

# Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 26 July 2023

**A**

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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>
1.	110 Leventhorpe Lane Bradford BD8 0EG - 23/00632/HOU [Approve]	Thornton And Allerton
2.	British Queen 207 Huddersfield Road Bradford BD12 0TQ - 23/00087/FUL [Approve]	Wyke
3.	New Mill House Summerville Road Bradford BD7 1NS - 23/00554/FUL [Approve]	City
4.	The Shoulder Of Mutton 589 Leeds Road Thackley Bradford BD10 8JT - 21/05140/FUL [Approve]	Idle And Thackley
5.	5 Park Drive Bradford BD9 4DP - 23/01078/FUL [Refuse]	Heaton
6.	58 High Street Queensbury Bradford BD13 2QL - 23/00842/FUL [Refuse]	Queensbury

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Richard Hollinson  
Assistant Director (Planning, Transportation and Highways)

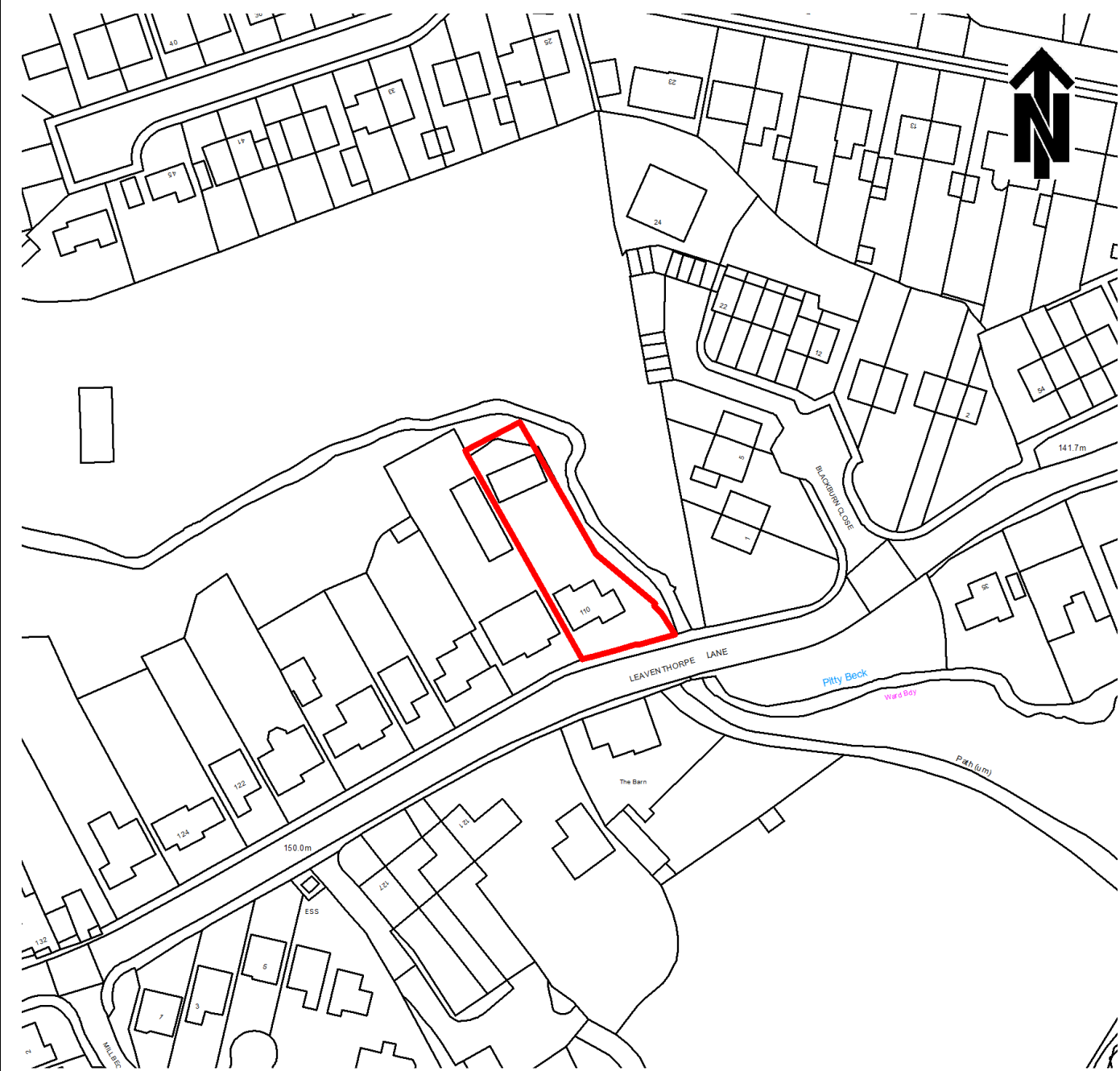
Report Contact: Amin Ibrar  
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**Portfolio:**  
Regeneration, Planning & Transport

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

**23/00632/HOU**



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**110 Leventhorpe Lane  
Bradford  
BD8 0EG**

**26 July 2023**

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

**Application Number:**  
23/00632/HOU

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

Householder application for double storey front, side and rear extension; increase in roof height; front and rear dormers at 110 Leaventhorpe Lane, Bradford, BD8 0EG

**Applicant:**

Mr Jabran Hussain

**Agent:**

Forward Planning & Design Ltd - Mr Jonathan Holmes

**Site Description:**

The dwelling is a detached property, built of stone and render. It has a two-storey bay window on one side and has had a front and side extension added, which includes a garage. To the front is a hard surfaced parking area. Access to the rear is via a gate that leads into a rear garden that is also hard surfaced. At the far end of the garden is a single storey domestic outbuilding.

**Relevant Site History:**

01/02778/FUL - Two storey side extension - Approved 23 October 2001

06/07233/FUL - Renewal of application 01/02778/HOU for two storey side extension - Approved 1 December 2006

16/08636/HOU - Resubmission of approval 14/00962/HOU for side and rear extensions and detached gym/home office - Approved 19 December 2016

19/00309/HOU - Home office/gym to rear, rear and side extensions, front and rear dormers - Approved 20 March 2019

19/01875/HOU - First floor side extension, two storey rear extension, roof extension dormers and detached home office/gym - Approved 24 June 2019

19/02707/HOU - Side and rear extensions, dormer windows, home office/gym (revised scheme) - Approved 20 August 2019

20/00012/HOU - Side and rear extensions, dormer windows, home office/gym - Approved 29 April 2020

**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  
DS2 Working with the Landscape  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

Advertised by neighbour notification letters. Expiry date 14 April 2023. No representations received.

**Consultations:**

Rights of Way - No objections. Informative suggested.  
Drainage - A public sewer crosses the site. Yorkshire Water should be consulted before development commences.  
Trees - No response received.  
Minerals and Waste - No objections.

**Summary of Main Issues:**

1. Principle of Development
2. Impact on Built Environment
3. Impact on Neighbouring Occupants
4. Impact on Highway Safety
5. Other matters

**Appraisal:**

**1. Principle of Development**

This is an application for double storey front, side and rear extensions, an increase in roof height and front and rear dormers for a detached dwelling. Despite its excessive size and cladding on its front elevation, both of which contravene local planning policy, the rear dormer benefits from permitted development rights, which are enshrined in national planning legislation. The effect is to grant planning permission automatically and so the rear dormer is authorised in planning terms. On this basis, it is not proposed to assess further any effect of the rear dormer, whether visual or otherwise.

The remaining aspects of the proposal - front, side and rear extensions, increase the height of the dwelling and front dormer windows alter the character of the dwelling. These are all of a large scale but are of a domestic nature and are acceptable in principle subject to the considerations below.

## **2. Impact on Built Environment**

Front extensions, as a rule, are discouraged, particularly in a uniform line of properties. In this case, however, the line is not strictly uniform and the property in any case is at the end. The front extension will be an infill type development on the front elevation, although it will be two storeys high. Seen within both the context of the existing house and wider street scene, the extension is not considered obtrusive, in terms of its design, scale and appearance.

The side extension will be two-storeys in height and although it will not have a set back from the front elevation of the dwelling, some indication of its subservient status will be indicated by the difference in roof levels when seen from the front. Cumulatively, the width of the extension will exceed 2/3 of that of the original dwelling, but the result is not considered visually excessive, particularly since the property is detached.

Similarly, although the rear extension has a depth of approximately 5.4 metres, it is considered acceptable in view of its size and relationship to the existing house.

The increase in height of approximately 0.7 metres is not considered excessive in this instance. This increase will not make the dwelling substantially more visually intrusive.

Two front dormers are proposed. Each will have a width of 1.7 metres and a pitched roof. Sufficient space will remain between each dormer cheek and its respective common boundary, and the internal pattern of fenestration is not dissimilar from the existing dwelling. These dormers are both therefore acceptable.

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

The houses most likely to be affected by the development are 112 Leaventhorpe Lane and 1 and 3 Blackburn Close. Above ground floor level, the rear extensions will not cut across a line taken at 45 degrees from the edge of the nearest habitable room window in the rear elevation of number 112, so no adverse overshadowing is likely to arise.

Overlooking, such as may occur from the proposed balcony, can be controlled by condition requiring a boundary screen to be installed and maintained.

Regarding numbers 1 and 3, Blackburn Close, the development will be offset from these houses and approximately 13.5 metres will remain between the proposed covered terrace and the common boundary between the site and the existing houses on Blackburn Close. This distance is considered sufficiently far to prevent any adverse overlooking of the garden of number 1 or that of number 3. The proposed extensions will not adversely overshadow the houses or gardens of existing houses on Blackburn Close, given the intervening distance.

## **4. Impact on Highway Safety**

Notwithstanding the increase in the size of the house, this is not likely to lead to a significant increase in the number of vehicles visiting the site. Nor will any existing highway feature - such as a sign, or signal - be affected by the development. Highway safety will not be compromised.

## **5. Other Issues**

There are no other issues for consideration as part of this application.

**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:**

Whilst not all aspects of the proposal are fully compliant with planning policy, such as the depth of the rear extension, the proposal is still considered acceptable in terms of its design, scale, and appearance. It will not have any adverse effects on visual amenity, neighbouring amenity or highway safety and therefore complies with policies DS1, DS3, DS5 and SC9 of the Core Strategy local plan and the planning policy of the "Householder Supplementary Planning Document".

**Conditions of Approval:**

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

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

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

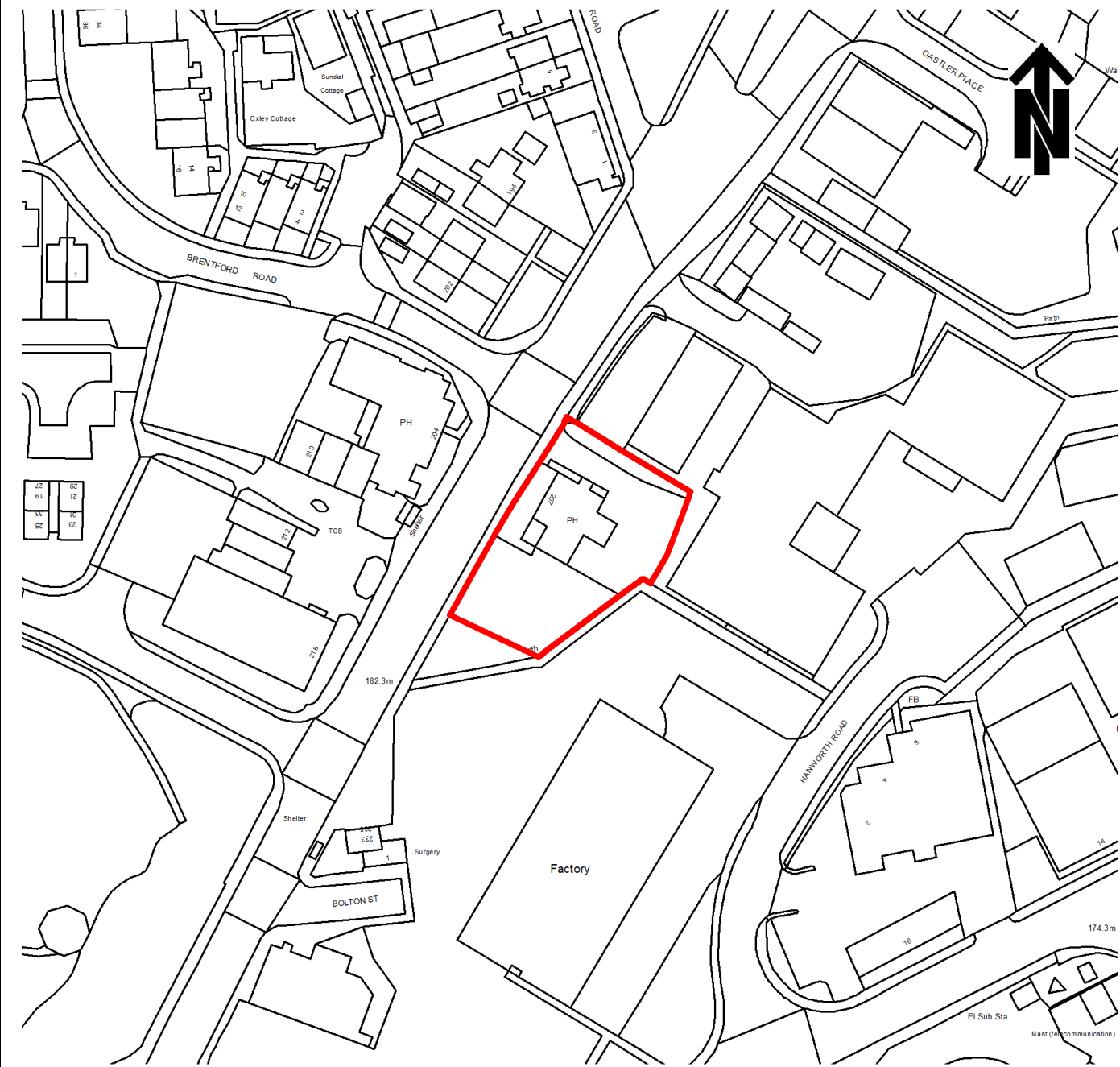
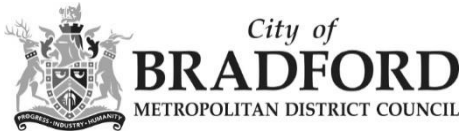
Location Plan drawing number 1421/01 Revision B  
Existing plans and elevations 1421/02 Revision B  
Proposed elevations 1421/03 Revision F  
Proposed floor plans 1421/04 Revision E

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

3. Before any part of the development hereby approved is brought into use, details of the proposed 1.8 metre high, first floor balcony screen (as shown on the approved plans) shall be submitted for the approval of the Local Planning authority. The screen shall subsequently be constructed in accordance with any details so approved, before any part of the development hereby approved is brought into use and so retained thereafter.

