits, in accordance with the legislation, policies and guidance available at this time.
- Covenants on the property are a separate legal issue. If planning permission is granted, there may be other legal requirements to be able to undertake the development.

- An extension to an existing home is likely to cause some short-term disruption, however this is not a long-term impact and there are other areas outside of planning, such as Environmental Health, that guide the times at which works should take place.
- If other homeowners decide to extend then these proposals will be assessed separately and on their own merits.
- Although there is some dispute over what the definition of a summer room is, the plans are clear in what is proposed and that this will be annex of the main house. It could be used for many uses connected with the main house, including as a bedroom, but is not of a size that could be occupied separately. In any case, planning permission would be required to occupy the building as an independent dwelling.
- The NPPF is a national policy document. The Local Planning Authority are required to assess development proposals against the overarching objectives of the NPPF. A review would be for government to undertake and not for Bradford Council.

**Community Safety Implications:**

There are 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.

The loss of daylighting for neighbouring property and their personal circumstances are noted but it is not however considered that the impacts would be so significant to justify refusing the planning application submitted here.

**Reason for Granting Planning Permission:**

Although there will be some new impacts on neighbours and on the appearance of this property, the majority of these will occur from changes that do not require planning permission, and so cannot be avoided by the Local Planning Authority. The parts that do require planning permission, taking into consideration the existing site context, have an acceptable impact on the built environment, neighbouring residents, on highways and on the environment. On balance of the issues raised in this report, the proposal is considered to be acceptable overall and accords with policies DS1, DS3, DS4, DS5, EN7, EN8 and TR2 of the Core Strategy Development Plan Document, so is recommended for an approval.

**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:-

PDA 22-113-001 REV D – Proposed plans and elevations – 23 Feb 2022

PDA 22-113-002 REV B – Existing and proposed plans and elevations – 15 Feb 2022

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

3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no alterations comprising the addition of further windows, including dormer windows, or other openings shall subsequently be formed in the elevations or roof planes of the annex hereby permitted without the express written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy DS5 of the Core Strategy Development Plan Document.

4. The development hereby permitted shall be constructed using external facing and roofing 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.

5. The sides of the dormer windows and any non-glazed parts to the face of the rear dormer hereby approved, shall be clad using vertically hung slates of similar colour and finish to the existing roof slates.

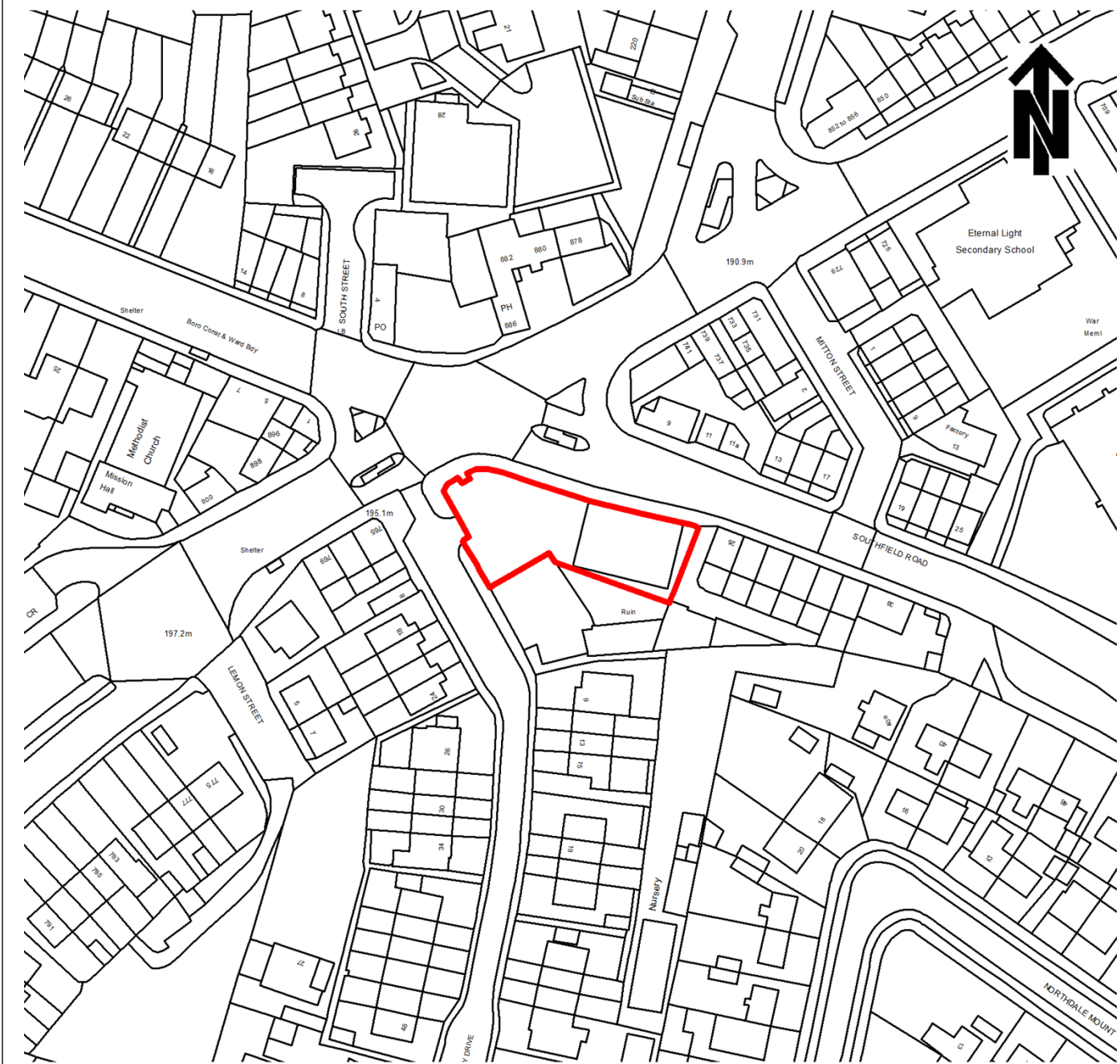
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

6. All pipework above eaves level shall be of a matt black finish.

Reason: To help the pipework to blend in with the roof colour in the interests of visual amenity and to accord with Policy DS3 of the Core Strategy Development Plan Document.



22/03253/FUL



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6A Southfield Road  
Bradford  
BD5 9ED

**22 March 2023**

**Item: C**  
**Ward: WIBSEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
22/03253/FUL

**Type of Application/Proposal and Address:**  
Change of use from packaging and distribution unit to Class E retail use (retrospective) at  
6A Southfield Road, Bradford BD5 9ED

**Applicant:**  
Khawaja Local

**Agent:**  
Chris Eyres

**Previous Panel resolution:**

The application was previously heard at Planning Panel in November 2022 where the application was approved subject to conditions set out in the Strategic Director, Place's technical report and the following amendments/additions as below:

- Amendment to condition 3 to read: Within 1 month of the date of this decision, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved site plan. The car park so approved shall be kept available for use while ever the development is in use.
- AND Condition 6. Within 3 months of the date of this decision, at least one Electric Vehicle charging point shall be provided within the customer car park. The charging point and the 2 associated parking bays shall thereafter be kept available for their intended use for the lifetime of the approved development.

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 policy EN8 of the Core Strategy Development Plan Document, the West Yorkshire Low Emission Strategy, and the National Planning Policy Framework.”

- Condition 7. The vehicular access and pedestrian access gates to the site shall be closed and locked outside the approved hours of operation.

Reason: In order to reduce opportunities for anti-social behaviour and to comply with Policies DS5 and EN8 of the Core Strategy Development Plan Document.

- A Section 106 Legal Agreement to secure revisions to signage at the site access/egress to emphasise the one-way system on Frimley Drive. If a Section 106 agreement is not completed within 3 months of the date of the meeting, the application to be referred back to the Planning Panel for determination.

The application is being referred back to Panel as the applicant has failed to start the process for the Section 106 Legal Agreement despite several requests and email discussions between the agent and planning case officer.

**Site Description:**

The site consists of an irregular plot of land at the major traffic junction between Little Horton Lane and Southfield Road in Bradford. Frimley Avenue also runs to the west of the site and provides the current vehicular access. The site has no significant level changes and is currently enclosed by a green wire fence. The locality includes a mix of retail, light industry and residential.

**Relevant Site History:**

21/05868/FUL Change of use from packaging and distribution unit to retail use (retrospective) REFUSE Date Issued: 14.01.22.

13/04719/FUL Distribution and packaging unit together with three shops with four flats over GRANT 17.03.2014

13/04719/NMA01 Non material amendment to planning permission 13/04719/FUL dated 17.03.2014: Distribution and packaging unit together with three shops with four flats over GRANT 23.03.2015

13/04719/SUB01 Submission of details to comply with condition 2 of permission 13/04719/FUL dated 17.03.2014: Distribution and packaging unit together with three shops with four flats over GRANT 13.05.2015

**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

EC1 Creating a successful and competitive Bradford District economy within the Leeds City Region

EC4 Sustainable Economic Growth

EC5 City, Town, District and Local Centres

TR2 Parking

### **Parish Council:**

Not in a Parish.

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

The application was advertised by neighbour notification. The overall publicity period expired on 31 August 2022.

Four representations have been received objecting to the proposals. One of these objections is from a local Ward Councillor and requests for determination by the Planning Panel if officers are minded to grant planning permission.

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

#### **Objections:**

- The current use which has limited public retail already causes significant disturbance to the local community with vans and lorries delivering and picking up goods and this will only increase if the premises opens as a supermarket / retail outlet.
- There is a spate application for a 24 hour license which means that unlike the current use it is envisaged that this will mean that there will be significant disturbance all day and all night with both foot and motorised customers throughout the hours of opening.
- Frimley Drive is a one way street and given the intended car park access residents on this street will bear the brunt of traffic 24/7. Frimley Drive is a narrow road with little or no off street parking and it was made one way to deal with excessive traffic using it some years ago. This proposal will result in significantly increased traffic in a residential street which cannot cope with this level of traffic and also serious deprivation of local amenity and quality of life for local people.
- The building is close to several residential properties and the likely noise and possible ASB resulting from the proposed use means that the lives of local people will be adversely affected to an unacceptable degree.
- Limited on street parking.
- Current car park is inadequate.
- The static unit within the current car park with signage for street food & Beverages. Attracts large groups of young people to congregate at all hours, usually in cars causing excessive noise & parking issues for residents. This is already a proven issue with the chai tea premises x 2 situated on little Horton lane.
- No permission for the second floor of this building.
- Fly tipping.
- No waste disposal.
- No wheel chair/push chair access.
- Aisles are too tight.

- Food in a foreign language.
- Exit is a one-way system causing traffic problems.
- Access and parking issues resulting in blocking of access to neighbour's drives.

**Consultations:**

Highways – No objections

Environmental Health Nuisance – No objections

**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**

This application seeks retrospective planning permission for change of use from packaging and distribution unit to retail use, also introducing a mezzanine first floor. The site is currently operating as a small supermarket and there is an open enforcement case investigating this breach in planning control.

The building was initially constructed for the purpose of a distribution and packaging unit as part of the approval on application 13/04719/FUL. The 2013 approval also included a separate building to provide three retail units with four flats above. This second building/phase of the development has not yet been constructed and the current scheme shows parking spaces have been marked out on the proposed site plan removing this phase. The supporting statement also confirms that the application does not have the intention of implementing this phase.

