

# Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (BRADFORD) to be held on 16 December 2015

## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	623 Harrogate Road Bradford BD10 0QT - 15/03837/FUL [Approve] (page 1)	Idle and Thackley
2.	80 - 82 Manningham Lane Bradford BD1 3ES - 15/03785/FUL [Approve] (page 7)	Manningham
3.	Harbourne Eph Brearcliffe Drive Bradford BD6 2LE - 15/03906/FUL [Approve] (page 14)	Royds
4.	Land North Of 39 To 47 Park Crescent Bradford - 15/05733/FUL [Approve] (page 27)	Bolton and Undercliffe
5.	St Pauls CE Primary School St Pauls Avenue Bradford BD6 1ST - 15/03273/FUL [Approve] (page 35)	Wibsey
6.	Unitarian Church Hall Broadway Avenue Bradford BD5 9NX - 15/00903/OUT [Approve] (page 43)	Little Horton
7.	1D Moor Park Drive Bradford BD3 7ER - 15/03255/FUL [Refuse] (page 52)	Bradford Moor
8.	32 Arnford Close Bradford BD3 0HA - 15/03993/FUL [Refuse] (page 59)	Bowling and Barkerend
9.	9 Carter Street Bradford BD4 7AN - 15/05484/FUL [Refuse] (page 63)	Bowling and Barkerend

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**Portfolio:**  
Housing, Planning and Transport

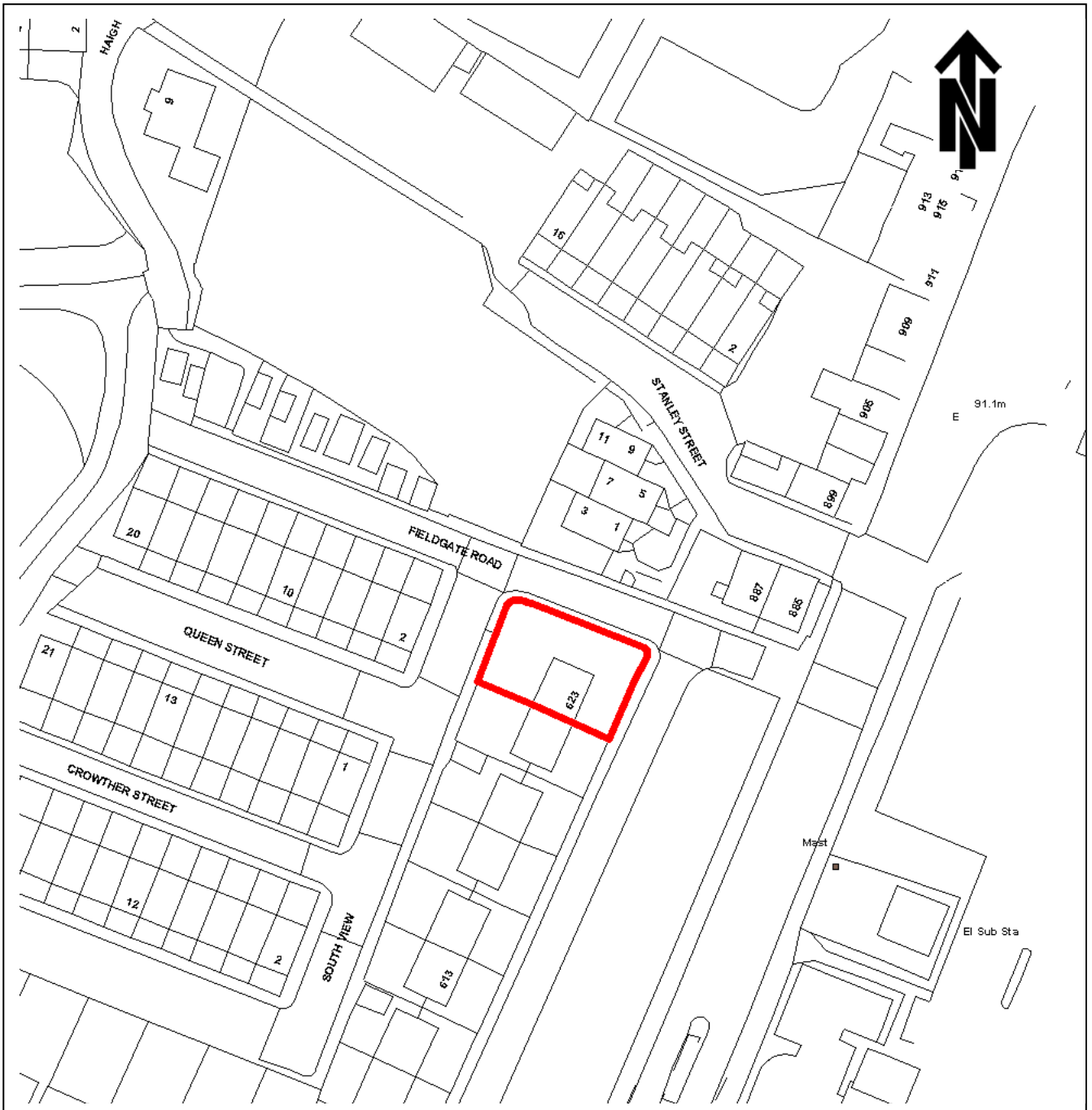
**Overview & Scrutiny Committee Area:**  
Regeneration and Economy



**Area Planning Panel (Bradford)**

**15/03837/FUL**

16 December 2015



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ITEM NO. : 1	LOCATION: <b>623 Harrogate Road Bradford</b>
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**16 December 2015**

**Item Number:** 1  
**Ward:** IDLE AND THACKLEY  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
15/03837/FUL

**Type of Application/Proposal and Address:**  
A full planning application for the construction of one detached dwelling at 623 Harrogate Road, Bradford.

**Applicant:**  
Mr M Coates

**Agent:**  
SR Design

**Site Description:**  
The site consists of the garden area to the side of the dwelling at 623 Harrogate Road. There is also a garden area to the rear of the property. The surrounding area is mainly residential with a mixture of terraced properties and semi-detached properties present in the street scene. Access to the site is currently via a private driveway to the existing dwelling house with no access via the rear of the site.

**Relevant Site History:**  
None relevant.

**Replacement Unitary Development Plan (RUDP):**  
**Allocation**  
Unallocated.

***Proposals and Policies***

UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
H7	Housing Density – Expectation
H8	Housing Density – Efficient Use of Land
TM2	Impact of traffic and its mitigation
D1	General Design Considerations
TM19A	Traffic management and road safety
TM12	Parking standards for residential developments

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised by site notice and individual notification letters. Expiry of the publicity period was 27 October 2015. A total of 9 representations have been received objecting to the proposal to date.

**Summary of Representations Received:**

- 1. Adverse effect upon highway safety.
- 2. The design and visual appearance of the dwelling is not in keeping with the character of the street scene.
- 3. No need for further dwellings in this location, there is already sufficient supply of such properties in the area.
- 4. Problems and disturbance to residents during the construction phase of the development.
- 5. The existing dry stone wall will be compromised by the foundations of the new dwelling.

**Consultations:**

Highways: No objections.

Drainage: Consideration to be given to the public sewer close to the site.

**Summary of Main Issues:**

- 1. Principle of development.
- 2. Residential amenity.
- 3. Visual impact.
- 4. Highway safety.
- 5. Outstanding issues raised in representations received.

**Appraisal:**

**1. Principle of development**

The site forms part of the curtilage of the dwelling house at no. 623 Harrogate Road and it is considered that in principle the construction of a dwelling on this site would be acceptable. This is reinforced by the reasonably sustainable location of the site and the lack of a 5 year housing land supply in the Bradford district.

**2. Residential amenity**

The proposed scheme is considered acceptable in amenity terms – there is not considered to be any unacceptable overlooking to the rear of the site given the facing distances achieved to the closest property on Fieldgate Road. The impacts on the existing property at 623 Harrogate Road are limited due to the use of obscure glazed non-habitable side elevation windows and that the existing property has no primary habitable room windows on its side elevation.

**3. Visual impact**

The proposed dwelling does vary from the row in which it will be located in terms of its design and slight increase in height. Its prominent position will serve to enhance this; however, the surrounding area is mixed in terms of the types of properties that exist. Harrogate Road is dominated in this locality by semi-detached properties, but terraced properties dominate on Fieldgate Road, South View and the surrounding streets. It is considered that the property is simply and well designed and is not considered to result in any significant adverse impact on the character of the street scene in this location.

**4. Highway safety**

It is proposed to create a new access point adjacent to the existing one which serves the existing property. It will be located very close to the junction of Fieldgate Road and Harrogate Road, however, both highways are not principle routes and vehicle speeds are generally low at this location. Vehicles accessing the site will need to either reverse in or out of the site, however, this is the case along Harrogate Road and given the limited additional traffic one dwelling would create, it is considered that there will be no significant adverse implications in terms of highway safety.

**5. Outstanding issues raised in representations received**

The existing drystone wall will be compromised by the foundations of the new dwelling. This is possible; however, it is not considered this would weigh against the proposal as it does not form a specific material consideration in this case. The safe construction of the dwelling and the retention or demolition of the boundary wall would be controlled under the appropriate Building Regulations and Health and Safety legislation.

**Community Safety Implications:**

None significant.

**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 in relation to consideration of this application.

**Reason for Granting Planning Permission:**

The principle of the development of this site is considered to be acceptable given the sustainable location of the site and the lack of a 5 year housing land supply in the Bradford district. There are not considered to be any significant implications for highway safety, residential amenity and the impact on the character and appearance of the street scene. The proposal is considered to comply with policies UR2, UR3, D1, H7, H8, TM2, TM12 and TM19A of the RUDP.

**Conditions of Approval:**

1. The development must be begun not later than the expiration of three years beginning with the date of the decision notice.

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

2. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all 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 UR3 and D1 of the Replacement Unitary Development Plan.

3. Before any part of the development hereby permitted is brought into use, the off-street car parking facility shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15.

Reason: In the interests of highway safety, drainage and to accord with policies UR3, TM12 and NR16 of the Replacement Unitary Development Plan.

4. Before the development hereby permitted is brought into use, a dropped footway crossing in the highway shall be constructed to the Council's approved specification.

Reason: To ensure the provision of an appropriate standard of pedestrian access to serve the development and to accord Policy TM19A of the Replacement Unitary Development Plan

5. Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan

6. 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: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan

7. The development shall be constructed so that there is no building or foundation pressure within three metres of the nearest side of the public sewer without the prior written permission of the Local Planning Authority.

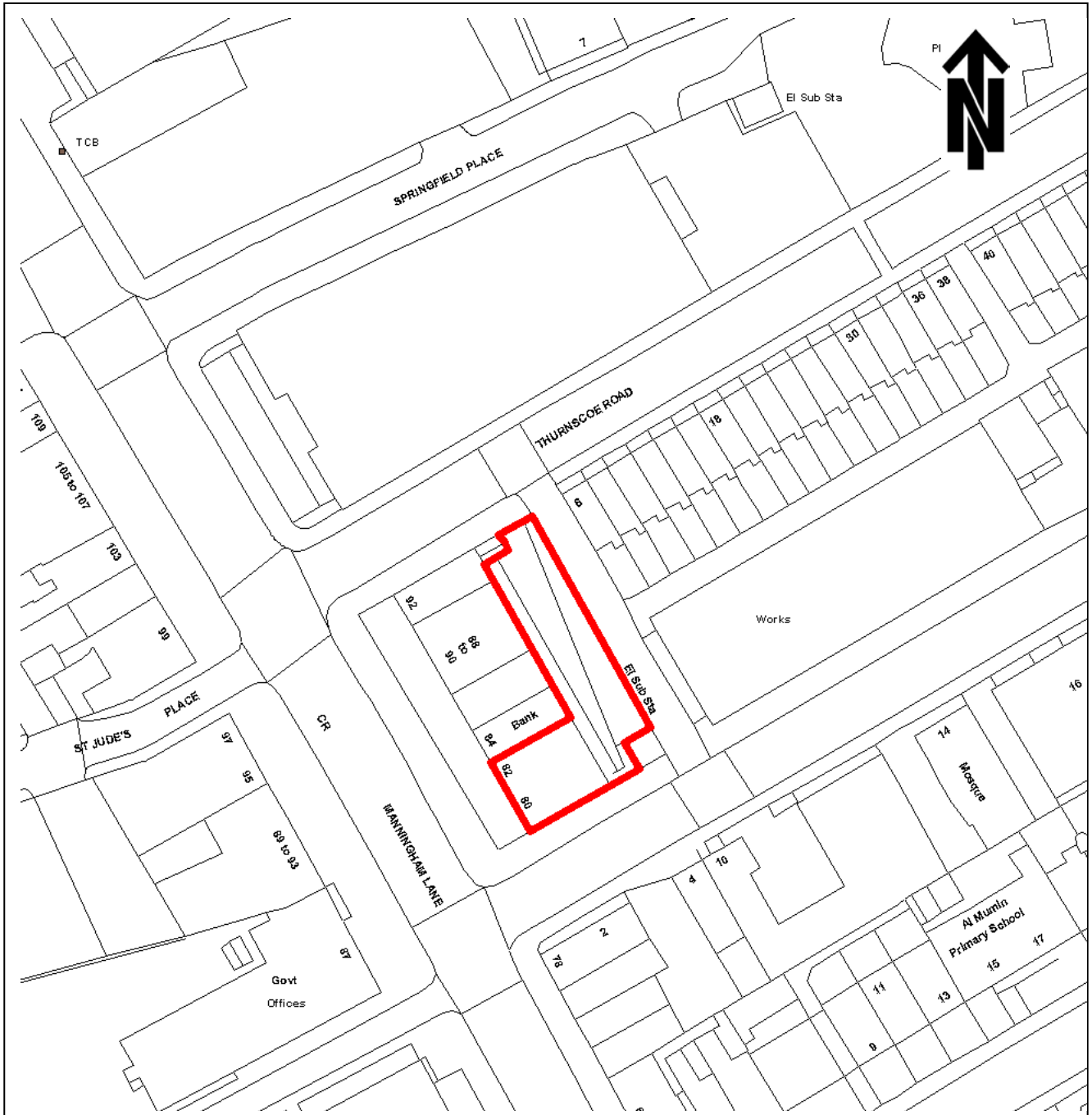
Reason: To avoid damage to the public sewer in the interests of pollution prevention and to accord with Policy UR3 of the Replacement Unitary Development Plan.

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Area Planning Panel (Bradford)

15/03785/FUL

16 December 2015



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ITEM NO. : 2	LOCATION: <b>80 - 82 Manningham Lane Bradford</b>
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**16 December 2015**

**Item Number: 2**  
**Ward: MANNINGHAM**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**  
**APPLICATION WITH PETITIONS**

**Application Number:**  
15/03785/FUL

**Type of Application/Proposal and Address:**  
Change of Use from A2 (offices) to A3 (restaurant/café) including installation of new shop front and extraction flue at 80-82 Manningham Lane, Bradford

**Applicant:**  
Mr S Kabir

**Agent:**  
Mr Mo Ali of MDA

**Site Description:**  
The site is located on the ground floor of a three-storey block, which is situated on the east side of Manningham Lane, between Nesfield Street and Thurnscoe Road. The block is built of brick, with panels to its front elevation, and its ground floor is occupied by commercial properties, including a bank and an insurance office. Currently used as a legal office, the site has a parking area to the front, in common with other properties in the row. A short access road leads to a further parking area at the back of the building. The area around the site has a number of planning uses: Thurnscoe Road has terraced housing on its north side, whereas Nesfield Street is largely given over to commercial and industrial uses. Opposite the site, on the west side of Manningham Lane, there are a number of shops and other buildings, such as government offices.

