

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (BRADFORD) to be held on 09 March 2016

O

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.	3 Yew Tree Grove Bradford West Yorkshire BD8 0AE - 15/06366/HOU [Approve] (page 1)	Toller
2.	Acre Mills Acre Lane Wibsey Bradford West Yorkshire BD6 1LG - 15/07556/VOC [Approve] (page 7)	Wibsey
3.	Avalon Apperley Lane Rawdon Leeds West Yorkshire LS19 7DX - 15/06717/FUL [Approve] (page 14)	Idle and Thackley
4.	53 Shibden Head Lane Queensbury Bradford West Yorkshire BD13 2NH - 15/07331/FUL [Refuse] (page 21)	Queensbury

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

Portfolio:
Housing, Planning & Transport

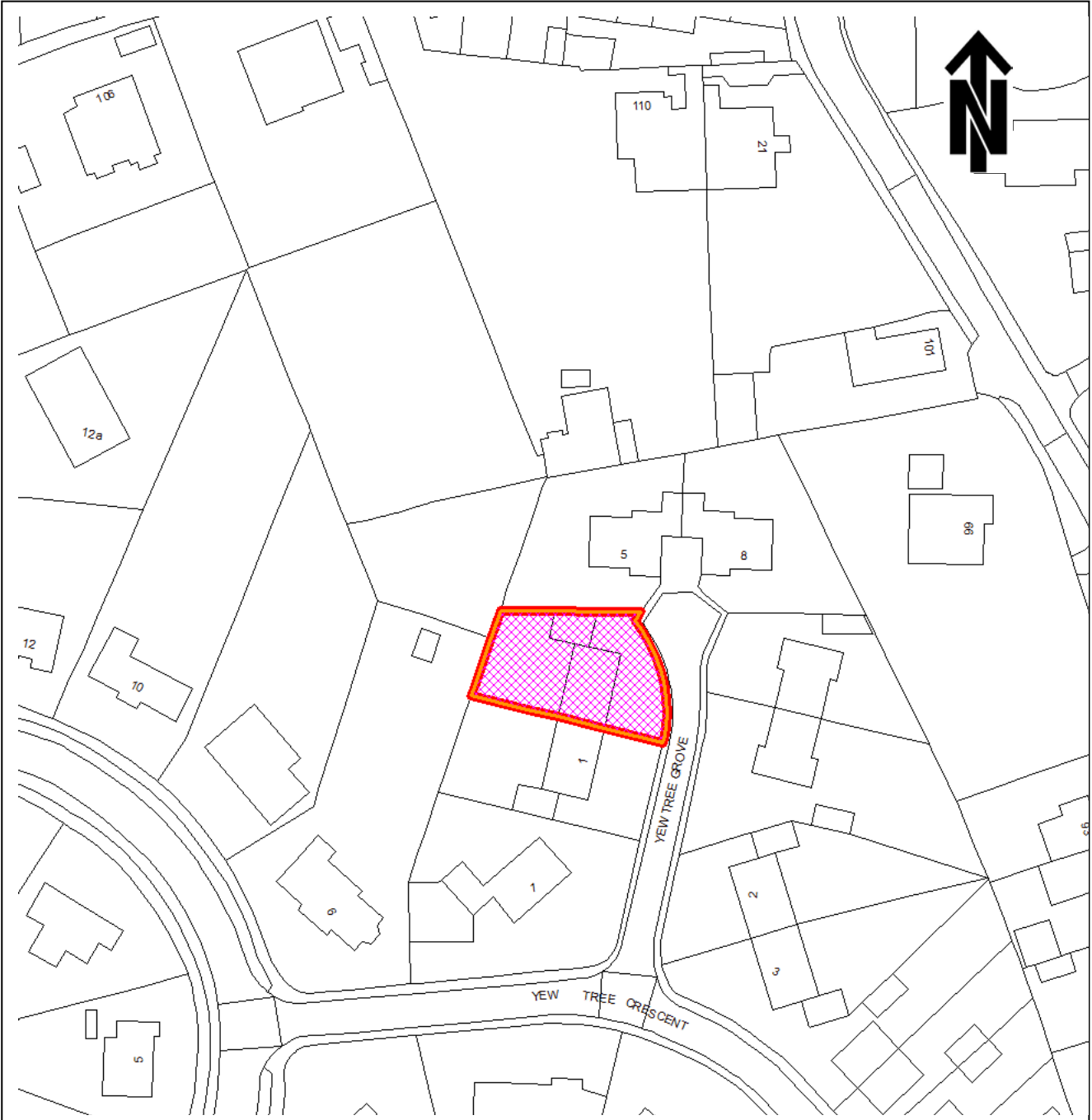
Overview & Scrutiny Committee Area:
Regeneration and Economy