Policy EC1 seeks to encourage a more entrepreneurial Bradford District, with the aim of achieving higher rates of business start-ups and survival, and a larger number of small businesses in the City of Bradford and the Airedale Corridor. Policy EC4 seeks to manage economic and employment growth in a sustainable manner thus supporting priority business sectors and clusters through the provision of appropriately located sites and premises. Furthermore, Policy EC5 seeks to ensure that planning decisions sustain and enhance the vitality and viability of a network and hierarchy of centres in the Bradford District by ensuring that new, appropriate scale of retail development is encouraged in sequentially preferable locations. When assessing applications for retail not in accordance with the development plan and in an edge of centre or out of centre location, the Council would ordinarily require a retail impact assessment and sequential test.

In terms of assessing the impact of the retail use, the previous application 21/05868/FUL assessed this and considered that the footprint of the new retail use in this building is relatively modest at around 235sq metres. This is slightly more than the threshold for a sequential test and retail impact assessment, which would be 200sqm in this case. Due to the relatively small size of the retail unit and the nature of the retail offer which is unlikely to attract people from further away than the local area, the proposed development is not seen as a threat to the vitality and viability of the designated shopping centres within the District.

Therefore, the development is acceptable in principle. This remains subject to an assessment against the relevant planning policies and guidance.

## **2. Impact on Residential Amenity**

The proposal includes a mix of uses but this is a characteristic of the locality. Notwithstanding the presence of residential properties along both Southfield Road and Frimley Drive, no significant harm to neighbouring amenity is anticipated.

The existing building is situated in the north east corner of the site and close to the residential terrace properties along Southfield Road, albeit there is some separation as an access road runs between the end property and the building.

The use of the building as retail is not anticipated to be harmful to the amenity of the nearby residential occupants above and beyond the previously approved and existing use, particularly since the car parking is located away from the residential properties and the ambient noise levels appear naturally higher than a more secluded residential area.

The hours of operation are not provided on the application form and a condition restricting the opening hours is recommended to prevent possible disturbance in the early hours or late into the evening.

## **3. Impact on Visual Amenity**

The applicant building has already been converted with minimal external changes therefore, in terms of visual amenity the building would not result in detriment to the character of the existing building or surrounding area. Consequently, it is considered that the proposed building would be acceptable in terms of visual amenity. As such the application complies with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

## **4. Highway Safety**

There are no objections to the proposals as sufficient parking is offered. Conditions requiring the provision and retention of this car parking is considered to be appropriate.

The previous Panel decision required the applicant to enter into a Section 106 Legal Agreement to secure revisions to highways signage at the site access/egress to emphasise the one-way system on Frimley Drive. Although members have requested these additional road markings and signage it is officer's opinion that the current one-way system is sufficient, in that a right turn from the applicant site onto Frimley Drive cannot be undertaken as the highway on the left-hand side of the junction is raised and only allows entry into Frimley Drive from the major traffic junction. In addition, there are road markings emphasising the one-way system by way of a no entry sign on the highway surface directly in front of the access/egress and there is a one-way arrow directly opposite the sites access/egress. In light of this failure to provide the additional works as required by the Section 106 Legal Agreement would not result in harm to highway safety.

## **5. Other matters**

Objections have been received with regards to the effect on highways safety, parking and increased traffic within the area. The Highways officer has been consulted as part of these proposals and has not raised any objections. The opening hours and fear of the site operating for 24hours can be controlled via planning condition and the Environmental Health officer has not raised any objections. The static unit currently located within the car park is unauthorised and currently under investigation by the Enforcement team and does not form part of this application or any approval of planning permission.

All other objections raised have also been addressed within the body of the report.

### **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 proposal is considered acceptable in terms of residential and visual amenity and Highway safety. As such the proposal complies with policies DS1, DS2, D4, EC1, EC4, EC5 & TR2 of the adopted 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 received by the Council on 25.07.2022

Proposed Site Plan received by the Council on 25.07.2022

Existing ground floor and elevations plan received by the Council on 15.09.2022

Proposed ground floor and elevations plan received by the Council on 25.7.2022

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

3. Within 1 month of the date of this decision, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved site plan. The car park so approved shall be kept available for use while ever the development is in use

Reason: In the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan.

4. The use of the Retail unit shall be restricted to the hours from Monday - Saturday 9am - 6pm and Sunday 10am to 4pm.

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

5. The retail use of the development hereby permitted shall be restricted to the ground floor of the building as shown on the approved plans only.

Reason: In order to protect the vitality and viability of designated centres and to comply with Policy EC5 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

6. Within 3 months of the date of this decision, at least one Electric Vehicle charging point shall be provided within the customer car park. The charging point and the 2 associated parking bays shall thereafter be kept available for their intended use for the lifetime of the approved development.

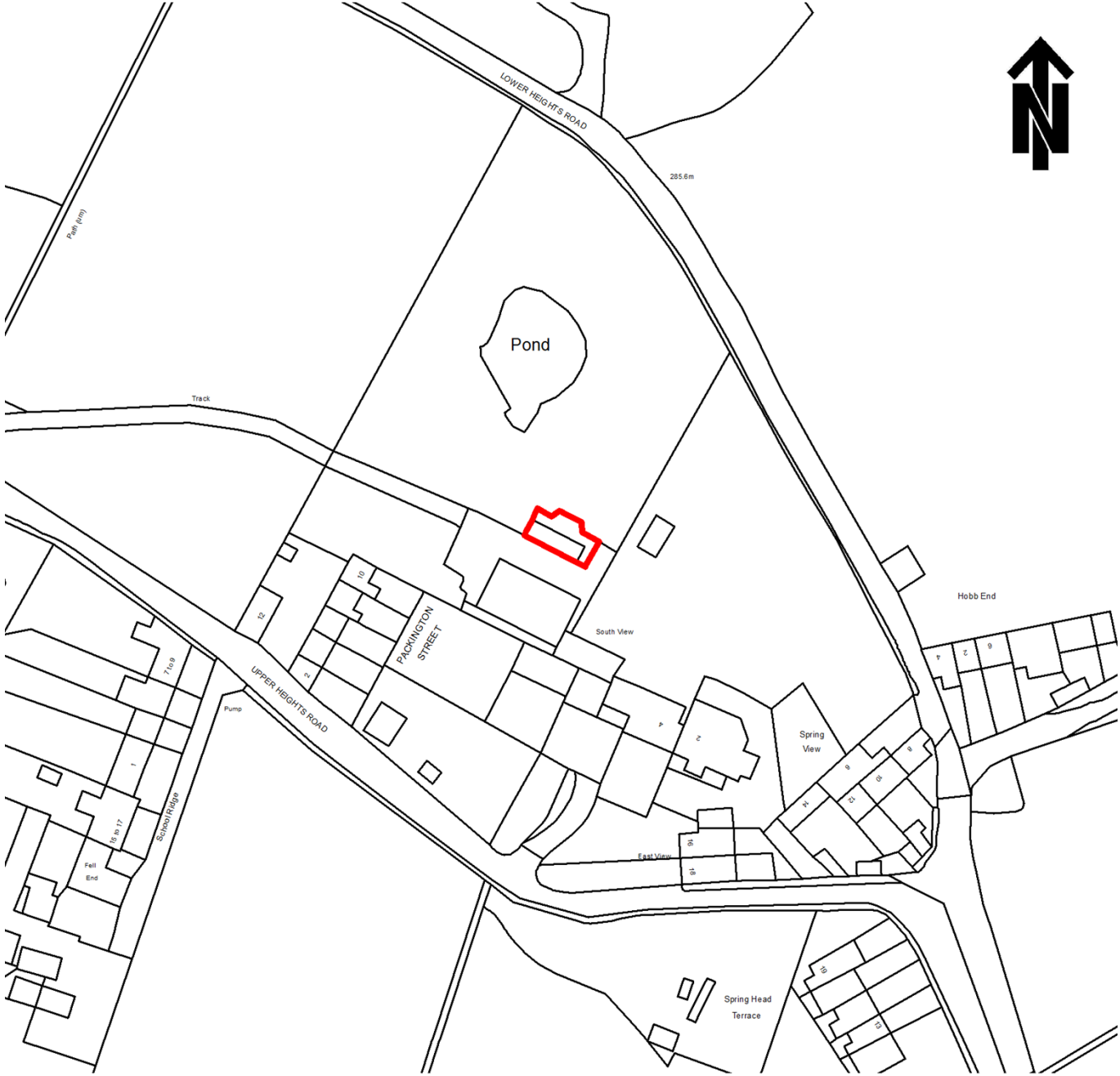
Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with policy EN8 of the Core Strategy Development Plan Document, the West Yorkshire Low Emission Strategy, and the National Planning Policy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

7. The vehicular access and pedestrian access gates to the site shall be closed and locked outside the approved hours of operation.

Reason: In order to reduce opportunities for anti-social behaviour and to comply with Policies DS5 and EN8 of the Core Strategy Development Plan Document.



22/04205/FUL



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**Caravan at Orchard Meadow Farm  
Upper Heights Road  
Thornton Bradford  
BD13 3AY**

**22 March 2023**

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

**Application Number:**  
22/04205/FUL

**Type of Application/Proposal and Address:**  
Retention of caravan onsite for 3 years whilst the barn conversion works are completed at Orchard Meadow, Upper Heights Road, Thornton.

**Applicant:**  
Mr Terry Brightwell

**Agent:**  
Think architects - Mr Irfan Akram

**Site Description:**  
This application relates specifically to a static caravan and decking located in part of the field on the north side of South View Farm, between Upper Heights Road and Lower Heights Road, Thornton. The caravan is accessed along a farm track off Upper Heights Lane and is seen against a backdrop of farm buildings and residential conversions.

The land falls to the north down to Lower Heights Road and offers distant views northwards over an open agricultural landscape.

The application is retrospective and is to retain the caravan for a period of three years. Planning permission was granted in 2018 under planning permission 18/01687/FUL to convert one stone barn to a dwelling. The caravan is intended to be in place during these construction works.

**Relevant Site History:**  
18/01687/FUL - Conversion of barn to dwelling. Granted 11.07.2018

**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**

SC7 Green Belt  
SC9 Making Great Places  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
EN4 Landscape  
HO9 Housing Quality

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was publicised with a site notice that expired on the 11 November 2022, neighbour notification letters and press notice that both expired on the 18 November 2022.

Representations received:

13 objections  
1 in support

**Summary of Representations Received:**

**Objections:**

- The caravan has been in place for years with no planning permission.
- No work on the barn conversion is being done.

**Support:**

- No comments made.

**Consultations:**

Drainage: No objection subject to conditions.

**Summary of Main Issues:**

1. Green Belt
2. Landscape
3. Housing consideration
4. Highway safety
5. Ecology/Biodiversity
6. Residential amenity

## **Appraisal:**

### **1. Green Belt**

The application site is in the West Yorkshire Green Belt. NPPF paragraph 138 sets out that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In respect of development NPPF paragraph 149 relates to the construction of new buildings, paragraph 150 addresses other developments and states “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.”

The ‘other forms of development’ includes “material changes in the use of land” (150e). A static caravan is not a ‘building’ and as such is not a ‘dwelling’ however, it does comprise a material change of use of the land. That is to say that the land on which the caravan sits is in residential use. The attached decking represents an operational development and is considered separately.

The site is on the edge of the small group of buildings that are accessed off Upper Heights Road. The caravan sits on agricultural land and has been in place from at least 2019. The siting of a caravan in the green belt represent inappropriate development since it encroaches residential land into agricultural land and the green belt. It further reduces the openness of the green belt.

The application has been altered from when it was first submitted to retain the caravan for two years. Material to the consideration is that the caravan is occupied by the applicant whilst the adjacent barn is converted to a dwelling under planning permission 18/01687/FUL. Works has started on the conversion work but appears to have ceased.

