

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 24 January 2024

G

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	2 Frensham Drive Bradford BD7 4AR - 23/03876/HOU [Approve]	Great Horton
B	411 Toller Lane Bradford BD9 5NN - 23/02990/FUL [Approve]	Heaton
C	51 Hanover Square Manningham Bradford BD1 3BY - 23/03889/FUL [Approve]	Manningham
D	51 Hanover Square Manningham Bradford BD1 3BY - 23/03890/LBC [Approve]	Manningham
E	53 Southmere Oval Bradford BD7 4HS - 23/03397/HOU [Approve]	Great Horton
F	Foresters Yard Lower George Street Bradford BD6 1QP - 23/02030/FUL [Approve]	Wibsey
G	The 6 Acres 119 Westgate Hill Street Tong Bradford BD4 0SF - 23/04213/FUL [Approve]	Tong

Richard Hollinson
Assistant Director (Planning, Transportation and Highways)

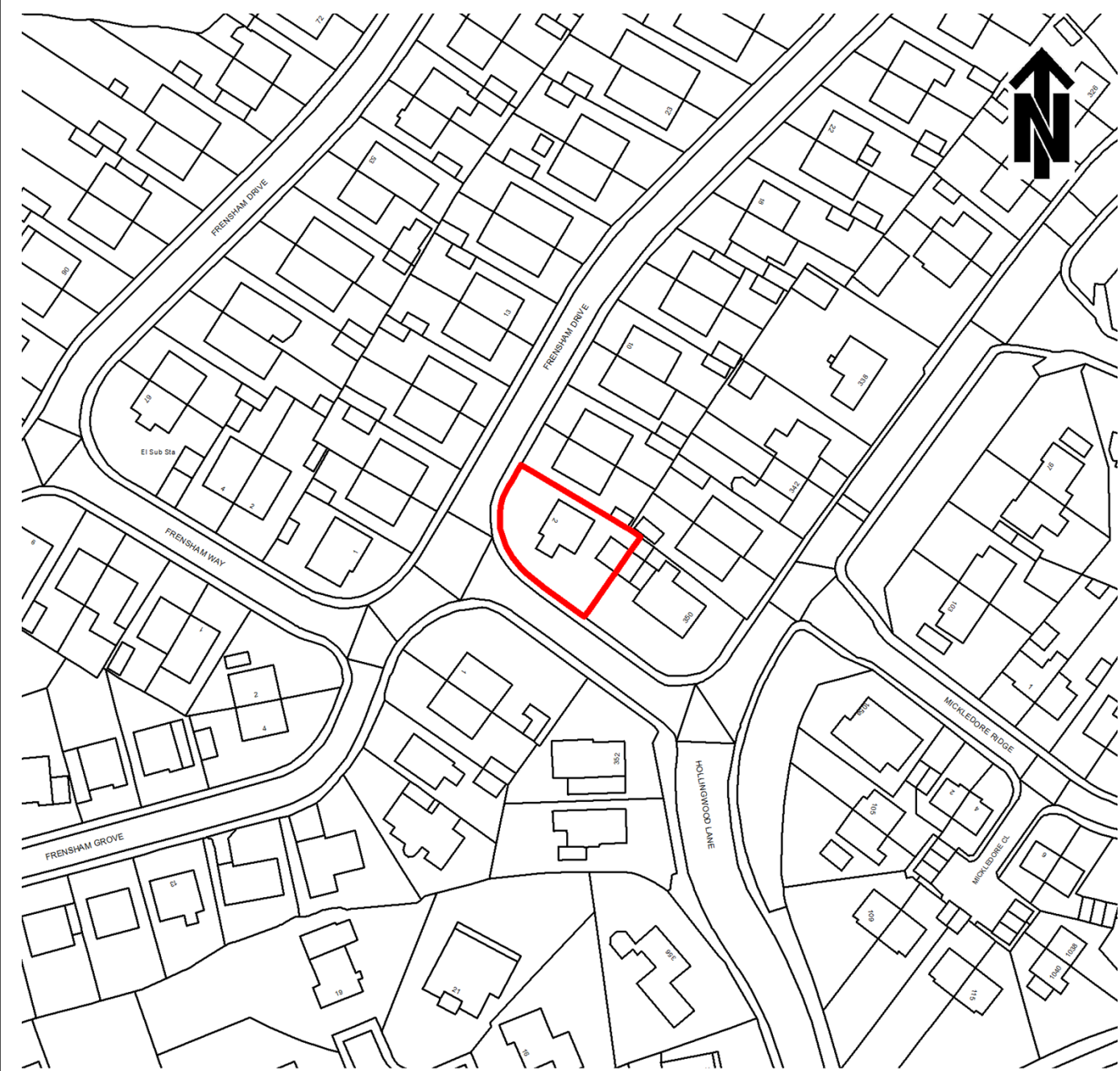
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Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

23/03876/HOU



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**2 Frensham Drive
Bradford
BD7 4AR**

24 January 2024

Item: A
Ward: GREAT HORTON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
23/03876/HOU

Type of Application/Proposal and Address:
Householder application for a new boundary wall with access points, and extended rear balcony at 2 Frensham Drive, Bradford.

Applicant:
Mr M Nazam

Agent:
Mr Paul Manogue

Site Description:
The application site consists of 1.no detached dwelling with surrounding amenity space. The dwelling sits adjacent to 350 Hollingwood Lane to the south east, and 4 Frensham Drive to the north east. The site is accessed to the north west and south west via Frensham Drive. The surrounding area is defined by suburban dwellings of varied scale and design.

Relevant Site History:
05/02298/FUL- Construction of conservatory to side of dwelling. GRANTED 18.05.2005.

19/05198/HOU- Increase in roof ridge height, front and rear dormer windows, side extension, front porch extension and balcony. GRANTED 19.02.2020.

19/05198/NMA01- Non-material amendment to planning approval 19/05198/HOU:
Amendments to existing window openings, creation of patio doors from existing approved opening on front elevation, removal of door from side elevation and changing two window openings to one on the rear elevation. GRANTED 13.01.2021.

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

Local Plan for Bradford:

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

Core Strategy Policies

DS1- Achieving Good Design

DS3- Urban Character

DS4- Streets and Movement

DS5- Safe and Inclusive Places

SPD08- Householder SPD

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters which expired on 2 December 2023. No representations have been received.

Summary of Representations Received:

None received.

Consultations:

None.

Summary of Main Issues:

1. Principle of development.
2. Impact on built environment.
3. Impact on neighbouring residential amenity.

Appraisal:

The application is at the Planning Panel because the applicant is Councillor Nazam Azam.

1. Principle of development

The application site is not an allocated site. Policy P1 states that planning applications that accord with the policies in the Development Plan will be approved without delay unless material considerations indicate otherwise. The principle of extension and amendment to an existing dwelling is accepted.

2. Impact on built environment.

The proposed boundary treatment would reach 1.6m in height and enclose the westernmost site boundaries with the adjacent highway. It would include 1 No gate for pedestrian access to the site. Overall, the scale is considered modest, and appropriate to provide suitable privacy for a private dwellinghouse. The use of stone for proposed boundary treatment and wood panelling for the new gate would both be deemed appropriate material choices. The height of the proposed boundary treatment would not be deemed to visually overbear the site, or appear incongruous to the suburban surrounds.

The application would also extend the rear balcony to the full width of the flat roof extension below. While this would now be 8m in width, it would be accompanied by a 1.7m privacy screen and located on a dwelling benefiting from slightly lowered site levels. As such, it is not deemed the new balcony would be significantly more visible than the existing 3m roof balcony, nor appear visually dominant within the suburban surrounds. The 1.1m high glass boundary on the edge of the balcony would be deemed unlikely to visually overbear the surrounding dwellinghouse also.

3. Impact on neighbouring residential amenity.

The dwelling sits adjacent to 350 Hollingwood Lane to the south east. While the proposed boundary treatment would be visible from this dwelling, the majority of the built form would be situated at least 3.5m from the site boundaries. As such, significant overbearing or shadowing of this dwelling from this is deemed unlikely. The extended rear balcony would be situated at least 6.3m from the boundary of this dwelling while visually screened by the existing lowered site levels and garage/ car port of 350 Hollingwood Lane. As such, additional significant overlooking, overbearing or overshadowing is also deemed unlikely.

The dwelling also sits adjacent to 4 Frensham Drive to the north east. Similarly, while the proposed boundary treatment would be visible from this dwelling, the majority of the built form would be situated at least 3.3m from the site boundaries. As such, significant overshadowing or overbearing of this dwelling from this element of the proposal would be deemed unlikely. The proposed balcony extension while now 4.2m from the adjacent boundary, would include a 1.7m privacy screen and would also benefit from the slightly lowered site levels of the dwelling. As such, additional significant overlooking, overshadowing or overbearing is also deemed unlikely.

Owing to the scale and siting of the proposals, no further significant impacts to surrounding residential amenity are deemed likely.

Community Safety Implications:

There are no implications for community safety.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The application proposes a new boundary wall with access points and extended rear balcony. The scope of development is deemed appropriate amendment of an existing dwellinghouse, and unlikely to result in significant impacts to the surrounding built environment or residential amenity. The proposal is thus considered to accord with the relevant policies of the Bradford Development Plan and is recommended for planning approval.