Reason: In the interests of the amenity of the neighbouring dwelling and to accord with policies DS1 and DS5 of the Core Strategy Development Plan Document.

23/00087/FUL



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**British Queen  
207 Huddersfield Road  
Bradford BD12 0TQ**

**26 July 2023**

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

**Application Number:**  
23/00842/FUL

**Type of Application/Proposal and Address:**  
Change of use of the former British Queen, 207 Huddersfield Road, Bradford from a public house with a flat above to a dwelling with a loft conversion and dormer windows.

**Applicant:**  
Mr Jabran Hussain

**Agent:**  
Forward Planning & Design Ltd - Mr Jonathan Holmes

**Site Description:**  
Number 207 Huddersfield Road was most recently used as a public house called The British Queen. It is a stone built property, with traditionally proportioned openings, has a stone tile roof, and benefits from a cobbled yard to the front. It has seen interventions to the side and rear, however the main body of the building is of a regular shape. It has a vehicular access to the side with a car park at the rear, and visible from the rear is an area of associated open space and an external metal staircase serving a number of openings at the rear of the property.

**Relevant Site History:**  
There is no directly relevant planning history.

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

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



### **Core Strategy Policies**

- DS1 Achieving Good Design
- DS3 Urban Character
- DS4 Streets and Movement
- DS5 Safe and Inclusive Places
- EN2 Biodiversity and Geodiversity
- EN3 Historic Environment
- HO9 Housing Quality
- TR2 Parking Policy

The Council's adopted Supplementary Planning Document entitled 'Homes and Neighbourhoods: A Guide to Designing in Bradford' is also of relevance to the consideration of this proposal.

### **Parish Council:**

Not in a Parish.

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

The application was publicised by individual neighbour notification letters which expired on 11 March 2023. Two objections have been received.

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

Both representations object to the proposal. In summary their concerns are;

- The public house is an important building serving the local community.
- The number of public houses is diminishing and this here could be run as a viable business.
- The pub's loss could have impacts for social cohesion.
- The property has some history, with features of historic and architectural merit that would not survive the proposed change of use.

### **Consultations:**

Rights of Way - There is a public right of way running adjacent to the site's boundary. The proposal does not appear to impact on this and so no objections are raised.

Drainage Team - No comments.

West Yorkshire Police - No objections are raised in principle, however there would be concerns with the internal arrangements if this was a home of multiple occupation. The Liaison Officer has provided suggestions on how security on this site could be better improved and has made comments that are publicly available, and are available to the applicant.

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

1. Principle of Development
2. Impact on the Built Environment
3. Impact on Neighbouring Uses and Future Residents
4. Highways Impacts
5. Social, Recreational and Cultural Facilities
6. Other Matters Raised by Representations

**Appraisal:**

**1. Principle of Development:**

The application seeks planning permission to change the use of a public house into a single residential property. The site is unallocated and is in a mixed use area, with light industrial units to the rear of the site, and commercial and residential properties opposite. The building is not within the vicinity of any designated heritage assets and not within a conservation area, so is not statutorily protected from such changes. Given the mixed use of the area, the proposal is acceptable in principle, but is subject to the satisfactory outcome of a local impact assessment.

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

The external changes proposed include the removal of the signage, the construction of a new boundary treatment to the front and the addition of a skylight and dormer windows to the roof.

The removal of the signage does not require a formal planning permission, but will give the property a more domestic appearance. The addition of the dormer windows and the skylight appear to be acceptably positioned and will not over-dominate the appearance of the roof. The dormer windows follow the Council's guidance given in its Householder Supplementary Planning Document, which is appropriate here, providing flat roofed additions that have a fully glazed front elevation, are no more than 3 metres in width, and which have an acceptable amount of separation between each. The dormers are suitably positioned above the eaves and below the ridge and will not harm the individual appearance of this property.

The boundary treatment proposed to the front will be a combination of stone walling with wooden fencing above, which is similar to the current situation. The gates are to be set back in line with the building and although tall will not appear overly prominent. The boundary walling to the front corresponds sufficiently with the other stone walling seen to the front of this property and is a better quality material than what is currently there, and the height increase of the front boundary treatments to 1.5 metres raises no significant concerns as it is proportionate to the tall building behind and will not harm its appearance. Considering the existing situation and the better quality materials used in its construction no harm to visual amenity is considered to occur.

The site is within a mixed use area, with the proposal seeking changes to an existing building. To allow sufficient control over the future development of this site due to its significant public presence on a main route between Bradford, Brighouse and beyond, it is considered necessary to remove permitted development rights to allow potential future development to be suitably managed. Subject to conditions the proposed changes are considered to have an acceptable impact on the appearance of this property and will not harm the character of the area, and accords with the aims of policies DS1 and DS3 of the Core Strategy Development Plan Document.

**3. Impact on Neighbouring Uses and Future Residents:**

The property is a sufficient distance away from neighbouring buildings and residential properties to avoid any new overbearing, overshadowing or overlooking issues being caused by the proposed development. Although in a mixed use area comprising of commercial, residential and light industrial activity, the property is detached from these uses and situated a significant distance away. Although there will be some background noise as the property is situated on a busy road, the upper floors have been in a residential use for some time whilst the property was a public house, and so the noise impacts on any person residing at this

address are considered to be similar to that of the existing residential uses at the pub, which is not adverse.

There is no indication that the property will be used for anything more than a single residential property. There are a number of bedrooms with bathroom areas, all served by living accommodation and a kitchen on the ground floor. The layout is logical and proportionate to the number of residents that could potentially reside here, and there is a significant amount of parking and outdoor amenity that could be used by future residents.

Overall, the proposal is not considered to impact on neighbouring uses and presents acceptable living arrangements for future residents, making good use of this vacant building and providing accommodation that meets the guidance given in the Council's Homes and Neighbourhoods Design Guide Supplementary Planning Document. This proposal is considered to meet the policy aims of DS5 and HO9 of the Core Strategy Development Plan Document.

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

The proposal will make use of the existing access and parking arrangements on this site. The change in use is likely to generate fewer traffic movements from this access, and the new gate is set into the site enough to allow a car to stop off the highway whilst it opens. There is sufficient space within the site to enter, turn and exit in a forward gear, and overall there are not considered to be any conflicts with policies DS4 or TR2 of the Core Strategy Development Plan Document.

#### **5. Social, Recreational and Cultural Facilities:**

The National Planning Policy Framework suggests that decisions should plan positively for the provision and use of community facilities such as public houses, to enhance the sustainability of communities. It also suggests that proposals should guard against unnecessary loss, and should ensure an integrated approach to the location of housing in relation to economic uses, community facilities and services.

Although the loss of this public house is unfortunate and could be viewed as a loss of a community asset, it is a building in private ownership and appears to have been vacant for some period of time. Although there is suggestion from objectors that the public house could be run as a viable business, it has been closed for some time which is likely to be in part due to market forces that are outside of planning control.

It is detached from the shopping parade opposite which hosts another public house within a close proximity, and there is no indication that the repurposing of this vacant building to a residential use will reduce the number of public houses in this location to an unacceptable level. The reduced competition on the public house opposite is likely to be positive for its viability, and the repurposing of a vacant public house is not considered to have an adverse impact on social cohesion.

Overall, the loss of this public house is not considered to conflict with the sustainability aims of the National Planning Policy Framework, and presents a development with acceptable integration between existing businesses and this new use.

**6. Other Matters Raised in Representations:**

There is an objection to the potential loss of a number of internal features that this proposal could result in. Although there has been no indication given either way from the developer, the property is not statutorily protected and so internal works cannot be controlled by the Local Planning Authority whether it is in a residential use or one of a public house.

**Community Safety Implications:**

There are no apparent community safety implications.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposal is considered to repurpose a vacant building for a compatible use in this mixed use area. The impact on the building's appearance is acceptable, and there will be no adverse issues for neighbouring uses, highways or for the social, recreational or cultural facilities in the local area. The accommodation offered will provide a good standard of living for future residents, and is considered to follow the Council's guidance given in their Supplementary Planning Document's and accords with policies, DS1, DS3, DS4, DS5, HO9, and TR2 of the Core Strategy Development Plan Document.

**Conditions of Approval:**

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

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

2. The development hereby approved shall be completed in accordance with the following plans:

Location plan referenced 1575\_01 received 11 January 2023  
Existing Floor and roof plans 1575\_02 received 11 January 2023  
Existing Elevations and Sections received 11 January 2023  
Revised Proposed Elevations 1575\_05 Rev B received 22 February 2023  
Revised Proposed Plans 1575\_04 Rev B received 22 February 2023

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

3. The sides of the dormer window 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.

4. All external 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.

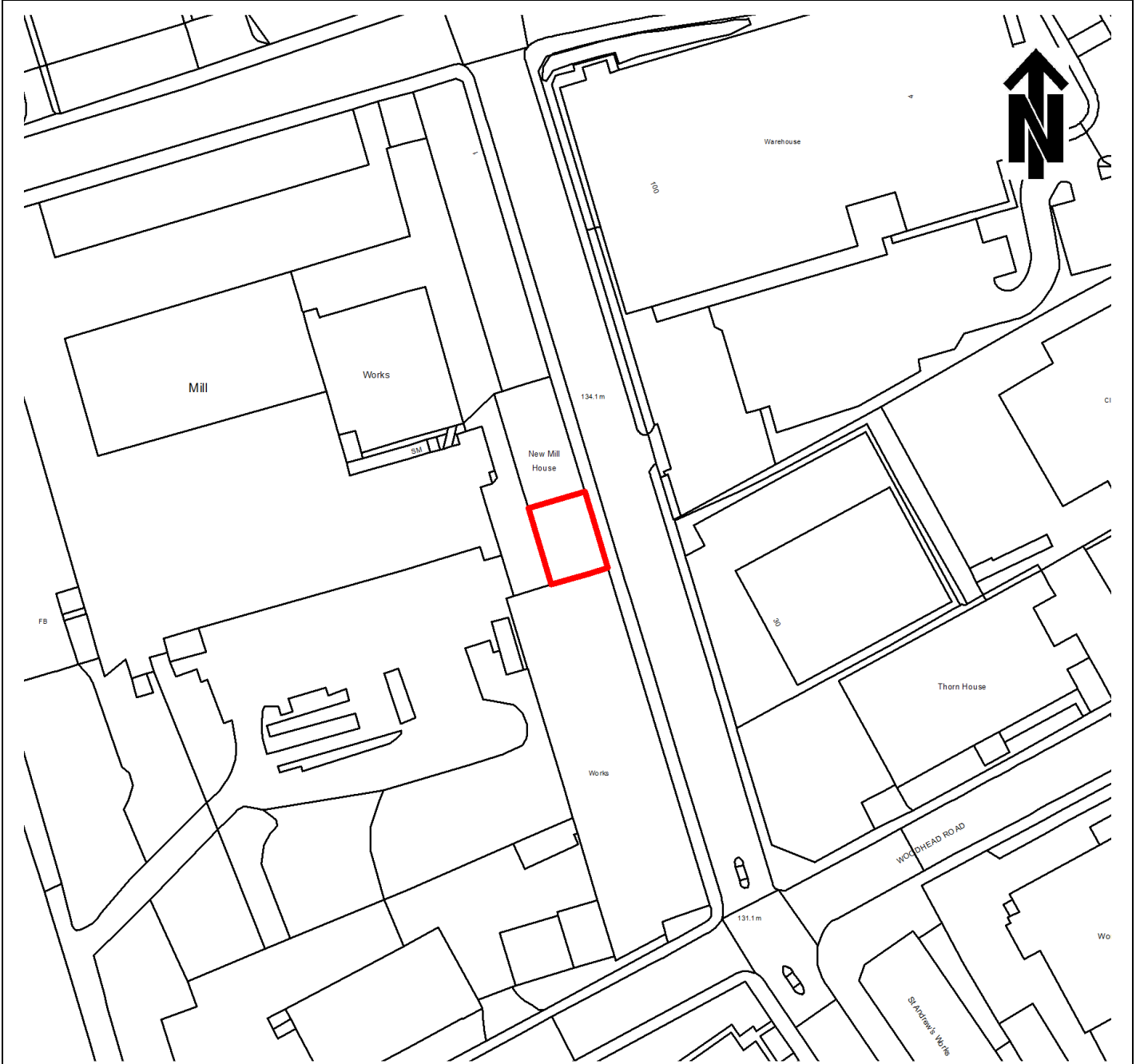
5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the mixed use character of the area; to allow sufficient control over the future development of this site due to its significant public presence on a major route; to ensure that potential future development is suitably managed; and to accord with policies DS1 and DS3 of the Core Strategy Development Plan Document