**Relevant Site History:**  
13/01960/FUL Change of use from education (D1) to financial and professional services (A2) - Approved 4 July 2013.  
12/02207/FUL Construction of mesh fence and access gate - Approved 6 August 2012.  
11/02872/FUL Change of use to class A3 - Approved 2 September 2011.  
10/03210/FUL Change of use from mixed D2 (gymnasium) and A2 (offices) to D1 (education) - Approved 13 September 2010.  
97/02325/FUL Installation of security shutters - Approved 23 August 1994.  
96/03065/COU Change of use from A2 office accommodation to business club and meeting rooms - Approved 9 December 1996.  
92/01302/COU Change of use from shop to restaurant – Withdrawn.  
91/06560/COU Change from use from shop to hot food takeaway – Withdrawn.  
88/04189/FUL Change of use from retail and office to wine bar and restaurant - Approved 23 August 1988.

87/03827/COU Change of use from office and warehouse to wholesale and retail books, educational aids equipment - No decision recorded.

87/02445/COU Change of use of property to restaurant - No decision recorded.

76/05426/COU Change of use from shop to bank - No decision recorded.

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

The site is unallocated for a specific use on the adopted RUDP, but lies within the Manningham/Girlington community priority area.

***Proposals and Policies***

The following policies from the adopted RUDP are applicable to this proposal:

CF6 - Development of unallocated land in community priority areas

D1 - General design considerations

D3 - Access for people with disabilities

D4 - Community Safety

D11 - Gateways

P7 - Noise

TM6 - Bus Priority

TM10 - The national and local cycle network

TM11 - Parking standards for non-residential developments

TM19A - Traffic management and road safety

UDP3 - Quality of built and natural environment

UR3 - The local impact of development

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

Advertised by site notice and neighbour notification letters. Expiry date 20 October 2015. One letter and a petition of 43 names received, objecting to the application and a petition of 67 names received supporting the application.

**Summary of Representations Received:**

**In Objection:**

- 1) Major increase in noise from customers and pollution from vehicles.
- 2) Increase in anti-social behaviour.
- 3) Massive increase in vermin, e.g. mice, rats, flies, and smell.
- 4) Rubbish and use of domestic bins for commercial waste.
- 5) Parking on Manningham Lane.

**In support:**

- 1) It is alleged that the objection petition includes signatories from unaffected streets.
- 2) The increase in anti-social behaviour is untrue, as this is a restaurant not a takeaway.
- 3) A fully sealed bin will deal with vermin.
- 4) No parking issues have been raised by the Highways Officer. Parking is also available to the rear of the property.
- 5) Businesses in the parade have stated that they have no issues with anti-social behaviour or parking.

**Consultations:**

Environmental Health (Nuisance) - Based on the information in the application and the accompanying statements, there are no objections to the proposal.

Environmental Health (Air quality) - There are no local air quality management issues arising from this proposal.

Highways - Whilst the property is not in the defined city centre boundary of the RUDP, it is close and is within walking distance of the city centre. Parking regulations are in place on Manningham Lane and Nesfield Street to deter indiscriminate parking. Therefore there are no highway objections to the proposed development.

**Summary of Main Issues:**

Principle of the use.

Neighbouring amenity.

Highway safety.

Visual amenity.

Consideration of outstanding representations.

**Appraisal:**

**Principle of the Use**

This is an application for a restaurant/cafe on a site in Manningham Lane. It is important from the outset to point out that, in planning terms, a restaurant/cafe and a hot food takeaway are different uses and to move from a restaurant to a hot food takeaway would require a further planning permission. The site is not within a local centre, although it is within approximately 170 metres of the boundary of the city centre.

However, in terms of sustainability, which is one of the key aims of the NPPF, the development will ensure future use of the building that is well served by public transport. Hence, although on a small scale, it will support reductions in greenhouse gas emissions and reduce congestion. The site is also located within an existing commercial frontage, on a main highway into and out of the city and its presence will contribute to the vitality of the area. On this basis, the development is considered acceptable in principle.

### **Neighbouring Amenity**

In the main, neighbouring amenity is likely to be affected by noise and general disturbance, and odours. The site fronts Manningham Lane although there are dwellings nearby on both Thurnscoe Road and Spring Gardens as well as apartments above shops, such as in the adjacent block at 72-78, Manningham Lane. As the area is commercial to a degree some noise is to be expected and it is not considered that the houses on Thurnscoe Road are likely to be adversely affected as customers will enter and leave the premises from Manningham Lane and the houses are located to the rear of the site. The apartments fronting Manningham Lane are more likely to be affected and in order to balance the requirements of the business against the reasonable expectations of the residential occupants, it is proposed to limit the hours of use of the premises to the period between noon and 23-00 each day, as proposed by the applicant. Given this element of control, it is not considered that there will be a major increase in noise from customers - or pollution from vehicles - as stated by one objector.

A restaurant can include an ancillary hot food takeaway use; were this to be the proposed main use of the premises, it is highly likely planning permission would be refused, because of the proximity of a number of schools and community centres. However, a hot food takeaway is considered a use that is ordinarily ancillary to a cafe/restaurant use and the Local Planning Authority does retain some control, since if the hot food takeaway becomes the main use, this is a use that would require a further planning permission.

Parking on adjacent streets - and associated noise and disturbance - is controlled by the presence of residential parking schemes, which limit parking to local residents. Breach of these controls is not a planning matter.

In terms of generated odours, it is considered that the proposed odour control equipment is capable of ensuring that any generated odours are not likely to have a detrimental effect on neighbouring amenity.

### **Highway Safety**

Some parking can be accommodated at the front of the premises, although it is not considered likely that the space at the rear of the premises will be heavily used, as it is largely remote from the site. The site is within walking distance of the city centre, which will help to lessen the number of vehicle trips and, despite the concern raised by objectors that there is a problem with parking on Manningham Lane, no concerns arise on the grounds of highway safety.

### **Visual Amenity**

The front elevation of the premises will change with the lengthening of two windows in a group of three and the provision of a door between. In the context of the whole of the front elevation of the terrace, these changes will not have an adverse effect on visual amenity.

To the rear, the proposed flue will be visible from Nesfield Street, but the size of the flue and its proposed black finish will lessen its visual impact so that it will not form an obtrusive feature in the wider street scene.

Signage, if not permitted by planning legislation, will require a separate application for advertisement consent.

### **Consideration of Outstanding Representations**

A restaurant is considered less likely to lead to an increase in antisocial behaviour, since food is likely to be consumed in the premises, rather than on the street, where the gathering of persons likely to indulge in such behaviour is more likely.

Vermin, as well as smell from waste, can be discouraged by the provision of bins in a suitable store, as shown on the submitted plans. The presence of vermin is not a planning matter but a matter for Environmental Health. Similarly, the generation of rubbish itself and use of domestic bins for commercial waste is not a planning matter.

The number of signatures on a petition is not particularly relevant, since it is open to anyone to comment on any planning application and even though some of the signatories may be from streets that will not be adversely affected by the proposal, this is no bar to their signing the petition.

In the absence of evidence to support the claim: "Businesses in the parade have stated that they have no issues with anti-social behaviour or parking", this is a consideration that cannot be given much weight.

### **Community Safety Implications:**

The proposal raises no community safety implications.

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

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

### **Reason for Granting Planning Permission:**

Acceptable in principle within a community priority area, the proposal will be visually acceptable and will not adversely affect the adjacent allocated gateway road. As a restaurant, the proposal is less likely than a hot food takeaway to encourage anti-social behaviour and details of how access for the disabled is to be provided can be required by a planning condition. Restriction on the hours of use of the premises will help to mitigate any adverse noise effects and no concerns arise on the grounds of highway safety. The proposal therefore accords with policies CF6, D1, D3, D4, D11, P7, TM6, TM10, TM11, TM19A, UDP3 and UR3 of the adopted RUDP.

**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 restaurant/cafe use hereby approved shall be carried out on the ground floor of the building only, as shown on the approved plans and in no other part of the building.

Reason: For the avoidance of doubt as to the terms under which this planning permission is given.

3. The premises the subject of this decision shall not be open for business between the hours of 23-00 and noon and no customer shall be served or otherwise make use of the premises between these hours.

Reason: In order to safeguard the amenity of nearby residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.

4. Before the restaurant/cafe hereby approved is brought into use, the proposed flue to the rear of the premises shall be finished in black, in accordance with the approved plans and so retained thereafter.

Reason: In the interests of visual amenity and to accord with policies D1 and UR3 of the adopted Replacement Unitary Development Plan.

5. Before the restaurant/cafe hereby approved is brought into use, the proposed bin storage area, as shown on the approved plans, shall be constructed and so retained thereafter.

Reason: In the interests of neighbouring amenity and to accord with policies D1 and UR3 of the adopted Replacement Unitary Development Plan.

6. Before the restaurant/cafe hereby approved is brought into use, a scheme indicating the provision to be made for disabled people to gain access to the development shall have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the restaurant/cafe hereby permitted is brought into use.

Reason: To ensure adequate means of access for disabled people and to accord with Policy D3 of the adopted Replacement Unitary Development Plan.

**Footnote:**

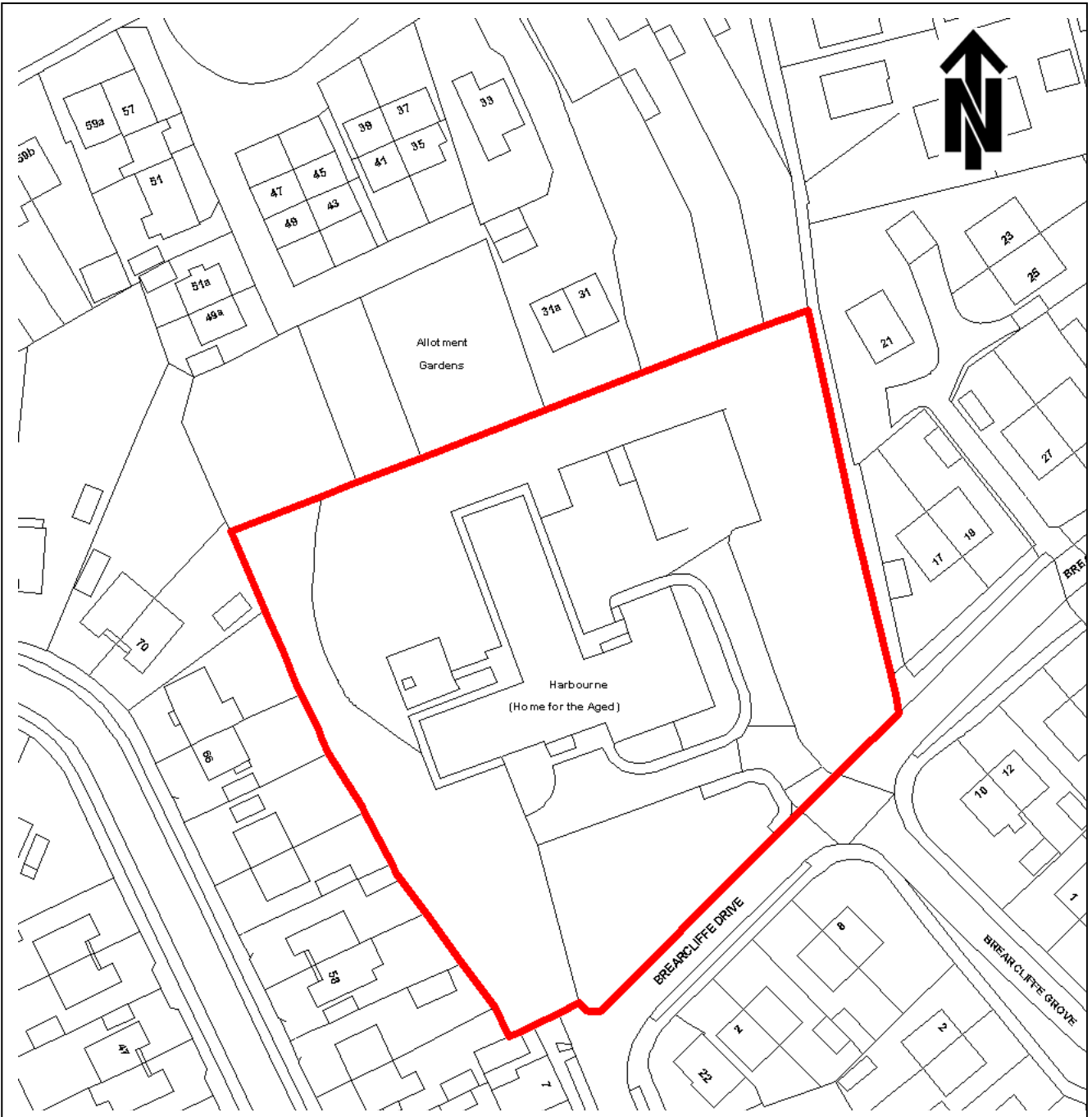
The developer should be aware that Express Advertisement Consent may be required for any signage associated with the development hereby approved.

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**Area Planning Panel (Bradford)**

**15/03906/FUL**

7 December 2015



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<p>ITEM NO. : <b>3</b></p>	<p>LOCATION: <b>Harbourne Eph Brearcliffe Drive Bradford</b></p>
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**16 December 2015**

**Item Number: 3**  
**Ward: ROYDS**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
15/03906/FUL

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

This is a full planning application for the development of a therapeutic, education and care facility, comprising a learning centre, two residential homes, a multi-use games area (MUGA) and external play areas at Harbourne, Brearcliffe Drive, Bradford.

**Applicant:**

Mr Hawre Baban (Witherslack Group)

**Agent:**

Mr Tim Rogerson

**Site Description:**

The site occupies an area of approximately 6600 sq.m and accommodates a large residential care home, which is now vacant. The site slopes gently up towards the rear where it abuts residential gardens of properties on Harbour Road. To the West side boundary are residential properties on Raeburn Drive. Vehicular access to the site is from Brearcliffe Drive, which provides access onto the A6036 Halifax Road. The surrounding area is primarily residential, with a mix of semi-detached and detached properties in the vicinity. There is existing car parking provision to the front and East side of the building and informal landscaped areas to the West and North parts of the site, including substantial mature trees along the front and West side boundaries.

**Relevant Site History:**

96/00310/REG - Construction of two storey single office extension also replacement of windows throughout premises and internal alterations - Granted 09.07.1996.

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

The site is unallocated on the Replacement Unitary Development Plan.