Area Planning Panel (Bradford)

15/06366/HOU

9 March 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

<p>ITEM NO. : 1</p>	<p>LOCATION: 3 Yew Tree Grove Bradford</p>
---------------------	---

9 March 2016

Item Number: 1
Ward: TOLLER
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
15/06366/HOU

Type of Application/Proposal and Address:

This is a full planning application for the construction of single story extension to side and rear with front and rear dormer windows to 3 Yew Tree Grove, Bradford.

Applicant:

Mr Asaf Hussain

Agent:

Mr Rashid Moghul, JM Design & Planning

Site Description:

This is a semi-detached single storey dwelling located at the end of a cul-de-sac in a wholly residential area. The surrounding land rises up to the north.

Relevant Site History:

There is no planning history on this site.

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.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the RUDP.

Proposals and Policies

Policy UR3 The Local Impact of Development

Policy D1 General Design Considerations

The Householder Supplementary Planning Document (HSPD)

Parish Council:

The site is not in a Parish.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters. The publicity period expired on 2 December 2015. One objection has been received.

Summary of Representations Received:

- The scale and design of the proposed development would be entirely out of character with the area.
- The proposed development will leave the property with little garden left at the rear of the property.
- The proposal will convert an existing 2-bed bungalow with parking for 2 cars into a 5 bedroom house with no garage and the extension will take up some place currently available to park cars. The proposal will cause serious parking issues in this small cul-de-sac where all other properties have off-road parking in proportion to the property size.
- The proposed extension will overshadow 5 Yew Tree Grove.
- The proposed extension will introduce windows and doors which will overlook 5 Yew Tree Grove. This will be contrary to Human Rights Act.
- Approval of the proposed extension will set a precedent which others may follow leading to over-crowding of this nice quiet neighbourhood.
- The proposal will affect views from 5 Yew Tree Grove.
- The proposal will affect the value of neighbouring properties.

Consultations:

Drainage - No comments.

Summary of Main Issues:

Residential amenity.

Visual Amenity.

Highway Safety.

Other Issues Raised in Representations.

Appraisal:

Residential Amenity:

This property sits at the end of a cul-de-sac and sits partly to the front of the property to the north (5 Yew Tree Grove). The proposed extension is around 7.7m from the front wall of this property and the submitted drawings demonstrate that it would clear a 25 degree line taken from its front wall. The HSPD advises that extensions that clear this line would not dominate, overshadow or result in a loss of outlook to existing properties.

The proposed extension contains a ground floor window to a bathroom and a door to the utility room in its side elevation facing 5 Yew Tree Grove. Neither of these open to habitable rooms and so there would be no overlooking in this direction. As a result the proposed extension would not result in any significant harm to the amenities of this property.

A distance of around 8.9m is retained to the rear boundary which looks onto the rear section of the garden of 6 Yew Tree Crescent, which is sufficient to avoid any overlooking. Similarly the proposal is around 26m away from the properties on the opposite side of Yew Tree Grove and so it would not significantly overlook them.

The application also includes a single storey extension at 3m deep on the boundary with the attached property which would not be harmful to neighbouring amenities in terms of overshadowing, over-dominance or loss of outlook.

Visual Amenity:

The proposed side extension is set around 2.37m behind the front wall of the host property and continues its existing form and massing. Similarly the rear extension is also of an appropriate design and, being unobtrusive, would not be harmful to visual amenity. The front dormer windows are also appropriately designed being 3m wide with cladding only on the side elevations. These dormer windows comply with the HSPD and do not dominate the roof.

The rear dormer window is much larger and while it does not comply with design guidelines contained in the HSPD it is of a design and scale which could be constructed under permitted development rights granted to householders. It would not therefore be reasonable to refuse planning permission on grounds of harm to visual amenity solely from this aspect of the proposal.