**23/00554/FUL**



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**New Mill House  
Summerville Road  
Bradford BD7 1NS**

**26 July 2023**

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

**Application Number:**  
23/00554/FUL

**Type of Application/Proposal and Address:**  
Change of use of retail warehouse to restaurant and dining and installation of extraction system to rear at New Mill House, Summerville Road, BD7 1NS

**Applicant:**  
Rashid

**Agent:**  
MADP - Mr Michael Ainsworth

**Site Description:**  
The application relates to the industrial mill building near the corner of Summerville Road and Woodhead Road. It is a long 2 and 3 storey stone faced range fronting Summerville Road and forms part of the larger listed mill complex. The application part of the mill is adjacent to a vacant fire damage rubble site but has been subject to restoration works following the fire. The locality includes a mix of uses, including industrial, cash and carry, supermarket, restaurants etc. The site is located within close proximity to residential streets and the university campus.

**Relevant Site History:**  
13/04163/FUL -Change of use of ground floor warehouse to restaurant Refused 18.12.2013  
22/04341/FUL- Change of use of industrial mill/warehouse to a takeaway and cafe, and 2-bedroom flat on the second floor Refused 20.01.2023

**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

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

EC2 Supporting Business and Job Creation

EC4 Sustainable Economic Growth

EC5 City, Town, District and Local Centres

EN3 Historic Environment

EN7 Flood Risk

EN8 Environmental Protection Policy

SC9 Making Great Places

TR2 Parking

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was advertised by site notice, newspaper article and neighbour notification. The overall publicity period expired on 21 April 2023.

13 representations have been received objecting to the proposal.

7 representations have been received in support of the proposal.

1 support comment is from a local Ward Councillor and requests for determination by the Planning Panel if officers are minded to refuse planning permission.

**Summary of Representations Received:**

Objections:

- The traditional appearance of the mill has been tarnished.
- The frontage is totally out of keeping with the host building.
- This proposal changes the appearance of the streetscene.
- The proposal is not visually in accordance with Council Policy.
- Massive glass frontage is not acceptable.
- There is limited parking available.
- There is not enough parking in this street.
- There should be 30 off street parking spaces.
- Students and staff already use this street for parking.
- The proposal is dangerous to highway safety at nearby junctions.
- The proposal will result in additional traffic on this road (as well as on Woodhead Road and Summerville Road).
- The surrounding businesses are already generating excessive traffic.
- Children and students at university will be at risk when crossing.
- Lorries and HGVs already use this road and can block it for hours sometimes.
- Car meets/street racing takes place on this road.



- Noise disruption will be unacceptable.
- It has not been mentioned how many seats will be in the restaurant.
- Health and wellbeing concerns as a result of another eatery.
- There are not fire escapes from upper floors.
- This application will set a precedent for food outlets.
- This restaurant will destroy the area like in Great Horton Road.
- There are already enough eateries in this location.
- There will be antisocial issues and littering.
- If the building didn't catch fire this proposal would not be allowed.
- The council planning officers and councillors need to wake up and smell the coffee.
- If this is allowed you are breaching Council policies.
- Are brown paper bags being exchanged?
- Attracting more rodents by allowing a restaurant.

**Support:**

- Both buildings were heavily damaged and these people have spent so much money bringing this section back to life.
- Appreciate the time and effort put into restoring this old building.
- This proposal will improve the area.
- Good to see our landmark building being put to good use.
- This is an ideal location for a restaurant.
- Looking forward to trying a new food place.
- This proposal supports our economy and will promote new jobs.
- We need more people bringing investment into Bradford.
- The neighbouring building (now Mezza) was restored and is now lively.
- This restaurant will stop crime on this road.
- Please introduce more street lighting and bins on this road.
- All planning policies have been adhered to.
- Fantastic idea.

**Consultations:**

Highways Development Control – No objections, similar proposal as 22/04341/FUL.

Drainage - No objections, a grease separator is required as part of drainage serving hot food kitchen premises.

Heritage - This structure is part of the larger Legrams Lane mill complex and should be regarded as listed. The building has been reinstated following a serious fire. An extra bay has been added to the 3 storey range, with a large new shuttered doorway at ground floor and a wide picture window above.

Revised plans were submitted and further consultee comments received:

The amended elevation appearance is now more consistent with the character of the listed building. A sample panel of new stone and pointing will be required for approval.

Any new signage will require specific advertisement and listed building consent.

The amended proposals accord with policies DS3, EN3 and SC1(11) and with the NPPF and Sections 16 and 66 of the LB&CA Act.

Environmental Health Nuisance – No objections.

**Summary of Main Issues:**

1. Principle of Development
2. Impact on Economy
3. Impact on Heritage
4. Impact on Visual Amenity
5. Impact on Residential Amenity
6. Impact on Highway Safety
7. Other Matters

**Appraisal:**

**1. Principle of Development**

This application seeks planning permission for change of use from a retail warehouse to restaurant and dining along with the installation of extraction system to rear. The site is being investigated for a breach of planning control as no permission exists for the current works on site. That does not prejudice the consideration of this application.

The proposal to convert the existing building to a Class E restaurant is in keeping with the mix of land use in the locality, so there is no concern over this aspect of the development. Whilst there are other uses within the wider locality, this application either on its own, or cumulatively, is not considered to be out of place in this vicinity.

There are no policies or known circumstances which would constrain development of this kind in relation to the host building and surrounding locality. Therefore, the development is acceptable in principle. This remains subject to listed building consent, and an assessment against the relevant planning policies and guidance.

**2. Impact on Economy**

Policy EC1 seeks to encourage a more entrepreneurial Bradford District, with the aim of achieving higher rates of business start-ups and survival. 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.

The NPPF's economic objective is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth.

There is a clear encouragement for economic development, and the proposed development, would be beneficial to the local economy by bringing about Class E use and job opportunities in this part of the currently unused listed building.

The proposal is sustainable in this regard and would result in enhancement to the area. There is no conflict in terms of economics policies of Core Strategy Development Plan Document and the National Planning Policy Framework.

### **3. Impact on Heritage**

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty as respects listed buildings in the exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The host building forms part of the larger grade II listed mill complex. It has undergone rebuilding works following extensive fire damage. The work carried out on site appears to detract from the setting and character of the building, however a number of revisions have been proposed.

The revised proposal includes alterations to the fenestration arrangement. The first and second floor windows now appear to be in proportion with the windows on the adjacent section of the building. The coursed stone walling used to separate the windows at upper floor level will be constructed to match the size and coursing of the host building. The sill height of the first floor windows is to be altered to match the adjacent section fenestration which is welcomed.

The shopfront, although still relatively modern, is now to be of improved design. A section of coursed stonework is proposed to split the entrance door and large glazed frontage, resulting in a less prominent shopfront and reduction in the area covered by glazing. The shopfront glazing is now aligned well with the first floor windows and the entrance door aligns with the first floor window above. Samples of the stonework and pointing method is required for submission and approval.

A signage board is proposed that will cover exposure of the beam running across the wall. The signage and fascia will also require listed building consent/ advertisement consent. On balance, the revised proposal does not appear to result in harm to the setting or character of the proposal.

No shutters are proposed and appear to be removed from the scheme which is another welcome change.

The flue to the rear elevation has been routed internally which will be well screened from public view. This will not result in detriment to the character or setting of the listed building.

The site boundary now includes provision for bin storage, which is welcomed so as so resist the storage of bins at the roadside in a position that could result in detriment to the heritage asset.

Following engagement with the developer and the submission of revised drawings, the proposal is regarded as according with policy EN3 and with the National Planning Policy Framework and Sections 16 and 66 of the Listed Buildings and Conservation Area Act.

#### **4. Impact on Visual Amenity**

The aluminium framed shopfront and fenestration is deemed to be an acceptable addition to this traditional building. The fenestration arrangement aligns well with the other openings on the adjacent side of the building and it would not appear to be unduly dominant or obtrusive in this street scene setting.

The introduction of the internally routed flue will not be prominently visible and will not detract from the character or setting of the host building and surrounding area.

The proposal would appear to be in-keeping with the general form and massing of the surrounding structures in this area and would potentially improve the existing frontage of the building which currently detracts from the area.

Having had regard to the above, the proposed scheme is considered to be acceptable in terms of its design and its impact on the character and visual amenity of the area. The proposed development is therefore considered to accord with Policies SC9, DS1 and DS3 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

#### **5. 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 within the nearby proximity, no significant harm to neighbouring amenity is anticipated due to the standoff distances retained.

The existing building is situated in the larger mill complex and sits adjacent to a variety of industrial, commercial and retail uses. A large supermarket sits within close proximity, as does a large cash and carry, along with the variety of uses within the complex itself. There is also a large restaurant business within close proximity located on Legrams Lane. It is therefore not expected that the nature of use would be of detriment to the occupiers of adjacent buildings.

The use of the building as a restaurant is not anticipated to be harmful to the amenity of the nearby residential occupants above and beyond the established uses of the wider complex, particularly since the building 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 provided as 11am to 11pm on the application form and a condition restricting the opening hours is recommended to prevent possible disturbance in the early hours or late night.

The concerns mentioned as part of the objections have been considered. It has been found that there would be minimal, negligible impact on any of the surrounding neighbouring properties. It is not deemed that the commercial uses adjacent would have any particular impact on residential amenity or generation of noise from the premises.

Having had regard to the above, it is considered that the proposal would not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with policies Policy DS5 of the Core Strategy.

## **6. Highway Safety:**

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. There are no objections to the proposals from the Highways officer as sufficient on street parking is available adjacent to the site.

The access to this site is well served by public transport and close to local amenities and would as such represent a sustainable location for a development of this nature. The introduction of a restaurant here is a sustainable addition that would not require designated parking given the location and availability of on street parking.

Busy times are likely to be during evening hours where generally, traffic levels and demand for on street parking on this street and the surrounding area are likely to be substantially lower.

Given the location of the proposal, there is no foreseen conflict with Policy DS4 or TR2 of the Core Strategy, the Householder Supplementary Planning Document and the NPPF.

## **7. Other matters:**

The fear of the site introducing illegal parking, antisocial behaviour, car meets/racing etc are not directly related or attributable to the proposed development. In the event the such activities occur they are subject to other means of enforcement.

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 reasons for refusal on the previous proposal have now largely been addressed and the building will visually be much improved as a result of the revisions. There are no substantial implications for amenity or safety, in accordance with the above mentioned policies of the Core Strategy Development Plan Document and the requirements of the National Planning Policy Framework and 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 23-008-P-01 received by the Council on 16.02.2023

Existing and proposed plans P-02 A received by the Council on 04.07.2023

Existing and proposed elevations P-03 A received by the Council on 04.07.2023

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

3. Before any work to the existing shopfront elevation takes place, a sample panel showing the method and depth of coursing of the proposed walling materials and the type and method of pointing to be used shall be constructed on site for inspection by the Local Planning Authority. The details shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with those approved details.

Reason: To assist the selection of appropriate materials in the interests of visual amenity and the character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

4. The restaurant use hereby approved shall be restricted to opening during the hours from 1100 to 2300 Mondays to Sundays (inclusive of Bank or Public Holidays). No customer shall be served or otherwise make use of the premises outside these hours.

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

5. Before the restaurant use hereby permitted is brought into use, the proposed bin store shown on the approved drawings shall be installed in the position shown on the plans and shall thereafter be retained in that position whilst ever the uses subsist.

Reason: In the interest of providing and retaining a suitable waste storage area for the proposed use and to comply with policies DS1, DS3 and EN8 of the Core Strategy Development Plan Document.