Conditions of Approval:

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

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

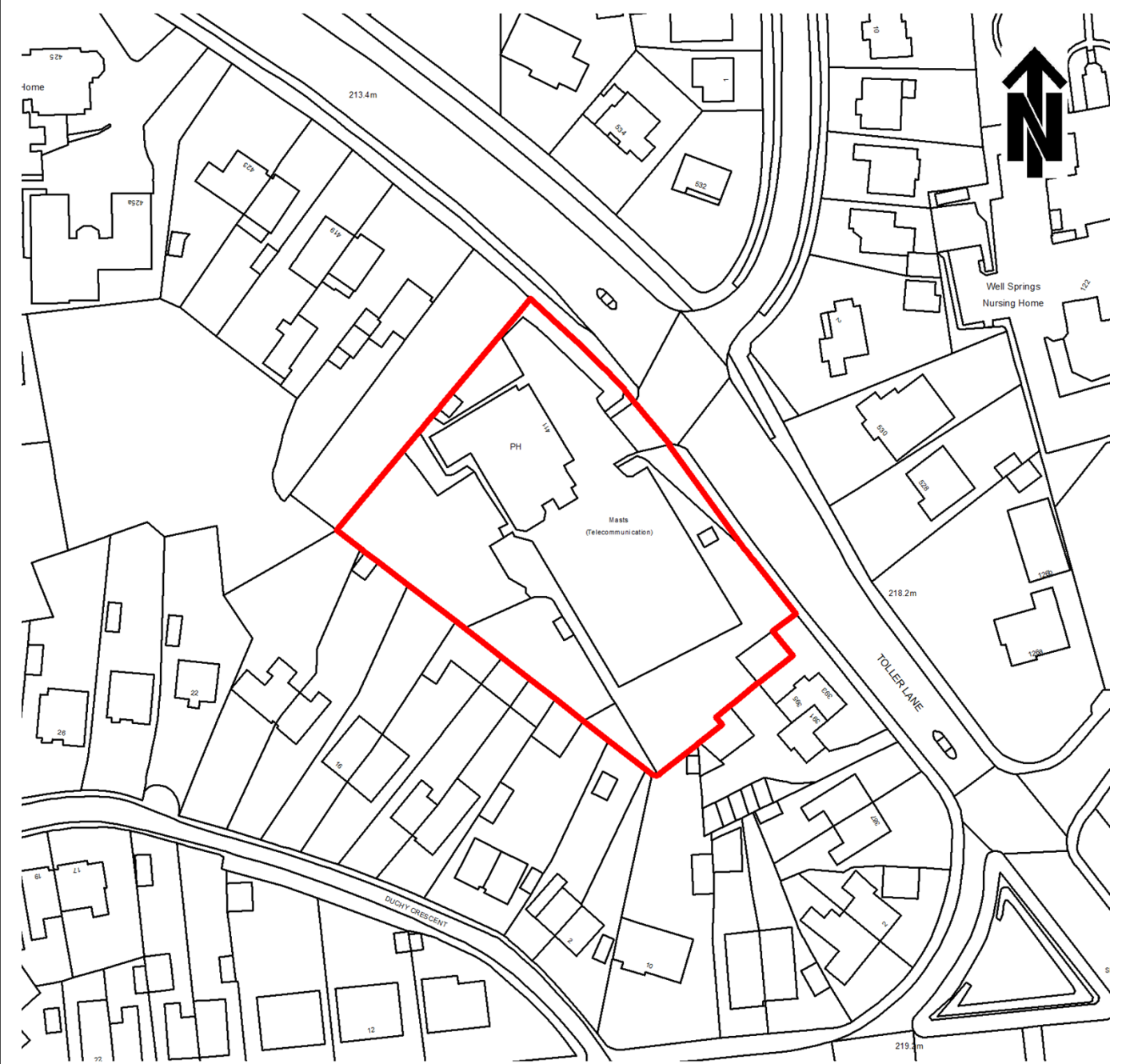
2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

16-146-01-Rev C - Existing and Proposed Plans and Elevations.

16-146-02-Rev C - Location Plan and Site Plan, Proposed Boundary Treatments.

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

23/02990/FUL



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**411 Toller Lane
Bradford
BD9 5NN**

24 January 2024

Item: B
Ward: HEATON
Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
23/02990/FUL

Type of Application/Proposal and Address:

Extension and reconfiguration of the existing public house (Hare & Hound) to provide 3 No retail units on ground floor and three number apartments on first and second floor associated with car parking, bins and bike stores. Existing public house car park to be redeveloped to accommodate four number town houses with garages, parking spaces and gardens at the Hare and Hounds 411 Toller Lane, Bradford.

Applicant:
Mr Randeep Dawett

Agent:
Miss Alexandra Erlich

Site Description:

The application site is the form Hare and Hound public house and its car park. The surrounding area consists of two and single storey semi-detached properties that vary from single, two and three storey. There are 3 telecommunication masts to the front boundary of the application site.

Relevant Site History:

The application site has applications that have been approved for signage and extension for the previous public house use. None which are relevant to this application.

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
HO5 - Density of Housing Schemes
HO9 - Housing Quality
EC1 - Creating a successful and competitive
EC3 - Employment Land Requirement
EC5 - City, Town, District and Local Centres
TR2 - Parking Policy
EN7 - Flood Risk
EN8 - Environmental Protection

Other Policies

Home and Neighbourhood Supplementary Planning Document

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by neighbour notification letters. The deadline for comments was 08.09.2023.

The application received 28 letters of objection and petition with 24 signatures. The objections include a request from a Ward Councillor that the decision be referred to Area Planning Panel should officers recommend approval.

Summary of Representations Received:

Traffic congestion
Noise
Cut down trees
Creation of anti-social behaviour
Needs a retail assessment.

Consultations:

Yorkshire Water – No objection subject to conditions
Highways – Following some minor amendments no objections.
Drainage – No response received.

Summary of Main Issues:

1. Principle of Housing Development
2. Principle of Retail Development
3. Impacts on Residential Amenity
4. Impacts on Visual Amenity
5. Highway Safety
6. Other Matters Raised – Trees

Appraisal:

1. Principle of Housing Development

The application is set against a backdrop where there is an urgent need for the Council to provide appropriate housing land. Paragraph 59 of the NPPF stresses the need for local planning authorities to significantly boost the supply of new housing. The adopted Core Strategy (CS) underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future development of the District is the need to house a growing population by delivering 42,100 new residential units by 2030. The Council's Five Year Housing Land Statement (2018-2023) indicates that the deliverable supply currently stands at 2.06 years. In light of the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District.

Furthermore, the NPPF also observes that housing applications should be considered in the context of the presumption in favour of sustainable development, and local planning authorities should encourage the effective use of land. A new dwelling would represent a sustainable approach to development close to existing infrastructure such as shops, other facilities and public transport.

The site is unallocated in the RUDP and is within a residential setting. The development achieves the required housing density per hectare which is compliance with the requirements of Policy HO5 of the Core Strategy which seeks to ensure that land is used efficiently. The principle of residential development in this location is therefore considered to be acceptable subject to its local impact.

2. Principle of Retail Development

Annex 2 of the NPPF identifies pubs/bars and retail uses as 'Main town centre uses' therefore the existing use of the Hare & Hound public house which is currently a main town centre use.

The scheme proposes converting and extending the existing public house use to 3 retail units which a main town centre use so it replaces a main town centre use with another a main town centre use.

Policy EC5F of the Core Strategy Local Plan document states that "When assessing applications for retail, office and leisure development not in accordance with the Development Plan Documents and in an edge of centre or out of centre location, the Council will require an impact assessment if development is over 200 square metres gross of floor space for Local Centres. The nearest local centre is Duckworth Lane and therefore the application site would be out of a centre location.

This differs for the NPPF as Paragraph 89 of the NPPF states that "When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace)."

Objectors raise that scheme requires a retail assessment. The scheme proposes an additional gross net increase of retail 'main town centre use' of 144sqm of the side extension which is below the 200sqm threshold for an Impact Assessment in EC5(F). Officers therefore consider that the scheme does not require a Retail Impact Assessment

NPPF paragraphs 91 and 92 relate to main town centre uses:

“Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

There is a suggestion that a sequential test be applied for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. It is not a requirement of the NPPF and in this instance, given the limited increase in floorspace of the existing public house to create the three retail units it is officer's view that to carry out a sequential test would not be of benefit to decision makers. Moreover, it should be considered against paragraph 92 which states:

“When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

That being the case, officers have demonstrated flexibility to the approach of this case. If the application site was not already in use and the proposal was to introduce totally new development to the site then a sequential test would be required to carry out a comprehensive assessment. However, the proposed development is such that the local planning authority can demonstrate flexibility.

Policies EC1 and EC2 Core Strategy Local Plan document promote economic growth and job creation which this will do with the creation of 3 retail units.

The principle of retail development is therefore considered acceptable and is in accordance with Policies EC1, EC2 and EC5 of the Core Strategy Local Plan document and the NPPF.

3. Impacts on Residential Amenity

In terms of the of the proposed 4 dwellings the scheme achieves the separation distances of 10.5metres to rear boundaries and 21metres to habitable to room windows in the Homes and Neighbourhood SPD to existing neighbouring properties and to future occupiers of the proposed dwellings. Due to the combination of the orientation of the site, the size, scale, and siting of the proposed dwellings and distance away from the neighbouring properties the proposal is considered not to cause any significant adverse effects of overshadowing or oppression.

The scheme proposes apartments above the proposed 3 retail units. The scheme provides a separate access to these 3 apartments that are independent of the 3 retail units which is supported. 2 of the 3 apartments are on the first floor the remaining is on the second floor. All of the apartments have a bedroom, living / kitchen, storage and bathroom. All of the habitable rooms of the apartments has access to large sized windows in terms of access to light and they all meet the floor area required in Technical housing standards - nationally described space standard

Objectors raise concerns in relation to anti-social behaviour and noise. Development should not be designed in a way that could encourage anti-social behaviour and should follow 'Secured by Design' principles. Existing anti-social behaviour is not a material consideration, it is a police matter.

In terms of noise, officers considered that the existing public houses has no restriction of hours of use which is more active use than the proposed 3 retail units and the proposed use is not considered to be harmful to the residential amenities of neighbouring from coming and goings of customers.

It is considered that the proposal would not cause significant detrimental impact on the residential amenities of adjacent land in accordance with policies DS5 and HO9 of the Core Strategy Plan document, the Homes and Neighbourhood Supplementary Planning Document and the National Planning Policy Framework.

4. Impacts on Visual Amenity

The scheme proposes; plant room, side extension and rear extension to the existing Hare and Hounds building, which are relatively small in comparison to the existing building. The proposed extensions are considered to be acceptable in terms of its scale, size, design, materials and roof pitch and form used and is considered to be subservient to the host building.

The layout of the proposed development proposes 2 access points off Toller Lane. The retail element of the scheme uses the existing access and extends its parking to the rear of that building.

The proposed newbuild dwellings use a new access off Toller Lane. It is supported that scheme provides a new separate access point as the scheme provides a clear distinction between the retail and newbuild residential elements. The amended plans of the residential element removes the detached garages from the front access which is supported as there are no other examples of garages sited forward of the front elevations of dwellings in the surrounding area. The scheme retains sufficient rear gardens for the proposed dwellings which is supported.

The proposed 4 bedroomed dwellings are 3 storey in height and the street scene plans show that they higher than the dwelling at 395 Toller Lane but are of similar height to the existing public house and the dwelling at 409 Toller Lane.

Given that the surrounding area consists of two and single storey semi-detached properties that vary from single, two and three storey, the proposed amount of storeys 3 and height are not considered to unduly harmful nor prominent or over dominant in the surrounding area. The proposed dwellings are designed with a simple symmetrical fenestration layout which is common feature in the surrounding area

It is considered that the proposal is considered acceptable in terms of its design, scale and layout and would not have detrimental impact on the character and form of the surrounding area in accordance with policies DS1 and DS3 of the Core Strategy Plan document, the Homes and Neighbourhood Supplementary Planning Document and the National Planning Policy Framework.