***Proposals and Policies***

UDP1 Promoting Sustainable Patterns of Development  
UR2 Promoting Sustainable Development  
UR3 The Local Impact of Development  
D1 General Design Considerations  
D3 Access for People with Disabilities  
D4 Community Safety  
D5 Landscaping  
D14 External Lighting



P5 Development Close to Former Landfill Sites  
P6 Unstable Land  
P7 Noise  
NE4 Trees and Woodlands  
NE5 Retention of Trees on Development Sites  
NE6 Protection of Trees During Development  
NE10 Protection of Natural Features and Species  
NR16 Surface Water run off  
TM2 Impact of Traffic and its Mitigation  
TM11 Parking Standards for Non-Residential Developments  
TM12 Parking Standards for Residential Developments  
TM19A Traffic Management and Road Safety

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was advertised by neighbour notification letters, site notices and press advert. The publicity period expired on 23 October 2015. A total of 46 letters of objection have been received. A Royds Ward Councillor has also objected to the application and requested it be referred to the Area Planning Panel for consideration.

Following receipt of additional information and revisions to the proposed plans, the application was re-advertised by neighbour notification letters and site notices, with the additional publicity period expiring on 8 December 2015.

**Summary of Representations Received:**

- Antisocial behaviour, crime and security.
- Access onto Halifax Road should be improved.
- Lack of parking.
- Increased traffic.
- Unknown security measures.
- Vulnerable people living in the area.
- Noise disturbance.
- Security fence needed to restrict access.
- Use not viable in this residential area.
- Impact on water and sewer systems.
- Use of MUGA by non-residents.
- Loss of privacy and overlooking of neighbouring properties.
- Overbearing impact of two houses.
- Visual impact from design, appearance and layout.
- Ecological impact.
- Loss of trees.
- Ground levels unclear/no site sections.
- Would be better located in a semi-rural location.
- Disruption during construction.
- Limited details of proposal.
- Lack of publicity and communication.
- Limited access to plans online.
- Impact on police resources.
- Impact on house prices.
- Care provision would cost Bradford Council £2.1m per annum.
- In-house facilities would be more cost effective.
- One-to-one care more appropriate than children's homes.
- Proposed method of care would be counterproductive.
- Conflict with right to private life and enjoyment of property.

**Consultations:**

Rights of Way – Proposal does not impact on the public right of way

Drainage – Suggested standard conditions if approving.

Highways – Level of traffic will be similar to the former use. Level of car parking meets guidelines. Applicant should fund a Traffic Regulation Order to protect access and visibility. No objections subject to suggested standard conditions.

Minerals and Waste – Applicant should provide a Desk Study contamination and geotechnical risk assessment to determine likely scope of contamination and stability issues and scope of any necessary remedial works and mitigation.

Environmental Health – MUGA should be repositioned further from the boundary with properties on Harbour Road, by switching the MUGA and play area.

West Yorkshire Police – Suggested detailing for boundary security treatments including access control; external lighting and CCTV; physical security consisting of windows and doors to Secured By Design standards.

**Summary of Main Issues:**

Principle of development.  
Impact on the local environment.  
Impact on residential amenity.  
Impact on highway safety.  
Community Safety Implications.  
Other planning matters.  
Outstanding matters raised by representations.

**Appraisal:**

**Proposal**

The application proposes the development of a therapeutic, education and care facility, comprising two residential homes, a learning centre, a MUGA and external play areas. The existing use of the site is a residential care home (Use Class C2) and the proposal will continue this use. The application is accompanied by detailed supporting information, explaining the purpose, scope and need for the service and facilities to be offered at the site.

The applicant is an established provider of care and education establishments at sites across the country, and state that they received 17 enquiries in the last two years from Bradford Council for placement of children. The supporting Planning Statement refers to a Department of Education report which finds that of almost 5,000 children living in children's homes, 49% live in homes outside their local authority area, and that more than half of these homes are in areas with above-average crime levels. The site has been chosen specifically with these issues in mind and in order to provide appropriate facilities within the Bradford District.

**Principle of the Development**

The site is unallocated on the RUDP and so is not protected for any particular uses other than those that accord with the general policies of the plan. The site is located in a primarily residential area, which is in a sustainable location, easily accessible by public transport in the form of regular bus routes on Halifax Road, serving the city centre.

The proposed integrated education and residential uses (Use Class C2) is appropriate in a residential area and, in any case, the proposal will continue the existing C2 use of the site so a change of use will not occur. Therefore, it is worth noting that the existing building could be operated as described above without the need to obtain planning permission. For these reasons, the principle of the development is acceptable, subject to its local impact, as assessed below.

**Impact on the Local Environment**

The proposal involves the partial demolition of the existing care home building, with the West and North parts of the building being removed. The resulting smaller building will be converted into the learning centre and office space. The main building frontage facing Brearcliffe Drive will remain, as will the access and parking to the front and side; an additional parking area will be created to the West of the main building following the demolition works. Following the partial demolition, the building will be converted into a learning centre through mostly internal alterations, although any external alterations – confined to the rear aspect – will have a finish to match the existing building.

The two residential homes will be built to the rear of the site, with the MUGA and play area between the two and each residential unit having its own garden area. The residential buildings will be constructed of brick and render walls under a concrete tile roof. Their design, scale and siting is such that they will fit within the local area without appearing visually dominant or incongruous. The surrounding area features a mix of house types and materials; the proposed buildings will complement the surrounding properties and maintain the character and setting of the largely residential area.

The landscaping plan and tree survey indicate that the majority of the landscaping will be retained. Some lower quality trees and vegetation will be removed, particularly in the Northwest part of the site, in order to make way for the residential unit. Some minor excavation and re-grading works will be conducted to level the site for the residential units and play areas. 600mm high retaining walls will be erected around the residential units where the land slopes up towards the North and West. A two-metre high boundary fence will be erected around the site to provide adequate security, but will be set back from the highway, reducing its visual impact. New trees will be planted between the highway and the building to provide screening for the extended parking area. The proposed landscaping details are considered acceptable.

For these reasons, and subject to appropriate conditions, the proposal will not have a significant adverse impact on the local environment and is therefore acceptable and compliant with the requirements of the RUDP and the NPPF.

### **Impact on Neighbouring Occupants**

The plans demonstrate that the proposed residential care homes will maintain a reasonable relationship with neighbouring properties. The homes will be sited in excess of 9 metres from any site boundary, with window-to-window distances of at least 21 metres, exceeding the Council's usual 17m requirement, as detailed in the Council's Householder Supplementary Planning Document.

The cross-sections indicate that the proposed buildings will sit slightly lower than adjacent properties and will be largely screened from wider views by existing and proposed trees and other landscaping. Separation distances between existing and proposed buildings are sufficient to avoid any adverse impact on private amenity space and habitable room windows, and avoid any impact of overbearing, overshadowing or loss of outlook.

The ground levels across the site will be relatively flat, with the rear most part of the site excavated slightly to allow the creation of a level play area, creating a small embankment raising almost two metres up to the existing rear boundary. The MUGA has been moved further from the rear boundary as requested by the Environmental Health Officer, and sits approximately two metres lower than the residential gardens of properties on Harbour Road. A three-metre high fence will surround the MUGA and a two-metre high fence will be erected along the rear boundary. The play areas will be sited in a manner that will reduce their impact on neighbouring properties, and will be used between the hours of 09.00 and 17.00. The potential for noise and disturbance will be limited by the hours of use, the difference in ground levels and the boundary screening.

The learning centre will operate between 08.00 and 17.00 Monday to Friday during school term-time, with the residential homes in use 24 hours a day throughout the year. It is noted that the site will employ up to 50 staff, however, this will be operated on a shift basis, and is expected to reduce the number of vehicle movements compared with the previous care home facility. The proposal is therefore unlikely to have a significant impact on residential amenity through any noise and disturbances and the overall impact of the proposal is considered acceptable and compliant with the requirements of policies UR3, D1 and P7 of the RUDP and the NPPF.

### **Impact on Highway Safety**

The site is accessed off Brearcliffe Drive, which in turn provides access to the A6036 Halifax Road. The development will retain the existing access point onto Brearcliffe Drive, which is a quiet residential road, with no on-street parking restrictions. The proposal will increase the level of off-street parking provision to 37 parking spaces, five of which will be disabled spaces.

The Highways Officer raises no objection to the proposal, noting that the level of traffic associated with the proposal will be similar to the former use. The level of car parking exceeds the requirements set out in Appendix C of the RUDP, which requires one space per five residents and one space for every two staff, totalling approximately 28 spaces. The 24 hour nature of the use requires staffing on a shift basis, thus spreading rather than concentrating vehicular movements throughout the day.

The proposed development is considered unlikely to generate a significant number of vehicle trips over and above what would have been experienced during the previous use as a care home. During two separate site visits, one in the morning and another in the evening, it was noted that a limited number of cars were parked on-street within the immediate vicinity of the site. Nevertheless, as Brearcliffe Drive is relatively narrow, the Highways Officer suggests that the applicant funds a Traffic Regulation Order (TRO) to protect the access and maintain visibility from the site access.

As such, subject to appropriately worded conditions to secure the provision of parking spaces and provision of a TRO prior to the first use of the development, the proposal is considered acceptable in terms of its impact on highway and pedestrian safety and accords with the requirements of policies TM2, TM11, TM12 and TM19A of the RUDP.

### **Community Safety Implications**

A number of representations raise concerns regarding the possible occupants of the development and the potential for anti-social behaviour and increased crime rates in the local area. These concerns appear to originate from a lack of information and clarity within the application as submitted, which did not provide specific detail or explanation of the proposed use. An additional planning statement and other supporting documents clarify that the site will accommodate children between the ages of four and 19 years old, on a referral basis from the Local Authority.

Whilst anti-social behaviour and crime is generally a matter for the Police, paragraph 69 of the NPPF states that decisions should promote a 'safe and accessible environment where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'.

It is considered that this proposal does not pose any significant apparent community safety implications. The amended and additional plans indicate appropriately secure boundary treatments, generally comprising a two-metre high metal fence and access controlled pedestrian and vehicular gates. Lighting and CCTV details can be controlled by condition, and Secured By Design security measures can be dealt through the Building Regulations process.

The site will benefit from a good staff to child ratio, which contributes to safety, wellbeing and security of both children and local residents.

As such, the staffing, security and operation of the site is appropriate and sufficient to ensure that the proposal will not result in any adverse community safety implications. The proposal is therefore considered to accord with Policy D4 of the RUDP and the NPPF.

### **Other Planning Matters**

The proposal includes five disabled parking spaces, with ramped and level access into and within the main building. A lift will be provided within the main building to provide access to the first floor facilities.

The development will create up to 50 new jobs during the first 18 months of operation. The planning statement forecasts the expected monthly staffing and occupancy rates for the site, which predicts a total of 50 locally sourced and trained staff by the time the site reaches its full capacity of 14 children.

The Council's Minerals and Waste Officer raised concern regarding past quarrying and infill of the site and the potential for land stability and contamination issues. The site has been developed following the infilling, and neighbouring properties have also been constructed on land previously used as a landfill. No issues have been identified on site, although the Building Regulations process will determine the necessary foundations and other construction related requirements. Nevertheless, conditions can be imposed requiring the submission of a desk study and requirements for reporting unexpected contamination.

The Ecological Survey concludes that no bats or other protected species are present on site, within the existing building or within the surrounding wooded areas, and that there is limited scope for potential wildlife habitats within the existing development. The site is not within an identified habitat for protected species and there is no reason to suspect the proposed development would adversely affect any such wildlife.

The proposal raises no other planning related matters that cannot be controlled successfully through appropriate conditions or footnotes where necessary.

### **Outstanding Matters Raised by Representations**

Impact on water and sewer systems

*This is not a material planning consideration, but will be dealt with through the building regulations process and service providers where appropriate.*

Disruption during construction

*A condition is included restricting the hours of construction.*

Lack of publicity and communication  
Limited access to plans online

*The site was initially advertised, and subsequently re-advertised, in accordance with national and local publicity requirements, and consisted of neighbour notification letters, site notices and press adverts, with additional publicity in the form of neighbour notification letters and site notices. Plans are available online and hard copies are available to customers in the Council's Planning Office.*

Conflict with right to private life and enjoyment of property  
*The impact on existing and future residents has been considered above.*

Impact on police resources  
Impact on house prices  
Would be better located in a semi-rural location  
Care provision would cost Bradford Council £2.1m per annum  
In-house facilities would be more cost effective  
One-to-one care more appropriate than children's homes  
Proposed method of care would be counterproductive  
*These concerns are not material planning considerations and cannot be taken into account in the assessment of the application.*

**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

**Reason for Granting Planning Permission:**

The proposed development is considered to relate satisfactorily with the existing local environment and is not considered to result in any significant loss of residential amenity or significant harm to highway safety. Subject to relevant conditions, the proposal is considered to comply with Policies UDP1, UR2, UR3, D1, D3, D4, D5, D14, P5, P6, P7, NE4, NE5, NE6, NE10, NR16, TM2, TM11, TM12 and TM19A of the RUDP and the NPPF.

**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 development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all 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 UR3 and D1 of the Replacement Unitary Development Plan.

3. All hard and soft landscape works, including boundary treatments shall be carried out in accordance with the details indicated on approved plan number SI-00-DR-A-1104. The works shall be implemented prior to the first use of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with policies UR3 and D5 of the Replacement Unitary Development Plan.

4. Prior to the first use of the hereby approved development, all areas indicated to be used for vehicular access and parking on the approved plans shall have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) this shall be so retained, free of obstructions and available for the use specified on the submitted plans for the lifetime of the development.

Reason: In the interests of amenity, flood risk and highway safety, and in accordance with policies NR16 and TM19A of the Replacement Unitary Development Plan.

5. Full details of the type and position of any lighting scheme, showing down lighting units including measures for ensuring that light does not shine directly on neighbouring residential properties or the highway, shall first be submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be carried out and maintained thereafter whilst ever the use subsists.

Reason: To safeguard the amenity of occupiers of adjoining properties and avoid drivers being dazzled or distracted in the interests of highway safety and to accord with policies UR3 and TM19A of the Replacement Unitary Development Plan.



6. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

7. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

8. The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until a tree protection plan showing root protection areas and location of temporary tree protective fencing has been submitted to and approved in writing by the Local Planning Authority. The tree protection plan shall be to a minimum standard as indicated in BS 5837 (2005) 'Trees In Relation To Construction Recommendations' and show the temporary tree protective fencing being at least 2.3 metres in height of scaffold type construction and secured by chipboard panels or similar. The position of the temporary tree protective fencing will be outside root protection areas as shown on the tree protection plan unless otherwise agreed with the Local Planning Authority. The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until temporary tree protective fencing is erected in accordance with the details submitted in the tree protection plan as approved by the Local Planning Authority. The temporary tree protective fencing shall be driven at least 0.6 metres into the ground and remain in the location as shown in the approved tree protection plan and shall not move or be moved for the duration of the development. The Local Planning Authority must be notified in writing of the completion of erection of the temporary tree protective fencing and have confirmed in writing that it is erected in accordance with the approved tree protection plan. No development, excavations, engineering works and storage of materials or equipment shall take place within the root protection areas for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity, to safeguard the visual amenity provided by the trees on the site and to accord with policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

9. The development shall be constructed so that there is no building or foundation pressure within three metres of the nearest side of the public sewer without the prior written permission of the Local Planning Authority.

Reason: To avoid damage to the public sewer in the interests of pollution prevention and to accord with Policy UR3 of the Replacement Unitary Development Plan.