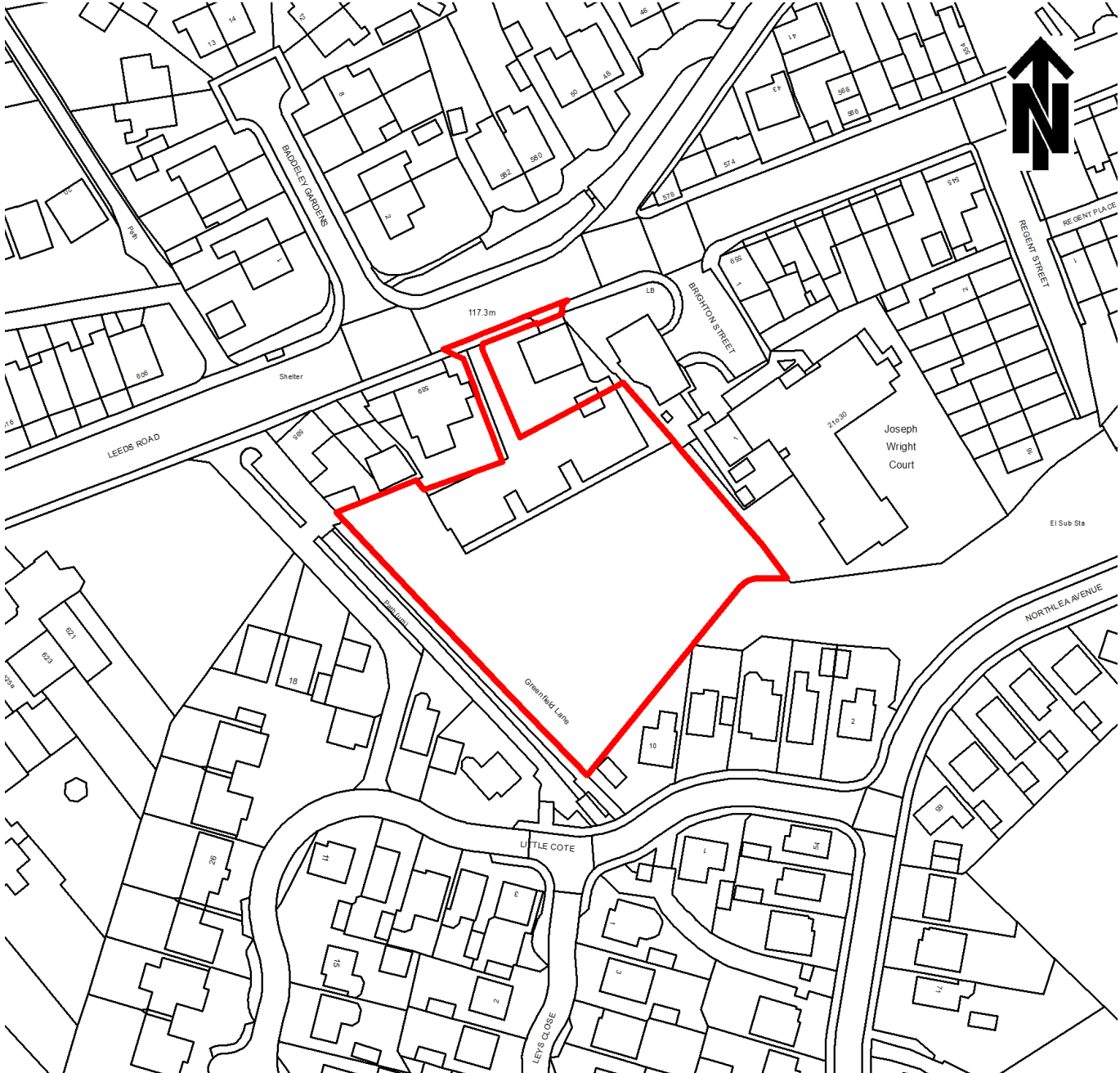
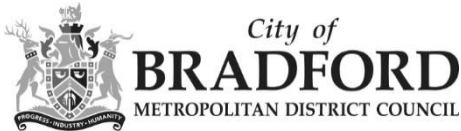
6. Prior to the installation of the internal routed flue, technical specification of a system for the extraction of odours from the premises shall be submitted to and approved in writing by the Local Planning Authority. The details shall include types, materials, odour abatement techniques and locations of any external flues and details of internal filters and maintenance schedules for the system. The system shall thereafter be installed before the first use of the restaurant in accordance with the approved details and retained whilst ever the use subsists.

Reason: In the interests of the amenities of surrounding properties and air quality and to accord with policies DS3, DS5 and EN8 of the Core Strategy Development Plan Document.

7. The exposed part of the flue referred to in condition 6 shall be coloured black and maintained as such for the life of the development.

Reason: In the interests of visual amenity, and to accord with policies DS3, DS5 and EN3 of the Core Strategy Development Plan Document.

**21/05140/FUL**



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**The Shoulder Of Mutton  
589 Leeds Road  
Thackley  
Bradford BD10 8JT**



**26 July 2023**

**Item: D**  
**Ward: IDLE AND THACKLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**  
**AND A SECTION 106 AGREEMENT**

**Application Number:**  
21/05140/FUL

**Type of Application/Proposal and Address:**  
Full planning application for the construction of 9 dwellings at The Shoulder of Mutton, 589 Leeds Road, Thackley, Bradford, BD10 8JT

**Applicant:**  
Mr Gurjit Singh

**Agent:**  
Mr Zeshan Khawaja

**Site Description:**  
The application site comprises land that previously formed the car park and beer garden of The Shoulder of Mutton public house located on Leeds Road, Thackley, A657 with overgrown grassland to the rear of the site. The site is bound by residential properties to the south and west with retirement housing to the east. The site sits at an elevated position from the highway, sloping upwards in a southerly direction.

**Relevant Site History:**  
14/05115/FUL - Change of use from public house to private dwelling house and construction of detached garage - GRANT - 28.01.2015  
15/01398/FUL - Retention of garden fence and use of rear land to extend rear garden - GRANT - 25.06.2015  
16/00543/MAO - Residential development - GRANTED SUBJECT TO SECTION 106 - 07.12.2016  
20/01030/FUL - Construction of 9 dwellings - REFUSE - 11.08.2020  
20/02176/FUL - Two dwellings - REFUSE - 18.08.2020  
20/03927/FUL - Construction of two dwellings - REFUSE - 16.11.2020  
21/00468/FUL - Construction of detached dwelling - GRANT - 22.04.2021  
21/04578/HOU - Replace existing timber fence with fleur de lis fencing to front elevation, new stone walling to side and rear gardens with gates, new pitched roof over existing flat roofs to side elevation, glazed covering to external access to basement - GRANT - 12.11.2021

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

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

**Local Plan for Bradford:**

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

**Core Strategy Policies**

DS1 Achieving Good Design  
DS2 Working with the landscape  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
EN2 Biodiversity and Geodiversity  
EN5 Trees and woodlands  
EN7 Flood Risk  
EN8 Environmental Protection  
HO5 Density of Housing Scheme  
HO9 Housing Quality  
TR2 Parking Policy

**Other Relevant Legislation**

Householder SPD  
Homes and Neighbourhoods SPD

**Parish Council:**

Not applicable

**Publicity and Number of Representations:**

The application was publicised by neighbour notification letters and a site notice with an overall expiry date of 17 November 2021.

A total of 23 representations have been received: 22 objections, 1 support. Of the 22 representations of objection received, one comment was blank with no reasons for refusal.

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

#### **Objections:**

- Loss of privacy to house and gardens.
- Plans show curved corner but this does not exist and appears to encroach on current boundary.
- Area is already overcrowded.
- Increase in traffic congestion in an already congested area.
- Not enough infrastructure (schools, doctors, dentists or amenities) to support existing residents and no additional provision.
- Destroy natural habitats of wildlife living on the land.
- Application should not have been validated- works recommending boreholes has not been completed.
- Incorrect information on the application form- there are many trees and hedges on the site.
- Air quality affected from dust.
- Impact health of nearby residents.
- Noise nuisance from development works.
- Nearby development works have been ongoing into the evenings and weekends.
- No green space left in the area.
- Very close to pedestrian crossing- increase in risk of traffic and pedestrian accidents.
- Plans do not show position of zebra crossing or position of the entrance to the development.
- A designated right turn in the highway should be created to allow free traffic flow.
- Zebra crossing should be replaced with pelican crossing and at a cost of the developer.
- Dwellings are not in keeping with the area.
- The development brings nothing to the area and existing residents, only profit for owners.
- Negative impact on biodiversity, flora and fauna.

#### **Support:**

- Requests access road is to adoptable standard.
- The boundaries for 587 Leeds Road be completed within 3 months of the planning being granted.

#### **Consultations:**

Rights of Way - Bradford North Public Bridleway 114 abuts the site. This route also known as Greenfield Lane and provides a segregated footpath and bridleway between Little Cote and Leeds Road. The proposal does not appear to adversely affect this public bridleway/footpath.

Drainage - No objections subject to conditions.

Highways - No objections subject to conditions.

West Yorkshire Police - No objections in principle provided the recommendations regarding external lighting, dwelling security measures, boundary treatments and bin storage are considered and implemented.

The Coal Authority - No objections subject to conditions.

Yorkshire Water Land Use Planning - No objections subject to conditions.

Environmental Protection Land Contamination - No response received.

Biodiversity - Biodiversity enhancements on Council land within the ward are required to ensure no net loss because of the development. A financial contribution is appropriate.

**Summary of Main Issues:**

1. Principle of development
2. Density
3. Visual amenity
4. Residential amenity
5. Highway safety
6. Biodiversity
7. Land stability/contamination
8. Drainage
9. Outstanding matters of representation

**Appraisal:**

**1. Principle of development**

The principle of residential development on this unallocated site is considered acceptable. The site is within the built up area and in a relatively sustainable location.

Paragraph 11 of the National Planning Policy Framework requires that planning decision-takers should apply a presumption in favour of sustainable development - approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

This site is not part of an asset or area of particular importance.

For applications involving the provision of housing, the presumption 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 with supply falling below this threshold. This needs to be given significant weight.

The details of this application remain subject to an assessment of the local impact of the development, and consideration against detailed local and national policies.

**2. Density**

Policy HO5 of the Core Strategy Development Plan Document seeks to ensure that the best and most efficient use is made of land within a development site. As such, there is a requirement to achieve a minimum density of 30 dwellings per hectare.

The total site area for the application site is 0.36hectares. The proposed density of this site equates to 25 dwellings per hectare, which falls below the density requirement. However, it is considered that given the lack of housing supply within the district combined with the site's circumstances of steep topography and a need to maintain a 5metre buffer at each side of the sewer centre line, a density of 25 dwellings per hectare on this basis can be justified.

### **3. Visual amenity**

The proposed 9 dwellings are laid out in a block of 4 terrace, two semi-detached pairs and a detached dwelling. The dwellings are three storeys with pitched roof dormers to the front and rear elevations. The dormers measure 1.5metres and 2.1metres respectively in width. The dormers do not strictly comply with the Councils design policy principles by virtue of the width exceeding 1.5metres, however there are provisions for pitched dormers over 1.5metres in width on modern properties. The dwellings will be positioned back from the highway with a uniform appearance and so the design is considered acceptable.

The proposed materials are artificial stone, concrete tiles and uPVC window and door fittings. The choice of materials is considered acceptable and in keeping with the newly constructed dwelling and traditional building of the converted former public house.

The site is to be landscaped with hedging and trees with an area of landscaping to the southern corner of the plot. Refuse and recycling bins will be contained in bin storage units located in appropriate positions. The site will be enclosed by a 1.8metre high close boarded timber fence to the perimeter.

Design policy principles of the Council's adopted Homes and Neighbourhoods: A guide to designing in Bradford SPD advises no more than 4 car parking spaces in a row without being broken up by an equal space of landscaped garden/planting. The layout of the dwellings complies with these principles providing a less intrusive and car dominated frontage.

Overall, the proposal is not considered harmful to visual amenity and will sit comfortably within the context of the surrounding residential area adding to the sense of place. The proposal accords with policies DS1 and DS3 of the Core Strategy Development Plan Document.

### **4. Residential amenity**

The proposed dwellings are not considered to affect the residential amenities of neighbouring occupants. The application is accompanied by sections indicating the siting of the dwellings will not intersect a 25degree line taken from the middle of any opposite neighbour's habitable room window. As such there are no concerns for over dominance, damaging of outlook or unacceptably reducing natural daylight reaching neighbours properties.

There is to be a 1.8metre high close boarded timber fence to the perimeter of the site, providing the rear boundaries of the private amenity space of the proposed dwellings. There will be no overlooking or loss of privacy of neighbouring private amenity space as result of the proposed boundary treatments.

The separation distances between the proposed dwellings and neighbouring properties is sufficient to prevent any adverse overlooking and loss of privacy of habitable room windows.

The proposed dwellings are 5 bedrooms with extensive downstairs living accommodation.