5. Highway Safety

The layout of the proposed development proposes 2 access points off Toller Lane. The retail element of the scheme uses the existing access and extends its parking to the rear of that building.

Highways officers were consulted on the application who commented that for the retail and apartments there are to be 33 spaces for the retail units and a further 5 for the 3 apartments. They considered the numbers to be acceptable but additional detail is required as to how the 5 residential parking spaces would be reserved for the apartments.

Highways officers also stated that whilst the retail units would be served via an existing access the 4 dwellings will require a new access to be constructed. The gradient of this access should be no steeper than 1 in 20 and given the height difference between the site and the highway it is unlikely that this is being achieved under the current layout. Visibility splays of 2.4m x 43m will be required at the access point and these should be demonstrated on plan. Highways require that the proposed 4-bedroom dwellings would require at least two parking spaces each and therefore the proposed 4 garages should be omitted, and open parking spaces provided for the dwellings instead. The proposed parking for Plot 1 would be better placed directly in front of the dwelling.

Amended plans were requested and received regarding the above issues which have now been resolved. Objectors have raised concern in relation Traffic congestion. Highways have raised no concerns in relation highway safety or congestion nor do officer considered it to be an issue. Conditions have been recommended. The proposed scheme is not considered acceptable in terms of parking and its impact upon Highway Safety in accordance with Policy TR2 and the NPPF

6. Other Matters Raised – Trees

Objectors raise concerns that trees have been cut down on the site. None of the trees on the site are protected by tree preservation order or conservation order so they could have been removed at any point.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

Equality Act 2010, Section 149: In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed development is acceptable in principle and would not have a detrimental effect on visual or residential amenity, highway safety or any other planning-related matter. The application therefore accords with the above-noted policies of the Core Strategy Plan document, the Householder Supplementary Planning Document and the National Planning Policy Framework.

Conditions of Approval:

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

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

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

Location Plan 6934(P)010 11 Aug 2023
Block Plan 6934(P)011 11 Aug 2023
Existing Site Plan 6934(P)100 11 Aug 2023
Proposed Site Plan 6934(P)101B 1 Dec 2023
Existing Floor Plans Public House 6934(P)100-01 1 Dec 2023
Proposed Ground Floor Plan – Mixed Use 6934(P)102A 1 Dec 2023
Proposed First Floor Apartments 6934(P)102-01- Rev A 1 Dec 2023
Proposed Second Floor Apartment 6934(P)102-02- Rev A 1 Dec 2023
Proposed Ground Floor Town Houses 6934(P)103B 15 Dec 2023
Proposed First Floor Town Houses 6934(P)103-01B 15 Dec 2023
Proposed Second Floor Town Houses 6934(P)103-02B 15 Dec 2023
Proposed Elevations 6934(P)201B 15 Dec 2023
Proposed Elevations 6934(P)203B – Town Houses 15 Dec 2023

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

3. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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

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

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

5. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

6. Before any part of the residential development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced and drained within the site in accordance with the approved plan numbered 6934(P)101B and completed to a constructional specification first approved in writing by the Local Planning Authority.

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

7. Before any part of the development is brought into use, the visibility splays shown approved plan numbered 6934(P)101B; 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

8. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 6934(P)101B. The car parking facilities so provided shall be kept available whilst ever the development is in use.

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

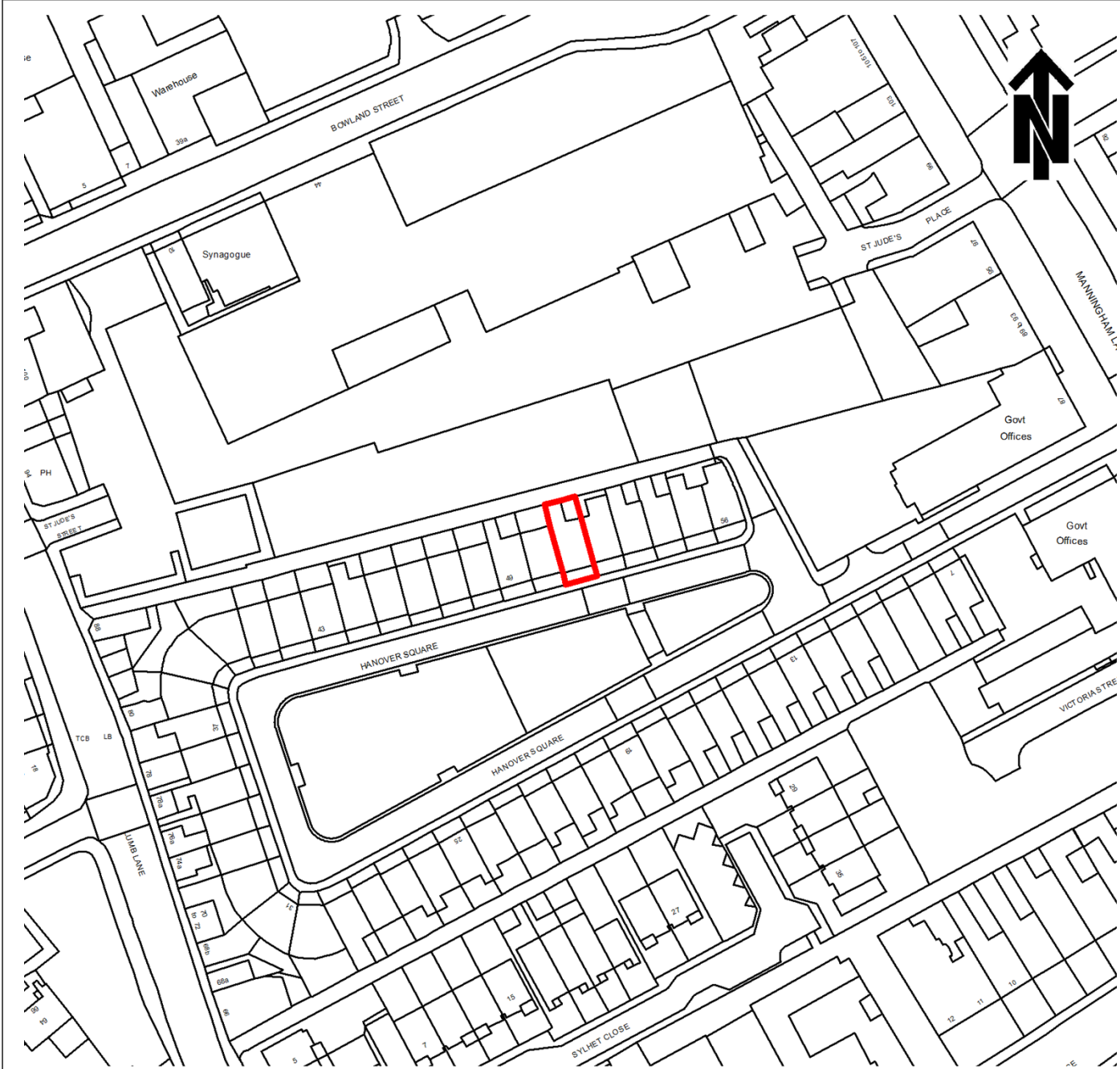
9. Before the development is brought into use, the associated off street car parking facility shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing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

10. A Scheme for the provision of Electric Vehicle Charging Points on the site to meet the minimum requirements (or equivalent) of the Bradford LES planning guidance, including type and location of charging points shall be submitted to the City of Bradford Metropolitan District Council for approval prior to commencement of development at the site. All charging points shall be provided in accordance with the approved scheme, marked clearly and permanently with their purpose and be retained fully operational thereafter whilst the development is implemented.

Reason: To facilitate the uptake of low emission vehicles by staff and visitors and to reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).

23/03889/FUL



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**51 Hanover Square
Manningham
Bradford BD1 3BY**

24 January 2024

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

Application Number:
23/03889/FUL

Type of Application/Proposal and Address:

Application for a change of use from residential dwelling to house in multiple occupation and all associated works at 51 Hanover Square, Manningham.

Applicant:

Mr Jawad Saleemi

Agent:

Mr Elie Osborne of 4D Planning

Site Description:

The property is a 2 ½ storey, mid-terraced dwelling, situated in a predominantly residential area. The street scene consists of a squared row of properties, facing onto a courtyard and access road/parking areas. The host dwelling is Grade II listed and situated in a Conservation Area.

Relevant Site History:

90/05500/LBC Substantial reconstruction of internal and external walls floor roof and boundary walls LBC Granted 19.09.1990
02/00172/FUL Single storey extension to rear to provide shower room for disabled person Refused 05.04.2002
02/00418/LBC Single storey extension to rear of property Refused 05.04.2002
02/01434/LBC Single storey extension to rear of property Granted 19.06.2002
02/01435/FUL Single storey extension to rear of property Granted 19.06.2002

The National Planning Policy Framework (NPPF):

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

Local Plan for Bradford:

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

Core Strategy Policies

DS1 Achieving Good Design
DS3 Urban character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
EN3 Historic Environment
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 1 December 2023.

32 representations have been received objecting to the LBC proposal.

1 representation has been received in support of the LBC proposal however the contents of the comment clearly state objection to the proposal.

Therefore 33 objections are considered.

Summary of Representations Received:

Character of the listed building/conservation area will be detracted as a result of the proposal.

Proposal will not enhance the area.

Noise from the proposal.

Late night noise including loud music.

Too many people living in one property.

Overcrowded living.

Noise disturbance from another multi-let in the street.

The proposal will attract crime.

Threatening behaviour from occupants of HMO is possible.

There will be a rise in antisocial behaviour.

Concerns for children safety.

Drug problems.

Lack of policing in the area.

Parking issues already exist on the street.

Speeding cars.

Increase in congestion will occur.

There will be increased demand for parking.

This will set a precedent for others.

Impact on property values.

Waste overflow concerns.

Lack of community cohesion.

Consultations:

Housing Standards-No indication of fire detection or emergency lighting. No adequate fire separation between basement and ground floor. FD30S doors are required. Mechanical ventilation will be required to bathrooms. Grills on windows could hamper fire escape.

West Yorkshire Police-Guidance attached.

Conservation-There is currently no justification for the change of use to an HMO. CCTV, lighting and intercom can be conditioned. Ventilation should be specified to allow assessment. All external changes are to be clarified.

Summary of Main Issues:

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

Appraisal:

1. Principle of Development

This application seeks planning permission for change of use from a residential dwelling to an HMO with 7 bedrooms. Although initially proposed as 8 bedrooms, a bedroom from the second floor was removed from the proposal. The site is currently in residential use and therefore the HMO would be similar in this regard. The proposal is in keeping with the mix of predominant land use in the locality, so there is no planning reason to resist this aspect.