10. Prior to the commencement of development, a scheme showing full details of the contractor's means of access, vehicle parking facilities, loading/unloading areas for materials, location of the site compound, together with internal turning facilities, temporary warning and direction signs on the adjacent highway, levels, gradients, construction, surface treatment and means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented and be available for use before the commencement of any construction works on the site. Any temporary works, signs and facilities shall be removed and the access reinstated on completion of the development.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

11. Prior to development commencing, a site investigation and risk assessment methodology to assess the nature and extent of any land stability and contamination risks 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 and land instability to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policies UR3, P5 and P6 of the Replacement Unitary Development Plan.

12. Prior to development commencing the 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 policies UR3, P5 and P6 of the Replacement Unitary Development Plan.

13. Prior to development commencing 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 policies UR3 and P5 of the Replacement Unitary Development Plan.

14. A remediation verification report 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 the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policies UR3 and P5 of the Replacement Unitary Development Plan.

15. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details of which must be submitted to the Local Planning Authority for approval in writing before the expiration of 1 month from the date on which the contamination was found. If remediation is found to be necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing; following completion of measures identified in the approved remediation scheme and prior to the commencement of the use of the approved development a verification report must be prepared and submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination are minimised, in accordance with policies UR3, NR17 and NR17A of the Replacement Unitary Development Plan and the National Planning Policy Framework.

16. The multi-use games area hereby permitted shall not be used outside the hours of 09:00 to 20:00 Monday to Saturday and 11:00 to 17:00 on Sundays.

Reason: To prevent adverse noise disturbance in the interests of residential amenity and to accord with policies UR3 and P7 of the Replacement Unitary Development Plan.

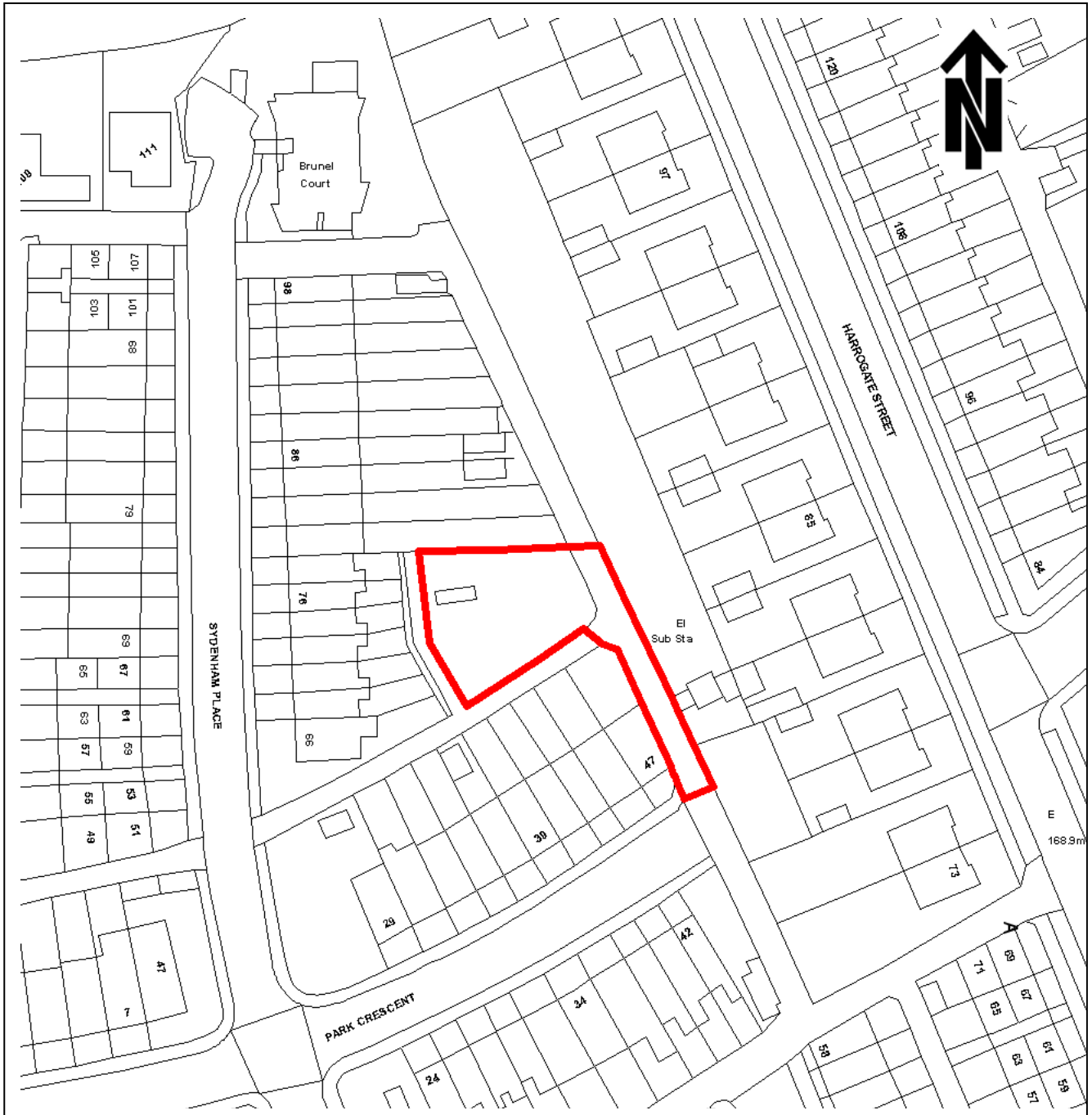
**Footnotes:**

1. The developer is advised that a public sewer exists close to the site boundary. The Sewerage Undertaker (Yorkshire Water) must therefore be consulted for a view of the impact of the development on the public sewerage system. The granting of planning permission does not override the requirement for the developer to obtain any necessary consents from Yorkshire Water in respect of the sewerage system.
2. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority). Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com).

**Area Planning Panel (Bradford)**

**15/05733/FUL**

7 December 2015



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ITEM NO. : 4	LOCATION: <b>Land North Of 39 To 47 Park Crescent Bradford</b>
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**16 December 2015**

**Item Number:** 4  
**Ward:** BOLTON AND UNDERCLIFFE  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
15/05733/FUL

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

A full planning application for one dwelling at land to the north of 39 and 47 Park Crescent, Bradford. This is a resubmission of application 14/05299/FUL, proposing amendments to that planning permission.

**Applicant:**  
Mr C Mujitba

**Agent:**  
SR Design

**Site Description:**

The site is a small area of land located within an area of terraced housing. Access to the site is from Park Crescent via a steep cobbled access which also serves a number of small amenity areas to the surrounding dwellings and there is evidence of garages being served from this access point also. The site is reasonably level, but the land slopes away to the north where the rear garden/amenity areas of the surrounding dwellings are located.

**Relevant Site History:**

14/05299/FUL: Construction of detached dwelling, granted 17.3.2015.

09/03841/FUL: Construction of detached bungalow, granted 06.11.2009.

**Replacement Unitary Development Plan (RUDP):**

**Allocation**

Unallocated.

**Proposals and Policies**

UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
D1	General Design Considerations
D5	Landscaping
NR16	Surface Water Run Off and Sustainable Drainage Systems
OS6	Allotments
TM19A	Traffic management and road safety
TM12	Parking standards for residential developments
TM2	Impact of traffic and its mitigation
H7	Housing Density – Expectation
H8	Housing Density – Efficient Use of Land

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised by site notice and individual neighbour notification letters. Expiry of the publicity period was 21 November 2015. At the time of report preparation, a total of 7 representations had been received in relation to the application.

**Summary of Representations Received:**

1. Disturbance and problems during the construction phase of the scheme.
2. Overlooking impacts.
3. The development has started on the site.
4. Drainage concerns.
5. Loss of trees on the site.

**Consultations:**

Highways: No objections subject to conditions.

Drainage: No objections subject to conditions.

**Summary of Main Issues:**

1. Principle of development.
2. Residential amenity.
3. Highway safety.
4. Drainage.
5. Visual impact.
6. Outstanding issues raised in representations received.

## **Appraisal:**

### **1. Principle of development**

The site has a planning history including previous permissions for a single dwelling on the site and a dismissed appeal. Planning permission was granted in 2009 for a single dwelling on the site similar to this proposal and permission was also granted in 2014 for a detached bungalow on the site. During an appeal submitted in 2006, the Inspector confirmed the following in relation to the potential use of the site as allotments:

‘Irrespective of the description of the past use of the site in terms of a garden or an allotment, to my mind, the site does not appear as a secure or serviced allotment site.

On this basis, by virtue of its size and current use, I consider the site is not subject to Policy OS6 of the Replacement Unitary Development Plan.’ There is therefore no presumption to extend protection to the site from development as per policy OS6.

The site is located within a sustainable location close to a wide range of services and transport options. The site will also make a small contribution to the lack of a 5 year housing land supply in the Bradford District. Although it is not classified as previously developed land it modest scale and sustainable location would mean it has little impact on the wider objectives of the development plan and that refusal of planning permission could not be substantiated on the grounds of principle of development.

It is considered therefore that the principle of residential development at the site has been well established by previous planning permission, most recently in 2014. As there have been no material changes to the site since 2006 (apart from removal of trees at the site and preparing of the site for development), or significant changes to planning policy, the principle of development is considered acceptable.

### **2. Residential amenity**

This proposal is for a slight alteration to the scheme approved in 2014. The footprint of the dwelling will not be altered significantly and it will now be located 3.3 metres to the site boundary with Sydensham Place as opposed to 3 metres as previously approved in 2014. The dwelling remains 800 mm to the site boundary at its southern end. The other changes proposed to the original scheme include the introduction of two dormer windows to the northern elevation of the dwelling, removal of the dormer from the east elevation of the property and change to a box style dormer window to the southern elevation. In addition, a double garage is proposed to the eastern part of the site whereby there was previously two parking spaces. It is not considered that the scheme would result in any significant additional impacts in terms of residential amenity. The north elevation dormer windows are proposed to be high level (1.7 metres to cill height) which will prevent direct overlooking to the garden area beyond the site. The proposed double garage is somewhat isolated from other properties and will not result in any direct impacts on the surrounding properties. Overall, with the amendments proposed, it is considered that the scheme will not adverse effect residential amenity.

### **3. Highway safety**

The amendments to the previously approved scheme do not result in any additional highway safety implications. Access to the site is generally substandard with poor surfacing but some street lighting present and is to be taken via a cobbled back street from Park Crescent. However, this is a position which has been assessed on previous applications and in line with previous planning permission, some improvements are proposed to the access point into the site and a slight widening of the access road (to 4 metres) immediately adjacent the site to aid vehicle movements. The access road is sufficiently wide to allow access by emergency vehicles and in any case emergency vehicles can reach within 45 metres of the site by parking on Park Crescent. It is also likely that the level of traffic generation by the scheme will be very low with only a few vehicle movements generated each day and it is considered unlikely to lead to any significant highways implications if the improvements shown are implemented. Given this, there is not considered to be any significant implications for highway safety.

### **4. Drainage**

It is noted that a public sewer is located running across the site, which the developer will be obligated to protect and may be required to divert in order to accommodate the development. Other legislation will control this including compliance with Building Regulations and the requirement for the developer to consult with Yorkshire Water regarding the sewer.

### **5. Visual impact**

The design of the bungalow is simple and will contrast with neighbouring terraced Victorian properties because of its single-storey appearance but, given that it would form part of an inconspicuous back-land development, refusal could not be justified for its visual impact. Furthermore, although not now extant, the previous planning permissions granted a property on the site of similar design, scale and footprint. The final materials of the property can be controlled by conditions to ensure an appropriate appearance. The amendments to the approved scheme are minor and it is considered the introduction of box style dormer windows to the property would not significantly affect the visual impact the dwelling would have on the street scene.

The development would result in some loss of trees and hedges on the site and most trees have now been cleared from the site. The trees were not protected by a Tree Preservation Order and were of limited amenity value – this is a view confirmed by the Appeal Inspector in 2006. Given that the building is acceptable in terms of its design, scale, massing and materials a high level of screening would not be required at the site and the loss of the trees is considered acceptable.

### **6. Outstanding issues raised in representations received**

The development has started on the site.

*This is the case, however, the developer has planning permission for one dwelling on the site and can therefore lawfully commence work on site*

Disturbance and problems during the construction phase of the scheme.

*Some disturbance will be felt in the area during the construction phase, however, this is not an issue for which planning permission can be withheld and some control can be made in this respect through health and safety legislation.*



**Community Safety Implications:**

None significant.

**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 in relation to consideration of this application.

**Reason for Granting Planning Permission:**

The development of this modest site set within an urban area and sustainability located for residential development is considered to be acceptable in the light of a lack of a 5 year housing land supply in the Bradford district. The proposed development scheme is not considered to have any significant adverse implications for the local environment, neighbouring occupier's amenities, highway and pedestrian safety, drainage and community safety. Consequently the development is considered to comply with policies UDP1, UDP3, UR2, UR3, TM2, TM12, TM19A, H7, H8, D1, D4, D5, OS6, NE5, NR16 and P7 of the RUDP and national contained in the NPPF.

**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 development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all 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 UR3 and D1 of the Replacement Unitary Development Plan.

3. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

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

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

5. Before any part of the development hereby permitted is brought into use, the off-street car parking facility shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15.

Reason: In the interests of highway safety, drainage and to accord with policies UR3, TM12 and NR16 of the Replacement Unitary Development Plan.

6. Before any part of the development is brought into use, the works associated with the access leading to the site shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and to a specification submitted to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policies TM2 and TM19A of the Replacement Unitary Development Plan.

7. The rooflights hear by permitted in the dwelling house shall be installed a minimum of 1.7 metres above the finished floor levels of the rooms they serve and retained as such whilst ever the dwelling is occupied.

Reason: In the interests of residential amenity and to accord with policy UR3 of the Replacement Unitary Development Plan.

8. The boundary treatments proposed on plan no SR-779-5 shall be retained on the site whilst ever the dwelling is occupied.

Reason: In the interests of residential amenity and to accord with policy UR3 of the Replacement Unitary Development Plan.

9. The dormer windows to the northern elevation of the dwelling hear by permitted shall be installed with a minimum cill height of 1.7 metres above the finished floor levels of the rooms they serve and retained as such whilst ever the dwelling is occupied.

Reason: In the interests of residential amenity and to accord with policy UR3 of the Replacement Unitary Development Plan

10. Before any part of the development is brought into use, the works associated with unadopted highway leading to the site shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

11. The boundary treatments proposed on Plan No. PL01 shall be retained on the site whilst ever the dwelling is occupied.