The Nationally Described Space Standards have been adopted by the Council in the Homes and Neighbourhoods: A Guide to designing in Bradford SPD to assess the suitability of internal space proposed of proposed new dwellings. The space standards state that the total minimum gross internal floor areas and storage for a 5-bedroom, two storey dwelling should be between 116-134 sqm depending on the number of occupants. Each dwelling exceeds those standards.

Habitable rooms have access to natural daylight, ventilation, and outlook.

To the rear, is a suitably sized garden which will provide occupants with space for recreational use as well as for drying laundry. This is suitably private with the proposed boundary treatments of fencing.

The proposal satisfies policies HO9 and DS5 of the Core Strategy Development Plan Document.

## **5. Highway Safety**

To facilitate the proposed development, a new vehicular access will be constructed to an adoptable standard and to a specification agreed with the Local Planning Authority. The location of the new access is set away from the zebra crossing, with appropriate visibility splays serving the site. The new site access in this location has been accepted and approved previously on a 2016 outline application (16/00543/MAO).

Each dwelling is to be provided with two parking spaces with additional space within the site for visitor parking. The level of parking provision is consistent with car parking standards contained within appendix 4 of the Core Strategy which requires 1.5spaces per dwelling to be achieved.

Subject to a number of conditions the Council's highway officer raises no objections to the proposed development.

The representations received by local residents concerned with the proximity to the zebra crossing and traffic congestion along Leeds Road are noted by officers and highways engineers are fully aware of the housing schemes at the nearby Cote Farm. The Council's highway officer considers that the construction of nine dwellings on this site is acceptable and will not compromise highway safety or pedestrian safety within the locality.

The proposal therefore accords with policies DS4 and TR2 of the Core Strategy Development Plan Document.

## **6. Biodiversity**

The application site is a small area of grassland with some trees and shrubs.

The Preliminary Ecological Appraisal report submitted by JCA, 30 April 2021 details the relatively low value of the habitats on the application site. Whilst the loss of these habitats may be of low significance, there is a requirement for Biodiversity Net Gain to be secured within the application site.

The application is now supported by an Ecological Impact Assessment which includes a Biodiversity Net Gain (BNG) assessment and landscaping plans. The information shows that given the size of the site and the type and scale of the development, the creation of large areas of semi-natural / high value habitat is not feasible at this site. The development will therefore result in a net loss of biodiversity with no indication provided for how the applicant will resolve this loss and achieve the required level of net gain in order to comply with policy EN2 of the Core Strategy Development Plan Document and the requirements of the National Planning Policy Framework.

Additional information was received to support the application which suggests that it would be appropriate to compensate for the loss of biodiversity on the site with a financial contribution to secure biodiversity enhancements within the area. In the circumstances this is considered to be an appropriate way to deal with this issue.

The monetary value to ensure there is no net loss of biodiversity units from the development equates to £3,550 for biodiversity enhancements within this ward or adjacent wards. This financial contribution is to be secured within a Section 106 Legal Agreement.

Within the construction of the dwellings, integral bat and bird boxes are to be provided. This is welcomed and appropriate.

The proposal will satisfy policy EN2 of the Core Strategy Development Plan Document

## **7. Land stability/contamination**

The site is identified as being located in a Coal Development High Risk Area and so there are coal mining features and hazards that need to be considered within the application site and the surrounding area

The Coal Authority's information indicates that the application site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The application is accompanied by a Phase 1 Desk Study Site Investigation Report (July 2020, prepared by Geoinvestigate Limited).

The Phase 1 report provides a summary of the Coal Mining Risk Assessment and identifies the possible presence of very shallow and shallow mine workings beneath the application site. Intrusive investigations (boreholes to depths of up to 30m bgl) are recommended in order to establish the depth of shallow coal seams/workings and the nature and amount of overlying cover.

In conjunction with the Phase 1 Desk Study Site Investigation Report and following the recommendations from the Coal Authority, prior to development commencing, intrusive site investigations are required to be undertaken to determine the exact situation and to ensure the safety and stability of the land. This is to be controlled by an appropriately worded pre-commencement condition. There are no objections from the Coal Authority to the principle of development subject to the pre-commencement condition.

The Phase 1 Desk Study Site Investigation Report indicates that there is a low to moderate risk of chemical contamination, hazardous gas and ground instability. The report goes on to conclude and recommend that a Phase 2 investigation including a ground investigation and contamination and gas testing is carried out at the site to establish the actual site conditions and to properly assess the risks from the geology of the site and its historical land use. It is recommended that any grant of planning permission includes suitably worded pre-commencement conditions to secure intrusive investigations and any necessary remediation works.

Subject to conditions, the proposal will accord with policy EN8 of the Core Strategy Development Plan Document.

## **8. Drainage**

The application site is located in flood zone 1, which has a low risk of flooding.

Yorkshire Water have identified a 1200mm diameter public combined sewer recorded to cross through the red line site boundary. Based on the proposed layout, the public sewer is unlikely to be affected with the area left for landscaping and a 5metre stand off each side of the sewer is clearly indicated.

The Council's Drainage team have no objections to the development, however recommend a number of conditions that would serve to ensure the site is properly drained and to accord with policy EN7 of the Core Strategy Development Plan Document.

## **9. Outstanding matters of representation**

Most representations received have been considered in the above appraisal. Outstanding matters are addressed below:

Plans show curved corner but this does not exist and appears to encroach on current boundary.

RESPONSE: The submitted plans are consistent with the land registry title for the site. Any dispute of boundaries and land ownership is a private civil matter for resolution between the parties.

Not enough infrastructure (schools, doctors, dentists or amenities) to support existing residents and no additional provision.

RESPONSE: The addition of 9 dwellings to the locality is not considered to put significant adverse pressure on local services.

Application should not have been validated- works recommending boreholes has not been completed.

RESPONSE: The works involving boreholes for ground investigation are for the pre-commencement of development once planning permission is granted, not validation of the application.

Incorrect information on the application form- there are many trees and hedges on the site.

RESPONSE: Although it was not correctly stated by the applicant that trees are on site, it was evident from the case officers visit trees are on site and have been factored into the assessment of the development.



Air quality affected from dust.

Impact health of nearby residents.

Noise nuisance from development works.

RESPONSE: The impact on air quality from dust as well as noise and disturbance from the development works would be for a limited time and would not be detrimental to the health and wellbeing of neighbouring occupants.

Nearby development works have been ongoing into the evenings and weekends.

RESPONSE: The works of other developments within the locality are not for consideration in the determination of this application. Should noise and disturbance be beyond what is reasonably expected, it can be investigation by environmental health to establish if a statutory nuisance exists.

No green space left in the area.

RESPONSE: The development is not proposed on any designated protected recreation land.

A designated right turn in the highway should be created to allow free traffic flow.

Zebra crossing should be replaced with pelican crossing and at a cost of the developer.

RESPONSE: The implications for pedestrian and highway safety have been considered by the Councils highway officer. There is no requirement to make any changes to the existing road infrastructure to accommodate the development.

Destroy natural habitats of wildlife living on the land.

Negative impact on biodiversity, flora and fauna.

RESPONSE: The implications for the natural environment have been considered within the appraisal. Biodiversity enhancements are to be provided within the ward or adjacent ward.

**Community Safety Implications:**

The impact on community safety is discussed in the appraisal above.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposal is considered acceptable in principle with weight afforded by the National Planning Policy Framework for presumption in favour of sustainable development. There are no adverse implications for visual amenity, residential amenity or highway safety. The impact on Coal Mining Legacy and Land Contamination has been addressed and the relevant consultees do not object, subject to appropriate conditions. The impact on biodiversity has been carefully considered and is considered a financial contribution is appropriate to enhance biodiversity within the ward. There is compliance with planning policies of the Core Strategy Development Plan Document and the requirements of the National Planning Policy Framework.

### **Heads of terms for Section 106 Agreement**

1. Provision of £3,550 to offset the loss of biodiversity on this site by providing Biodiversity Net Gain within this ward or in adjacent wards.

### **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. No development shall commence until a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity.

Subsequently, any remediation works and/or mitigation measures identified as necessary to address land instability arising from coal mining legacy, as may be necessary, shall have been implemented on the site to ensure that the site is made safe and stable for the development proposed before that development is brought into use.

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

Reason for pre-commencement condition: In order to establish the coal-mining legacy risks posed to the development and inform any mitigation measures that may be necessary to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and Policy EN8 of the Bradford Local Plan Core Strategy.

3. Prior to the commencement of development other than works of demolition, site clearance and site investigation, a Phase 2 Site Investigation and Risk Assessment to determine the nature and extent of contamination present or suspected on the site shall be carried out in accordance with the recommendations of the submitted Phase 1 Preliminary Risk Assessment.

A written report of the findings of that investigation, including a remedial options appraisal scheme, shall be submitted to, and approved in writing by the Local Planning Authority.

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

Reason for pre-commencement condition: To avoid development that would prejudice the implementation of effective measures to address harmful effects of contamination on health, living conditions of future users of the site and the natural environment it is essential that a full understanding of contamination risks is established before development begins.

4. If the Phase 2 Site Investigation and Risk Assessment reveal unacceptable risks of harm from contamination to the environment and/or future users of the site, a detailed Remediation Strategy, which removes unacceptable risks from contamination to all identified receptors, shall be submitted to, and approved in writing by the Local Planning Authority.

This Remediation Strategy shall be submitted prior to the commencement of development other than works of demolition site clearance and site investigation and prior to the implementation of any remediation works on the site.

The remediation strategy must include proposals for the verification of remedial works.

Where the proposed development is to be implemented in phases, remediation proposals for clearly identified phases of the development shall be detailed in the remediation strategy, along with details of arrangements for verification of remediation relevant to those phases.

The Remediation Strategy shall be implemented in accordance with the approved details.

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

Reason for pre-commencement condition: To avoid development that would cause harmful effects to health, the living conditions of future users of the site and the natural environment it is essential that the developer confirms that the risks from contamination can be fully avoided or mitigated before development begins.

5. Prior to the occupation of the development, a remediation verification report providing evidence that risks from contamination have been effectively remediated in accordance with the approved Remediation Strategy, including (where necessary) evidence of quality control of imported soil materials and clean cover systems, shall be submitted to and approved in writing by the Local Planning Authority.

In circumstances where the development is carried out in phases, such verification shall be relevant to the phases of the development identified and agreed under the Remediation Strategy.

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

6. No drainage works shall begin until details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The details and scheme so approved shall thereafter be implemented in full before the first occupation of the development.

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

7. Before any works towards construction of the development commence on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced and drained within the site to binder course level in accordance with the approved plan numbered 19/2415/GS10B and completed to a constructional specification first approved in writing by the Local Planning Authority.

Reason: To ensure that the development is safely connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 32 of the National Planning Policy Framework.

8. Concurrently with the construction of the new vehicular access and prior to it being brought into use, the existing vehicular access to the site shall be permanently closed off with a full kerb face, and the footway shall be returned to full footway status, in accordance with the approved plan numbered 19/2415/GS10B.

Reason: To ensure that the site is connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 32 of the National Planning Policy Framework.

9. Before any part of the development is brought into use, the visibility splays shown on the approved plans shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that the site is connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 32 of the National Planning Policy Framework.

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

Reason: To support the effective regulation of car parking provision serving the development, in the interests of amenity and highway safety, and in accordance with Policy TR2 and Appendix 4 of the Core Strategy Development Plan Document.

11. No development above damp course level shall take place until arrangements have been made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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

12. In the first planting season following the completion of the development, or in accordance with an alternative timetable for implementation that has been agreed in writing by the Local Planning Authority, the landscaping proposals in the Landscape Management Plan R3-571-03-LA-02 dated 30 June 2022 shall be implemented in accordance with the submitted specifications and details.