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 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.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of conservation areas. In the exercise of a Local Planning Authority's planning functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Hanover Square was constructed around 1840 and sits within a square setting. The main body of the square displays distinctive and attractive architectural detailing, with further plainer houses added at each end a number of years later. All the houses are Grade II listed and within the Eldon Place conservation area.

There will be no change to the appearance of the existing facing materials, or fenestration of the building. The internal layout changes would involve internal partitioning which would not have detrimental impact to the fabric of the building.

The proposal includes some additional elements to the external elevations. Full details of these elements including CCTV, external lighting, mechanical extraction will be required and can be conditioned for submission and approval.

The site includes provision for bin storage, which is welcomed so as to resist the storage of bins at the roadside in a position that could result in detriment to the heritage asset. Details of the timber framed structure can be conditioned to be submitted prior to being approved.

Some objection comments mention impact on the heritage asset, however subject to the finer details of the additions, there is no deemed harmful impact on the listed building and conservation area.

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.

3. Impact on Visual Amenity

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 since the external alterations to the building are very limited. 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.

4. Impact on Residential Amenity

The proposal includes residential use which is a characteristic of the locality. Notwithstanding the presence of residential properties within the nearby proximity, no significant harm to neighbouring amenity is anticipated because of such a use. The conversion from a dwelling to an HMO would need to be carried out to the satisfaction of the council and an HMO licence is required.

Regarding adjacent neighbours, the proposal would not create any additional openings or introduce any new windows facing towards private amenity space/gardens. Although concerns have been raised regarding the proposal, it is not deemed that it will adversely affect neighbours. Amenity layout will be situated in a similar position as existing and would not be so different to the noise created by a residential dwelling occupied by a large family.

Multiple occupancy buildings present their own specific security issues however the proposal includes suitable security standard. These are essential but this is a matter which can be addressed at Building Control stage or by meeting appropriate British Standards. The proposed lighting, entry system and cctv will be acceptable.

The bedrooms are shown to have access to bathrooms both en-suite and shared with occupants having access to shared kitchens and communal areas in the form of lounge/dining space. All the habitable rooms are shown to be of adequate size and served by multiple windows to provide sufficient levels of natural light, outlook and ventilation which would provide a good standard of accommodation for the future occupants.

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.

5. Highway Safety:

Objections have been received with regards to the effect on highways safety, parking and increased traffic within the area. There is no designated off-street parking in this street as existing, however on street parking is available.

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 proposed use is not such that usually is subject to high levels of vehicle ownership. The introduction of residential use here is a sustainable addition that would not require designated parking given the location and availability of on street parking.

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.

6. Other matters:

The fear of the use introducing illegal parking, antisocial behaviour, drugs, noise car meets/racing etc cannot be considered as a formal planning consideration and would be subject to other means of enforcement. Although there are powers within other legislative regimes to deal with any anti-social behaviour or noise concerns that may arise from the activity of residents, the Local Authority cannot foresee the nature of potential occupants. The Local Authority do not have control over potential residents and would not consider this to be a material planning consideration.

Impact on property values is not a planning consideration.

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:

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:

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:

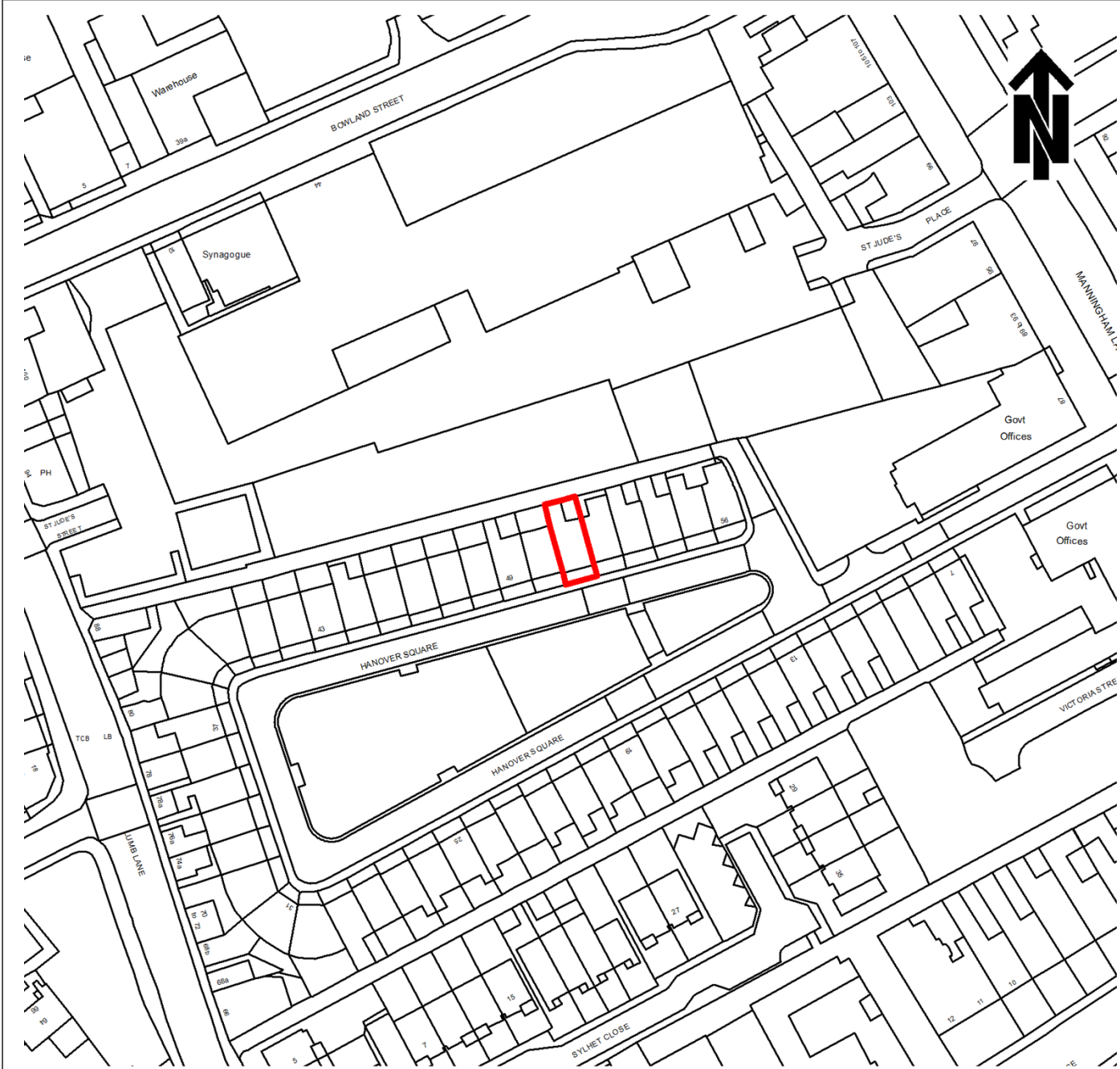
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

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

2. Before the HMO use hereby permitted is first occupied, 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.

23/03890/LBC



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51 Hanover Square
Manningham
Bradford BD1 3BY

24 January 2024

Item: D
Ward: MANNINGHAM
Recommendation:
TO GRANT LISTED BUILDING CONSENT

Application Number:
23/03890/LBC

Type of Application/Proposal and Address:

Listed Building Consent application for a change of use from residential dwelling to house in multiple occupation and all associated works at 51 Hanover Square, Manningham.

Applicant:

Mr Jawad Saleemi

Agent:

Mr Elie Osborne of 4D Planning

Site Description:

The property is a 2 ½ storey, mid-terraced dwelling, situated in a predominantly residential area. The street scene consists of a squared row of properties, facing onto a courtyard and access road/parking areas. The host dwelling is Grade II listed and situated in a Conservation Area.

Relevant Site History:

90/05500/LBC Substantial reconstruction of internal and external walls floor roof and boundary walls LBC Granted 19.09.1990
02/00172/FUL Single storey extension to rear to provide shower room for disabled person Refused 05.04.2002
02/00418/LBC Single storey extension to rear of property Refused 05.04.2002
02/01434/LBC Single storey extension to rear of property Granted 19.06.2002
02/01435/FUL Single storey extension to rear of property Granted 19.06.2002

The National Planning Policy Framework (NPPF):

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

Local Plan for Bradford:

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

Core Strategy Policies

EN3 Historic Environment

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 1st December 2023.

32 representations have been received objecting to the LBC proposal.

1 representation has been received in support of the LBC proposal however the contents of the comment clearly state objection to the proposal.

Therefore 33 objections are considered.

Summary of Representations Received:

Character of the listed building/conservation area will be detracted as a result of the proposal.

Proposal will not enhance the area.

Noise from the proposal.

Late night noise including loud music.

Too many people living in one property.

Overcrowded living.

Noise disturbance from another multi-let in the street.

The proposal will attract crime.

Threatening behaviour from occupants of HMO is possible.

There will be a rise in antisocial behaviour.

Concerns for children safety.

Drug problems.

Lack of policing in the area.

Parking issues already exist on the street.

Speeding cars.

Increase in congestion will occur.

There will be increased demand for parking.

This will set a precedent for others.

Impact on property values.

Waste overflow concerns.

Lack of community cohesion.

Consultations:

Conservation-There is currently no justification for the change of use to an HMO. CCTV, lighting, and intercom can be conditioned. Ventilation should be specified to allow assessment. All external changes are to be clarified.

Summary of Main Issues:

1. Principle of Development
2. Impact on Heritage
3. Other Matters

Appraisal:

1. Principle of Development

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 consideration of the impact on the listed building and conservation area.

2. 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.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of conservation areas. In the exercise of a Local Planning Authority's planning functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Hanover Square was constructed around 1840 and sits within a square setting. The main body of the square displays distinctive and attractive architectural detailing, with further plainer houses added at each end a number of years later. All the houses are Grade II listed and within the Eldon Place conservation area.

There will be no change to the appearance of the existing facing materials, or fenestration of the building. The internal layout changes would involve internal partitioning which would not have detrimental impact to the fabric of the building.

The proposal includes some additional elements to the external elevations. Full details of these elements including CCTV, external lighting, mechanical extraction will be required and can be conditioned for submission and approval.

The site 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. Details of the timber framed structure can be conditioned to be submitted prior to being approved.

Some objection comments mention impact on the heritage asset, however subject to the finer details of the additions, there is no deemed harmful impact on the listed building and conservation area.

Therefore, listed building consent is recommended to be granted.

3. Other matters:

Objection comments have been considered on the FUL application.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

Equality Act 2010, Section 149: In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Listed Building Consent:

The proposal 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.