Consequently subject to the use of materials to match those on the existing building the proposed development is not harmful to visual amenity.

Highway Safety:

The proposed development will mean the loss of a garage attached to the property but the property retains its drive and there are no parking restrictions on the street. Although the proposal will increase the size of the property quite considerably it would not do so to an extent where it would result in a significant increase in traffic to and from this site. No harm to highway safety is therefore anticipated.

Other Issues Raised in Representations:

- The proposed development will leave the property with little garden left at the rear of the property.

Response - The proposal will reduce the size of the rear garden area however it will leave sufficient space to the rear to serve this property.

- Approval of the proposed extension will set a precedent which others may follow leading to over-crowding of this nice quiet neighbourhood.

Response - All applications are judged on their own merits against the Council's planning policies. The approval of this application will not set a precedent for development of other properties.

- The proposal will affect views from 5 Yew Tree Grove.

Response - The effect on/loss of views is not a material planning consideration.

- The proposal will affect the value of neighbouring properties.

Response - The devaluation of properties is not a material planning consideration.

Community Safety Implications:

The proposed development 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 not considered to be harmful to visual amenity, residential amenity or highway safety and therefore complies with policies UR3 and D1 of the RUDP, the HSPD 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 hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted application.

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 first floor bathroom window in the side elevation of the side extension hereby permitted shall be glazed in obscure glass prior to the first occupation of the extension and thereafter retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policy UR3 of the Replacement Unitary Development Plan.

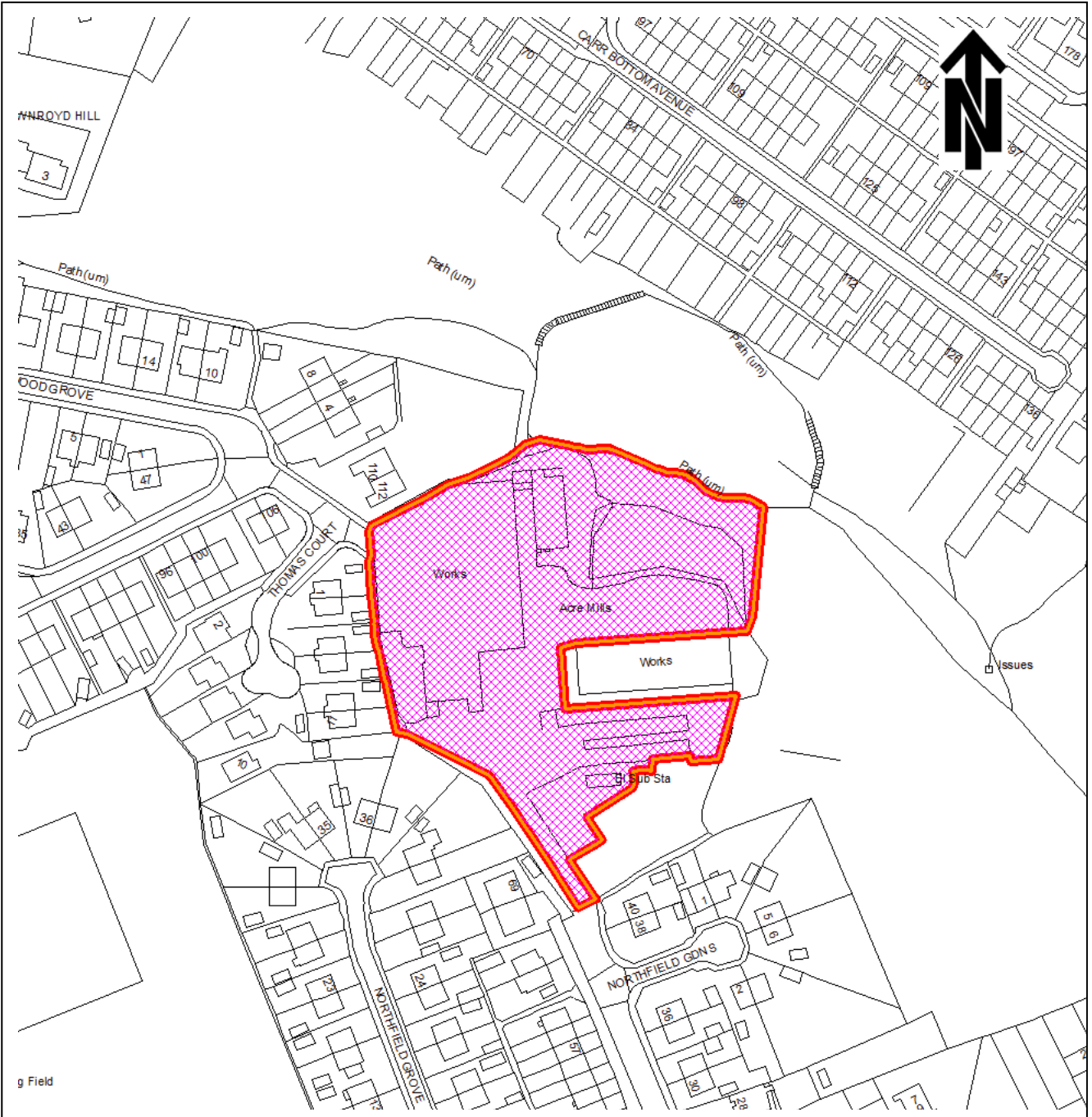
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side elevation of the extension hereby permitted without prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Bradford)