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

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

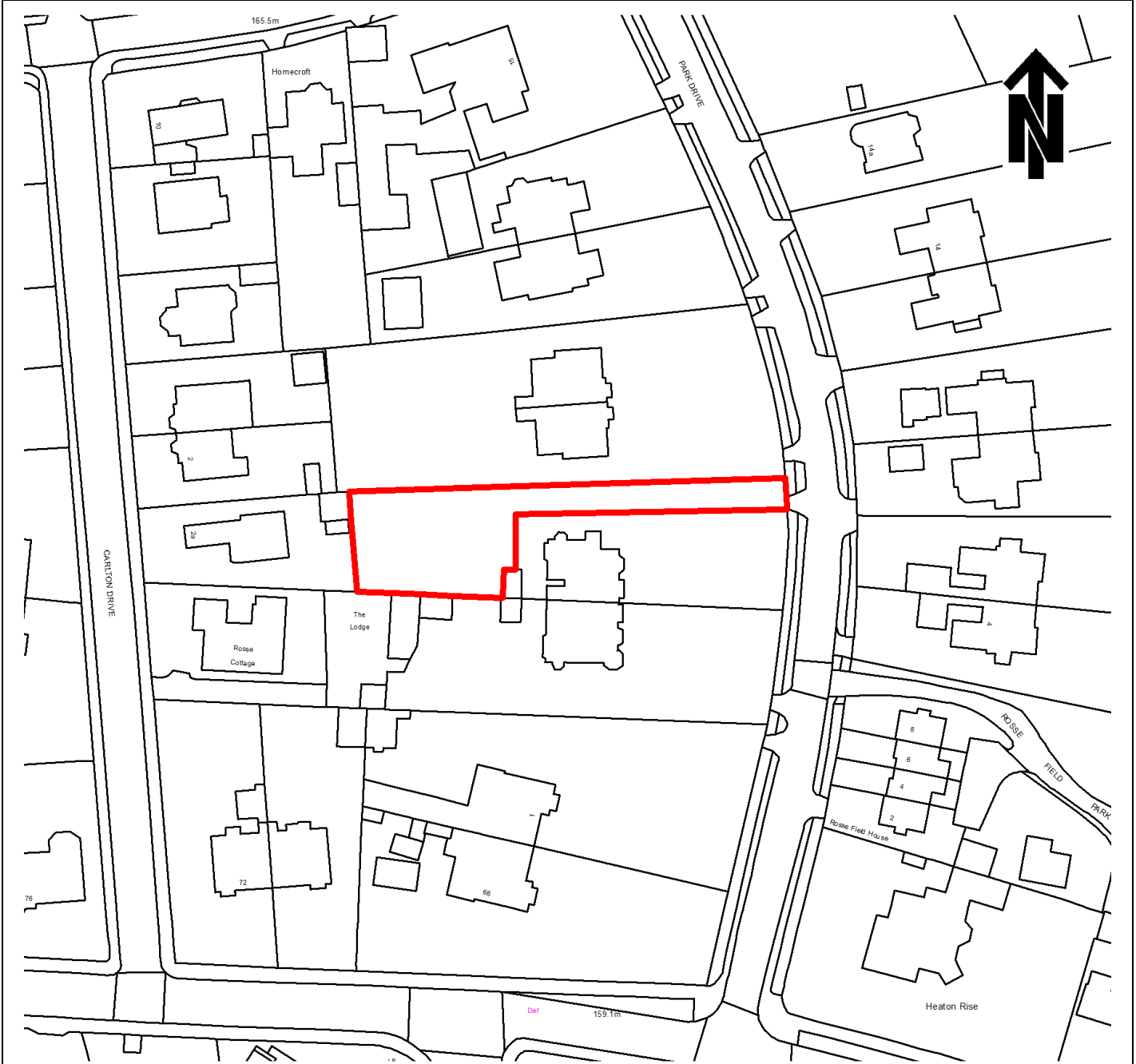
13. The dwellings shall incorporate integral bird nest features (such as swift bricks) and integral bat roost features (such as bat bricks). These shall be installed in accordance with details of the numbers, location and type of feature specified on the letter from Oatlands Ecology dated 24 October 2022.

Reason: To provide an enhancement of bird and bat habitat at the site and to accord with Policy EN2 of the Core Strategy Development Plan Document.

14. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

**23/01078/FUL**



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**5 Park Drive  
Bradford  
BD9 4DP**

**26 July 2023**

**Item:** E  
**Ward:** HEATON  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
23/01078/FUL

**Type of Application/Proposal and Address:**  
Full planning for Construction of detached dwelling at 5 Park Drive Bradford BD9 4DP

**Applicant:**  
Mr Qamar

**Agent:**  
Belmont Design Services Ltd - Mr Jonathon Hadcroft

**Site Description:**  
The application site is a large distinctive semi-detached dwelling, constructed in the late 19<sup>th</sup> century. The house is three storeys in height, and is constructed in an eclectic style, prevalent in the Heaton Estates Conservation Area. Mock timber framing with white cladding is prominent, with deeply oversailing eaves and natural slate roof covering. The chimneys are also dominant features. The house stands in grounds proportionate to its size, with mature trees around the perimeter.

**Relevant Site History:**  
22/05233/FUL - Construction of detached dwelling. Refused 15.02.2023

**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  
DS2 Working with the Landscape  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
HO9 Housing Quality  
EN3 Historic Environment  
EN5 Trees and Woodland

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

Application was advertised by neighbour notification letters which expired on 19 May 2023 and 27 representations have been received, 14 objecting to the application and 13 supporting the application.

**Summary of Representations Received:**

14 objections received raising the following issues:

Overdevelopment of the site.  
Overshadowing and overlooking to neighbouring properties.  
Would affect trees on the site and trees neighbouring the site.  
Affect the setting of 2 listed buildings.  
Increase traffic and parking on the street.

13 supporting comments raise the follow:

Need for expanding family.  
It is hidden from public view.  
The dwelling is in keeping the existing area.  
Like the idea of tree planting.  
Will have minimum impact on the conservation area.  
Plenty of space within the application site.

**Consultations:**

West Yorkshire Police - No response received.  
Conservation - The principle of development and the proposed dwelling would have a harmful impact on conservation area character and would be contrary to Policies EN3, DS3, SC1(11) and SC9. The principle of development would fail to accord with the duty of Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, which requires special attention to be paid by the planning authority to the desirability of preserving or enhancing the character or appearance of the conservation area. Substantial weight is to be applied to this duty.  
Drainage - Need to consult Yorkshire Water due to sewer and recommends conditions.  
Yorkshire Water - Awaiting response.

**Summary of Main Issues:**

1. Principle of Development
2. Impact on Heritage Assets
3. Visual Amenity
4. Residential amenity
5. Highway Safety
6. Biodiversity

**Appraisal:**

**1. Principle of Development**

The application is re-submission of previously refused application for a detached dwelling and the only difference between this application and the previous refusal is that small single storey side extension removed and the flat roofed single storey rear extension removed

The application site is located in the Heaton Estates Conservation area, on land which is unallocated on the Replacement Unitary Development Plan, outside the green belt boundary. The surrounding setting is mainly residential and the existing property has long been established in the locality.

Paragraph 59 of the Revised NPPF continues to stress the need for Local Planning Authorities to boost significantly the supply of new housing. The Core Strategy reiterates this strong policy support for delivering new housing and emphasises that housing delivery is one of the key issues facing the district. This proposal would make a modest contribution towards meeting that need as a result of the increased size of the new dwelling.

Given the lack of a 5-year housing land supply in the Bradford district, the National Planning Policy Framework (NPPF) requires that Local Authorities must consider applications for residential development favourably unless there are clear material reasons otherwise. There are therefore no policies that would seek to resist the principle of developing the site, so therefore the application is acceptable in principle.

Whilst the principle is acceptable, this needs to be achieved bearing in mind the objectives of the NPPF and the Core Strategy towards achieving good design; protecting the amenity of future and existing occupants of neighbouring land or buildings.

**2. Impact on Heritage Assets**

When considering proposals which affect conservation areas regard is to be given to S72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which states that with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 192 c) of the NPPF states that in determining applications local planning authorities should take account of "the desirability of new development making a positive contribution to local character and distinctiveness".

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

Paragraph 196 of the NPPF goes on to state that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal including, where appropriate, securing optimum viable use." It is important to note that the 'less than substantial harm' is still harm.

In support of the application the applicant has submitted a Heritage Statement, which outlines the heritage asset's significance as a historic building and that is located within the Heaton Estates Conservation Area. It is noted that the application site is a large distinctive semi-detached dwelling, constructed in the late 19th century. The house is three storeys in height, and is constructed in an eclectic style, prevalent in the Heaton Estates Conservation Area. Mock timber framing with white cladding is prominent, with deeply oversailing eaves and natural slate roof covering. The chimneys are also dominant features. The house stands in grounds proportionate to its size, with mature trees around the perimeter. The property makes a strong positive contribution to the conservation area character and is identified as being a key unlisted building in the Conservation Area Appraisal.

The exclusive and distinctive residences in the vicinity reflect the affluence of the area at the time of development. The spacious plot sizes are also indicative of the status of the area. The mature tree cover is a defining characteristic, separating plots and providing seclusion. Where infill developments have occurred in the past, these are recognised in the conservation area character appraisal as invariably being intrusive and discordant, both in terms of architectural treatment, scale and impact on the spatial qualities of the area. Undivided plots are recognised as a strength of character of the area, with development of open spaces, including private gardens, and infilling, seen as a key threat to character.

The principle of developing an additional detached dwelling in the grounds of this substantial property would not maintain or enhance the character of the conservation area. The proposal would cause harm to the character of the area, with no balancing public benefit. The proposed dwelling is very large in size, comparable with that of the existing dwelling. It will occupy a significant proportion of the existing rear garden area with much of the remaining garden being hard surfaced for parking. This would permanently and harmfully alter the landscape qualities that the garden contributes to conservation area character. The two trees indicated at the rear of the garden for retention are very close to the rear elevation of the property and this is likely to result in nuisance complaints and requests for removal and/or damage to the trees during construction.

The character and appearance of the conservation is characterised by large dwellings that are surrounded by large gardens to the front and rear and where any instances have occurred to the rear of those properties, buildings are very much subordinate in scale and appear as ancillary buildings in terms of their use, scale and appearance. This is not the case with this proposal as the scheme is of substantial size that over competes with the host dwellings and erodes away all of the spacious rear garden which compromises the urban grain and pattern of the character and appearance of the Conservation Area.

Furthermore, the proposed scheme is located within close proximity to trees protected by conservation area designation. The scheme is located within close proximity of the trees canopies and root protection zones that would result in increased pressure for them to be pruned or removed at later date. The proposed scheme therefore fails to accord with Policies DS2, EN3 and EN5 of the Core Strategy document.

The scheme is considered to cause 'Substantial' harm to special character and appearance of the conservation and the development fails to preserve the and enhance the conservation area. Substantial harm' as defined in the NPPF and as such the proposal does require to carry out a weighing up exercise to ascertain whether the scheme achieves substantial public benefits that outweigh any harm. The proposal is does not provide any substantial public benefits that outweigh the substantial harm to the conservation area and the setting of listed buildings and its curtilage.

Having had regard to the above, the proposal therefore fails accords with sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy EN3 of the Core Strategy and the NPPF.

### **3. Visual Amenity and character and appearance of the area**

Policy DS3 A states that proposals "Respond to the existing positive patterns of development which contribute to the character of the area, or be based on otherwise strong ideas. Innovative and contemporary approaches to design which respond to and complement the local context will be supported". In addition to this Policy DS3 B states that proposals "Retain and integrate existing built features which could contribute to creating a distinctive identity."

Although the scheme proposes a dwelling that symmetrical fenestration layout and presents design features that that are common characteristics within the conservation area.

The design and appearance of the scheme is of a dwelling that is the main feature and main dwelling of that plot or residential curtilage. The scheme's sheer mass, scale, height and size over competes and dominates the host dwelling and does not appear as a subordinate building in scale to the main host dwelling within that residential curtilage. The proposed scheme sites a single dwelling to part of rear garden and a piece of land that doesn't reflect the prevailing pattern of development in the locality, which is detached properties which have spacious front and rear gardens. The proposal is considered disrupt the existing positive patterns development which contribute to the character of the area and whilst the scheme is not visible from a street, it would look out of keeping from the surrounding gardens and houses. The scheme is considered to have detrimental impact on the character and form of the area and fails to with Policies DS1 and DS3 of the Core Strategy Plan document, the Homes and Neighbourhoods Supplementary Planning Document and the National Planning Policy Framework.

### **4. Residential Amenity**

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

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

Although the scheme provides rear amenity space distance 13metres from the rear elevation to the rear boundary of the application site most of the rear amenity spaces (7metres) contains canopy coverage of the conservation area trees given no space for any useable amenity space. The rear amenity space and rear habitable room windows will be overshadowed by the trees which will the lead to the likely removal of these trees. The proposal therefore fails to accord with Policies DS5 and EN5 of the Core Strategy Plan document, the Homes and Neighbourhoods Supplementary Planning Document and the National Planning Policy Framework.

The scheme has large footprint that overwhelms the rest of the rear amenity space of the host dwelling and retains no rear private amenity space to the dwelling as there is only small area of hardstanding that remains. The scheme is considered to have detrimental impact on residential amenities of 5 Park Drive. The proposal therefore fails to accord with Policies DS5 and EN5 of the Core Strategy Plan document, the Homes and Neighbourhoods Supplementary Planning Document and the National Planning Policy Framework.

The scheme meets the required separation distances required in the Homes and Neighbourhoods Supplementary Planning Document and the proposed size and position of the proposed development is not considered to pose a significant threat of overlooking, overbearing or overshadowing of any neighbouring properties. The proposal accords with Policies DS5 and HO9 of the Core Strategy Development Plan Document, the Homes and Neighbourhoods Supplementary Planning Document and the National Planning Policy Framework in this respect.

## **5. Highways**

The proposed dwelling would share the same access as the existing dwelling which is currently acceptable and the scheme demonstrates that there is sufficient parking for both the existing and proposed dwelling. The proposed development is acceptable in terms of Highway Safety and accords with Policies DS4 and TR2 of the Core Strategy Development Plan Document, the Homes and Neighbourhoods Supplementary Planning Document and the National Planning Policy Framework.

## **6. Biodiversity**

The application has paid the habitat mitigation payment is therefore considered to accord with Policies EN2 and SC\* of the Core Strategy Plan document, South Pennine Moors SPA and the South Pennine Moors SAC and the National Planning Policy Framework.