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. Notwithstanding the hereby approved drawings, before the first occupation of the HMO use, full details of the proposed extraction system showing the internal route and external appearance, shall be submitted to the Council. The details shall then be approved in writing by the Local Planning Authority and the extraction implemented in accordance with those approved details.

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

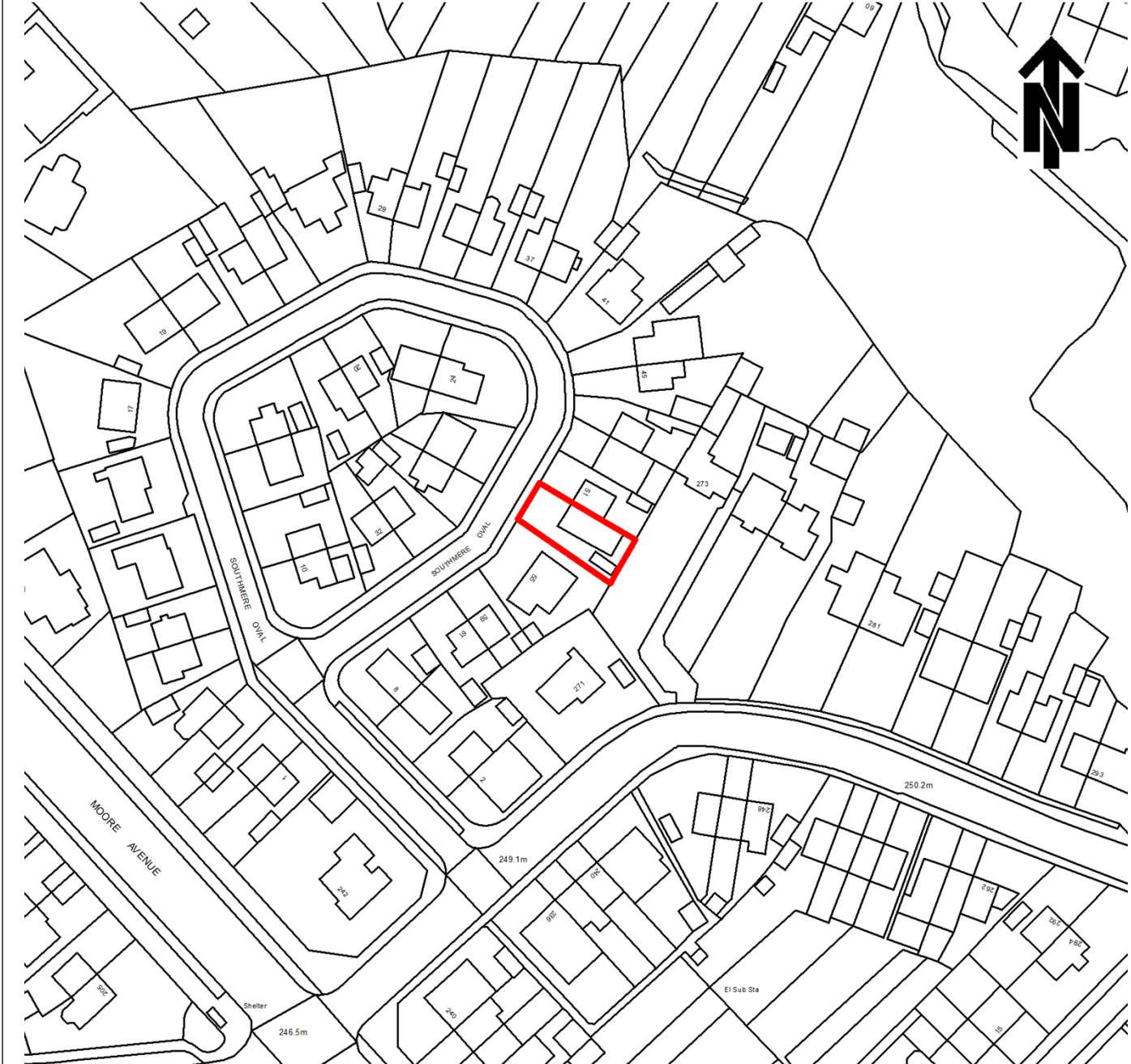
3. Notwithstanding the hereby approved drawings, before the first occupation of the HMO use, full details of the proposed bin storage showing the massing, colour, materials, design, and method of opening, shall be submitted to the Council. The details shall then be approved in writing by the Local Planning Authority and the extraction implemented in accordance with those approved details.

Reason: To assist the selection of appropriate materials and 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 CCTV cameras and external lighting element of the development hereby permitted shall be installed in accordance with details specified on the submitted camera specification and shall be coloured in black.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

23/03397/HOU



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**53 Southmere Oval
Bradford
BD7 4HS**

24 January 2024

Item: E
Ward: GREAT HORTON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
23/03397/HOU

Type of Application/Proposal and Address:
Householder application for a single storey side extension with amended front porch at 53 Southmere Oval, Bradford.

(Resubmission of previous application 20/00972/HOU)

Applicant:
Mr Arshad Mahmood

Agent:
Not applicable.

Site Description:
The application site consists of a semi detached dwelling with associated amenity space to the front and rear, and vehicular hardstanding to the side. The site adjoins 51 Southmere Oval to the north and sits adjacent to 55 Southmere Oval to the south. The site is accessed via Southmere Oval to the west.

The dwelling is situated on a residential road with a strong albeit varied residential character.

Relevant Site History:
16/07853/PNH - Height to eaves of extension: 2.5 metres. Prior Approval Not Required 03.11.2016.
20/00972/HOU- Single storey side extension and front porch. Granted 03.06.2020.

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
SPD08- Householder SPD

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters which expired on 15 October 2023. No representations have been received.

Summary of Representations Received:

None received.

Consultations:

None.

Summary of Main Issues:

1. Principle of Development
2. Impact on Built Environment
3. Impact on Neighbouring Residential Amenity

Appraisal:

1. Principle of Development

The application site is not an allocated site. Policy P1 states that planning applications that accord with the policies in the Development Plan will be approved without delay unless material considerations indicate otherwise. The principle of extension and amendment of an existing dwelling is accepted.

2. Impact on Built Environment

This application is a resubmission of the previous application 20/00972/HOU. This application was granted permission for an identical proposal except for an additional 0.23m side extension width and 0.05m porch depth. The 2020 permission has not been implemented and lapsed on 3 June 2023.

Given the proposal will still employ materials, detailing and fenestration as appropriate to the site and suburban surrounds, it is still considered unlikely to result in substantial impacts to surrounding the built environment. The proposed amendments to extension/porch widths is deemed of negligible difference from the previous planning approval.

3. Impact on Neighbouring Residential Amenity

The subject site adjoins 51 Southmere Oval to the north and sits adjacent to 55 Southmere Oval to the south. The proposal is almost identical to that previously approved as mentioned above.

As such, the new application is not deemed significantly different to that previously approved, and still acceptable in impacts to residential amenity. This application would result in a wider gap with the adjacent 55 Southmere Oval, and would still avoid significant overlooking, overshadowing and overbearing.

Community Safety Implications:

There are no implications for community safety.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposal seeks a single storey side extension and amended front porch. The proposal represents immaterial change to that approved under the previous application. As such, it is deemed unlikely to result in significant impacts to the built environment and residential amenity. The proposal is thus considered to accord with the relevant policies of the Bradford Development Plan and is recommended for planning approval.

Conditions of Approval:

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

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

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

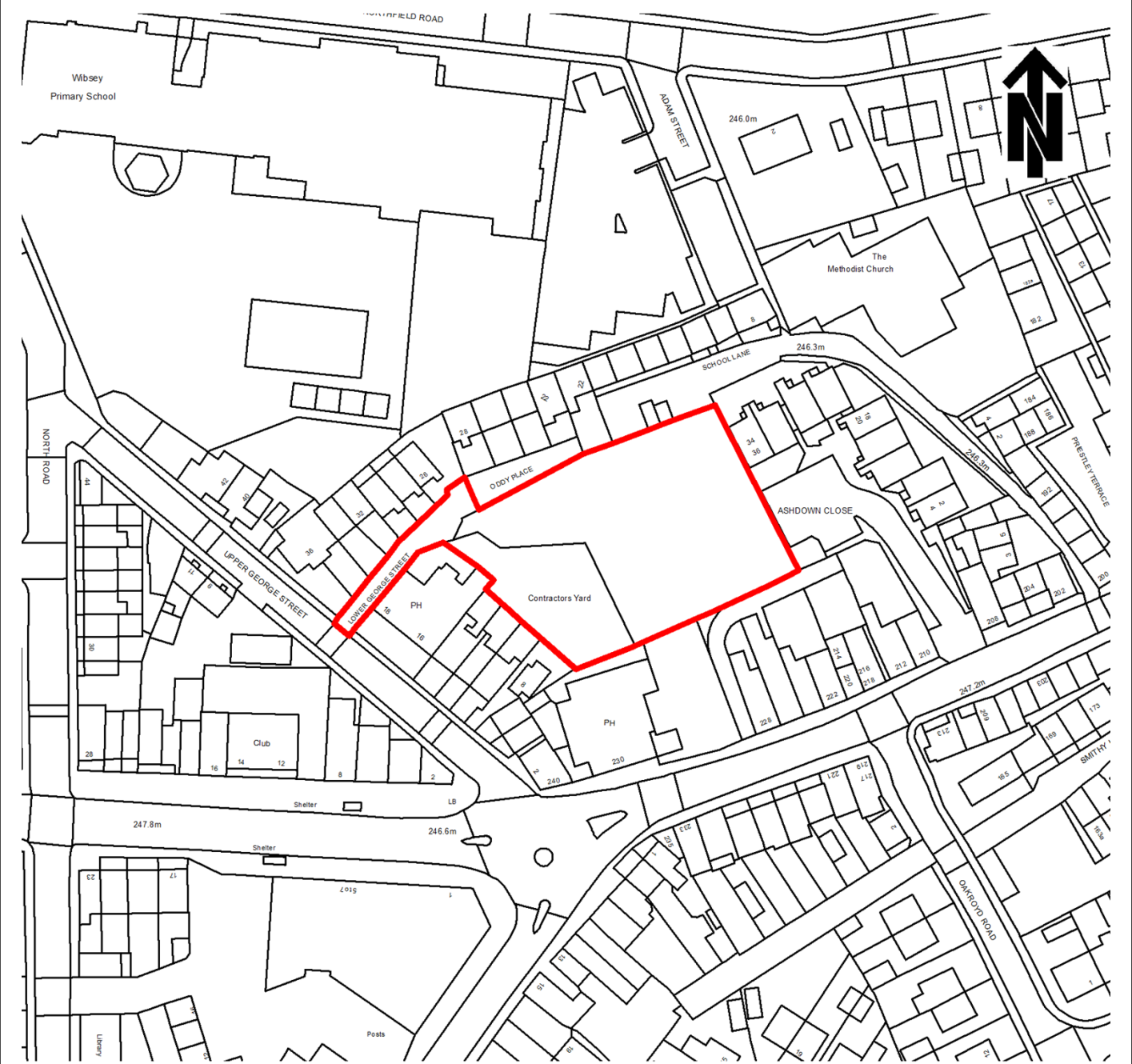
SOUTH53/01-A - Location, Existing and Proposed Ground Floor
SOUTH53/02-A - Existing and Proposed Elevations

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

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

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

23/02030/FUL



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Foresters Yard
Lower George Street
Bradford BD6 1QP

24 January 2024

Item: F
Ward: WIBSEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
23/02030/FUL

Type of Application/Proposal and Address:
Construction of employment units for use within Use Class E(g), car parking and external areas, access and associated works Foresters Yard, Lower George Street, Wibsey.