The retention of the caravan and decking for a period of two years seems a reasonable period for the works to the barn conversions to be complete. There is an expectation that the caravan will be removed from the site once the barn is converted.

If members were to refuse planning permission, then the decision would be needed to determine the requirement of the applicant to resolve the breach of planning control.

### **2. Landscape**

The proposed development sits within the boundary of the Worth & North Beck Valley landscape character area. The site is also on the boundary of the Airedale landscape character area.

The objectives of the adopted Landscape Character SPD’s are to protect and enhance the character, appearance and features which are important to the landscape and encourage an integrated approach to development which includes consideration for landscape issues.

Consideration is also given to the National Character Area “Southern Pennines” an important statement of environmental opportunity to manage and enhance the pastoral character of the moorland fringes, lower hills and valleys, with their mosaics of pastures and meadows, and their strong field patterns defined by drystone walls, to improve ecological networks and strengthen landscape character.

The green belt designation of the land has aided in maintaining the landscape character of the area by preventing urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The introduction of a static caravan in a rural setting adjacent to farm buildings does not enhance the landscape character of the area. A static caravan is not a form of development that complements the rural character of the area. The surrounding land is not particularly well maintained at present. The addition of the static caravan does not improve the landscape. The Council do have powers, under section 215 of the Town and Country Planning Act 1990, to improve the appearance of the land should it be considered necessary.

The detriment to the landscape caused by the caravan can be justified on the basis that it is retained for a temporary period whilst the works to convert the barn are completed. In the event that works are not completed in the two-year period agreed then the caravan and decking should be removed from the site.

### **3. Housing considerations**

The caravan is being occupied as a principal living accommodation. The application form is clear that the caravan is required for the barn conversion works to be completed. There is no means to require the barn conversion works to be completed within a specific timescale however, it is considered that a temporary permission to retain the caravan for a two-year period from the date of the decision is a sufficient time for the works to be completed.

If planning permission to retain the caravan for a temporary period were refused it would be necessary to require the removal of the caravan and the cessation of the use of the land for residential purposes. This would have to specify period for compliance. It also gives a 6 month period to appeal against the notice. This being the case officers consider that if permission were to be refused, the likelihood of the caravan being removed from the site in the short term is low.

The Council reserve the right to take formal enforcement in the future and granting planning permission for a temporary, two-year, period does not undermine or weaken the case to take formal action in the future.

The granting of permission for a two-year period offers a reasonable amount of time for the completion of the barn conversion and the removal of the caravan and decking from the site. Whilst it is not possible to require the completion of the barn conversion there are clear consequences for the application should the work not be completed by the end of two years.

### **4. Highway safety**

The access to the site off Upper Heights Road is acceptable. The junction with the highway gives good visibility in both directions and the temporary siting of the caravan does not cause any detriment to highway safety or the amenity of users of the highway.

## **5. Ecology/biodiversity**

The caravan and decking do not, of themselves cause any detriment to the biodiversity of the field and wider area. The ecological impact of the caravan and the use of this part of the site, does not cause detriment to the biodiversity of the application area. The wider use of the field and the storage of machinery and other items is not part of the consideration of this application.

## **6. Residential amenity**

The caravan has been sited and occupied without planning consent and as such the impact of the caravan as experienced by nearby residents has been established. The caravan is sited north of the steel framed portal farm building. It is around 25+m from the nearest houses to the south.

The decking is located to the north of the caravan and does not impact directly on the amenity of the nearby residents. The objections to the development are related primarily to the poor state of the and upkeep of the land. The nearby houses front onto the field to the north. The land has been kept in an untidy state for some time and this has resulted in enforcement enquiries. However, the state of the land is not the subject of this application and is controlled by section 215 of the T&CPA.

The proposed retention of the caravan for a time limited period would not cause detriment to the amenity of the nearby residents. The use of the land surrounding the caravan is not the subject of this application.

### **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 retention of the static caravan and decking for a two-year period from the date of the decision of the application is a sensible approach to the consideration of the application. The caravan has been found to represent inappropriate development in the green belt and as such a permanent permission cannot be supported. However, a two-year permission limits the harm that the caravan causes to the openness of the green belt and also gives the necessary amount of time for the occupier to find alternative permanent accommodation, such as completing the extant planning permission to convert the nearby stone barn.

The permission does not prejudice the Council from instigating further enforcement investigations and action in the future should the need arise. In this respect it recommended that a condition be added to ensure that the permission is explicitly temporary and requires the removal of the caravan and decking before two years from the date of the decision.

**Conditions of Approval:**

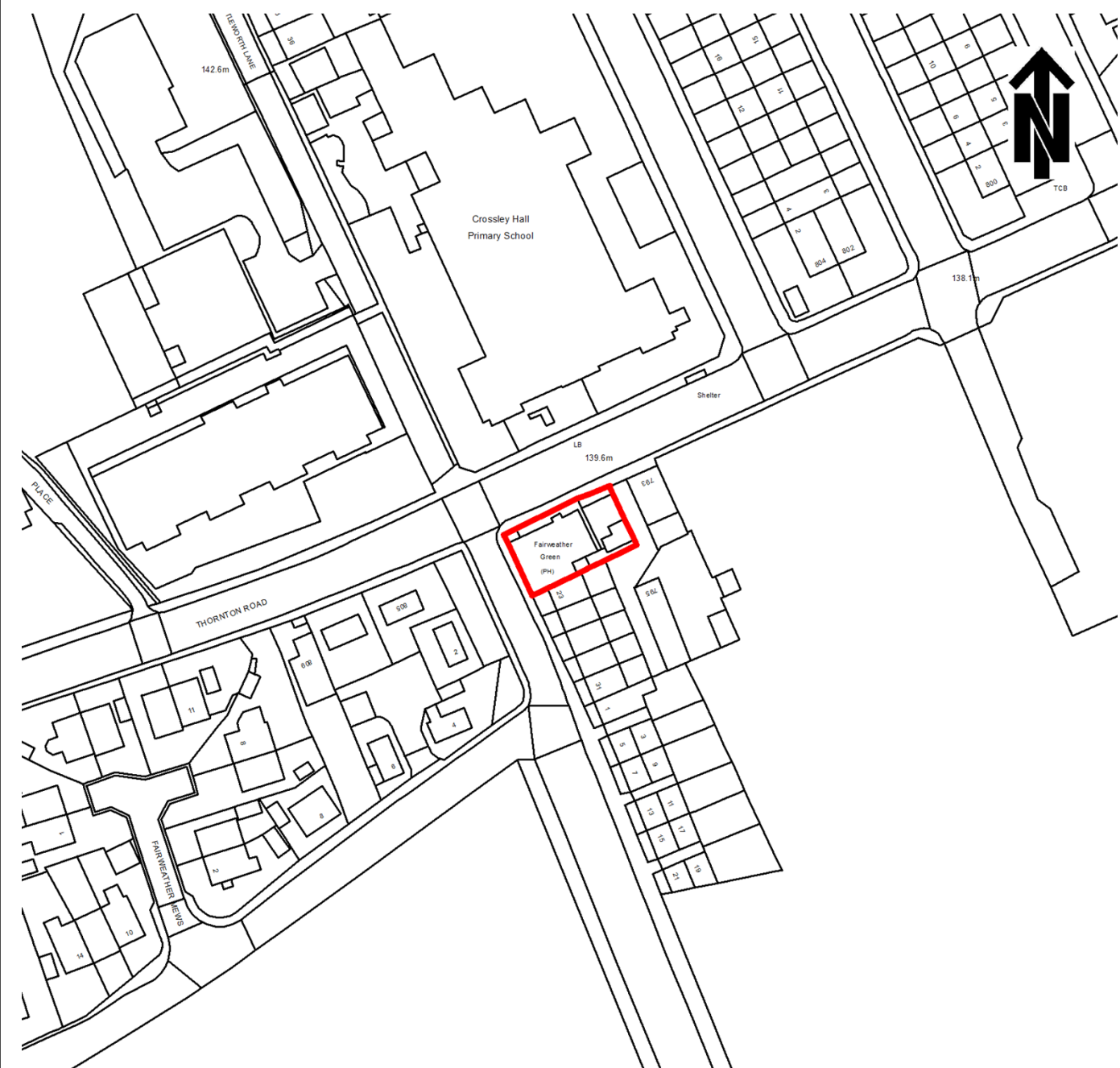
1. The use hereby permitted shall be carried out and limited to the applicant and their dependent children, and shall be for a limited period being the period of 2 years from the date of this permission, or the period during which the land is occupied by them, whichever is the shorter.

Reason: The permanent occupation of a caravan on this site would represent inappropriate development in the green belt and to comply with NPPF paragraph 149 and Core Strategy policy SC7.

2. When the land ceases to be occupied by the applicant and their dependent children, or at the end of the specified 2 years, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought on to the land in connection with the use shall be removed, and the land shall be restored to its former condition within 28 days of the cessation of the use.

Reason: The permanent occupation of a caravan on this site would represent inappropriate development in the green belt and to comply with NPPF paragraph 149 and Core Strategy policy SC7.

22/04457/FUL



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**Fairweather Green Inn**  
**799 Thornton Road**  
**Bradford BD8 0HJ**



**22 March 2023**

**Item:** E  
**Ward:** CLAYTON AND FAIRWEATHER GREEN  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
22/04457/FUL

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

Change of use of the former Fairweather Green Inn, 799 Thornton Road to class E use, comprising charity shop on the ground floor and office/admin space on the first floor working in conjunction with the shop below.

**Applicant:**

Mr Abdul Hameed

**Agent:**

Mr Parvez

**Site Description:**

The site comprises a two storey former Public House in stone with a slate roof. The property has flat roof single storey addition to the eastern side and small car parking area currently housing small dilapidated pre-fabricated outbuilding on rear part of the parking area.

The property is located at the junction between the busy Thornton Road, to the north and Munby Street to the east.

The area is mixed use in nature with primarily residential property surrounding the immediate site but also Crossley Hall Primary School directly across Thornton Road. Various commercial and retail uses are also located in close proximity along Thornton Road.

**Relevant Site History:**

22/02358/FUL- Proposal: Change of use of Fairweather Green Pub - Sui Generis To Charity, Community, Library and Education Facilities F1(a), F1(d), F1(f), F2(b)- Status: Withdrawn- Date Issued: 20-JUL 22.

**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  
SC9 - Making great places  
TR2 - Parking Policy  
EN8 - Environmental Protection Policy

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was initially publicised with neighbour notification letters but was then re-advertised once the proposed use had been suitably clarified and expressed with a new agreed description of development. The publicity expired on 24.02.2023. 38 representations have been received objecting to the proposal.

**Summary of Representations Received:**

**Objection Comments:**

It is unclear what a Charity use entails?

There is a lack of parking at the site and the proposal will intensify the existing highway safety problems due to location at a dangerous junction and adjacent a busy school site. The builders have said it will be a mosque/teaching facility.

**Consultations:**

Highways - No objections.

**Summary of Main Issues:**

1. Background
2. Principle of Development
3. Residential Amenity
4. Visual amenity
5. Highway Safety

**Appraisal:**

**1. Background**

The application follows recently withdrawn application reference 22/02358/FUL and which sought a change of use of Fairweather Green Pub to Charity, Community, Library and Education Facilities F1(a), F1(d), F1(f), F2(b). The applicant withdrew the application following concerns raised regarding the proposed change of use in relation to the potential traffic generation and resultant highway safety concerns.