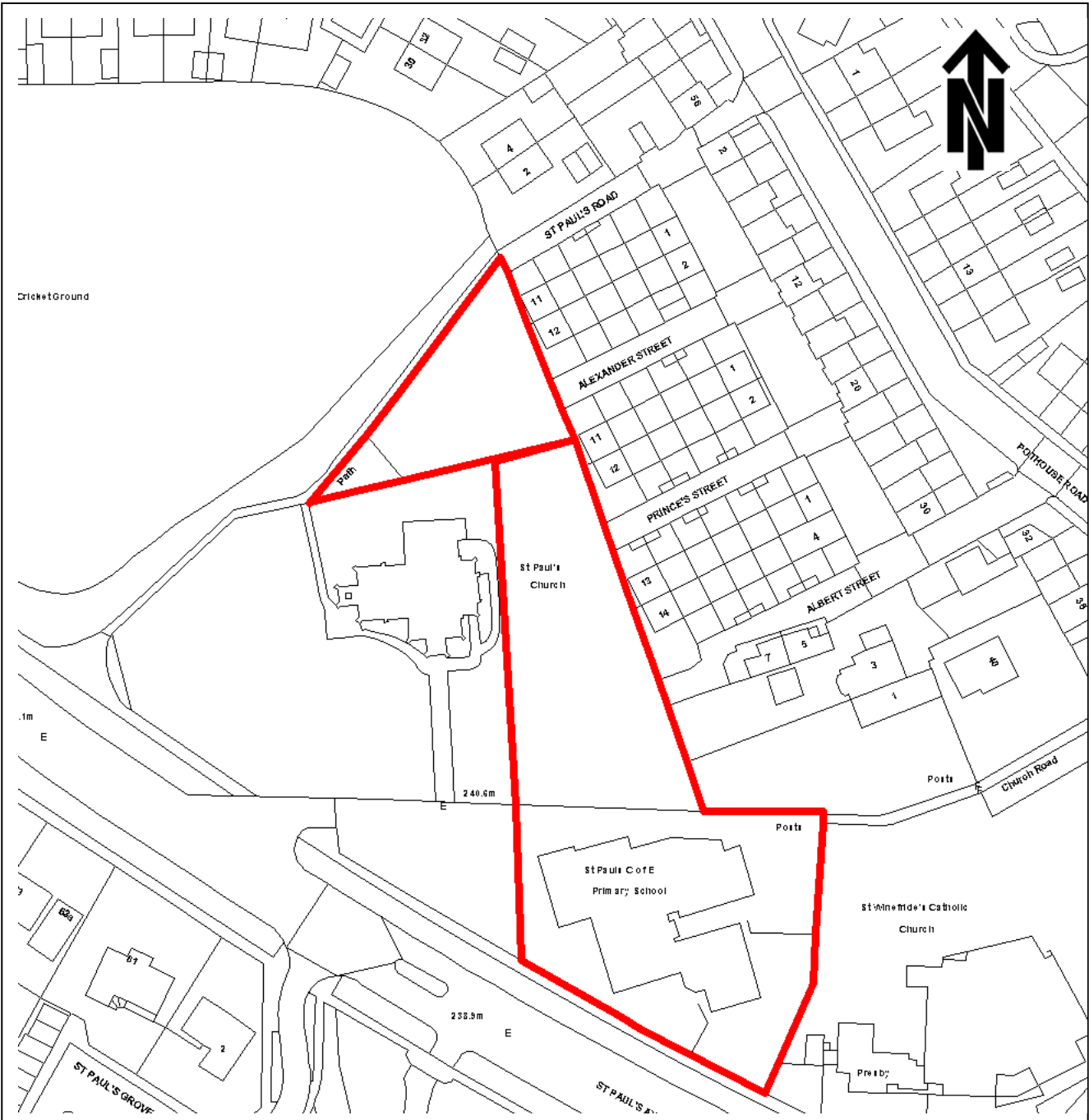
Reason: In the interests of residential amenity and to accord with Policy UR3 of the Replacement Unitary Development Plan.

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Area Planning Panel (Bradford)

15/03273/FUL

16 December 2015



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ITEM NO. : 5	LOCATION: <b>St Pauls CE Primary School</b> <b>St Pauls Avenue Bradford</b>
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**16 December 2015**

**Item Number: 5**  
**Ward: WIBSEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
15/03273/FUL

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

Full planning permission is sought for the construction of play areas, car park and installation of fencing at St Paul's Church of England Primary School, St Paul's Avenue, Bradford.

**Applicant:**

Mrs Helen Malt

**Agent:**

Mr Christian Richards

**Site Description:**

St Paul's Church of England Primary School is a stone built grade II listed building dating back to circa 1850. The building is set in a roughly triangular curtilage within close proximity to St Paul's Church, also grade II listed. The building has been extended in the past to the south-east corner leaving the school occupying the majority of the east side of the curtilage. Access is currently provided through the playground to the west of the building. The application relates to land currently associated with St Paul's Church. The land is to the north of the school and to the east and north of the Church, it is currently open grass land intersected with established trees. The land is currently separated from the school by stone walling, and a combination of stone walling and fencing encloses the wider church site.

**Relevant Site History:**

Extensive planning history as noted below, but this is not directly relevant to this proposal.

95/00165/LBC: Renewal of window frames to all elevations, granted 07.04.1995.

99/02107/FUL: Erection of temporary classroom unit, granted 12.11.1999.

99/03360/LBC: Construction of ground floor rear extension to school with revised new entrance and internal and external alterations, granted 27.01.2000.

99/03512/FUL: Construction of ground floor rear extension to school with revised new entrance and internal and external alterations, granted 22.02.2000.

02/01065/LBC: Erection of a new fence to edge of school yard, granted 11.04.2002

02/01071/FUL: Erection of a 12 foot boundary fence, granted 09.07.2002.

07/10145/FUL: Construction of perimeter fence gates, bin store and roof lights to existing school, granted 30.01.2008.

07/10146/LBC: Construction of perimeter fence gates, bin store and roof lights to existing school, granted 30.01.2008.

10/02564/LBC: Internal alteration and installation of roof lights, granted 19.08.2010

15/03238/FUL: Construction of main entrance and small toilet block extension, granted 22.09.2015.

15/03239/LBC: Construction of main entrance and small toilet block extension, granted 22.09.2015.

**Replacement Unitary Development Plan (RUDP):**

**Allocation**

Unallocated.

**Proposals and Policies**

UDP1 Promoting Sustainable Patterns of Development

UR3 The Local Impact of Development

D1 General Design Considerations

BH4A Setting of Listed Buildings

TM2 Traffic Mitigation

TM11 Parking Standards

TM19A Road Safety

NE10 Protected Species

NR16 Drainage

P7 Noise

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application has been publicised via a site notice and individual neighbour notification letters. The publicity period expired on 11 September 2015. Seven representations have been received from individual addresses.

**Summary of Representations Received:**

The representations received are all in objection to the proposed development citing the following reasons:

The impact of the proposed fence upon neighbouring amenity.

Anti-social behaviour.

An increase in noise and disturbance.

Adverse impact on house values.

Loss of trees.

Impact on the setting of the grade II listed church.

Impact on local wildlife.

Safety of the children due to proximity of the cricket ground.

**Consultations:**

Drainage – Conditions suggested in terms of surface water and sustainable drainage techniques.

Rights of Way – The proposal is not considered to harm the public footpath. Footnote required stipulating construction limitations.

Trees – The trees within the grounds of the church are not subject to protection orders and as such can be removed without prior planning approval. Notwithstanding this, the tree officer considers the proposal acceptable as the large established trees of higher quality and amenity value are to be retained.

Design and Conservation – Concerns about the impact on the setting of the listed church building, and considers that the proposal as submitted fails to comply with the NPPF and Policy BH4A of the RUDP.

**Summary of Main Issues:**

Principle.

Residential amenity.

Visual amenity.

Highway safety.

Other Issues raised in the representations.

**Appraisal:**

**Principle**

The site subject of the application currently forms part of the curtilage of the grade II listed St Paul's Church, the application would result in the land being incorporated within the grounds of St Paul's Church of England Primary School. The development would facilitate the creation of an additional playground and a multi-use games area linked by a short nature trail. The existing playground to the east of the school would be utilised for parking.

The land is unallocated on the RUDP and as such there are no policies that would seek to resist the principle of this development.

The proposal remains subject to an assessment of the local impact of the development and the main issues will now be considered:

### **Residential Amenity**

The proposed use is in keeping with the main activities of the school, but aimed at improving the facilities as the school is currently set within restricted grounds. A further justification for the reconfiguration of the site is to improve the security of the site. The enlarged school site is thereby proposed to be enclosed by a new paladin mesh fence.

The concerns that have been expressed by the neighbours, in terms of their amenity, relate to the noise and disturbance experienced from the expansion of the school grounds, a potential increase in anti-social behaviour, and as a direct consequence of the new security fence.

A level of noise and disturbance is to be expected when you reside within close proximity to a school. However, as observed within a number of the written representations the proposal brings some of the external activities associated with the school closer to neighbouring properties.

The siting of the new external play areas has been influenced by a number of factors which have largely dictated their siting, and whilst it is apparent that this does result in a closer relationship with neighbouring properties, this is not considered to be significantly harmful to occupants' amenity. The new external play areas will only be used in connection with the school and within their usual operating hours. This naturally restricts the use, and avoids unsocial hours when any impact would be more keenly felt. It is also noteworthy that the proposal is not to facilitate a significant expansion in activities or pupil numbers, but to improve facilities and the security for the existing pupils. The level of activity, and subsequently noise and disturbance, will therefore not be a significant increase on that already experienced. Therefore, whilst the external play areas will be closer to neighbouring properties this is not considered to be a significant threat to their amenity.

Anti-social behaviour has also been cited as a major concern, and it is apparent that the school has experienced problems in the past, and in this regard it is also noteworthy that local residents have played a key role in reporting incidences in the past.

The school are aware of the threat and part of the motivation behind the scheme is to improve the security of the site, both during the school day and outside these hours. The fence proposed is therefore a non-climbable paladin mesh fence with lockable gates. The security will be enhanced further by the use of defensive planting. The police liaison officer is satisfied with these measures, but also notes it would be beneficial for the fencing to be a close mesh style with a black finish. The style and finish of the fence is therefore recommended as a condition of any approval.

The final matter raised, is the issue in respect of the fence's proximity to neighbouring properties, and the potential for the fence to be overbearing. The fence is however to be sited away from the existing boundary wall in order to prevent the existing boundary wall being used as a climbing aid. This will mitigate the potential for the fence appearing unduly over bearing. Furthermore, the mesh style fencing is visually less imposing than other styles as it has a high degree of transparency.

The proposed development is therefore not considered to represent a threat to neighbouring amenity and as such satisfies the requirements of policies UR3 and D1 of the RUDP.



### **Visual Amenity**

In visual amenity terms, the proposal has a number of key considerations; the visual impact of the boundary fence, the loss of the trees and green space, and the overarching issue, of the impact on the setting of the grade II listed church building.

The cumulative impact has resulted in the Design and Conservation Officer raising concerns in respect of the latter, and this concern is also reflected in some of the representations received.

The fence is not dissimilar to fencing that already encloses the school, and parts of the church grounds. Whilst the proposal brings the fence within closer proximity to the church, its style is such that it should not appear overly imposing given the level of transparency. The appearance will also be softened, and to a degree screened, by a planting scheme.

The trees that are to be removed are not subject to a protection order and could be removed without prior consent. The trees identified to be removed are also of limited amenity value. The mature established trees that are of greater amenity value are to be retained. The playground can be constructed in a tree-friendly manner to prevent harm during construction, and the finish/colour of the new external play areas can be controlled to help mitigate the visual impact of these areas. Other concerns regard lighting but this is not proposed as part of this application. Details of a multi-use games area are also suggested as a condition in order to control any additional fencing as it is reasonable to expect fencing to either end.

It is therefore considered that whilst there will be some impact on the setting of grade II listed building, given the mitigation options available, the actual harm to the setting will be limited. Furthermore, weight is also given to the benefits for the school and, to a degree, the church with the creation of the car park. The proposal is therefore considered to satisfy the requirements of policies UR3, D1 and BH4A of the RUDP.

### **Highway safety**

This aspect could in fact be brought into use without prior approval as the proposed car park will be created using the existing site entrance. Notwithstanding this, the car park is considered acceptable. The car park is to be severed and used solely by church-goers, and whilst only a limited number of vehicle parking spaces are created (14 and 2 disabled spaces) this will elevate some pressure on the local highway network. The proposal therefore satisfies the requirements of policies TM2, TM11 and TM19A of the RUDP.

### **Other Issues raised in the representations**

There are no records of protected species identified within this locality and the site does not form part of an allocated Bradford Wildlife Area, so whilst some local wildlife may be displaced by the development, it is not considered to result in significant harm, or a justifiable reason for refusal.

The impact on house values is not a material planning consideration and as such cannot form part of the appraisal.

It is not anticipated that the proximity to the cricket ground represents a justifiable reason for refusal in this scenario. It is unlikely to result in significant conflict and the use of the play area will be in line with the schools operation, which would be generally be outside the times when the cricket field is in use.

**Community Safety Implications:**

None foreseen.

**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 considered to result in no harm to neighbouring amenity, and visual amenity and the setting of the listed building are considered to be preserved. The proposal also has notable benefits for the local community, given the improvements to the school facilities. The proposal is therefore considered to satisfy the requirements of the above noted RUDP policies and the NPPF.

**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 shall not begin until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with policies UR3, D1 and BH4A of the Replacement Unitary Development Plan.

3. Surface water from the development site shall be drained within the site or as otherwise approved in writing by the Local Planning Authority.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

4. Prior to installation details of the fence style and finish shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with policies BH4A, UR3 and D1 of the Replacement Unitary Development Plan.

5. The works shall not begin until details of the construction and finish of the external play areas are submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the local character and visual amenity and to accord with policies UR3, D1 and BH4A of the Replacement Unitary Development Plan.

6. The works shall not begin until details of any additional fencing for the multi-use games area are submitted to and approved in writing by the Local Planning Authority.