15/07556/VOC

9 March 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

ITEM NO. : 2	LOCATION: Acre Mills Acre Lane Wibsey Bradford
--------------	--

9 March 2016

Item Number: 2

Ward: WIBSEY

Recommendation:

**TO VARY CONDITION 5 OF PERMISSION 96/00016/COU
TO ALLOW DELIVERIES FROM 07:00 MONDAY TO FRIDAY
WITH ALL OTHER HOURS REMAINING THE SAME**

Application Number:

15/07556/VOC

Type of Application/Proposal and Address:

This is an application seeking to vary condition 5 on planning approval referenced 96/00016/COU which limited deliveries to between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 14:00 Saturdays. The current proposal is to allow deliveries from 07:00 Monday to Friday with all the other hours remaining the same. The site is the base of Yaadgaar Sweets bakery at Acre Mill, Acre Lane, Wibsey, Bradford.

Applicant:

Mr Shafique Kishver

Agent:

Not applicable.

Site Description:

This is a long established industrial site located close to the centre of Wibsey village at the end of an unadopted and unmade road known as Acre Lane. The site is accessed from Acre Lane via residential streets and there are residential properties to the southern and western sides of the site. The land to the north and east is open land with residential properties beyond.

Relevant Site History:

96/00016/COU - Change of use of vacant premises to B2 general industrial – Granted.

01/00501/VOC - Variation of condition 5 on planning approval 96/00016/COU to extend delivery hours from 18.00 to 20.00 Monday to Friday – Refused.

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.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the RUDP.

Proposals and Policies

Policy UR3	The Local Impact of Development;
Policy P7	Noise;
Policy TM2	Impact of Traffic and its Mitigation;
Policy TM12	Parking Standards for Residential Developments;
Policy TM19A	Traffic Management and Road Safety.

Parish Council:

The site is not in a Parish.

Publicity and Number of Representations:

The application was initially publicised with neighbour notification letters and a site notice. This publicity period expired on 10 February 2016. 23 letters of objections have been received. Following agreement of revised hours the application has been re-publicised by neighbour notification letters for a 14-day period. This additional publicity period expires on 26 February and any representations received after the report has been prepared will be reported verbally to Members.

Summary of Representations Received:

- The application is unclear as to whether deliveries are for raw materials or finished goods.
- The business day currently begins around 4am as the gates open and vehicles come and go. The problem of noise from gas powered forklift trucks working outside is particularly bad in summer.
- Vehicles come and go after 20:00 up to 22:30 or later. Also vans and lorries park outside the premises awaiting access to the mill overnight.
- Excessive wear and tear by heavy goods vehicles on the unadopted Acre Lane is a continuing problem for residents with frontages to maintain. This application will make things worse.
- The road is an appalling state solely down to the HGVs constantly coming up and down the road.
- The business should move to an industrial site and give the residents of Acre Lane some peace and quiet.