When initially submitted this application was described as seeking a Proposed Change of Use of Fairweather Green Pub - To Charity use. Following discussion with the agent, a new and more descriptive and specific description of development has been agreed as follows;

Change of use of the former Fairweather Green Pub to class E use, comprising charity shop on the ground floor and office/admin space on the first floor working in conjunction with the shop below.

The applicant's description removes uses that previously proposed Community, Library and Education Facilities in attempt to address previous concerns regarding highway safety and traffic impacts.

## **2. Principle of Development**

The existing building was formerly a public house which is a sui generis use. Some minor works commenced on site but have now ceased and the building is currently secured and vacant.

The site is unallocated and in principle a proposed Class E use development for this vacant property, comprising of a charity shop at ground floor with associated charity office and storage on the first floor would be acceptable given the existing lawful use as Public House. The property falls within a relatively mixed area where a provision of a variety of uses is expected and encouraged to meet the needs of local residents.

The representations raise concerns regarding the proposed change of use, and potential traffic generation implications which might exacerbate existing on street parking issues connected primarily to the drop off and pick up times for the Primary School across the road from the site. The principle of this development however is acceptable subject to appropriate management of highway and any other planning issues. Any local impacts of development such as site specific highway safety implications of the proposal will be considered in detail later in the report.

## **3. Residential amenity**

In terms of residential amenity, the proposal is unlikely to generate any significant level of threat that would exceed what was experienced when the property was in use as a public house. That said it is notable that there are residential properties within the vicinity and noise and disturbance from comings and goings needs consideration. Any approval should subsequently be subject to a recommendation that an hours of operation restriction is placed on the use. During the course of the application the agent has revised the proposed hours of use and which would now be from 8 am until 8 pm seven days a week and year round.

The hours proposed in conjunction with the use for Class E purposes would likely result in a better relationship with neighbouring residential property by way of general noise and disturbance, particularly later at night. There may be some additional activity and traffic earlier in the day, between 8am and midday when the pub might not have typically opened but this is likely to be limited.

It is acknowledged that there are current issues resulting from school traffic at drop off and pick up times as described in the representation received and which causes local residents some issues with regard to amenity.

The proposal would likely be used by local residents and whilst some customers would arrive by car this would not necessarily occur at the same time as the drop-off and pick-up that takes place at the schools opposite. Furthermore, there are likely to be linked trips with people who already come to the schools also using the proposed shop. As such the proposal would not be likely to significantly add to the existing problems with regard to the school traffic.

The proposal would not introduce significantly harmful impact on neighbours with regard to residential amenity over and above what could occur lawfully if the building were brought back into use as a public house. Accordingly, the proposal satisfies the requirements of policies DS5 of the Core Strategy DPD.

#### **4. Visual amenity**

The site does not lie within a conservation area and there are no nearby listed buildings that would be affected by the proposals.

The proposed change of use will not have any impact on the visual amenity of the building as no external changes are proposed. There will be no negative impact on the character and setting of the area arising from the proposed change of use.

The proposal is therefore considered to comply with Core Strategy Policies SC9, DS1, DS2, DS3, DS4 and DS5.

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

The site benefits from a small and quite limited off street parking area to the eastern side of the building and which currently houses a dilapidated garage type outbuilding.

The proposal advises the outbuilding would be removed to provide a larger parking area. The plan is not clear on how many spaces might be accommodated and the current spaces are informal with no marked out bays.

The applicant suggests that 2 off street spaces are provided at present and that the proposals to remove the outbuildings would add a further 2 spaces to provide 4 in total.

It is also noted that parking restrictions are in place around the site that should prevent parking of vehicles on Thornton Road and Thornton Old Road adjacent the application site and close to junctions and outside of the school.

This application is now described as being for "Change of use of the former Fairweather Green Pub to class E use, comprising charity shop on the ground floor and office/admin space on the first floor working in conjunction with the shop below".

The Council's Highway engineer has reviewed the application and advises that whilst the proposal does not specify how many staff would be employed by the proposed charity use, the site does have two existing off-street parking spaces with two more proposed and is located on an accessible route. They advise that the proposed level of parking does not result in any concerns. Some parking is also available on Thornton Road although this is heavily used during school start and finish times by parent of children at the schools on the opposite side of the road.

The proposed charity shop itself is to be limited to the ground floor with ancillary office above. This type of facility would likely be used by local residents and whilst some customers would arrive by car this would not necessarily occur at the same time as the drop-off and pick-up that takes place at the schools opposite. Furthermore, there are likely to be linked trips with people who already come to the schools also using the charity shop.

On this basis and on the advice of the highway engineers the proposed use would not add substantial levels of traffic generation in the area. Whilst it is acknowledged that there are existing issues at school drop off and pick up times, the proposal would not substantially worsen the existing and already established situation with regard to highway safety.

Condition should be attached to restrict the use of the premises to that described in the application and prevent other uses which might fall under class E and that could potentially result in a more substantial increase in traffic generation and other activity or impacts.

**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 loss of daylighting for neighbouring property and their personal circumstances are noted but it is not however considered that the impacts would be so significant to justify refusing the planning application submitted here.

**Reason for Granting Planning Permission:**

The proposal's impact on the surrounding environment, local amenity and highway safety has been assessed and it is considered acceptable. The proposal accords with the relevant Core Strategy and saved RUDP policies and the National Planning Policy Framework.

**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).

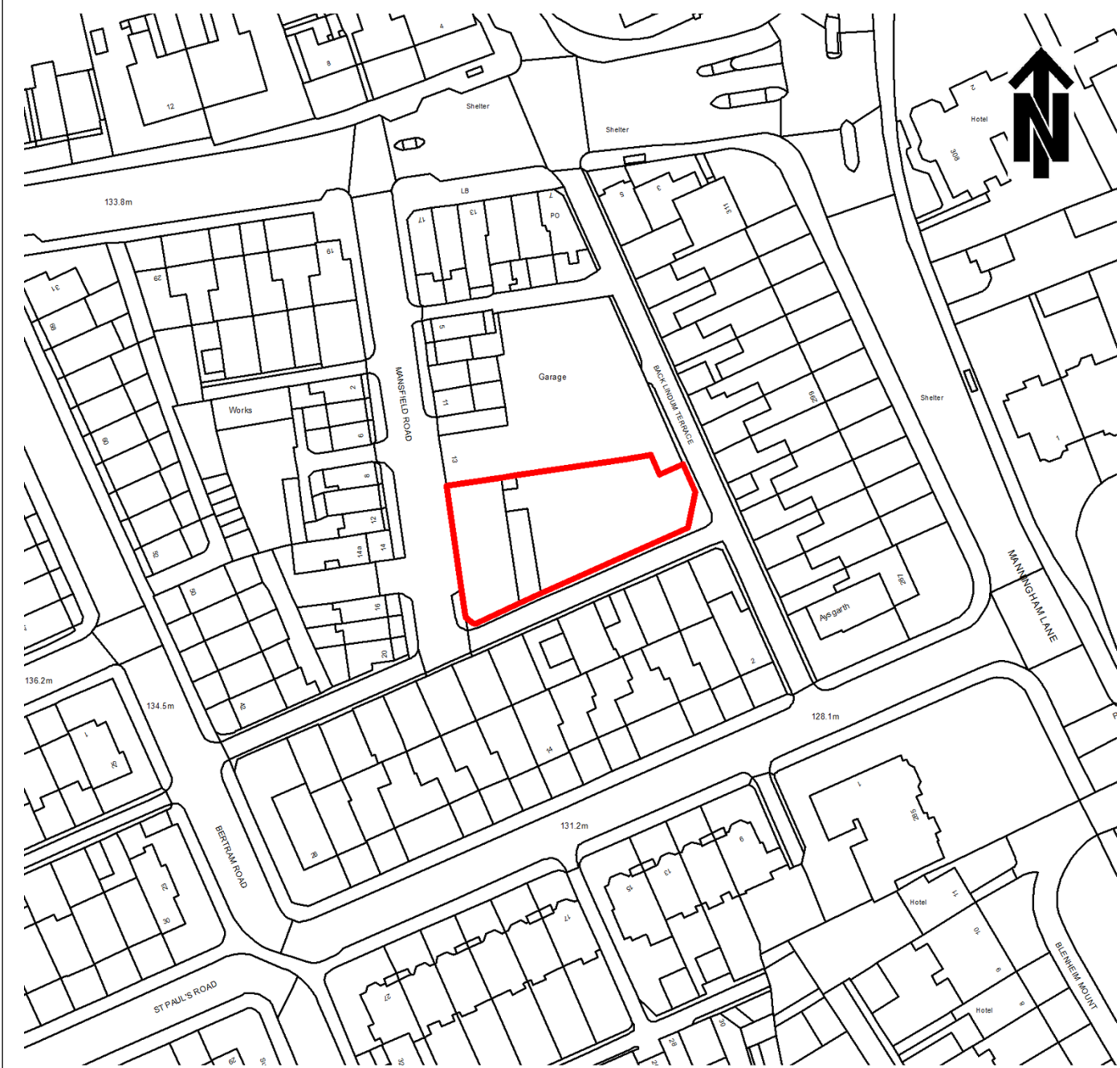
2. The use of the premises hereby permitted shall be as a Class E shop at ground floor with office/admin space on the first floor working in conjunction with the shop below within Class E of the Town and Country Planning (Use Classes) Order 2020. Notwithstanding the provisions of the Order, or any subsequent equivalent legislation, the premises shall not be used for any other Commercial, Business and Service purpose (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.

3. The development hereby permitted shall only operate between the hours of 08:00 and 20:00 and no customer shall be served or otherwise make use of the premises outside these hours.

Reasons: In order to protect the amenities of neighbouring residential properties and to comply with policies EN8 and DS5 of the Core Strategy Development Plan Document

22/03118/FUL



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First Floor 15 Mansfield Road  
Bradford  
BD8 7LY

**22 March 2023**

**Item:** F  
**Ward:** MANNINGHAM  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
22/03118/FUL

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

Change of use of upper floors of 15 Mansfield Road, Bradford from Plumber's Merchants to Class E(d) Snooker Lounge, creation of parking area and boundary treatments.

**Applicant:**

Mr Shabir Ahmed

**Agent:**

Mr Daud Ishfaq

**Site Description:**

The application site is a substantial stone built property dating back to the early 1900's. It is located in a mixed use commercial and residential area, close to Oak Lane and a short walk from Lister Park. The property fronts directly onto the road, and to the ground floor appears to be used as a plumber's merchants, with storage uses to the upper floors. There is a light industrial unit next door and another commercial property opposite, however the surrounding uses are predominantly residential. To the rear there is a large partly hard surfaced open area which is lined by trees and has an established vehicular access.

**Relevant Site History:**

There is no relevant site history.

**The National Planning Policy Framework (NPPF):**

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

**Local Plan for Bradford:**

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



### **Core Strategy Policies**

DS1 – Achieving good design  
DS3 – Urban character  
DS4 – Streets and Movement  
DS5 – Safe and inclusive places  
EN3 – Historic Environment  
EN5 – Trees and Woodlands  
EN8 – Environmental Protection  
TR1 – Travel Reduction and Modal Shift  
TR2 – Parking Policy

### **Parish Council:**

Not in a Parish.

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

The application was advertised by site notice, a notification letter to the attached neighbour and in the Telegraph and Argus. This publicity had an overall expiry date for publicity of the 21 September 2022. 72 Representations have been received.

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

Of the representations 16 objected to the proposed development and 56 were in favour of it.