Applicant:
Mr J Bairstow (Belair Management Limited)

Agent:
Mr Chris Smith (Plan A (North West) Limited)

Site Description:
The site was formerly used as a contractors' yard and the buildings that were present have been demolished. The site is flat partially grassed and partially covered with a hardstanding surface. The site is currently unoccupied and overgrown. It is bounded by an unadopted road to the north (Lower George Street and Oddy Place). The site is located within close proximity to residential properties and Wibsey High Street.

Relevant Site History:
77/07337/OUT Commercial Vehicle Maintenance Workshop Granted 12.04.1978
85/01688/FUL Erection of a garage workshop to replace defective building Granted 15.05.1985
08/02065/FUL Construction of office store and workshop in association with window cleaners' depot Refused 09.06.2008
09/00013/COU Retention of use of land for two unoccupied mobile homes and security boundary fencing Refused 16.03.2009
09/00128/OUT Construction of residential development of 12 houses Refused 24.03.2009
09/02788/OUT Construction of 9 dwellings Refused 11.08.2009
10/01805/OUT Mixed residential and retail development Refused 08.06.2010
13/02907/FUL Residential development of seven dwellings along with improvements to access roads either side of site Refused 14.11.2013
18/03010/CLE Existing yard is used for storage of construction materials and plant (B8 storage and distribution) Refused 05.09.2018
19/00855/FUL Construction of employment buildings (Use Class B1 a, b and c) including car parking and external areas, access and associated works Granted 07.05.2019
20/00110/FUL Construction of employment buildings (Use Class B1 a, b and c), car parking and external areas, access and associated works Granted 27.03.2020

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

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 initially publicised by neighbour notification, expiry on 24 July 2023.

4 representations were received objecting to the proposal.

A comment was received from a local Ward Councillor and requests for determination by the Planning Panel if officers are minded to grant planning permission.

The application and revised drawings were re-publicised via neighbourhood notification, expiry on 19 January 2024.

1 representation was received in objection to the proposal.

Summary of Representations Received:

Objections:

- Lower George Street and Oddy Place are in poor condition.
- There is limited parking available.
- There is not enough parking in this street.
- Single track lane will result in reversing onto the road.
- There will be blocking of the road.
- Resident will not be able to access their properties.
- Access is already constrained.
- Could the access between Foresters and Betfred be considered?
- Clashes with the school run.
- Bins are already blocking the access on collection days.
- Double yellow lines are not wanted.
- Noise disruption will be unacceptable.
- Noise from loading/unloading vehicles.
- Flood concerns as a result of tarmacadam.
- Trees were felled without consent.

Consultations:

Highways Development Control - Amendments are required to meet current design requirements. Access into the yard would need to be re-positioned. The improvements to the roads would be required, but this would be subject to 3rd party land. The units should be set closer to the boundary with Oddy Place and parking relocated to the other side of the building. A forecourt area should be demonstrated, and the size of the units would determine the requirements of this and the turning circles at the entrance. The level of parking is acceptable.

Heritage - No objection in principle in terms of impact on the listed buildings. Materials and finishing to be carefully considered. Landscaping will be required.

Drainage - No objections subject to conditions.

Environmental Land Contamination - Conditions are required to satisfy potential concerns.

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. Drainage
8. Contamination

Appraisal:

1. Principle of Development

The site history demonstrates that the principle of this nature of development has previously been acceptable. However, no permission has been implemented on the site and it continues to be overgrown. The current proposal has been revised and publicised based on the new drawings.

The revised proposal is for 7 employment units for use within Use Class E(g), car parking, access and associated works. The scheme also proposes offsite highway improvements to Lower George Street/Oddy Place between the site and Upper George Street including resurfacing and drainage.

The site is currently vacant with no apparent use but historically hosted a contractors' yard. There are no other constraints or allocations that would seek to resist this development and the principle is acceptable subject to the local impact of the proposal.

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 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 currently unused site.

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 application site is a piece of cleared/open ground located to the northeast of a group of Grade II listed buildings, the Upper George public house (Grade II) and 10-14 Upper George Street (Grade II). The listed buildings face onto Upper George Street, presenting the rear elevations to the application site. The setting of the buildings is typically semi-urban, consisting of a mix of building types and uses.

The proposed units are to be of functional appearance. The proposed cladding will be natural coursed stone, timber effect wall cladding and the roof would be composite cladding in dark grey. The proposed fenestration is acceptable and shutter doors of this size/style are expected at commercial uses of this type.

The proposal would not detract from the main elevations or views towards the listed assets. No adverse impact is assessed on the setting of these designated heritage assets.

The proposals are regarded as according with policies DS3, EN3 and SC1(11) and with the NPPF and Sections 16 and 66 of the LB&CA Act.

4. Impact on Visual Amenity

The proposed units would be positioned close to the far northern boundary of the site, close to Oddy Place. The units would be set off the boundary by 5 metres, allowing 10 metres to the rear boundary of the terraced properties on Oddy Place, and 18 metres from the rear elevations of the buildings.

The units would sit at 5.1 metres high to eaves level and just under 6 metres ridge height. The units would occupy a large portion of the site at 39.97 metres by 9.98 metres. However, the positioning of the units would be well contained within the site, given that the site is tucked away off Lower George Street and would not be overly dominant when compared to surrounding built form.

The units would have large shutter doors to the front elevation and entrance doors to the front and rear. The proposed stone walling and cladding would be acceptable given the isolated siting of the units and the limited impact on the wider street scene.

Although visible from Oddy Place, the units would not dominate the setting or detract from the existing buildings. The units are set away from the notable stone buildings and would not detract from their setting or dominate their appearance.

The proposed boundary treatment includes a 2.5 metre high paladin fence and a 2.1 metre high timber fence. Both of which would be acceptable in this setting and would provide security to the site.

The proposal has taken account of the general form and massing of the surrounding structures in this area. The development could potentially improve the existing site which currently detracts from the area. The proposal would not appear unduly incongruous and would not have an adverse effect on the character and appearance of 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

Notwithstanding the presence of residential properties within the nearby proximity, no significant harm to neighbouring amenity is anticipated as a result of the position and scale of the units due to the standoff distances retained from the neighbouring habitable room windows and yard areas.

It is not expected that the nature of use would be of detriment to the occupiers of adjacent buildings. Although the proposal could bring about some noise intensive use, the main activity would be contained within the yard area facing away from the terraced properties. The front of the units and loading, as well as the parking area, would face into the yard which would act as natural mitigation of activity.

Along with this, the yard and parking area back onto businesses that front the high street, where noise expectancy is relatively higher than residential dwellings. No adverse harm is foreseen on local business uses. Although, upper floor living accommodation could be subject to some noise implications. However, the control of operating hours via condition would sufficiently mitigate operation at unsociable hours.

The hours of operation condition restricting the operating hours between 7am and 7pm is recommended to prevent possible disturbance.

The concerns mentioned as part of the objections have been considered. It has been found that there would be no significantly negative impact on surrounding neighbouring properties. It is not deemed that the commercial use would have any particular impact on residential amenity or generation of noise near other 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 initially raised concerns. However, a number of changes have been shown on revised drawings and discussions with the Highways team have been held.

The units have since been reduced in terms of floorspace and repositioned to the far boundary of the site close to Oddy Place. There is now appropriate provision for loading/unloading due to the new forecourt and parking/turning within the site is acceptable.

Lower George Street/Oddy Place is unadopted and substandard in width, surfacing, drainage and street lighting. Lower George Street forms a junction with Upper George Street which is one way north bound.

The access road to this site is substandard but highways improvements have been proposed. The road currently serves the site and the row of terraced dwellings on Oddy Place.

The swept path analysis demonstrates unobstructed access entering and exiting the site by a 7.5 tonne 7.2-metre-long vehicle. The proposed scale of the units would be able to accommodate the size of vehicles expected.

The level of generated traffic would be unlikely to have a significant material impact on the local highway network. The proposed level of off-street parking provision and refuse area, accords with local policy and therefore is acceptable.

Given the fact that the existing substandard access serves a number of dwellings and served a builder's yard in the past, it is considered that with the proposed highway improvements the access should be adequate to serve the proposed development and would also provide benefits for residents.

The implementation of work at Lower George Street would be subject to permissions/consent from the joint landowners of the access. The proposal is therefore subject to a condition to provide off site highways improvements prior to the development commencing.

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. Drainage:

There is sufficient information to enable its proper consideration by the Local Planning Authority with respect to policy EN7 of the Council's Core Strategy Development Plan Document. There are no concerns in terms of flood risk at the site from surface water run off. Conditions relating to the details of the drainage of the site are required and recommended in order to ensure that the site is satisfactorily drained.

8. Land Contamination:

This application has been assessed by the Environmental Protection teams and is deemed acceptable subject to conditions complying with core strategy policy EN8. The former use of the site is noted and has the potential to have left land contamination. The additional Phase II document has been submitted, and relevant conditions are suggested on the basis of the assessments undertaken.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The implications for amenity or safety are acceptable on balance, 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.

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

3. Before the development is brought into use, the means of access, vehicle turning/manoeuvring areas and off-street car parking facilities shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings with a gradient no steeper than 1 in 15.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Local Plan for Bradford.

4. Prior to commencement of development, details of the proposed works to Lower George Street including surfacing, curbing, have been submitted to and approved in writing by the local planning authority. The plans so approved as for the delivery of these highway improvements shall be implemented in accordance with the specifications of the Local Highways Authority before the first use of the development hereby permitted. The development shall not be occupied until the works have been constructed in accordance with the approved details.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Core Strategy Development Plan Document.