### **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:**

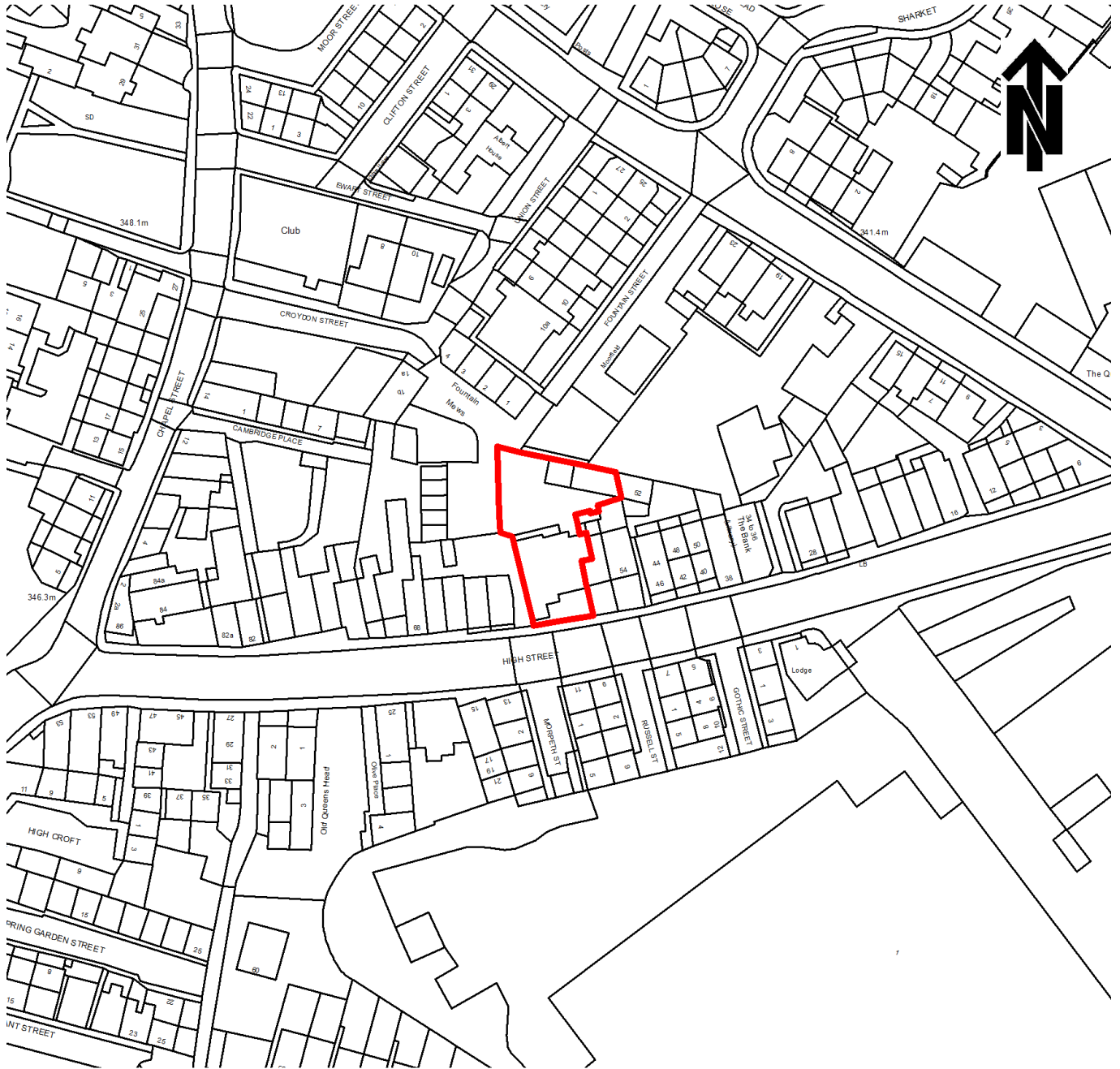
1. The proposed scheme due to its size and scale of the over competes with the host dwelling and erodes away all of the spacious rear garden which compromises the urban grain and pattern of the character and appearance of the Conservation Area. The scheme is considered to cause 'Substantial' harm to special character and appearance of the conservation and the development fails to preserve the and enhance the conservation area. Substantial harm' as defined in the NPPF and as such the proposal does require to carry out a weighing up exercise to ascertain whether the scheme achieves substantial public benefits that outweigh any harm. The proposal is does not provide any substantial public benefits that outweigh the substantial harm to the conservation area. The proposal therefore fails to accord with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy EN3 of the Core Strategy and the National Planning Policy Framework
2. The proposed scheme is located within close proximity to trees protected by conservation area designation. The scheme is located within close proximity of the trees canopies and root protection zones that would result in increased pressure for them to be pruned or removed at later date. The proposed scheme therefore fails to accord with Policies DS2, EN3 and EN5 of the Core Strategy document and the National Planning Policy Framework.
3. The design and appearance of the scheme is of a dwelling that is the main feature and main dwelling of that plot or residential curtilage. The scheme's sheer mass, scale, height and size over competes and dominates the host dwelling and does not appear as a subordinate building in scale to the main host dwelling within that residential curtilage. The proposed scheme sites a single dwelling to part of rear garden and a piece of land that doesn't reflect the prevailing pattern of development in the locality, which is detached properties which have spacious front and rear gardens. The proposal is considered disrupt the existing positive patterns development which contribute to the character of the area and whilst the scheme is not visible from a street, it would look out of keeping from the surrounding gardens and houses. The scheme is considered to have detrimental impact on the character and form of the area and fails to with Policies DS1 and DS3 of the Core Strategy Plan document, the Homes and Neighbourhoods Supplementary Planning Document and the National Planning Policy Framework

4. The proposed scheme is considered to have a detrimental impact on the residential amenities of the existing host dwelling of the 5 Park Drive as the scheme fails to retain an adequate level and amount useable private rear amenity space. The proposed scheme is also considered to have detrimental impact of the future occupiers of the proposed dwelling as canopy coverage of the conservation area trees will lead overshadowing of rear amenity space and rear windows of the proposed dwelling that will lead to the likely removal of these trees. The proposal therefore fails to accord with Policies DS5 and EN5 of the Core Strategy Plan document, the Homes and Neighbourhoods Supplementary Planning Document and the National Planning Policy Framework.

**23/00842/FUL**



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**58 High Street  
Queensbury  
Bradford BD13 2QL**



**26 July 2023**

**Item: F**  
**Ward: QUEENSBURY**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
23/00842/FUL

**Type of Application/Proposal and Address:**  
Full application for the demolition of the existing derelict coach house and construction of 2 No town houses at 58 High Street Queensbury Bradford BD13 2QL

**Applicant:**  
Mr Chris Powell

**Agent:**  
J B Langley Planning & Design Studio Ltd - Mr Christian Richards

**Site Description:**  
The application site comprises a 19th century stone built, coach house positioned to the rear of No 58 High Street in a stone setted yard, within the centre of Queensbury village. The property is mostly two storeys in height but presently in a poor state of repair with sections of the roof missing. Attached and to the west is 52 High Street, a residential property. Access to the building from High Street is achieved via a narrow, cobbled access road which runs alongside No 58 and which also serves several adjacent residential properties.

The property is not highly visible, being well screened from High Street, nevertheless the local context is a characterful area of yards with irregular dividing walls, small cottages and outbuildings. This area behind the High Street has a distinctive character deriving from its organic irregularity and prevailing use of natural stone although it is acknowledged that the current neglected state of the coach house detracts from this to some extent.

**Relevant Site History:**  
20/00951/FUL - Change of use of former bank (A2) to restaurant (A3) and 4 No apartments (C3), single storey rear extension, terrace, window and door replacements and roof amendments including dormers Approved 6 July 2020.

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

### **Local Plan for Bradford:**

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

### **Core Strategy Policies**

DS1 Achieving Good Design  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
EN2 Biodiversity and Geodiversity  
EN3 Historic Environment  
HO9 Housing Quality  
TR2 Parking Policy

Plus the Council's adopted Supplementary Planning Document entitled 'Homes and Neighbourhoods: A Guide to Designing in Bradford' is also of relevance to the consideration of this proposal.

### **Parish Council:**

Not in a Parish.

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

The application was publicised with neighbour notification letters, site notice and press advertisement. The overall expiry date was 1 July 2023. 28 objections have been received together with 43 representations in support.

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

#### **In Objection**

- The coach house is a fine historic building, possibly one of the oldest in Queensbury, and should be repaired and maintained.
- Neglect should not constitute sufficient grounds for demolition.
- On-street parking is already in high demand and creating 2 No new properties with no off-street parking here would make this situation worse.
- Any vehicular access to the site is problematic due to the restricted access off High Street.
- The design is not in keeping with the surrounding area with reference to the areas of glass and cladding and overall character.
- The proposal represents an overdevelopment of the site, considering the planned alterations to form a restaurant and 4no apartments at No 58 High Street.
- Location of the dwellings and use of obscure glass to main windows.
- The dwellings would be overbearing and would restrict light and outlook to neighbouring properties on High Street.
- Loss of privacy due to overlooking to neighbouring properties.
- The development will restrict adjacent homeowners' ability to access their property.
- Loss of property value.

**In Support:**

- Development will represent an enhancement of the area.
- Redevelopment will contribute to the District's housing supply.
- Development will increase the value of surrounding properties.
- Act as a job creation opportunity.
- Good use of a redundant building.
- Building is unsafe and needs pulling down.
- The site could be a focus for antisocial behaviour which would be prevented if the scheme went ahead.
- Applicant has a track record of supporting the local area.

**NB:** 22 out of the 43 'support' representations provided no reasoning for their comments.

**Consultations:**

Conservation - Object to the proposal. Demolition has not been proven as the only option for development and the design does not maintain or enhance the conservation area.

Drainage - No objection in principle subject to conditions to control foul and surface water drainage. They note that there is a public sewer within 3m of the development and that the developer should consult with Yorkshire Water as to layout constraints.

Highways Development Control - Object to the proposal. The proposal would place further pressures for on-street parking in an area which already suffers from parking problems.

Minerals and Waste - No objection.

WYP Architectural Liaison - No objection in principle. Recommendations given as to reducing opportunities for crime through enhanced security and surveillance measures.

**Summary of Main Issues:**

1. Background and Site History
2. Impact upon the Built Environment
3. Impact upon Heritage Assets
4. Residential Amenity
5. Parking and Highway Safety Issues
6. Biodiversity
7. Housing Need
8. Outstanding Issues raised by representations

**Appraisal:**

The proposal seeks full planning consent for the demolition of the existing coach house and the construction of a pair of town houses on the same site. Dwelling 1 will be a 2 bedroomed / 3 person property and dwelling 2, with be a 2 bedroomed / 4 person property. The dwellings roughly follow the footprint of the current coach house building however this will be extended to the front/south at two storey level, partly infilling a triangular section of land between the coach house and adjacent boundary.

The dwellings are two storeys in height and utilise a mix of traditional and contemporary building styles, with traditional natural stone and the use of curtain glazed walling and cladding, which is especially prominent on dwelling 2. It is intended to use reclaimed stone from the demolition of the coach house, where possible.

Dwelling 1 will have an enclosed, walled garden to its eastern side. A small, paved area to the front of dwelling 2 is indicated on the submitted drawings. No firm provision for bin storage is shown. No car parking has been provided for within the curtilage of the site however the submitted Design and Access/Heritage Statement considers that the parking requirements can be accommodated on-street. 6 cycle racks are shown to the eastern corner of the site however it is likely that these would not be for the sole use of future occupants of dwellings 1 and 2 since a 3 bay cycle store was shown as part of the recent approval 20/00951/FUL for the conversion of No 58 High Street to a restaurant and 4 residential flats.

## **1. Background and Site History**

Planning consent has been recently granted for the conversion of the associated adjacent building, 58 High Street, from a bank to a restaurant under 20/00951/FUL together with the conversion of the upper floors of the building to 4 apartments. A single storey extension to form new toilets for the proposed restaurant, a commercial kitchen and service yard to house bins and air conditioning units was also permitted. At the time of the site inspection and through examining Building Control records, it would appear that this permission has not been implemented to date.

Turning to the coach house and its structural condition; other than a brief paragraph in the Design and Access/ Heritage Statement, no justification has been submitted to set out why the coach house could not be restored and brought back into active use. The building is in the conservation area and, as such, the demolition of a historically interesting building should only be granted where it can be clearly shown that it is beyond repair or retention would be financially prohibitive.

## **2. Impact upon the Built Environment**

The proposal would involve the demolition of the existing coach house which is resisted in principle. Although evidently in a poor state of repair, no justification has been made as to why the building could not be retained/repared. The removal of this building would have a detrimental effect on the character and appearance of this rear yard area and the organic nature of this section of Queensbury village centre.