### **In summary the objection comments suggest:**

- The proposal will make the existing high demand for parking in the area worse and not enough parking has been provided. The area has already had to install traffic calming measures and residential permits.
- The use of the site is likely to operate in the evenings and late at night. There are uses for the site that would work better in this residential setting.
- This type of facility could attract antisocial behaviour, drug use and other criminal behaviour.
- There is a problem with litter from nearby businesses which is also attracting rodents. This could be made worse by the new use.
- The needs of a business should not come before residents.
- The proposal will create privacy issues.
- The proposal will create disruption from noise, traffic coming and going, and loud engines late into the night, impacting on the houses surrounding.
- The facility aimed at adults could make it unsafe for children to play outside.
- Pollution and Congestion will increase.

### **In summary the support comments suggest:**

- There is a need for more leisure and recreation facilities. This will bring the community together and create a new hub, which the area is currently lacking.
- The site is within walking distance of many residential areas and there is ample parking at the rear.
- The closest snooker hall is 10-15 minutes in a car, and further for those who don't drive. There should be more facilities like this locally.
- The proposal will create job opportunities and increase footfall to local businesses.

- An active use of this site will help clean up the area and deter antisocial behaviour and fly tipping, which have been problems in the past.
- The site is an eyesore. This will bring much needed regeneration and investment into an area that is run-down and to a building that is largely disused, which is better than the situation currently.
- The use might counteract antisocial behaviour and criminality, providing young people with a place to go, to socialise, to get involved in activities in their local area, and to keep them occupied after school and not on the streets.
- The use will promote improved mood, relaxation and improved mental health
- Providing the site is well-managed it will be a positive investment.

**Consultations:**

Heritage and Conservation – The site is an old industrial building in the conservation area. The building makes a positive contribution to the area, however the land at the rear makes a negative one and has become an area for fly-tipping, having been neglected in recent years. The changes to the building will be positive and providing that the soft landscaping and trees around the periphery are retained, then no issues are raised for the parking areas at the rear. Further details on the boundary treatments and surface should be sought for comment.

Environment Health – The submitted information addresses the operations of the business but does not address potential sources of noise disturbance from vehicles during night time hours. On the basis of the submitted information and given the surrounding residential uses, restrictions on opening hours between the times of 11pm and 7am are suggested.

Drainage – No comments

Highways – The proposal seeks access from the road to the rear of this property which is capable of accommodating two-way traffic movements. Providing a minimum of 12 parking spaces are created for the proposed use, then the level of parking provision is considered to be acceptable for the proposed use. The spaces will need to be sized correctly and the existing access should be widened slightly. Providing this is done, no highways objections are raised.

Clean Air Team – Any works outside of the building should be undertaken in a manner that minimises dust and emissions. New national building regulations may require retrofitting of electric vehicle charging points and the developer is advised to check these requirements.

**Summary of Main Issues:**

1. Background and Principle of Development
2. Impact on Neighbouring Residents
3. Impact on the Character and Appearance of the Area and on Heritage Assets
4. Impact on Trees
5. Highways Impacts

## **Appraisal:**

### **1. Background and Principle of Development**

The proposal seeks planning permission to change the use of the upper floors of an existing building currently used as storage, to a snooker hall with associated works. The property is not listed, but is within a conservation area and so changes should be assessed against relevant legislation, policy and guidance areas. The site is unallocated for any specific uses in the Council's Replacement Unitary Development Plan and is in a mixed-use commercial and residential area. As the site is physically detached from neighbouring residential properties and in an existing commercial use, the proposed change of use is considered to be acceptable in principle subject to its local impact subject to its local impact.

### **2. Impact on Neighbouring Residents**

This proposal will affect only the upper floors of this building, providing facilities for snooker and pool. These areas are for storage, and although currently this does not operate during unsociable hours, there are no time restrictions in place to limit the existing use of this site or the use of the public roads surrounding it.

The supporting information suggests that the use proposed could be 24 hours and 7 days a week. Although the building is detached and the internal activities are unlikely to generate a significant level of noise if properly managed, an increase in noise from associated movements to and from the property and from people potentially gathering in the car park, would be less easy to control. There are existing and proposed boundary treatments that could restrict the use of this site outside of operating hours, and on the basis of the information submitted, the Local Planning Authority would only be prepared to give a planning permission with restricted operating hours.

A noise impact assessment has been submitted with the proposal and it is suggested by the Environmental Health Officer that a daytime and evening use would be acceptable on this site, but that a restriction on use throughout the night should be imposed. The suggestion from the Environmental Health Officer is that the facility should not be open between the hours of 11pm and 7am and that a condition to that effect should be applied to any granting of planning permission, to ensure an acceptable impact on surrounding residents from noise relating to the proposed use. The car park is set more than 21 metres away from any neighbouring house, and providing that the use does not occur during the night, no adverse noise related impacts are envisaged.

The physical alterations to the building raise no new overbearing or overshadowing issues for neighbouring properties and provide a better access arrangement to the upper floors. The amount of overlooking is similar to the current situation, raising no significant concerns. There is a suggestion from objectors that the use could attract anti-social behaviour, drug use and other criminal activities, which could make the streets unsafe for children and young people who live in the area. However, supporters suggest that this use will provide a place for young people to go, to socialise and to get involved in activities in their local area, which would counteract these issues. It is considered that a well-managed facility could deter nuisance users from the site and will provide an active use within the heart of the community, that has the potential to be accessed by a wide range of people. Issues of criminality can be policed and are unlikely to be significantly increased in the area because of this new use.

Residents have also raised concerns relating to parking, litter and rodents. Parking is assessed in the highways section below, however the intended use as a snooker hall is unlikely to generate any new litter or rodent issues. These appear to be existing issues caused by other uses nearby and from illegal fly-tipping which has occurred in the area. There is ample space within the site to store refuse, and allowing this new use will increase the amount of activity on this site, especially at the rear, which is likely to improve the situation in regards to deterring fly-tipping and is unlikely to make the litter situation any worse than it is currently.

Overall, providing that the opening hours of this facility are limited to daytime and evening hours only, the impact on neighbouring residents is considered to be acceptable and raises no significant concerns, according with the policy aims of DS5 and EN8 of the Core Strategy Development Plan Document

### **3. Impact on the Character and Appearance of the Area and on Heritage Assets**

The site is within the St Paul's Conservation area and the building is assessed in the area appraisal as having a positive impact on the area, with the outdoor areas assessed as having a negative impact. 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 proposed changes to the building will see the removal of an external staircase at the rear, which is a later addition and a part of the building that is currently in a significant state of disrepair. This staircase will be replaced internally, which will have a positive impact on the appearance of this building. The openings that the external staircase serves will be walled up in materials to match the existing building raising no significant issues for the appearance of this property, and overall the positive aspects of the building will be maintained or improved as a result of this development.

The car park will be introduced to an open area at the rear in an area where there is an established access and some hardstanding in place. A larger amount of hardstanding will be introduced and parking will be formalised, however a significant amount of greenery will remain, with all the trees on the periphery of the public roads to be retained.

A V-mesh fence is proposed along the perimeter of the site to enclose the land at the rear, and its lightweight construction and design will allow views through the site. It is suggested that the fencing should have a green painted finish to blend in with the dense green shrubbery and trees along this periphery, and providing this is done by condition, the boundary treatment will not harm the green leafy character that this site offers.

Overall, the proposal will improve the appearance of the building and will bring the rear of the site back into an active use, with improvements to the layout and boundary treatments. This is considered to have a positive impact on the character and appearance of the conservation area, and is considered to accord with policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document, the relevant areas legislation noted above, and the National Planning Policy Framework.

#### **4. Impact on Trees**

The proposed access is already established and the widening required will be minimal and unlikely to impact significantly on the trees either side. The parking layout will require the removal of 3 trees at the very rear of this site, which appear to be self-seeded, are of a poor quality and hold limited public value due to their positioning.

The trees on this site are located at the boundaries, and both the access and parking are to be located down the middle, well away from any trees, other than those that are sought for removal. The 3 trees to be removed will be met with re-planting on a 1:1 basis, with the new trees to be positioned in more publically prominent parts of this site. There is the potential for the new specimens to be of a higher quality, and given their increased public prominence as identified on the submitted plan, will in time have a more positive impact on the public appearance of this site and the on the wider character of the conservation area.

Overall, the replanting is considered to provide appropriate mitigation for the proposed tree loss, and given that the works to take place will be well away from trees, the potential for harm is limited and it is not considered that any protection measures are required. Providing that the tree replanting takes place, the proposal is considered to have an acceptable impact on trees and accords with the aims of policy EN5 of the Core Strategy Development Plan Document.

#### **5. Highways Impacts**

Many of the objector's point to the high competition for on-street parking in this area, however the streets do benefit from a residents permit scheme and so there are provisions to manage parking in this area. The new use will be directed towards the rear of this property, with the main entrance and parking areas taking access from Back Lindum Terrace. Twelve parking spaces are proposed within the site, which is considered to be an acceptable number to accommodate both users and staff, and the increased use of Back Lindum Terrace, which is capable of two-way traffic movements, does not raise any significant highway safety concerns. The site can also be accessed on foot from surrounding residential areas, and the proposal will make use of the existing pedestrian network, with good connectivity to public transport. The impact on highways is considered to be acceptable and overall the proposal is considered to accords with policies DS4, TR1 and TR2 of the Core Strategy Development Plan Document, so is acceptable.

#### **Community Safety Implications:**

There are 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.

The loss of daylighting for neighbouring property and their personal circumstances are noted but it is not however considered that the impacts would be so significant to justify refusing the planning application submitted here.

**Reason for Granting Planning Permission:**

The proposal is considered to have an acceptable impact on the character and appearance of the site, on heritage assets, trees, neighbouring residents and on highways. The addition will improve public appearance of this site and maintain the character of the conservation area raising no significant or adverse issues. The proposal raises no significant or adverse issues and is considered to meet the policy aims of DS1, DS3, DS4, DS5, TR1, TR2, EN3, EN5 and EN8 of the Core Strategy Development Plan Document, as well as the relevant areas of legislation outlined in the report above.

**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:-

DI-DR-P70-00 – Location Plan – 28 Feb 2022

DI-DR-P70-01 REV D – Existing and Proposed Site Plans – 28 Feb 2022

DI-DR-P70-02 – Existing Floor Plans – 17 Aug 2022

DI-DR-P70-03 – Existing Elevations – 17 Aug 2022

DI-DR-P70-04 REV A – Proposed Floor Plans – 20 Jan 2023

DI-DR-P70-05 REV B – Proposed Elevations – 20 Jan 2023

DI-DR-P70-06 REV C – Trees Plan – 20 Feb 2023

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

3. Notwithstanding the details contained within the Noise Impact Assessment, the class E use of the premises hereby permitted, shall only operate between the hours of 07:00 and 23:00 and no customer shall be served or otherwise make use of the premises outside these hours.

Reasons: The Local Planning Authority is only prepared to grant planning permission on the basis of restricted opening hours to prevent any noise from vehicles movements and people using the premises causing a nuisance to residents during night time hours; in the interests of neighbouring amenity; and to accord with policies EN8 and DS5 of the Core Strategy Development Plan Document

4. The openings shown on the hereby approved plans that are to be infilled, shall be filled using natural stone facing materials that are sized, coursed and pointed to match the stonework of the existing building.

Reasons: To ensure the use of appropriate use of materials in the interests of the appearance of the property, to maintain the character of the Conservation Area, and to accord with policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

5. The V-mesh fence shown to be installed to the rear of the site, shall be painted and finished in the colour green.

Reasons: To ensure an appropriate design and colour, to blend sufficiently with the green leafy character of the site and to maintain the positive aspects of the conservation area, in accordance with policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

6. Before the use commences, the widened access and the off-street car parking facilities shown at the rear of the site on the hereby approved, shall be laid out, hard surfaced, sealed, marked out into bays, and drained within the curtilage of the site. This car park shall be kept available thereafter, whilst ever the use subsists.