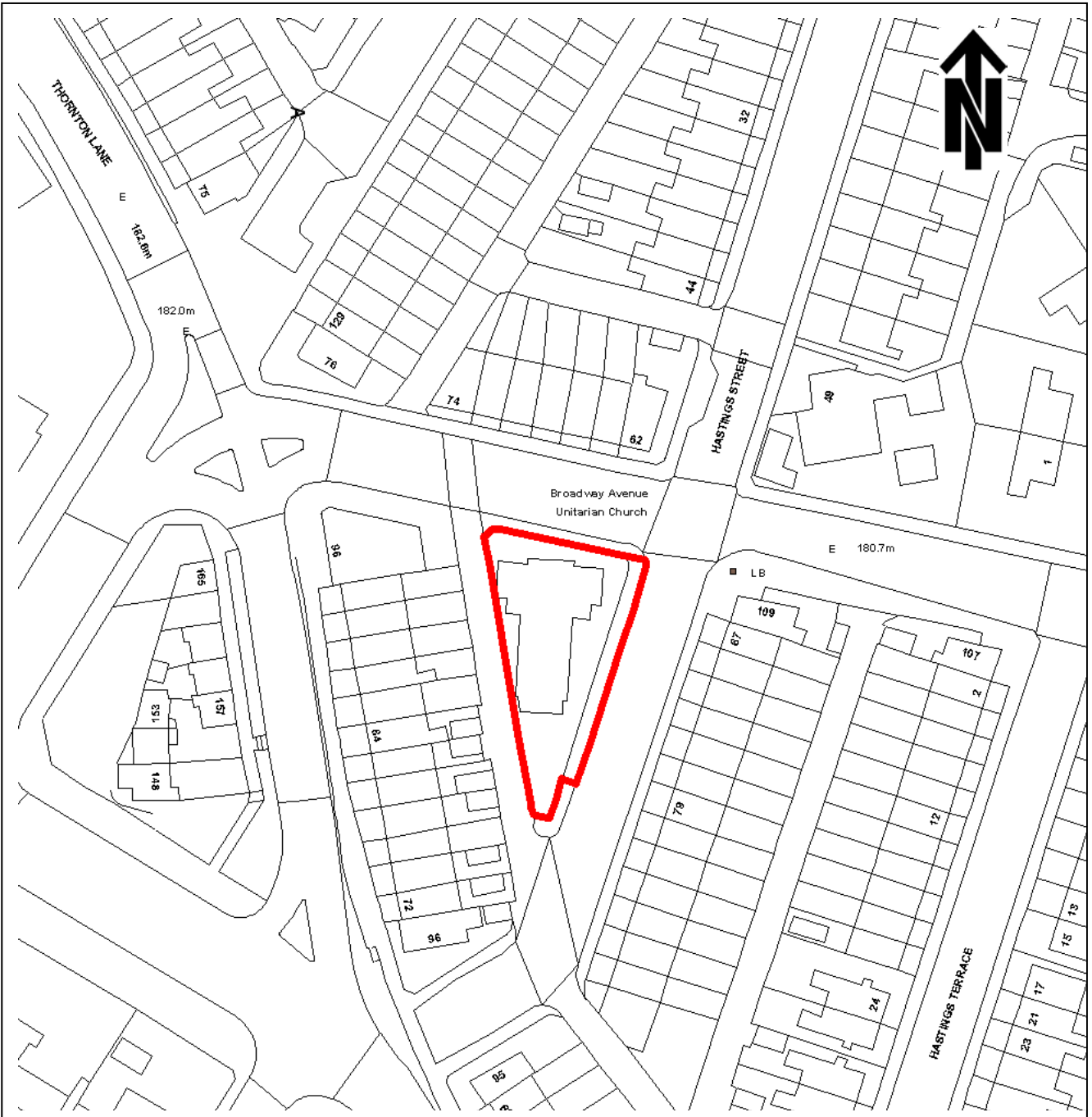
Reason: In the interests of the local character and visual amenity and to accord with policies UR3, D1 and BH4A of the Replacement Unitary Development Plan.

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**Area Planning Panel (Bradford)**

**15/00903/OUT**

16 December 2015



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<p>ITEM NO. : <b>6</b></p>	<p>LOCATION: <b>Unitarian Church Hall Broadway Avenue Bradford</b></p>
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**16 December 2015**

**Item Number: 6**  
**Ward: LITTLE HORTON**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**  
**APPLICATION WITH A PETITION**

**Application Number:**  
15/00903/OUT

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

This is an outline application for the demolition of a church hall and the construction of five three storey dwellings at Broadway Avenue, Bradford. The application is in outline form but seeks permission for access, appearance, layout and scale.

**Applicant:**  
Mr Butt

**Agent:**  
Khawaja Planning Services

**Site Description:**

The application site is currently comprised of a vacant church hall which is constructed of timber boarding and surmounted by a slate roof. The building and wider site have fallen into a state of disrepair with vandalism and fly tipping evident. The area surrounding the site is predominantly residential consisting of terraced properties on Hastings Street, Broadway Avenue and Smiddles Lane. Nearby commercial uses include a small sweet shop at 109 Broadway Avenue and a larger convenience store at 96 Broadway Avenue.

**Relevant Site History:**

06/09549/OUT - Demolish church and construction seven 4 bed houses – Refused - 12.02.2007.

14/02599/OUT - Demolition of church hall and construction of six three-storey dwellings – Withdrawn - 13.01.2015.

**Replacement Unitary Development Plan (RUDP):**

**Allocation**

Unallocated for any specific land use but is within a community priority area.

**Proposals and Policies**

UDP1- Promoting Sustainable Patterns of Development  
UR2 - Promoting Sustainable Development  
UR3 - Local Impact of Development;  
D1 - General Design Considerations  
H7 - Housing Density Expectation  
H8 - Housing Density Efficient Use of Land

TM2 - Impact of Traffic and its Mitigation  
TM12 - Parking Standards for Residential Developments  
TM19A - Traffic Management and Road Safety  
NR16 - Surface Water Run Off and Sustainable Drainage Systems

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised by the Council through a site notice, neighbour notification letters and press advertisement. The expiry date for comments in connection with the application was 7 April 2015. Four individual letters were received in objection to the proposal as well as a petition containing 50 signatures.

**Summary of Representations Received:**

- Insufficient parking provision.
- Increased traffic congestion.
- Loss of children's play area.
- Overlooking.
- The development is for flats and not dwellings.

**Consultations:**

Drainage - No objection subject to the submission of a foul and surface water drainage scheme. The developer should also be made aware of the presence of a public sewer located in close proximity to the site boundary.

Highways - No objection subject to the provision of the access and parking areas prior to the first occupation of the new dwellings. Any new gates to be provided should not open over the highway.

Minerals - Intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The proposal is considered to be acceptable subject to conditions requiring the submission of a report, setting out the findings of an investigation and risk assessment to assess the nature and extent of any land stability risks affecting the site. The dwellings to which this decision notice relates shall not be brought into occupation until either the Local Planning Authority has approved a site investigation report which concludes that no site remediation works are necessary to make the site suitable for development or a remediation verification report has been submitted to and approved in writing by the Local Planning Authority.

Bradford Trident Community Council - No comments received.

**Summary of Main Issues:**

Principle of the Development.

Density.

Visual Amenity.

Residential Amenity.

Highway and Pedestrian Safety.

Drainage.

Further Issues Raised by Representations.

**Appraisal:**

**Principle of Development**

In relation to housing land supply, the NPPF indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against the Council's housing targets. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%. The Council's Strategic Housing Land Availability Assessment Update Report 2015 (SHLAA) indicates that there is a substantial shortfall in housing land relative to these requirements. Whilst the Council is updating the SHLAA, it anticipates that the five-year housing land supply position will remain well below the level required by the NPPF. Under these circumstances, the NPPF confirms that relevant policies for the supply of housing should not be considered up-to-date. In light of the record of persistent under-delivery and 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. This scheme would make a contribution towards meeting that need.

The application site is within the West Bowling (BW/CF6.3) Community Priority Area. One of the aims of such areas is to provide housing to meet local needs and it is therefore considered that the small scale of the development proposed would fulfil the requirements of Policy CF6 of the RUDP.

The application site is previously developed 'brownfield' land which is occupied by a vacant church hall. The site is located in the urban area of Little Horton and previously developed land in urban areas such as this are at the top of the settlement hierarchy for new housing provision, owing to the readily available access to shops, employment opportunities, local facilities and services by modes of transport other than the private car. It is also noted that the surrounding land use is predominantly residential in character.

The aforementioned factors weigh significantly in favour of the scheme such that the principle of development is acceptable.

### **Density**

This proposal would provide five dwellings on a site with an area of 0.06 hectares. The density achieved would therefore be 83 dwellings per hectare. The density of the development is therefore considered to be acceptable and the proposal would accord with policies H7 and H8 of the RUDP which requires the provision of a minimum of 50 dwellings per hectare on a sustainable urban site such as this.

### **Visual Amenity**

The proposed dwellings would be constructed with natural stone walling and surmounted by blue slate roofs. The surrounding area is predominantly comprised of terraced residential dwellings which are constructed of natural stone and surmounted by blue slate roofs. It is therefore considered that subject to a condition requiring the submission of samples the proposed materials would be of an acceptable appearance and would not result in any adverse visual amenity implications, compliant with policy D1 of the RUDP.

The proposed site layout would consist of a terrace of three properties and a pair of semi detached dwellings. The properties would be appropriately positioned within the site with the terrace of three dwellings set back in relation to the semi-detached properties. The front elevations of the dwellings would face East onto Hastings Street and it is considered that the site layout would compliment the existing street scene.

The proposed dwellings would be two storeys in height and would include front and rear dormer windows. It is considered that the size and scale of the proposed dwellings would be in keeping with neighbouring properties. The inclusion of staggered ridge heights descending from South to North across the site would also reflect the roof forms of the adjacent properties on Hastings Street.

The inclusion of front and rear dormer windows is considered to be acceptable. The dormer windows would have a width of 3 metres and would be centrally located within the roofs of the respective properties, in accordance with the requirements of the Householder Supplementary Planning Document. It is also notable that there are numerous existing dormer windows on the front elevations of dwellings on Hastings Street and the rear elevations of properties on Smiddles Lane.

The submitted site plan indicates that the rear boundaries of the proposed properties would be enclosed with 2 metre high close boarded timber fencing. The North and East boundaries of the site would incorporate 1 metre high natural stone walling in keeping with the existing boundary treatments on Hastings Street and Broadway Avenue.

### **Residential Amenity**

The proposed dwellings would be separated from the front elevations of the properties on Hastings Street by a minimum distance of 20 metres and from the rear elevations of the dwellings on Smiddles Lane by a minimum distance of 16 metres. The separation distances achieved are considered to be sufficient to ensure that the proposed properties would not result in any adverse overbearing or overshadowing implications on the habitable room windows or private amenity areas of any neighbouring property.



The proposed dwellings would not include any habitable room windows with an unrestricted view within 7 metres of the rear boundary, or 17 metres of the habitable room windows of any neighbouring dwelling. As such no adverse overlooking implications are foreseen.

The new dwellings would benefit from sufficient private residential amenity space in order to ensure an acceptable level of residential amenity to the occupants.

In conclusion the proposed development is not considered to result in any adverse residential amenity implications, compliant with policy UR3 of the RUDP.

### **Highway and Pedestrian Safety**

The development would provide nine off-street car parking spaces to serve five dwellings. The larger units (1-4) would benefit from two off-street parking spaces, whilst the smaller unit (5) would benefit from a single off-street parking space. As such the parking provision would accord with the requirements of Policy TM12 and Appendix C: Parking Standards of the RUDP, which requires an average of 1.5 spaces per unit over the whole development.

In order to facilitate the provision of the off-street parking for this development a dropped kerb will need to be provided onto Hastings Street. The provision of a suitable dropped kerb can be ensured through the imposition of a planning condition requiring that the dropped crossing shall be constructed to a specification approved by the Council.

It is accepted that the provision of a dropped crossing onto Hastings Street would result in the loss of the on street parking which currently occurs on the West side of Hastings Street. However it is considered that there is sufficient on street parking availability on the East side of Hastings Street and within the surrounding area to ensure that this would not result in any significantly adverse highway or pedestrian safety implications.

In light of any traffic generation from the existing use and the small-scale of the development now proposed to replace it, the proposal would not result in a significant level of additional burden on the highway network. The proposal is therefore not considered to result in any adverse traffic or congestion implications and accords with the requirements of policies TM2 and TM19A of the RUDP.

### **Drainage**

The proposed development is not considered to result in any adverse drainage implications subject to the imposition of a planning condition requiring the submission of full details and calculations of the proposed means of disposal of foul and surface water drainage to be submitted and approved in writing before development commences.

The application site is located in close proximity to a public sewer. In the event that this application is approved a footnote can be imposed in order to alert the developer of the need to consult with the sewerage undertaker (Yorkshire Water) for a view of the impact of the development on the public sewerage system.

### **Further Issues Raised by Representations**

A representation has raised concern that the proposed development would result in the loss of a children's play area. The application site is a vacant church hall, which is in a poor state of repair and is in private ownership. Consequently the site is not suitable for use as a children's play area and the development of the site to provide five residential properties would not result in the loss of any such facilities.

A representation has raised concern that this development would be comprised of flats rather than dwellings. The application seeks planning permission for the construction of five dwellings. The sub-division of these properties into flats cannot be carried out without planning permission.

### **Community Safety Implications:**

The application does not present any community safety implications.

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

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

### **Reason for Granting Planning Permission:**

The proposed development is considered to be acceptable in principle and would accord with the requirements of the National Planning Policy Framework (NPPF) and policies UDP1, UR2, UR3, D1, H7, H8, TM2, TM19A, TM12 and NR16 of the Replacement Unitary Development Plan.

### **Conditions of Approval:**

1. The development must be begun not later than the expiration of three years beginning with the date of the decision notice.

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

2. Before development begins, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials and all materials to be used for the construction of boundary treatments 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 safeguard the appearance of the Apsley Crescent Conservation Area in which it is located and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

3. Before the development is brought into use the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved plan reference 15/ 1720/NB5 dated February 2015 and completed to a constructional specification 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 Policy TM19A of the Replacement Unitary Development Plan.

4. Before any part of the development hereby permitted is brought into use, the off-street car parking facility shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15.

Reason: In the interests of highway safety, drainage and to accord with policies UR3, TM12 and NR16 of the Replacement Unitary Development Plan.

5. Before the development hereby permitted is brought into use, a dropped footway crossing in the highway shall be constructed to the Council's approved specification.

Reason: To ensure the provision of an appropriate standard of pedestrian access to serve the development and to accord Policy TM19A of the Replacement Unitary Development Plan.

6. Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

7. 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 submission will provide for sustainable drainage techniques, or will provide evidence, based on site investigations, to show that such techniques cannot be used on the site. The drainage scheme so approved shall thereafter be implemented prior to the occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

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

Reason: To accord with Policy UR3 of the Replacement Unitary Development Plan.

9. Prior to the commencement of development a report setting out the findings of an investigation and risk assessment to assess the nature and extent of any land stability risks affecting the site shall be submitted to and approved in writing by the Local Planning Authority. The report should include:
- (i) findings of intrusive site investigation works;
  - (ii) an assessment of the potential land stability risk relevant to the development;
  - (iii) an appraisal of remedial options to address any identified land stability risk;
  - (iv) identification of the preferred remedial option (if required).

Reason: To ensure that risks from potential mining hazards relevant to the site are appropriately investigated, in accordance with Policy P6 of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

10. The dwellings to which this decision notice relates shall not be brought into use until either the Local Planning Authority has approved a site investigation report which concludes that no site remediation works are necessary to make the site suitable for development or a remediation verification report has been submitted to and approved in writing by the Local Planning Authority. A remediation verification report must include:
- (i) a description of the remediation works which have been carried out;
  - (ii) evidence to demonstrate that any land stability hazards relevant to the site have been appropriately addressed;
  - (iii) any necessary provisions for future monitoring and maintenance of remediation works.