Reason for pre-commencement condition: It is necessary to secure off site highways work before commencement, in the interests of the amenity of future occupiers, residents and the effective management of the highways network to accord with Policy DS4 of the Core Strategy Development Plan Document.

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

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

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

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

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

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

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

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

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

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

10. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site.

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

11. Before the development hereby permitted is first brought into use, details of a waste management plan, including the position of waste/recycling bins and provision for collection, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in accordance with the plan upon the buildings becoming operational and shall, thereafter, be retained for this purpose as long as the premises are in use.

Reason: To ensure provision of appropriate design arrangements for waste handling, recycling and storage to accord with Policy DS5 of the Core Strategy Development Plan Document.

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

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

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

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

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

14. Notwithstanding details contained in the supporting information, the drainage works for the development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage have been submitted to and approved by the local planning authority.

These details shall be based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce the development's effect on the water environment. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be restricted to a rate to be agreed with the Lead Local Flood Authority.

The development shall thereafter only proceed in strict accordance with the approved drainage details.

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

15. No drainage works shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

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

16. Notwithstanding the details contained in the supporting information, the drainage works shall not be installed until further details are submitted to show how vehicle parking and/or manoeuvring areas serving the development are to be drained using road type gullies with trapped sumped outlets. These details shall be subsequently approved by the local planning authority and the development shall thereafter proceed in accordance with the approved drainage details.

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

17. Development above damp proof course level of any buildings on the site shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

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

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

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

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

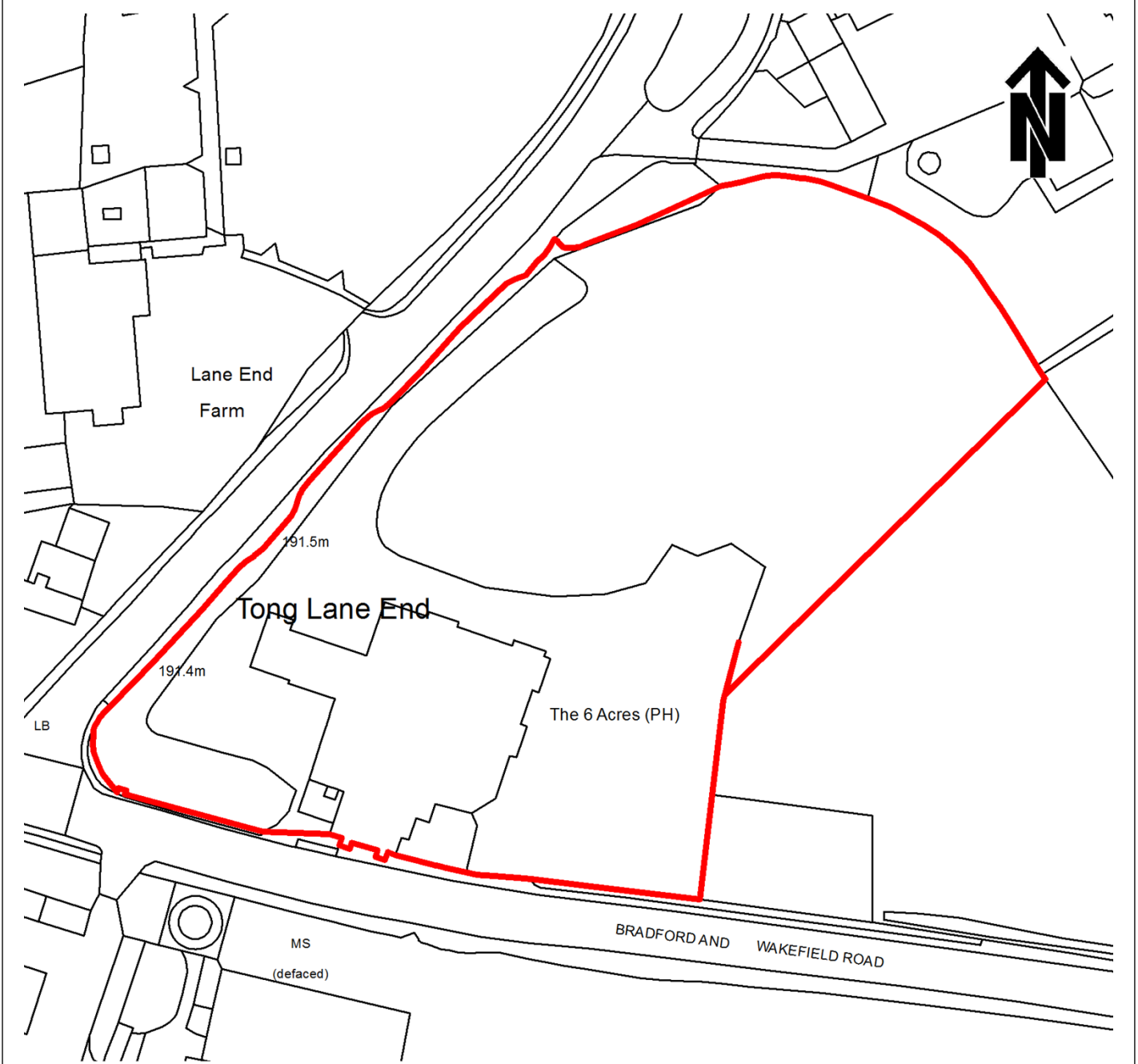
18. The development hereby approved shall be restricted to the hours from 07.00-19.00 Monday- Saturday and from 09.00-17.00 on Sundays, Bank or Public Holidays.

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

19. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or any subsequent equivalent legislation, the premises hereby approved shall only be occupied by uses within Class E(g) only and for no other purpose (including any other activity within Class E of the Order).

Reason: In order that the Local Planning Authority retains control over future changes of use with particular regard to the provision of off-street parking and the amenity of future occupants and to accord with policies TR2, DS4 and DS5 of the Council's Core Strategy Development Plan Document.

23/04213/FUL



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The 6 Acres
119 Westgate Hill Street Tong
Bradford BD4 0SF

24 January 2024

Item: G
Ward: TONG
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
23/04213/FUL

Type of Application/Proposal and Address:

Application for the relocation of access and alterations to access road, alterations to patio, car parking and extension at the 6 Acres/Walton View Hotel, Tong.

Applicant:

Mr Mohammed Hussain

Agent:

None

Site Description:

The 6 Acres/Walton View Hotel is located at the junction of Tong Lang and Bradford Wakefield Road (B6135). The original public house the '6 Acres' is located to the south of the site facing onto Bradford Wakefield Road and is, at present, unused. It is a grade II listed building dating from c. 1800-20. The site, bounded by Tong Lane and Bradford Wakefield Road is part of the Adwalton Moor historic battlefield (30 June 1643).

To the rear is what is called the 'Walton View Hotel'. This comprises a two storey extension building which is attached to the rear of the 6 Acres. It was granted planning consent under permission 20/01877/MAF.

The planning permission has been implemented at the site is used as a hotel and, primarily as a wedding venue. This application relates to three elements of the development that do not benefit from planning permission. These are:

An altered access onto Tong Lane;
An extended patio area to the rear; and
Enclosed storage area to the side of the hotel.

Relevant Site History:

14/04386/MAF - Proposed two storey extension to rear to provide accommodation annexe and function room (amended plans received). Granted 12.10.2015

19/00224/FUL - Construction of marquee for use as party/wedding venue (retrospective). Refused 12.07.2019

20/01877/MAF - Two-storey extension to rear to provide accommodation annexe and function room. Granted 08.10.2020

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

SC7 Green Belt
SC9 Making Great Places
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
TR2 Parking Policy
EN3 Historic Environment
EN4 Landscape
EN8 Environmental Protection Policy
SPD05 Planning for Crime Prevention SPD

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters and a press advertisement and site notice which have an overall expiry date of 15 January 2024.

31 representations have been received objecting to the application.

1 request from Ward Councillor that the application be referred to Area Planning Panel if recommended for approval.

“The principal area of concern is related to the Highways issues that this development has caused on Tong Lane. Whilst I fully accept and appreciate the comments by the applicant in the Design & Access Statement, the fact remains that the access in its current form is causing issues on Tong Lane. Additional measures like parking restriction / no waiting at any time should be considered on Tong Lane and potential mitigation to the near by lay-by.”

Summary of Representations Received:

The road is regularly blocked/obstructed by visitors and parties at the hotel. Visitors rev their engines and cause noise nuisance.

Consultations:

Historic England: The proposal site is within the setting of the Grade II listed 6 Acres pub, a Grade II listed barn to the north of the site and is within the Battle of Adwalton Moor which is a Registered Battlefield and therefore should be weighed highly in the determination of this application.

Historic England have concerns regarding the impact of the proposed roads/tracks on potential below ground archaeology.

Historic England recommends that the application can be determined in accordance with national and local plan policy, and on the basis of your specialist conservation and archaeological advice.

Battlefield Trust: The proposed development site lies within the nationally important site of the Battle of Adwalton Moor (1643) which is included in Historic England's Register of Historic Battlefields and, as such, is a designated heritage asset.

The loss of the rural character of the area to the north of the listed building, the impact of development on the setting of the battlefield and the potential loss of battlefield artefacts are judged by the Battlefield Trusts to represent harm to the Registered Battlefield. The planning application does not appear to identify any public benefits arising from the development.

Conservation: The 6 Acres is based upon a late 18th or early 19th century former roadside inn. This is Grade II listed but has been extensively extended in the past, in the 1990s with a large and rather incongruous 2 storey volume which rather dominates the low historic building and very recently with a large but more aesthetically pleasing extension to the north-east. The cumulative effect of past extensions and poorly presented parking and setting has a dominant effect on the heritage asset. The buildings also stand within the registered boundaries of the Adwalton Moor Battlefield.

The surface, layout and appearance of the access track, whilst causing minor visual change, is not regraded as having a significant impact on the appreciation of the site of the battlefield. It is behind the hedge, and from the east, forms a minor visual change but the presence of the buildings of The Six Acres is more evident.

Any adjustments to layout in the existing surfaced car park east of the pub would not have any impact as this area is already hard surfaced and somewhat incongruous.

The patio is regarded as having a very modest impact beyond that of the approved and constructed recent extension. The access link to the north of this must remain insignificant and unsurfaced.

Highways: Formal comments awaited.

Environmental Protection: The proposed development is in close proximity to both commercial properties including farms and equestrians, and also to residential properties on, Tong Lane, Westgate Hill Street and Drighlington.

In order to reduce the likelihood of noise complaints being made to this Department, I must advise that works of construction should be carried out during the recognised permitted working hours for works of this nature.