Reasons: To ensure an acceptable level of parking provision for the proposed use, in the interests of highways safety and to accord with policies DS4 and TR2 of the Core Strategy Development Plan Document

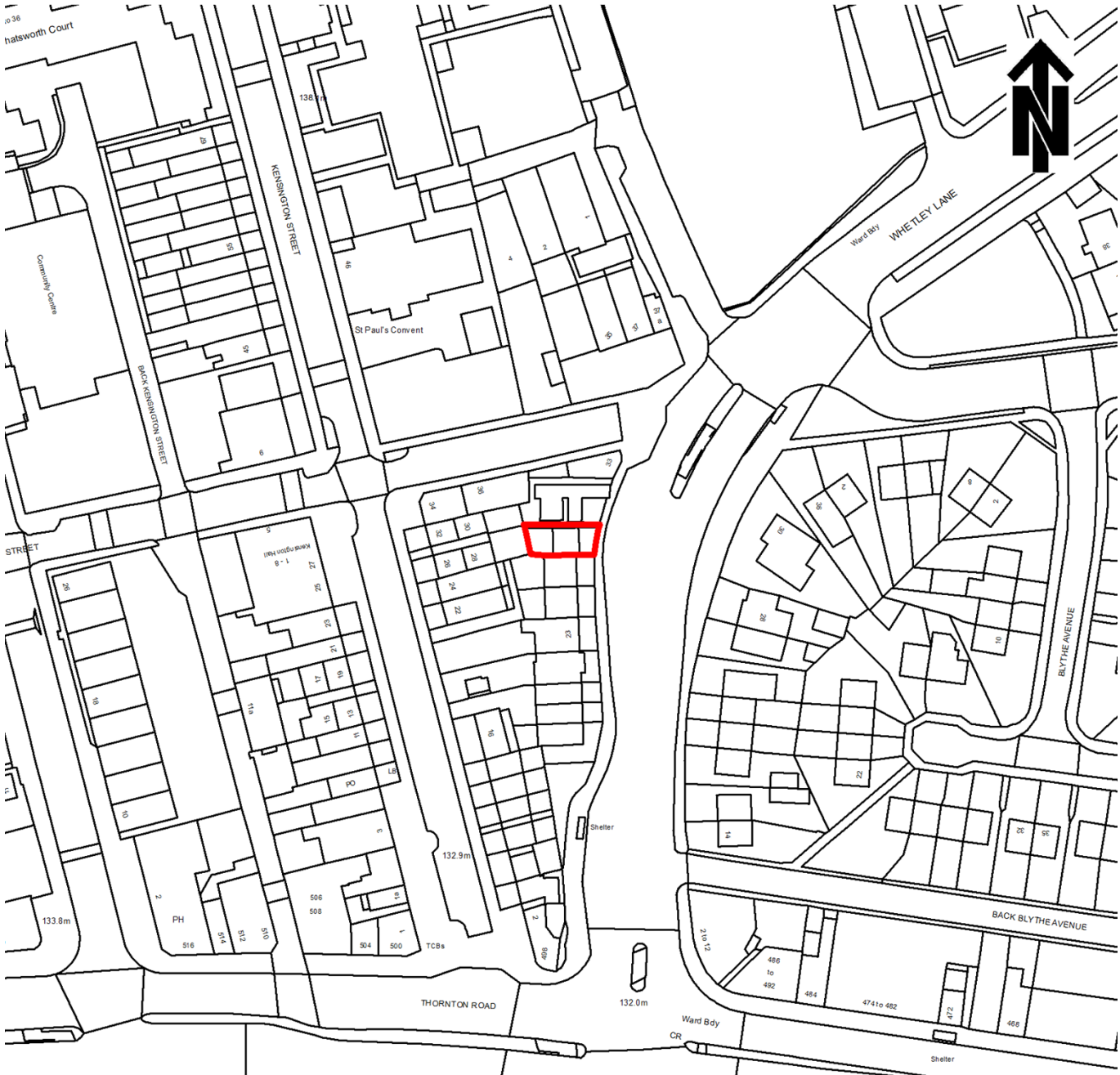
7. Prior to the first use of the development hereby permitted, a tree planting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of proposed replacement trees, details of when they will be planted and how they will be protected. The tree planting scheme shall include provision of at least 3 replacement trees to be planted within the site boundary which are at least 10cm in girth, planted at least 2m outside of the canopy of existing trees, at intervals of 1.5m from other trees and hard standing area. All new trees must be to British Standard BS 3936 Nursery Stock rootballed or containerised, staked and tied in accordance with good arboricultural practice.

The trees shall thereafter be planting in accordance with the approved details and the Local Planning Authority shall be notified in writing of the date of planting.

Any trees or plants comprised within this replacement planting scheme that become uprooted, damaged or diseased or which die within the first 5 years following the completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death/removal of the original planting.

Reason: To mitigate the environmental impact of the development, to provide appropriate replacement for existing trees that will need to be removed to accommodate the development, in the interests of biodiversity, the character of the conservation area and in accordance with policies EN3 and EN5 of the Core Strategy Development Plan Document.

22/04561/FUL



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29 Whetley Lane  
Bradford  
BD8 9EH



**22 March 2023**

**Item: G**  
**Ward: TOLLER**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
22/04561/FUL

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

Change of use to create one shop unit and the retention of one residential unit including front and rear extensions and new shop front at 29 Whetley Lane, Bradford.

**Applicant:**

Mr Salvatore Marchica

**Agent:**

PD Architectural Services

**Site Description:**

29 Whetley Lane is stone built and of 2-storey in scale. It is the end property in a row of terraced properties, which includes historically residential uses and some change of uses from residential to a financial/business use. To the north of No.29 is an unauthorised use as a café/hot food takeaway.

Whetley Lane is part of the Bradford ring road (A6177) there is a parking layby at the front of the site which runs from the front of number 23 Whetley Lane to the pedestrian crossing to the north of number 33 Whetley Lane with parking for around 6 cars.

**Relevant Site History:**

22/01892/FUL – Change of Use to create one shop unit and the retention of one residential unit including front and rear extensions and new shop front. Refused 17.06.2022.

**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

TR2 Parking Policy

EC4 Sustainable Economic Growth

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters which expired on 5 December 2022.

Two representations received:

1 in objection

1 in support

Panel request from Ward Councillor received.

**Summary of Representations Received:**

**Objection to this application:**

- An application for this has been refused once already.
- The proposed change of use of the site to shop with residential above would result in intensification in use of the site and create an increase in the demand for parking.
- Parking is very limited.
- Odour and rubbish are at the site.
- Loss of light and overshadowing.

**Support for the application:**

- Development will not have a detrimental effect on the locality.
- This building is situated between a commercial property.
- The whole row of properties is commercial and clearly this is the only property which is residential at the moment.
- This will not have an adverse effect of local parking or cause any concerns for the highways.

**Consultations:**

Highways: are not able to support this application. The proposed change of use of the site to A1 - Shop with residential above would result in intensification in use of the site and create an increase in the demand for parking, where parking is already very limited, likely to result in indiscriminate parking taking place in close proximity to a pedestrian crossing with pedestrian and highway safety concerns likely to arise.

**Summary of Main Issues:**

1. Economy/Employment
2. Extensions: Visual amenity & Residential amenity
3. Highway safety

## **Appraisal:**

### **1. Economy/Employment**

Paragraph 81 NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It states: "Planning decisions should help create the conditions in which businesses can invest, expand and adapt".

The proposed development is to change the ground floor of the dwelling to a shop (E use) and extend to the rear to include a kitchen for the flat that would be created on the first floor. The information given with the application is that the proposal will create 1 full time job.

This is a small scale but, nevertheless, would benefit the local economy by introducing employment.

### **2. Extension: Visual amenity & Residential amenity**

The proposed development omits the single storey front extension that was proposed as part of the previous application.

The rear extension in a low key siting is acceptable in terms of appearance. Whilst it would occupy much of the rear yard there would be space for bins. The rear extension is unaltered from that previously proposed and it is noted that this part of the proposal did not raise any concern in the previous application, nor does it raise any concerns now.

Whetley Lane (A6177), which is part of Bradford's Outer Ring Road, and this route carries high volumes of traffic throughout the day. This terrace suffers from very high background volume. Furthermore, the adjoining properties are commercial and therefore noise related impact are restricted to busy times and not during quieter times of the day. However, the residential use of the site exists at present, the proposed development would not alter that.

The use of the front part of the ground floor would not cause undue concern over the living conditions of future occupants as appropriate conditions could be added to an approval to restrict the hours of operation, noise break out and so forth.

### **3. Highway Safety**

There is limited parking to the front of the terrace. Customers to the existing businesses and commercial premises along the terrace grouping are likely to park in the designated parking bays to the front on Whetley Lane. There are approximately 6 spaces for 8 properties. The proposed introduction of a further commercial use would result in intensification in use of the site and create an increase in the demand for parking, where parking is already very limited. This is likely to result in indiscriminate parking taking place in close proximity to a pedestrian crossing with pedestrian and highway safety concerns likely to arise.

The free flow of traffic along Whetley Lane is important to the highway network of Bradford. This part of the highway, between Thornton Road to the south and Whetley Hill/Toller Lane, is important to the free flow of traffic. The proposed development has the potential to interrupt and/or obstruct the carriageway which would result in detriment to the users of the highway.

**Community Safety Implications:**

There are 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 proposed change of use of the site to a shop with residential flat above would result in intensification in use of the site and create an increase in the demand for parking, where parking is already very limited. This will likely result in indiscriminate parking taking place in close proximity to a pedestrian crossing with pedestrian and highway safety concerns likely to arise contrary to policy DS4 of the Council's Core Strategy Development Plan Document.

22/05306/HOU



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783 Little Horton Lane  
Bradford  
BD5 9ER

**22 March 2023**

**Item:** H  
**Ward:** WIBSEY  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
22/05306/HOU

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

This is a retrospective application for a double storey rear extension; front porch and a disabled access ramp to the front entrance of 783 Little Horton Lane, Bradford.

**Applicant:**  
Mrs Akram

**Agent:**  
Mr Michael Ainsworth

**Site Description:**

The host property is an end terraced dwelling part of a block of five dwellings located within an area of mixed dwelling types, constructed from stone at ground floor front elevation with the remainder of the dwelling being pebbledash render under a blue slate roof. The dwelling has been extended with a porch extension to the front and a large single and two storey rear and side extension constructed from artificial stone. There is off street parking in the rear garden off an unmade access road/track to the rear.

**Relevant Site History:**

12/00765/HOU Construction of two storey rear extension: REFUSE Date Issued: 18.04.12.  
12/01992/HOU Construction of two storey rear extension: GRANT Date Issued: 06.07.12.  
16/06153/HOU Retrospective application for construction of two-storey side and rear extension and front porch extension: REFUSE Date Issued: 25.08.16.  
18/03309/HOU Part two storey, part single storey side/rear extension (retrospective): REFUSE Date Issued: 12.09.18.  
18/00148/APPHOU Part two storey, part single storey side/rear extension (retrospective): DISMISSED.