Reason: To ensure that land stability risks associated with historic mining are appropriately remediated, in accordance with Policy P6 of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

**Footnote:**

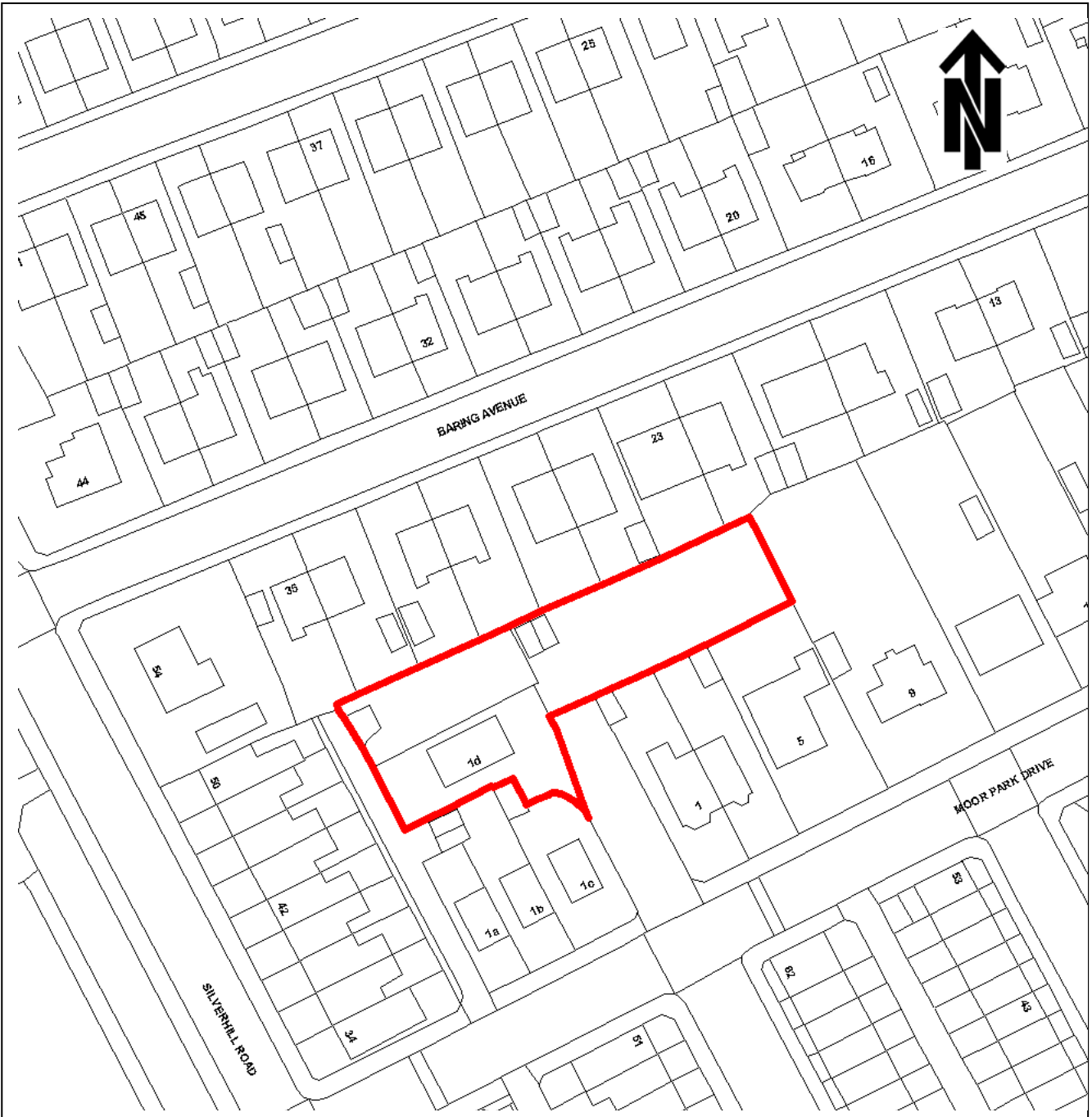
The developer's attention is drawn to presence of a public sewer in the area of the new dwelling. The sewerage undertaker (Yorkshire Water) must therefore be consulted for any layout constraints and for a view of the impact of the development on the public sewerage system before development begins.

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**Area Planning Panel (Bradford)**

**15/03255/FUL**

16 December 2015



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ITEM NO. : 7	LOCATION: <b>1D Moor Park Drive Bradford</b>
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**16 December 2015**

**Item Number:** 7  
**Ward:** BRADFORD MOOR  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**  
**APPLICATION WITH A PETITION**

**Application Number:**  
15/03255/FUL

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

This is a full application for the demolition of an existing madrassa and the construction of a replacement madrassa at 1D Moor Park Drive, Bradford, BD3 7ER.

**Applicant:**  
Mr Qurban Hussain

**Agent:**  
Mr Shuaib Khan

**Site Description:**

The application site occupies a back land position surrounded wholly by residential properties with the exception of the access onto Moor Park Drive. The existing madrassa is primarily comprised of a single storey pitched roof building that has undergone a number of ad hoc extensions through the addition of portable buildings. The remainder of the site is occupied by hard surfacing which serves as a parking area for the madrassa.

**Relevant Site History:**

78/00618/FUL Residential Development - Granted 07.07.1977  
81/02936/FUL Construction of detached bungalow – Granted 03.06.1981  
03/02926/COU Change of use of property from dwelling to educational centre – Granted 21.10.2004  
09/02441/FUL Construction of extension to east and west elevation to accommodate ablution facility and hall – Granted 28.07.2009  
12/03332/PMI Construction of two-storey mosque, teaching/training/advice facility, community centre and wedding venue with car parking - PMINO 11.10.2012  
14/01460/PMI Demolition of existing building and construction of new madrassa - PMIAMND 20.06.2014  
14/04712/FUL Demolition of existing building and replacement of new mosque/madrassa - Refused 18.12.2014

**Replacement Unitary Development Plan (RUDP):**

**Allocation**  
Unallocated.

**Proposals and Policies**

UDP1- Promoting Sustainable Patterns of Development  
UR2- Promoting Sustainable Development  
UR3 – Local Impact of Development;  
D1 - General Design Considerations  
TM2-Impact of Traffic and its Mitigation  
TM11- Parking Standards for Non-residential Developments  
TM19-Cycle Parking  
TM19A-Traffic Management and Road Safety  
NR16-Surface Water Run Off and Sustainable Drainage Systems

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised by the Council through a site notice, neighbour notification letters and press advertisement. The expiry date for comments in connection with the application was 22 September 2015. A petition was received in objection to the proposal containing 19 signatures. Two individual letters of objection were received one of which was submitted anonymously. A letter of support has been received from a Bradford Moor Ward Councillor.

**Summary of Representations Received:**

In Objection:

- The existing site currently functions as a mosque not a madrassa.
- An increased number of worshippers will make use of the new facility.
- The proposal is contrary to the NPPF.
- The large prayer hall suggests this proposal will be used as a mosque.
- The proposal will result in a loss of light.

- Harm to visual amenity.
- Increased traffic congestion.
- There are already a sufficient number of Islamic centres in the surrounding area.

In Support:

- The provision of the madrassa with prayer facilities is an essential community facility for young people.

**Consultations:**

Highways - No objection.

Environmental Health - No objection subject to a condition requiring that no amplification or external loud speaker system shall be used on the site without the prior written consent of the Local Planning Authority.

Drainage - No objection subject to a condition requiring the submission of foul and surface water drainage details.

**Summary of Main Issues:**

Background and Principle of the Development.

Density.

Visual Amenity.

Residential Amenity.

Highway and Pedestrian Safety.

Drainage.

Further Issues Raised by Representations.

**Appraisal:**

**Background and Principle of Development**

The application building was originally granted planning permission as a residential bungalow. The use of the bungalow as a madrassa commenced without planning permission and was subsequently approved retrospectively, against officer recommendation, by the Bradford Area Planning Panel in 2003. In approving the application conditions were imposed to restrict the hours of use from 08:00 to 19:00 each day and to ensure that no more than thirty pupils and three teachers should be present on site at any one time unless otherwise agreed in writing. It should be noted that the latter condition is effectively unenforceable given that in practice it may be impossible to detect a contravention or remedy a breach of the condition.

Following the approval of the madrassa the site has been the subject of a pre-application enquiry (12/03332/PMI) and a planning application (14/04712/FUL) for the demolition of the madrassa and the construction of a mosque, the latter was refused for the following reasons:

1. The proposed minaret by reason of its significant height would form a strident feature within this small-scale residential area to the detriment of visual amenity, contrary to Policy D1 of the Replacement Unitary Development Plan.



2. The proposed development is considered likely to result in a large number of comings and goings of visitors, potentially late into the evenings and/or in the early mornings, which would result in noise and disturbance to the detriment of the residential amenity of the present and future occupiers of nearby residential dwellings. The proposal is therefore considered to be contrary to Policy UR3 of the Replacement Unitary Development Plan.
3. The proposed development fails to provide sufficient off-street parking provision for motor vehicles and would provide no facilities for cycle parking. The proposal is therefore considered likely to result in an increase in on-street parking resulting in conditions prejudicial to highway and pedestrian safety. For this reason the proposal is considered to be contrary to policies TM11, TM19 and TM19A of the Replacement Unitary Development Plan.

In seeking to address the previous reasons for refusal the current proposal is for a madrassa only. The floor area of this proposal is approximately half that of the previously refused application, owing to the omission of a large basement hall. The proposed floor area is now 96 square metres larger than the existing on site floor area. A large minaret has also been omitted from the design of the building.

The application site is not allocated for any specific land use in the Council's adopted RUDP. The site has an approved use as a madrassa (D1) albeit of a small scale. It is therefore considered that the proposed madrassa is acceptable in principle subject to the local impact of the development.

### **Visual Amenity**

The submitted plan indicates that the proposed building would be constructed of natural stone and white render, surmounted by an artificial slate roof. The site occupies a back-land position and the surrounding properties are constructed of a variety of materials include natural stone, render, slate and tile. As such the proposed materials are considered to be acceptable as they would be in keeping with the variety of materials already evident within the locality. It is however considered necessary to impose a planning condition requiring the submission of samples to be approved in writing by the Local Planning Authority prior to the commencement of development in order to ensure a suitable match is achieved. Subject to the aforementioned condition the proposed materials are considered to accord with Policy D1 of the RUDP.

The proposed madrassa would have a rectangular footprint with a width of 16.3 metres and a depth of 24.3 metres. The building would have an eaves height of 4.1 metres and a ridge height of 7.5 metres. The dimensions of the building and the enclosed position of the site would mean that the main building would not be readily visible from any public vantage point, other than glimpsed views from Moor Park Drive. An arched sculpture is proposed to the East end of the building which would have a height of approximately 7 metres. This aspect of the proposal is not considered to result in any adverse visual amenity implications.

### **Residential Amenity**

The proposed madrassa and associated car parking would occupy a back land position bound by residential properties on all sides. The madrassa would have an eaves height of 4.1 metres and a ridge height of 7.5 metres. The building would be separated from the rear garden boundaries of the semi-detached properties to the North by a distance of approximately 1.9 metres. It is considered that the proposed building would result in a limited amount of additional overbearing and overshadowing of the rear garden areas of 33 and 35 Baring Avenue however this would occur at the end of the private amenity space of the properties and it would therefore not result in any significant adverse residential amenity implications which would justify the refusal of this application.

The madrassa would be separated from the rear boundaries of the terraced properties to the West by a distance of approximately 6.2 metres. The level of separation achieved would be sufficient to ensure that the gable end of the madrassa would not result in any adverse overbearing or overshadowing implications.

The proposed madrassa would have a floor area of 396 square metres, which would be 96 square metres larger than the existing on site facility. The submitted educational usage information indicates that the proposal would be utilised by 90 children and 9 staff comprising of 6 teachers, 1 head teacher, 1 supply teacher and 1 part time office assistant. However in reality the additional floor area of 96 square metres could cater for up to an additional 192 people. On this basis it is considered that the increased floor area of the madrassa would result in a significant intensification of the use of the site. Specifically, it would result in a large number of additional comings and goings, which would be likely to result in noise and disturbance to the detriment of the residential amenity of the present and future occupiers of neighbouring residential dwellings.

It is accepted that the hours of use (09:00-21:00) could be restricted by a planning condition, but even with this condition in place it is considered that the use of the site on the scale proposed would be detrimental owing to the extremely close proximity of neighbouring dwellings. The proposal is therefore considered to be contrary to policy UR3 of the RUDP.

### **Highway and Pedestrian Safety**

The proposed madrassa would have a floor area of 396 square metres which would generate a maximum requirement for the provision of 16 off street car parking spaces in accordance with Appendix C: Parking Standards of the RUDP. The submitted plan indicates that the madrassa would benefit from 21 off-street car parking spaces including one space for disabled users; parking for 10 bicycles is also proposed. It is considered that the proposed level of parking provision would be sufficient to ensure that no adverse highway or pedestrian safety implications would occur as a result of the proposal. This is confirmed by the Council's Highways Engineer who has not raised any objection to the proposal. The proposal is therefore considered to accord with policies TM2 and TM19A of the RUDP.

### **Drainage**

The application does not include any foul or surface water drainage details however it is considered that such details could be reserved by a planning condition in the event that the application is approved. The use of sustainable surface for the parking area could also be ensured for the parking area could also be dealt with by the imposition of a planning condition. Subject to the aforementioned conditions the proposal is considered to accord with Policy NR16B of the RUDP.

A public sewer exists close to the site boundary and so the sewerage undertaker (Yorkshire Water) must therefore be consulted for a view of the impact of the development on the public sewerage system. In any case no building either over or within three metres of the public sewer will be permitted. The developer's attention can be drawn to this matter by way of a footnote in the event that the application is approved.

**Further Issues Raised by Representations**

A representation has raised concern that the existing site is used as mosque and not a madrassa. It is considered that the existing approved use of the site is as a madrassa and the operation of the site for any other use should be dealt with through the enforcement process. In relation to this application it is considered that in the event that planning permission is granted a condition could be imposed restricting the use of the premises as a madrassa only within Use Class D1.

A representation has suggested that there are already a sufficient number of Islamic centres in the surrounding area. It is considered that refusal of this proposal cannot be justified on the basis that there are other existing Islamic centres in the surrounding area.

**Community Safety Implications:**

The application does not present any community safety implications.

**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

**Conclusion:**

For the above reasons the proposal fails to accord with the Council's RUDP and so is recommended for refusal.