Notwithstanding this, the construction of the planned town houses would represent an overdevelopment of the site as it is simply too small and constrained to accommodate the proposed development successfully. The space would be further restricted once the extension to the planned restaurant at No 58 High Street is completed. Dwelling 1 would not meet with the Nationally Described Space Standards (NDSS) in view of its size - a 2 bed 3-person dwellinghouse would need a minimum of 70m<sup>2</sup> of living space which is greater than the value of 54.6m<sup>2</sup> quoted in the submission.

The achievable natural light levels and outlook to dwelling 1 also raises concerns in view of the i) the limited amount of glazing proposed, especially to the ground floor, and ii) the use of obscure glazing to habitable openings (lounge and bedroom window to the southern elevation). The proposal would not accord with the provisions of the Homes and Neighbourhoods: A Guide to Designing in Bradford Supplementary Planning Document (SPD) which requires that the surface area for glazed windows equates to 20% of the rooms area and habitable rooms to have an appreciable outlook.

On plan form the ratio of glazing to the internal living space for dwelling 2 would meet with the requirements of the Homes and Neighbourhoods SPD however, this is largely due to the inclusion of substantial amounts of glazing to the front wall of the property. The actual outlook is likely to be poor, restricted by the high walls of neighbouring properties together with the proximity of the planned single storey rear extension to No 58 and the front extension to dwelling 1. The interior also seems to rely heavily on borrowed light. Both bedrooms have a glazed internal wall which is suboptimal as it lacks privacy and restricts the flexibility of the living space. Dwelling 2 would however be sufficient in the amount of overall living space, according to the NDSS, however there is no provision for any private outdoor space which would be undesirable. Overall, the layout of this property would be contrary to established good practice on housing design as set out in the Homes and Neighbourhoods SPD.

The appearance of the new pair of town houses would not be in keeping with its setting. The combination of the contrasting building styles - a more traditionally styled approach to dwelling 1 in natural stone with a more contemporary form to dwelling 2, with sections of vertical cladding in a boxy, forward projection and large expanses of glazing evident, results in a structure which lacks visual cohesion. Cumulatively, the resulting form appears as an over dominant and discordant addition, out of kilter with the local context and prevailing use of natural stone.

Consequently, the proposal will fail to accord with Policy DS1 of the Core Strategy Development Plan Document which states that planning decisions should contribute to achieving good design and high-quality places and Policy DS3 which seeks to ensure that developments are appropriate to their context and reinforce a distinctive character with attractive streetscapes and buildings which offer variety and interest. The scheme also fails to accord with Policy HO9 which deals with housing quality and does not make use of the guidance contained in the Homes and Neighbourhoods SPD regarding housing layouts. The LPA would therefore share the objectors concerns as to the principle of development, its visual impact of the development, its scale and appearance.

### **3. Impact upon Heritage Assets**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The coach house, despite its condition, contributes positively to the informality of the urban form in the yards behind High Street which are characterised by small cottages and outbuildings with irregular dividing walls and a prevailing use of natural stone. The building is not listed but is located within the Queensbury Conservation Area.

The building has irregular fenestration but features an attractive small Venetian window at first floor level, a feature typical of such ancillary buildings. Outwardly the south facing, front wall, appears reasonably plumb. The roof to the 2-storey section is predominantly intact although clearly failing and in need of reconstruction / repair. The setted yard is also worthy of retention.

The presumption here should be to retain the former coach house to protect the historic understanding of the heritage asset. An extension / alteration to the coach house may be possible providing that the design reflects the prevailing character and materiality of the original building.

Notwithstanding the brief statement in the submitted Design and Access/ Heritage Statement or the views of the supporters of the proposal, the application is not accompanied by any justification in the form of a structural assessment. The argument that the building is 'unsafe' has not been demonstrated. The LPA would not therefore agree to the demolition of the coach house in principle.

Turning to the appearance of the development, it is noted that contemporary design and materials can be appropriate in a heritage setting but must be carefully considered. Here there is a clear visual predominance of natural stone. It is felt that the proposed projecting box form and modern cladding would provide too great a contrast and would appear discordant. This is despite the location not being immediately visible from the principal thoroughfares. There is also a lack of clarity as to whether the setted surface treatment of the yard area will be retained. The LPA does not share the view of the supporters that the scheme would represent an improvement of the area.

The proposals would neither preserve nor enhance the conservation area character. The resulting harm is not outweighed by a public benefit. Demolition has not been proven as the only option available for the coach house site. The proposals do not accord with Policy EN3 of the Core Strategy Development Plan Document and would be contrary to the obligations placed on the LPA by S 72 of the Listed Buildings and Conservation Areas Act 1990.

#### **4. Residential Amenity**

As set out above, the design of the proposed town houses would result in unsatisfactory living conditions for future residents with reference to outlook, achievable natural light levels and room sizes. Dwelling 2 lacks any form of private amenity space. Both properties are set in close proximity to the service area for the adjacent commercial property at No 58 High Street which is likely to be busy during evening and weekend hours, once the restaurant use commences. Activity associated with this use - such as noise and disturbance from the kitchen, bin store area, cycle park and intrusive lighting could also be incompatible with this stand-alone residential development. In addition, the bin store area for the 4 flats together with the entry point to these units is situated next to the entrance to dwelling 2. It is probable that residents of the upper floor flats at No 58 will pass and re-pass to the front of the proposed town houses in gain access to their flat as well as to put out and retrieve bins onto High Street. This would clearly be noisy and disruptive given the setted nature of the existing yard surface and side access road to the highway.

The new dwellings will also be in close proximity to existing neighbours, especially No 54 High Street. The enclosed rear yard of this end terraced property abuts the site. The positioning of Dwelling 2 will be particularly intrusive, being within 6m of the rear elevation of this existing building. Consequently, the development will appear as an over dominant feature which will negatively impact upon outlook and overshadow this neighbour to the detriment of amenity. The addition of windows to the upper floor is also a concern. It is noted that the staircase windows will be fitted with obscure glass and the landing area to the front is not a habitable room nevertheless the perception of being overlooked will be heightened as a result of the design of the dwellinghouse.

The proposal fails to accord with Policy DS5 which seeks to ensure that development proposals will not harm the amenity of existing or prospective users and residents.

The LPA concurs with the views of the objectors as to the impact of the development on residential amenity in so far as its impact upon outlook, light levels and privacy. Other issues as to access rights to property would need resolved privately, outside of the planning process. Whether or not a development proposal would result in a loss, or improvement, in property values, would not be a material planning concern.

## **5. Parking and Highway Safety Issues**

Although no dedicated off-street parking is provided as part of this development, there is an expectation that residents could park on High Street. However, High Street, the A647, is a busy distributor road carrying high volumes of traffic. On street parking can be problematic here as there are parking restrictions in the form of double yellow lines and it is already heavily oversubscribed by existing business and residential properties. This can often result in indiscriminate parking within the highway, affecting the free movement of traffic. Many objectors cite highway safety and parking as a particular concern with this application.

The formation of a further 2 residential properties would create increased pressure for on-street parking in an area that already experiences parking problems. Any on-street parking would be relatively remote from the units and lacks the benefit of any natural surveillance and as such would not be convenient or secure. For this reason, the proposal fails to accord with Policies DS4 and TR2 of the Core Strategy Development Plan Document.

## **6. Biodiversity**

Notwithstanding the fact that the site is not within a bat alert layer, given the current condition of the building, there is a likelihood that it could be occupied by bats. In their Design and Access/ Heritage Statement, the applicants consider that a bat survey is not necessary however this view is not supported by any meaningful assessment. The LPA cannot therefore be certain that the development will accord with Policy EN2 of the Core Strategy Development Plan Document.

## **7. Housing Need**

It is acknowledged that the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites as indicated in the latest Housing Delivery Test results published on 14 January 2022. This needs to be given significant weight.

Paragraph 11 of the National Planning Policy Framework requires that planning decision-takers should apply a presumption in favour of sustainable development - approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

As the site is located within a conservation area, it would constitute an area of particular importance. The contribution of the site to overall housing land supply would be extremely modest. With reference to NPPF Paragraph 11, the benefits of such a modest contribution seem to be far outweighed by the conflict with other policies of the NPPF taken as a whole, particularly those concerning the need to ensure that developments do not result in harm to the character and appearance of the Queensbury Conservation Area or negatively impact upon the living conditions of future occupiers, highway and public safety.

#### **8. Outstanding Issues raised by representations**

Supporters of the scheme note that the proposal could act as a job creation opportunity and that the applicant has a proven track record of supporting the local area. Whilst this is not disputed, the same argument could equally be applied to converting/ renovating the coach house building.

Any unused building could be a focus for antisocial behaviour, and this in itself would not constitute sufficient grounds for demolition. The same could equally be said of No 58 which is also currently unoccupied. Other measures are however available to deal with such issues, outside of the planning system.

#### **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 quality 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.

#### **Planning Balance and Reasons for Recommendation**

The proposal involves the demolition of a former coach house within the Queensbury Conservation Area. No robust evidence has been provided to demonstrate that the demolition of the building is the only available option to secure the future of the site. It would be preferable to retain/repair and redevelop the existing building to maintain its heritage significance.

Notwithstanding this, the redevelopment of the site with a pair of town houses would not be acceptable as the design, form and appearance of the dwellings would not sit comfortably with the immediate context of the site. Equally, the development would not give rise to satisfactory living conditions either for existing or future residents which would be heightened once the approved change of use of No 58 High Street had been implemented. The new building would overshadow, over dominate and increase the perception of overlooking to neighbouring properties. The living accommodation would also be unsatisfactory in terms of their size, outlook, achievable light levels and amenity space.

The scheme would also result in increased demand for parking in an area which is already heavily over-subscribed. The establishment of the restaurant and residential use at No 58 is likely to increase this especially during the evenings and at weekends.



The representations made in support of and against the proposal have been duly considered. However, the proposal fails to accord with the provisions of Policies DS1, DS3, DS4, DS5, EN3, HO9 and TR2 of the Core Strategy Development Plan Document and the guidance set out in the Homes and Neighbourhoods: A Guide to Designing in Bradford Supplementary Planning Document. Refusal is therefore recommended.

**Reasons for Refusal:**

1. The proposal would involve the demolition of a 19th century former coach house within Queensbury Conservation Area which, despite its poor condition, contributes positively to the character of this part of the village. The National Planning Policy Framework says where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Justification for demolition of this coach house is weak. There is no structural assessment and no information about why the existing building cannot be retained and adapted. Without justification, permitting the demolition of this heritage asset would be contrary to the Local Planning Authority's duty set out in section 72 of the Listed Buildings and Conservation Areas Act, 1990, contrary to Policy EN3 of the Council's adopted Core Strategy Development Plan Document and contrary to the National Planning Policy Framework.

2. The proposed pair of town houses would appear as a cramped and discordant addition to the Queensbury Conservation Area. This is by virtue of their inappropriate contemporary appearance, overbearing size, unsympathetic form and use of poorly considered external materials. They would be poorly related to the context of the site which is characterised by enclosed rear yards with coursed natural Yorkshire stone being the predominant local building material. The development would fail to preserve or enhance the character and appearance of the Queensbury Conservation Area thereby conflicting with Policy EN3 of the Core Strategy Development Plan Document. The inappropriate designs are also contrary Policies DS1 and DS3 of this Document which require new development to be appropriate to its context and setting.
3. The proposed development provides no off-street car parking facilities to serve the dwellings. It is therefore in conflict with policies DS4 and TR2 of the Core Strategy Development Plan Document which require an assessment of parking provisions against the standards set out in the plan, and a design led approach to car parking that supports the street scene and pedestrian environment. The site is off High Street, the A647, a busy distributor route that carries high volumes of traffic and the additional development would create further demands for kerbside parking on the A647 and in the surrounding area which already experiences parking problems. It also conflicts with the National Planning Policy Framework which seeks to prevent unacceptable impact on highway safety and to create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

4. The proposed dwellings would, by virtue of their excessive height, mass and bulk, and close proximity to the boundary with the neighbouring property at 54 High Street, overshadow and cause a loss of outlook and an oppressive sense of enclosure to the rear facing habitable living accommodation and private rear yard area of this property. For these reasons the proposal would be detrimental to the amenities of existing and future residents in conflict with Policy DS5 of the Core Strategy Development Plan Document.
  
5. The dwellings would provide unsatisfactory living conditions for future occupants due to the lack of achievable natural light and the restricted outlook. Proposed Dwelling 1 is cramped and fails to provide the minimum floorspace recommended by the Nationally Described Space Standards. Dwelling 2 has no private amenity space. No provision has been made for waste bin storage for either dwelling. Future occupiers would also be vulnerable to noise and disturbance from the comings and goings to the flats proposed to be formed above No 58 Main Street and would be vulnerable to noise and odour nuisance from the potential restaurant use approved at No 58 Main Street. For this reason, the proposal would fail to provide good standards of amenity for future occupiers of the dwellings and does not comply with Policies HO9 and DS5 of the Core Strategy Development Plan Document. The scheme also fails to comply with the guidance set out in the Council's adopted 'Homes and Neighbourhoods: A Guide to Designing in Bradford' Supplementary Planning Document.