**The National Planning Policy Framework (NPPF):**

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

**Local Plan for Bradford:**

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

**Core Strategy Policies**

DS1 Achieving Good Design  
DS3 Urban character  
DS5 Safe and Inclusive Places  
SC9 Making Great Places

Householder Supplementary Planning Document

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was advertised by individual neighbour notification. Expiry Date 11 February 2023. Nine representations have been received. Two objecting and seven in support of the proposals. Support comments include one from a Ward Councillor who also asked for the application to be determined by the Area Planning Panel if officer's recommended refusal.

**Summary of Representations Received:**

**Objections raised:**

Extension is overdue demolition  
Overpowering  
Blocking of light and overshadowing  
Extension has been up for too long and needs to be sorted  
Shoddy building work  
Built over main sewers

**Supporting comments:**

Help the applicant with her disability  
Neighbours have never been an issue within the street  
Help with day-today living  
The build does not affect neighbours on either side

**Consultations:**

Not applicable.

**Summary of Main Issues:**

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

## **Appraisal:**

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

The proposal is a retrospective application seeking permission for a two storey rear and side extension a front porch. The proposal also requests permission for a disabled access ramp to front entrance which has not been built. The side and rear extensions are unauthorised and there is an open enforcement case investigating this breach in planning control. The previous proposals for the rear and side extension was refused as its size and siting was considered to have an adverse overbearing and overshadowing impact on the rear private amenity areas of 781 Little Horton Lane and 785 Little Horton Lane to the detriment of the residential amenity of the present and future occupiers of the dwellings. This decision was subsequently appealed and dismissed as the Inspector considered the significant depth and height of the extension creates an unacceptably overbearing impact on the neighbours to each side. To No 785 the effect is of a significant elevational mass that lies almost immediately adjacent to their rear windows, so adversely affecting the occupiers' outlook. To No 781 the effect of the significant extension is extremely overbearing. In addition, due to the orientation, the proposal would overshadow the private amenity area of No 785 from the afternoon and evening and hence would adversely affect the occupiers' reasonable use and enjoyment of their property.

The proposals are to take place within the curtilage of an existing dwelling that is neither a listed building nor within a conservation area and so is not statutorily protected from such works. The principle of development is acceptable subject to a local impact assessment.

### **2. Impact on Visual Amenity**

The extension has been constructed from artificial stone and no effort has been made since previous applications to change the materials to pebble-dash/render to match the parent dwelling despite there being a condition requiring this. The proposed plans have indicated the materials to remain the same whilst the application form states this will be changed to stone and pebble-dash/render. The extension is on the rear of the property and therefore the use of artificial stone may be considered acceptable but as the land to the rear has received approval for residential dwellings albeit the application has since lapsed but the principle of development has been established and therefore it is considered that the external materials should be changed to soften the visual impact of the extension and to ensure it matches the parent dwelling. In light of this, the extension results in an unsympathetically large development of materials that relate poorly to the setting of the parent dwelling. The resultant overall scale dominates the parent property and neighbouring dwellings resulting in a discordant and incongruous addition. The proposal is therefore contrary to policies DS1 and DS3 of the Core Strategy Development Plan Document and Design Principle 4 of the Householder Supplementary Development Plan Document.

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 and wider area. Extensions should not appear to dominate the original house or neighbouring properties. The previous application number 18/03309/HOU considered the design of the two and single storey side and rear extensions to be acceptable even though the roof design of the side extension changed from a hip to gable. The extensions have combinations of dual pitched hip and gable roofs and sit below the roof of the parent building therefore due to their lesser height and not being in the public realm the rear extensions can be considered as being subservient in design and proportionate in relation to the host dwelling. The proposed side extension is set back from the front elevation and achieves a distance of approx. 0.7 metres to the



common boundary of No 781 Little Horton Lane. The Householder supplementary planning document states that "the council will insist that a minimum gap of 1 metre between the extension and the side boundary should be retained to prevent a cramped terracing effect". However, as the side extension is significantly setback from the front elevation the proposal is not considered to result in any adverse visual amenity implications as a result of the proposed gap-to-boundary distance and although this is less than the required 1 metre distance it is considered acceptable. The side and rear extensions would not have a significant impact on the built environment. The proposal therefore complies with Householder SPD, Policy DS1 and DS3 of the Core Strategy.

The front porch extension is quite large projecting 1.9 metres with a width of 2.11 metres but as the front garden is quite large it is considered that the larger size of the porch sits comfortably within the garden and is acceptable in terms of size and design and does not appear out of keeping with the host building and the wider area.

The application also proposes ramp access to the front of the dwelling and due to the changes in levels on site the ramp will cover a significant portion of the front garden and would be quite prominent as a result. The area to be covered will be in the shape of a backward/reversed C with planting areas in between and seeks to allow the disabled resident easy access into the property. Therefore, consideration must be given towards the needs of the disabled applicant whilst assessing whether the ramp would cause visual harm. The areas in between the ramp are proposed to be grass/planting thus softening the use of the hardstanding areas. The proposal will increase the quality of living for a disabled occupant which is also supported by the applicants GP, whilst at the same time maintaining sufficient outdoor space for recreation and the undertaking of general domestic tasks. On balance, the visual impact of this ramp is considered to be acceptable and follows the design guidance given in the Council's Householder Supplementary Planning Document and complies with Policy DS1 of the Core Strategy Development Plan Document.

### **3. Impact on Residential Amenity**

Design Principle 3 of the Approved Householder SPD states that extensions should not have an over dominating physical presence that damages the outlook of neighbours, or unacceptably reduce natural daylight reaching any neighbours property and that single storey extensions on terraced dwellings should not exceed 3 metres in depth. There appear to be discrepancies in the proposed plans and what has been built on site in that the proposed plans measure 3 metres rear projection at both ground and first floor and the extension as built measures 3.25 metres. as the proposal seeks to regulate what has been built on site the extension as built will be assessed (the application form states that works were complete in 2015). The depth of the extension exceeds the limit set by design principle 3. The proposed extension sits 0.19 metres from the boundary of the adjoining dwelling No 785 Little Horton Lane and is 0.7 metres to the common boundary with No 781 Little Horton Lane and although the extension achieves a 45 degree line as measured from the nearest habitable room windows of both these dwellings it is sited close to the boundary and would be of a significant depth and height resulting in an adverse overbearing impact on the neighbours to each side thus adversely affecting the occupiers' outlook. This is more significant on the occupiers of No 785 due to the close proximity of the extension which lies almost immediately adjacent to their rear windows, so adversely affecting the occupiers' outlook and being overbearing contrary to policy SC9 and DS5 of the Council's Core Strategy and the Householder Supplementary Planning Document. The same scheme was previously dismissed at appeal whereby the inspector stated 'the

significant depth and height of the extension creates an unacceptably overbearing impact on the neighbours to each side. To No 785 the effect is of a significant elevational mass that lies almost immediately adjacent to their rear windows, so adversely affecting the occupiers' outlook. To No 781 the effect of the significant extension is extremely overbearing.'

The main concern with this application is the impact on neighbouring dwellings on both sides which have south west facing private amenity space. These neighbouring dwellings enjoy direct sunlight from 1pm onwards and whilst there is no over shadowing of No 781 Little Horton Lane the resulting extension has resulted in a direct light loss from 1pm to approx. 7pm on the private amenity space and rear elevation of No 785 and an objection has also been received from a neighbouring dwelling with regards to loss of light. As such, it is considered that overall daylight levels and living conditions are significantly affected on the attached neighbouring dwellings habitable room windows and private amenity space. Furthermore, the inspector on the previous appeal has stated 'because of the orientation, the effect is largely to exclude the afternoon and evening sun from the rear amenity area of No 785, thus adversely affecting the occupiers' reasonable use and enjoyment of their property.' The applicant has provided medical evidence of a disability and that the extension is needed to help with their day to day needs in that a ground floor bedroom and bathroom is required. The proposal will increase the quality of living for a disabled occupant which is also supported by the applicants GP, whilst at the same time maintaining sufficient outdoor space for recreation, the undertaking of general domestic tasks and the storage of refuse. On balance, the impact on neighbouring occupants is considered to be acceptable at the ground floor element of the extension and would help with accommodating the applicant's needs. However, the two storey impact remains and the first floor element of the extension would not be required to meet the needs of the disabled occupant.

The proposed extensions are at an acceptable distance to the dwellings to the rear/southeast on Frimley Drive and further separated by a vacant piece of land, which is sufficient to alleviate any concerns with regard to overshadowing or overbearing on their private amenity space.

The extension as built has non-habitable room windows at both ground floor and first floor of the side extension and a condition requiring these to be obscurely glazed and high-level opening is recommended to ensure no overlooking occurs on neighbouring private amenity space. No other windows or openings are seen or proposed on both side elevations and therefore no adverse overlooking implications are foreseen. Should the application be approved a condition could be added removing permitted development rights for the installation of windows in the side elevations of the property. The proposed windows in the rear of the extension would not be located within 7 metres of the rear boundary of any neighbouring dwelling or within 17 metres of the habitable room windows of any neighbouring dwelling. As such no adverse overlooking implications are foreseen.

The front porch extension will not result in direct overlooking of neighbouring habitable room windows or, private external amenity space and replicate a relationship common within the street scene. As such there will be no harm to the amenity of neighbouring residents. The proposal is therefore in accordance with policy DS5 of the Core Strategy.

#### **4. Highway Safety:**

No impact.

**5. Other matters:**

Objections have been received with regards to loss of light and overshadowing of the proposals which have been addressed within the body of the report under residential amenity. Other issues with regards to the length of time taken to regulate the unauthorised works is being addressed via the enforcement process.

**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. In this case information has been provided relating to the needs of a disabled occupant but as these needs relate to provision of ground floor living, sleeping and washing space the harm caused by the upper floors as discussed above is not considered to be outweighed.

**Planning Balance:**

The proposed extensions do not relate satisfactorily to the character of the existing dwelling and adjacent properties in terms of materials. The impact of the proposal upon the occupants of neighbouring properties has been assessed and objection received deliberated, it is considered that it will have an adverse effect upon their residential amenity. As such this proposal is not considered to be in accordance with Policy DS1 and DS3 of the Core Strategy and the Council Approved Householder Supplementary Planning Document.