During the construction phase there will be dust generated on the site and therefore, it is recommended using techniques to suppress dust.

Minerals and Waste: No objection.

Summary of Main Issues:

1. Principle of the Development
2. Visual Amenity
3. Residential Amenity
4. Access and highway Safety
5. Biodiversity
6. Heritage significance

Appraisal:

1. Principle of the Development

The site is located in the West Yorkshire green belt. The proposed use of the site as a wedding venue has been established and this application does not relate to its continued use as a wedding venue.

Access from Tong Lane

The 2020 permission included a new access road onto Tong Lane positioned in line with the function room. This has not been installed. Further along Tong Lane around 160m from the junction with Bradford and Wakefield Road was a former field entrance, this has been upgraded with a tarmac verge crossing and curved walls to either side of the entrance. Inside the site, the access is surfaced in crushed stone and runs parallel to Tong Lane.

This access does not benefit from planning permission. As presently constructed, the access is unacceptable as its visibility and width are both substandard. What is proposed is the establishment of a new access point around 30 m to the southwest of the current, unauthorised, access.

The National Planning Policy Framework 155(b) allows for 'engineering operations'. The formation of an access and track is an engineering operation which does not, therefore, represent inappropriate development, provided it preserves the green belt's openness and does not conflict with the purposes of including land within the green belt.

The land to the north east of the building is laid out as grazing land. It is undeveloped and forms part of a historic battlefield. The laying down of hard surfacing does not reduce the openness of the green belt. The plans show that the intention is to introduce a one way system in able to manage the better flow of traffic coming to and from the site. The intention is that this access track is used infrequently and by the wedding party only. The remainder of visitors to the site would access and egress from Bradford and Wakefield Road.

Part of the development is the laying of an access along the rear of the building. This runs parallel to the rear of the building and connects the car park to the right of the building with that to the left.

2. Visual Amenity

The location of the site is beyond the urban edge of Tong and is located in a rural setting. The works to the site have, to a large extent been the implementation of the 2020 permission. The works to the side of the building are of minor scale and amount to a roof spanning a small outdoor storage area and as such, does not impact visual amenity.

The access off Tong Lane, as presently constructed, is deemed to be detrimental to highway safety and visual amenity. It comprises a former field entrance and so has not introduced a new opening onto the highway, however, its use has increased significantly. The proposal here, is to relocate the access further along Tong Lane. With suitable walls or fencing/hedging to either side of the junction and the closing up of the unauthorised access, then the creation of a new junction onto Tong Lane would not cause visual harm.

The circulation area to the rear of the building extends the curtilage of the use into the field to the rear. The proposed development sees this extend 4m from the rear of the building. This is a suitable sized area to allow for guests to circulate outside without encroaching into the countryside. The present, unauthorised area, extends 8m from the rear of the building. The relatively modest size of the patio area would not impact negatively on visual amenity.

It is intended to erect fencing along the field side of the access road so as to demark the edge of the curtilage of the venue and separate it from the field to the north east.

In terms of the impact that the development would have on a visual amenity of the locality, it is of a relatively small scale and seeks to resolve the outstanding unauthorised development at the site.

3. Residential Amenity

A number of objections to the application have been received and these relate, primarily to the use of Tong Lane for guests arriving to the site.

The 2020 permission included an access onto Tong Lane, however, this has not been constructed. The access that is in use is further along Tong Lane and is close to the entrance to Tong Lane Farm Shop on the other side of the road. This has led to the road being blocked by visitors to the site as they turn into the site. This is partly due to the substandard entrance that has been constructed.

The other matter that has been raised relates to the use of the site and the behaviour of guests and visitors. The behaviour of guests is outside of the scope of the local planning authority and is a matter for Environmental Protection to investigate.

The proposal seeks to address the impact on the highway network by introducing a one way system at the site taking access and egress from Bradford and Wakefield Road. The access off Tong Lane would then be restricted to use by the wedding party. This should have the affect of significantly reducing the number of cars using Tong Lane. The entrance to the car park off Bradford and Wakefield Road is the established access and, as such, has been well used over the years and is of an acceptable standard. The exit is from the access to the left of the 6 Acres. The 2020 permission granted the laying out of a car park to the west of the 6 Acres up to the boundary with Tong Lane. The proposal would use this area for parking with the access acting as the exit from site. This would then concentrate the majority of vehicle movements to the Bradford and Wakefield Road (B6135). As a classified road it is more appropriate to accommodate the increase in vehicle movements to and from the venue.

The implications on the wider highway network are considered further below.

The use of the patio area and the storage space do not have a significant impact on the amenity of nearby residents. Objectors have mentioned fireworks being let off from the site. Releasing fireworks cannot be controlled by the local planning authority but it has been noted and is matter for Environmental Protection.

It has been suggested that a condition be added to reduce dust from construction works, however the scale of the development and the level of construction work required of such that it is unlikely to generate large levels of dust.

4. Access and Highway Safety

The introduction of a one way system for vehicles is a suitable solution to the existing problem created by using Tong Lane. It will be necessary to ensure the correct signage is erected on site ie 'one way' and 'no entry' signs.

It has been established that the current access onto Tong Lane, that has been created without planning permission, is substandard and has led to a negative impact to safety of users of the highway. Moreover, the verge crossing passes over Council owned land without permission.

Therefore, it is important that this issue is satisfactorily resolved. It is proposed to close off the unauthorised access onto Tong Lane and create a new junction to the south of the current one. Including it in the application allows for it to be created to the correct standard with appropriate visibility splays and road width.

It also allows for conditions to be added to prevent the continual use of this junction. It has been raised by objectors that the use of Tong Lane has resulted in the road being obstructed and blocked by convoys of guests coming to and from the venue. It is, therefore proposed that this access is gated so as to control access.

The proposed site layout introduces a one way system into and out the site from Bradford and Wakefield Road. This should significantly reduce the use of Tong Lane in connection with the use of the site. Bradford and Wakefield Road is a major arterial route into Bradford from the south east M62/M621 junction and is more appropriate for carrying higher levels of traffic. With suitable signage around the site and the restricted use of the upgraded Tong Lane access it is considered that the proposal can be supported.

5. Biodiversity

The works that have been undertaken to date and those proposed here would have minimal impact on the existing level of biodiversity.

6. Heritage significance

In determining this application there is a statutory duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

The original public house, the 6 Acres, is a Grade II listed building. The proposed development does not directly impact the listed building and as such would have a neutral impact on the heritage significance of the listed building.

The site occupies part of the Adwalton Moor Registered battlefield site. The site is in the northern margins of the larger north western section of the battlefield. Nearby Westgate Hill was the starting point of the Parliamentary forces and as such this is an important area in terms of its heritage significance.

The patio area and the storage area are contained within the environs of the building and as such do not protrude into the battlefield. The access road off Tong Lane crosses over the battlefield and causes disruption to the open field. The physical disturbance of the land has the potential to impact archaeological artefacts associated with the battlefield. Unfortunately, the works having already been carried out means that any potential archaeological artefacts along the route of the access may have been lost without being recorded.

A metal detector survey was undertaken at the wider site by the West Yorkshire Archaeology Service in 2022. The submitted documents do not suggest that the route of the access road was surveyed.

The new access has had a demonstrable impact on the open undeveloped character of the battlefield and as such has had a detrimental impact on its heritage significance. This damage to the heritage significance of the battlefield has to be weighed against the public benefit of the scheme.

The access road has to be seen in the wider context of the overall development. The access onto Tong Lane is part of the redevelopment of the site granted in 2020. The location of the access does not benefit from planning permission and it is therefore necessary to consider the desirability of granting the new access in the location proposed. It is possible and, indeed recommended that, if members are minded to grant permission then conditions are attached that would restrict the use of the access. This would have the benefit of reducing the journeys to and from the site and the experience of the historic battlefield.

The battlefield trust has suggested that, if permission is granted, then a condition be added requiring an archaeological survey be carried out on any new ground disturbance. However, the development does not propose any further ground disturbance, such a condition would therefore not be necessary.

It is considered that, as part of the wider scheme to develop the site, the proposed access the crosses a part of the historic battlefield is not of such significance to warrant a recommendation for refusal in this instance.

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.

Reason for Granting Planning Permission:

The proposed development represents a small incursion into the green belt. Balanced against the use of the site and the restriction of the NPPF in respect of green belt, the proposal is not considered to represent inappropriate development.

The use of the accesses, in a conditioned way, which would see the majority of traffic coming and going from the B6135 rather than from Tong Lane. This will help to relieve the present problems regarding traffic obstructing the highway.

The patio space and the covered storage area are of a minor scale and are of a neutral impact on the overall character of the area. The impact of the development on the historic battlefield has been considered and is concluded to be acceptable.

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:

- Site Layout 001 dated 09.08.2023
- Existing Site Layout received 21.12.2023

Reason: For the avoidance of doubt and in the interests of good planning.

3. Prior to the creation of the access onto Tong Lane, hereby approved, a layout and elevation plans showing the junction surfacing and drainage shall be submitted for the approval of the local planning authority. Once approved the development shall be completed in accordance with such details and the said accesses shall be laid out, hard surfaced and drained within the site in accordance with the approved plan and completed to a constructional specification first approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.

4. The access onto Tong Lane, hereby approved, shall be restricted for vehicles entering the site at weddings only and shall be used only by the wedding party, comprising the bride(s), grooms(s) and close family of such and shall be limited to no more than 6 vehicles entering the site from Tong Lane per day.

Prior to the first use of the access hereby approved, a management scheme shall be submitted to and agreed in writing that shows how this access is to be managed and shall include details of a physical barrier/gate across the access and how this is to be operated.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2, DS4 and DS5 of the Local Plan for Bradford.

5. Within three months of the date of this decision, the extent of the curtilage shall be marked on a plan showing the positions, design, height and materials of boundary treatments to the curtilage for the approval in writing by the Local Planning Authority. The boundary details so approved shall then be provided in full within six months of the approval of the details and shall thereafter be retained as long as the development is in use.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2, DS4 and DS5 of the Local Plan for Bradford.

6. On completion of the access onto Tong Lane, hereby approved, a one way vehicular system shall be operated as shown on drawing 001 dated 09.08.2023. The type, size and location of signage shall be agreed in writing prior to installation, once agreed the signage shall be retain and maintained as long as the development is in use.

Reason: Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2, DS4 and DS5 of the Local Plan for Bradford.

7. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, surfaced and drained within the site in accordance with the approved plans.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

8. The outdoor seating area/patio shall not be used outside the hours of 23.00 to 09.00 without the prior written consent of the local planning authority.

Reason: In order to safeguard the amenity of nearby residents and to accord with Policy DS5 of the Core Strategy Development Plan Document.