**Reasons for Refusal:**

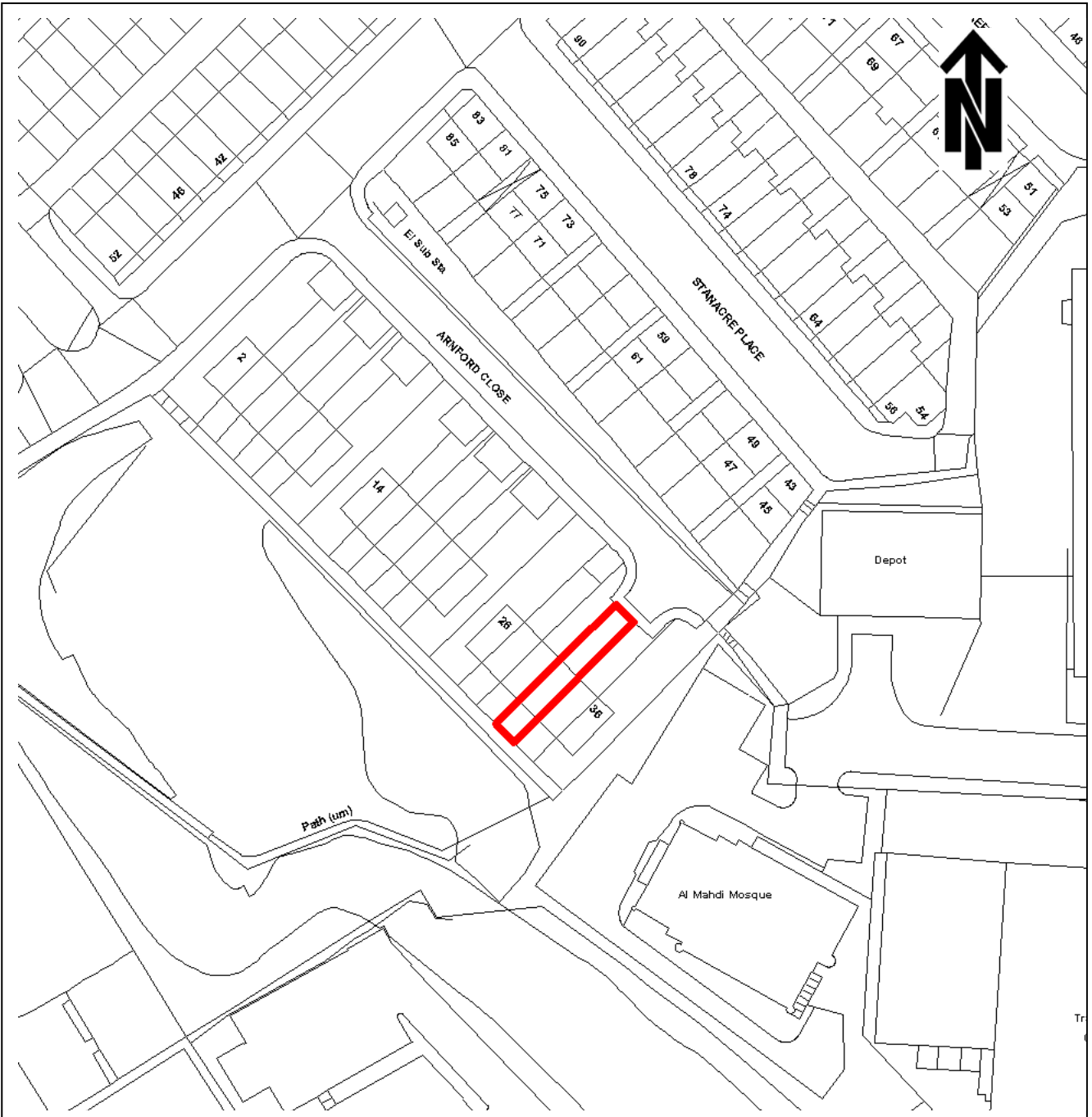
The proposed madrassa is considered to result in a significant increase in the number of comings and goings at the site, which would be likely to result in a level of noise and disturbance which would be detrimental to the occupants of neighbouring residential properties at close quarters. The proposal is therefore considered to be contrary to Policy UR3 of the RUDP.

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Area Planning Panel (Bradford)

15/03993/FUL

16 December 2015



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ITEM NO. : 8	LOCATION: <b>32 Arnford Close Bradford</b>
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**16 December 2015**

**Item Number: 8**  
**Ward: BOWLING AND BARKEREND**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
15/03993/FUL

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

A full planning application for the change of use of the existing dwelling house to a class D1 Islamic education centre at 32 Arnford Close, Bradford.

**Applicant:**

Mrs Sebah

**Agent:**

Belmont Design Services

**Site Description:**

The property is a modest terraced dwelling, located within a row of residential properties. The surrounding area is mainly residential, although there is a commercial area to the east and south of the row of properties. A mosque building is also situated close to the site to the east.

**Relevant Site History:**

None.

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

Unallocated.

***Proposals and Policies***

UR3 The Local Impact of Development  
UR2 Promoting Sustainable Development  
TM2 Impact of traffic and its mitigation  
TM11 Parking standards for non-residential developments  
D1 General Design Considerations  
TM19A Traffic management and road safety  
P7 Noise

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;

- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised by site notice and individual notification letters. Expiry of the publicity period was on 27 October 2015. To date, 14 individual representations of support have been received and 9 representations of objection.

**Summary of Representations Received:**

**Objections:**

- 1. Limited parking provision and highway safety implications.
- 2. Inappropriate location for the centre being in a residential area.
- 3. Noise and disturbance from the proposed use.
- 4. Danger to children playing in the area and on the road.
- 5. General residential amenity impacts and inappropriate hours of operation.

**Support:**

- 1. The centre will offer a good facility for the local community and is easily accessible.
- 2. The centre will assist location people in religious teaching and learning.

**Consultations:**

Highways: No objections.

Drainage: No comments.

**Summary of Main Issues:**

- 1. Principle of use.
- 2. Residential amenity.
- 3. Visual impact.
- 4. Highway safety.
- 5. Outstanding issues as a result of representations received.

**Appraisal:**

**1. Principle of use**

The dwelling is located within an unallocated area of Bradford, however, the property forms part of a terraced row of dwellings which is itself located within a mainly residential area. It is considered that the introduction of a non-residential use into this location maybe acceptable in principle, subject to all relevant material considerations.

## **2. Residential amenity**

The proposed use is considered to result in significant adverse implications for residential amenity. This will result mainly from the arrival and departure of students and users of the building, and the general disturbance from inside the building when it is in use. It would prove impractical to control the number of users of the site or to a certain extent the intensity of the use. Restricting the hours of operation could be achieved by an appropriate condition, but this level of control alone is not considered sufficient to limit effects on residential amenity. The proposal is therefore considered to be unacceptable in this respect.

## **3. Visual impact**

No external alterations are proposed to the building and so it is considered that there will be no material impact on the appearance and character of the street scene or existing property.

## **4. Highway safety**

It is possible that the use will generate additional traffic to the site, but there is a reasonable level of on street parking available on Arnford Close and this highway is a quiet residential street which is not a through road and carries only modest amounts of traffic at low speeds. It is also considered given the suitable location of the site, that some trips will be made on foot or by public transport although clearly this cannot be effectively controlled in practice. Overall, however, it is considered that the proposal will not result in any significant highway safety implications.

## **5. Outstanding issues as a result of representations received**

Danger to children playing in the area and on the road.

This is not considered to be a material planning consideration – children playing within the public highway would do so at their own risk. This proposal is not considered to worsen this risk significantly.

### **Community Safety Implications:**

No significant community safety implications are considered to result from the proposal.

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

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

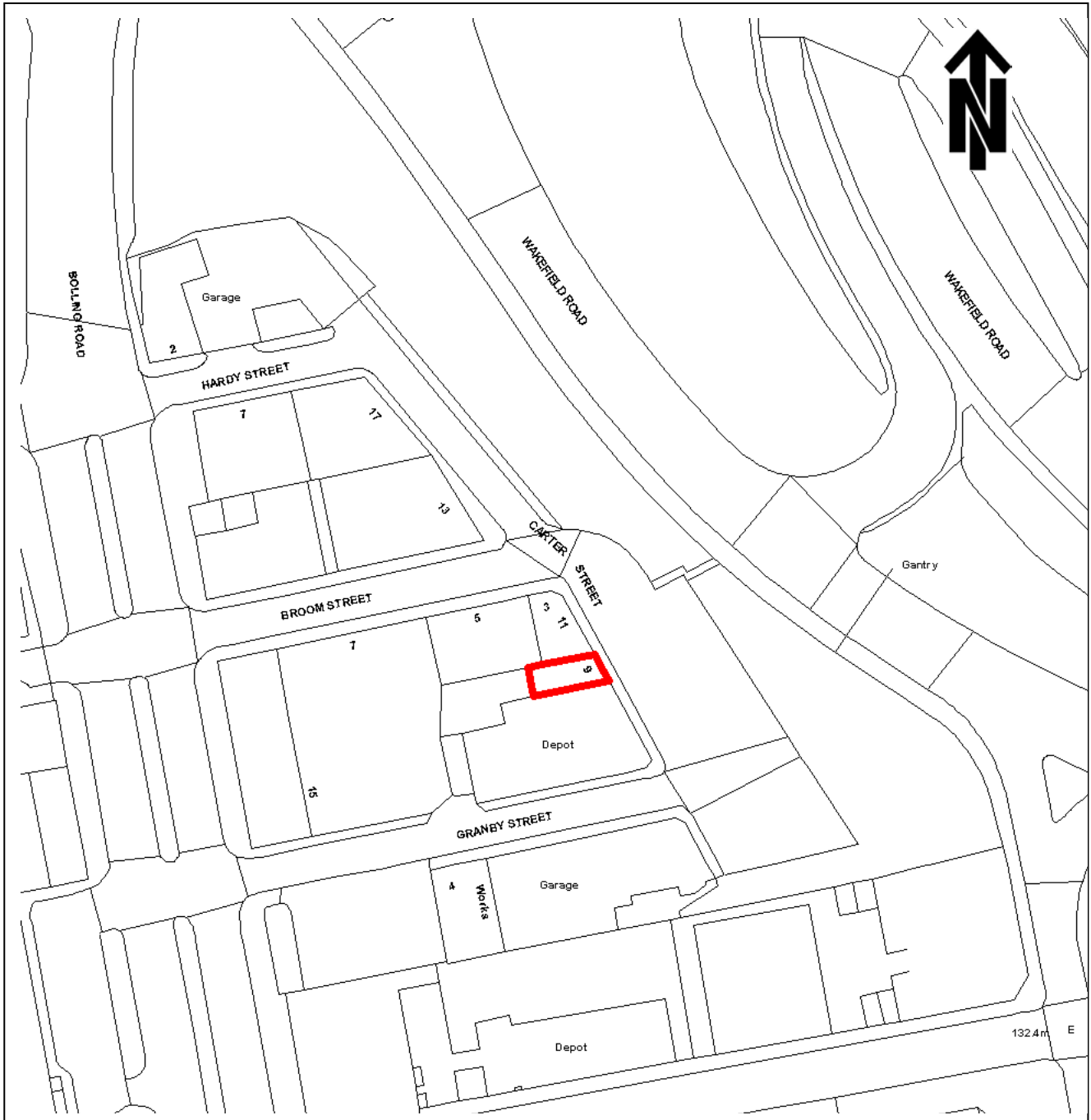
### **Reasons for Refusal:**

1. The proposal class D1 use within a residential row of properties will result in adverse effects on the amenities of the surrounding properties due to the general activities associated with the use to include arrival and departure of larger numbers of people together with associated vehicle movements and higher noise levels within the property. The proposal is therefore contrary to policies UR3 and P7 of the Replacement Unitary Development Plan.

Area Planning Panel (Bradford)

15/05484/FUL

16 December 2015



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ITEM NO. : <b>9</b>	LOCATION: <b>9 Carter Street Bradford</b>
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**16 December 2015**

**Item Number: 9**  
**Ward: BOWLING AND BARKEREND**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**  
**APPLICATION WITH A PETITION**

**Application Number:**  
15/05484/FUL

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

A full retrospective planning application for the change of use of the property from an office to a dwelling house at 9 Carter Street, Bradford.

**Applicant:**

Mr Steven Moxon

**Agent:**

J O Steel Consulting

**Site Description:**

The building is located within a designated employment zone and forms part of a row of properties on Carter Street. The property appears to be ready for occupation as a dwelling having undergone a period of refurbishment, but has remained unoccupied for the last few years. The adjoining properties are in commercial/industrial uses, including a foundry and what appears to be a vehicle depot. The wider surrounding area is in commercial and industrial uses.

**Relevant Site History:**

10/00824/FUL: change of use from office to dwelling (refused 6/4/2010); contrary to policy D1 due to unacceptable amenity impacts on future residents.

10/00694/CLE: Certificate of lawfulness for use as an office (withdrawn 12/10/2010).

11/00091/APPFUL: Appeal against refusal of 10/00824/FUL (appeal dismissed 9/11/2011).

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

Employment Zone.

***Proposals and Policies***

UR2 Promoting Sustainable Development  
UR3 The Local Impact of Development  
E6 Employment Zones  
TM2 Impact of traffic and its mitigation  
TM12 Parking standards for residential developments  
TM19A Traffic management and road safety  
D1 General Design Considerations  
P7 Noise

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised by site notice and individual notification letters. Expiry date of the publicity period was 21 November 2015. To date one petition supporting the application has been received with a total of 6 signatures.

**Summary of Representations Received:**

The petition does not state any reasons for support of the application.

**Consultations:**

Highways: no objections to the application.

**Summary of Main Issues:**

- 1. Principle of use.
- 2. Residential amenity.
- 3. Visual impact.
- 4. Highway safety.
- 5. Supporting information.

**Appraisal:**

**1. Principle of use**

The principle of residential use is considered to be unacceptable. The site is located within a designated employment zone on the Replacement Unitary Development Plan whereby traditional employment generating uses are generally supported (i.e. those falling within classes B1, B2 and B8 of the Uses Classes Order). Other uses maybe acceptable on a small scale to support the function of the zone, e.g. Class A1 retail, A3 cafés. The proposed use is Class C3 residential which is not considered suitable in an employment zone. Notable here is the refusal of planning permission under 10/00824/FUL in 2011 for a Class C3 dwelling house and the decision made under the subsequent appeal that was dismissed in November 2011.

Since 2011, the National Planning Policy Framework has been introduced and gives local authorities more flexibility over the use of buildings and land within employment zones for other uses other than employment uses where market signals indicate the building/land could not reasonably be used for employment uses. However, whilst supporting information has been submitted with this application to suggest the building can only be used for residential purposes, it is considered that this does not carry sufficient weight to justify a residential use in an employment zone and that the Class C3 use is still considered to be unacceptable in principle.

**2. Residential amenity**

Given that the property is located within an employment zone, there is considered to be a significant amount of activity close to and surrounding the building which will result in unsatisfactory living conditions for any existing and future occupiers of the dwelling. The surrounding buildings are in industrial uses, and there are no restrictions in terms of the activities taking place and the periods of operation. This will cause significant impacts on future amenity and may also result in prejudice to these uses should occupiers raise complaints in terms of disturbance or statutory nuisance. The use is therefore considered unacceptable in terms of the quality of living environment it would offer.

**3. Visual impact**

No external changes are proposed to the building and so there are no material impacts upon the street scene.

**4. Highway safety**

The proposed use is unlikely to generate any significant demands for parking or traffic generation which cannot be satisfied by the existing on-street parking close to the site. Consequently there are not considered to be any significant adverse implications in terms of highway safety.

## **5. Supporting information**

The application is supported by a statement from a property consultant which suggests that the building cannot be reasonably put to office use or a traditional employment use owing to its physical characteristics of the building and demand in the area for a building of this size for those uses. It is possible that could be the case for industrial type uses, but this is simply because the building has been adapted for residential use over time. It is less clear why the property could not offer, for example, office accommodation as this would require less adaptations to the building. It is considered, however, that whilst some weight can be given to this information, it would not be sufficient to justify the residential use given the planning history and the Inspector's assessment on the appeal. The Inspector specifically commented that the building should not be in residential use in the 'public interest'.

### **Community Safety Implications:**

None significant.

### **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 in relation to consideration of this application.

### **Reasons for Refusal:**

1. The proposed residential use of the building within an Employment Zone will have unacceptable implications for existing and future residents due to the nature and activities of the industrial/commercial uses surrounding the building. The residential use of the building is therefore contrary to policies UR3, D1 and E6 of the Replacement Unitary Development Plan.
  2. The residential use of the building is likely to prejudice the operation of the surrounding industrial/commercial uses within an Employment Zone due to the impact of these uses on the residential use and occupant's amenity, contrary to policies UR3, D1 and E6 of the Replacement Unitary Development Plan.
-