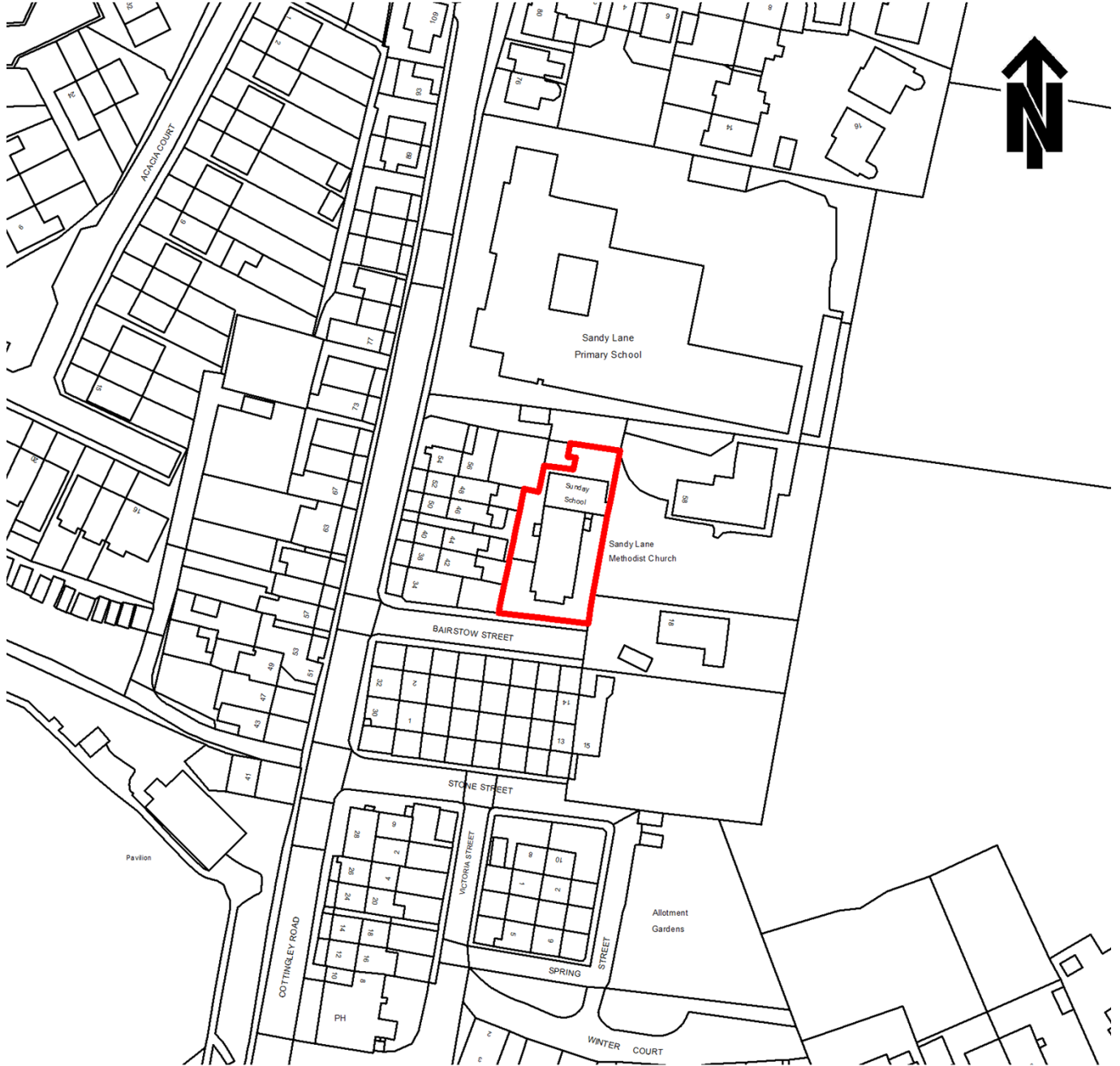
**Reasons for Refusal:**

1. The extension by reason of its size and siting close to the common boundaries has an adverse overshadowing, overbearing and a loss of outlook on the habitable room windows and rear private amenity areas of 781 Little Horton Lane and 785 Little Horton Lane to the detriment of the residential amenity of the present and future occupants of the dwellings. The proposal is therefore considered to be contrary to policy SC9 of the Councils Core Strategy and the 'Householder' supplementary planning document and the Councils approved Householder Supplementary Planning Document, Design principle 3.
2. The extension results in an unsympathetically large development of materials that relate poorly to the setting of the parent dwelling. Therefore, the resulting scale dominates the property and neighbouring dwellings resulting in a discordant and incongruous addition. The proposal is therefore contrary to policies DS1 and DS3 of the Core Strategy Development Plan Document and the Householder Supplementary Development Plan Document.

**22/04432/HOU**



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Sandy Lane Methodist Church  
Bairstow Street Sandy Lane  
Bradford BD15 9JX**

**22 March 2023**

**Item:** I  
**Ward:** THORNTON AND ALLERTON  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
22/04432/HOU

**Type of Application/Proposal and Address:**  
Householder application for two dormer windows to side elevation of the former Sandy Lane Methodist Church, Bairstow Street, Sandy Lane.

**Applicant:**  
Mrs Manir

**Agent:**  
Mr Michael Ainsworth

**Site Description:**  
Sandy Lane Methodist Church is an attractive stone built detached property located in a predominantly residential area. The property supports a low height in relation to its neighbours and a regular form, which has been extended in the past with a two storey projection visible to the rear. It is constructed in stone, with a slate tile roof and has an attractive entrance and decorative features which have an overall positive impact on the character of the area. The property is currently undergoing renovation and conversion from chapel to a dwelling.

**Relevant Site History:**  
17/06458/FUL - Creation of raised platforms to form new level access to the public building for disabled persons, new roof lights and replacement windows – Granted

20/02444/FUL - Change of use from place of worship to residential with external alterations to existing windows and doors and construction of balcony to rear – Granted

20/05828/HOU - Proposed dormers to east elevation to allow for a new mezzanine, altered openings to the west elevation, new windows and doors and external works forming new off-street parking – Granted

**The National Planning Policy Framework (NPPF):**

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

**Local Plan for Bradford:**

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

**Core Strategy Policies**

DS1 – Achieving good design  
DS3 – Urban character  
DS5 - Safe and inclusive places  
SC9 - Making great places

**Parish Council:**

Sandy Lane Parish Council - Have no objection to this application.

**Publicity and Number of Representations:**

Advertised by neighbour notification letters. Overall expiry date 21.11.2022

Objections have been received from one neighbour.

Nine comments of support have been received, including one from a Ward Councillor that requests the application is heard at planning panel should officers be minded to refuse.

**Summary of Representations Received:**

**Objection Comments:**

These dormer windows will look straight into our house with a significant loss of privacy. Noise and disturbance concerns from more construction work.

**Support Comments:**

It is good to see the building renovated and put to use.  
This will make the street scene better for all residents.  
The dormers do not impact surrounding houses.  
The parking is much better than before, when it was a nursery.

**Consultations:**

Drainage - Have no objection to this application.

**Summary of Main Issues:**

1. Background/Principle of development
2. Impact on Built Environment (Design, Scale & Appearance)
3. Impact on Neighbouring Occupants
4. Highway Safety

**Appraisal:**

**1. Background/Principle of Development**

The proposal seeks planning permission to add two large box type dormers on the western roof slope of the building. The property was the subject of a change of use application recently and is currently undergoing conversion and renovation work to convert the building into a single residential use. The property is not listed, nor is it located within a conservation area and so is not afforded any statutory protections but is an attractive former chapel.

Under the approved application 20/02444/FUL, permitted development rights were removed for development falling within classes A to E of Part 1, Schedule 2 of The Town and Country Planning General Permitted Development Order (as amended). This means that side facing dormer windows that may be considered to be permitted development subject to conditions on other residential sites do require the prior permission of the Local Planning Authority in this case.

The proposal is of a domestic nature and the host property is not sited within a Conservation Area or to a Listed Building. As such the principle of the development is considered to be acceptable subject to its local impacts.

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

It is noted that previously approved application on the site (20/05828/HOU) originally proposed dormer windows to the same western roof slope subject of this application and that proposed a combination of contemporary and traditional materials. The application raised concerns of overlooking of the neighbours the dormers would face onto and also that they would appear overly dominating of the roof and was advised could have been detrimental to the character of this building. The proposal was revised with a contemporary addition on the Eastern roof slope only, and which is not open to any public views. The permission was granted with permitted development rights removed by condition to safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

The dormers proposed here would be added to the western roof slope on what is the side elevation, however partly as result of the lower height of the building, the side elevation roof slope is very prominent in views on the street.

The application seeks permission to add two substantially sized box design dormers with two large windows each and sections of cladding to the fronts on what is a prominent side elevation of this traditionally designed and attractive single storey former chapel, open in views from the street.

The adopted Householder SPD advises that all cladding materials should normally be restricted to the sides of the dormer window, and not the front elevation. Whilst it is acknowledged that the dormer would technically be a side elevation it is very prominent and open to views from the street.

The proposed dormers would be substantial in size, serving four rooms. Each dormer would be around 5.7 metres in width and almost 2.2 metres in height with flat roof and areas of cladding to both the front and the sides. The scale and design of these box type dormers is not considered to relate well to the attractive former chapel and is contrary to the design guidance set out in the Council's Householder Supplementary Planning Document. The dormer windows are not sufficiently set into the roof space, set just above the eaves with minimal relief, they would dominate the current and characterful roofscape. The proposed dormers will appear as over dominant and unsympathetic additions, adversely affecting the visual appearance of the host property and the wider street scene.

The proposal is contrary to the design guidance given in the Council's Householder Supplementary Planning Document and Policies DS1 and DS3 of the Core Strategy Development Plan Document.

### **3. Impact on Neighbouring Occupants**

The use as a residential property has already been accepted under previous planning permissions and conversion works are underway.

The dormer windows would be sited such that they would add a first floor and windows that would directly face the shared rear boundaries of residential terrace properties to the west.

The dormers would be a distance of only 5.9 metres from the shared boundary to the rear gardens/yards of the terraces to the west and would introduce 4 large windows with large central panels and two smaller side window sections each. The first floor dormer windows would be added to building in lieu of existing roof lights. The dormers would also be only 14 metres from the windows in the rear elevations of the adjacent terraced properties to the west.

The separation distances are some way below the guidelines set out in the adopted Householder SPD which advises that first floor windows should allow for 7 metres to be retained between a first floor (or above) habitable room window and a boundary which adjoins a neighbour's private or semi-private garden.

Also that 17 metres is retained between the first floor habitable room windows of an extension and the habitable room windows of a neighbour's property.

It is noted that the submitted drawing suggests that all of the dormer windows would be obscure glazed. The SPD advises that frosted glass is a good way of preventing overlooking from non-habitable rooms such as bathrooms. However, it is not desirable to glaze habitable room windows with frosted glass, unless the room has other windows that are clear glazed.

Various revised drawings have been received during the course of the application following concerns raised with the proposed design. Initially floor plans and small pitched roof dormers were put forward. However, the applicant has now retracted the amended proposal and seeks decision on the large box type dormers originally proposed and with local Councillor support to take the application to planning panel should officers be minded to refuse.

The revised floor plans now show detail of the internal layout and which suggest that the four rooms that the dormers would serve are Bathroom, ensuite, a landing area and dressing room.

Whilst these rooms are potentially non habitable rooms, though the rooms they serve are unusually large for their stated purpose. Furthermore, the windows serving them are unusually large, with a substantial central panel and two side windows with top hung openers each, rather than the small single panel with top opener type of window that would typically serve such rooms.

As a result of the close proximity to the shared boundary with the neighbour to the west and the extent of glazing on the four large proposed windows the scale and position of the dormers would at the very least introduce a perception of being overlooked from neighbouring properties to the west, to the detriment and enjoyment of their property and gardens.



The submission as such fails to meet the required separation distances, failing to accord with the Council's Householder Supplementary Planning Document and Policy DS5 of the Core Strategy Development Plan Document.

#### **4. Highway Issues**

No impacts.

#### **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 loss of daylighting for neighbouring property and their personal circumstances are noted but it is not however considered that the impacts would be so significant to justify refusing the planning application submitted here.

#### **Reasons for Refusal:**

1. The dormer windows propose a design and scale that does not relate well to the host property or the wider street scene. The flat roof box designs are of an unsympathetic scale and are not sufficiently set into the roof and with large areas of cladding to the dormer faces, making them appear as over dominant features within the roof space on this attractive and traditional former chapel. The design is considered to result in significant visual harm and runs contrary to the design guidance given in the Council's Householder Supplementary Planning Document and Policies DS1 and DS3 of the Core Strategy Development Plan Document.
2. The proposed dormer windows due to their excessive scale and amount of glazing, combined with their close proximity to boundaries with neighbouring gardens and habitable room windows in the rear of properties on Cottingley Road would result in an unacceptable perception of being overlooked resulting in significant harm to residential amenity contrary to the Council's Householder Supplementary Planning Document and Policy DS5 of the Core Strategy Development Plan Document.