- The business already does not adhere to the time regulations.
- This is now a residential area and it not suitable for more industry in the area.
- There have been instances when there have been too many HGVs delivering at any one time which leads to drives being blocked.
- HGVs have reversed up the mill road and reversed into the cul-de-sac to turn around.
- Increased hours will increase the number of delivery vehicles causing further harm to neighbouring amenities and to the condition of the road.
- Residents would look more favourably on this firm if it saw to making up this road.
- The volume of traffic on this road needs to be reduced not increased.
- The bakery doesn't stick to the previously approved time and so it is hard to believe that they will in the future.
- The bakery appears to operate on a 24 hour basis currently.
- Cannot understand why the business was allowed HGVs to pass over this road several years ago.
- This was once a quiet lane and village and now it is full of traffic and HGVs.
- Have no faith in the company abiding by any approved hours if they are not monitored and controlled.
- The speed limit is frequently abused by private and commercial vehicles visiting the premises.
- The site looks like a dump with shipping containers on the site which have been previously refused. Should they still be in use?
- Responses to the second round of publicity reiterate objections to the proposed 07:00 start time also.

Consultations:

Environmental Health - This department has received a number of complaints alleging that the business is not adhering to the approved delivery hours. Given these complaints have been made this department is not minded to support the revised starting time initially proposed.

Appraisal:

Historical Ordnance Survey maps show that this site has been in industrial use since the late 19th century and was known as Woodroyd Mill. The surrounding housing was built in stages and first appears on the Ordnance Survey between 1933 and 1948. Planning permission was granted in 1996 for use of the site as a bakery for a local business known as Yaadgaar Sweets who have a number of shops across the District and also in other towns and cities. This permission carried a restrictive condition which prevented deliveries outside the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 14:00 Saturdays. Initially the application proposed to allow deliveries from 06:30 however after negotiation this has been reduced to 07:00.

It is noted at this point that there are no planning restrictions on the working hours within the site. The Local Planning Authority is aware that the condition on the 1996 application restricting hours for deliveries has been breached on many occasions and this application is the result of enforcement action taken by the Local Planning Authority. Representations to this application claim that at times there is activity at the site even earlier than 06:30 initially proposed in this application. It is important however to distinguish between what is proposed in this application and what is currently occurring at the site. The current application needs to be considered solely on the basis of the impact of deliveries to this site beginning at 07:00 Monday to Friday as opposed to the previously approved 08:00.

The applicant has advised that the business requires delivery of fresh eggs and milk daily and that generally suppliers deliver to businesses earlier than the 08:00 allowed by the previous permission on this site. Currently these two suppliers have to wait to deliver to this site or they make a separate round, either way this increases their costs. The applicant advises that in future it is likely that these costs will be passed onto them which will make it difficult to compete. Currently the business directly employs more than 120 people and is therefore a significant local employer. The applicant advises that a 07:00 start will help the company satisfy the suppliers and would not disrupt their operations.

This needs to be balanced against the amenities of the residents. It is noted that this is an established industrial site on which, until the 1996 application, there were no restrictions on deliveries. It is also noted that currently there are no restrictions on working hours within the site or deliveries from the site. Representations from local people advise that at times there is activity at the site even earlier than the 06:30 initially proposed for the start of deliveries. A 07:00 start during the working week is not considered to be unreasonable given that many people begin their day at around this time. The revised hours, if abided by, would reduce harm to the residents by preventing early morning deliveries. If the hours are breached the Council retains its powers to enforce against this. The current proposal is a reasonable compromise which would not cause any significant harm to neighbouring amenities.

With regard to Acre Lane and its condition there is no doubt that it is very poor; this is an unadopted road which is likely to be owned by all those who take access over it. The condition of the road does mean however that vehicles passing over it make a lot more noise than they would over a properly constructed road. Several representations suggest that the applicant should make this road up to adoptable standards however this would be an unreasonable demand given the proposal is only for a modification of the delivery hours. The proposal is unlikely to significantly increase vehicular traffic to and from the site.

As a summary of the above this is a long established business adjacent to residential properties and although restrictions have been imposed in the past to prevent deliveries the business has not been able to operate within these hours. Granting consent for deliveries from 07:00 is a reasonable compromise where the business can continue to operate without causing an unreasonable degree of harm to the amenities of the surrounding residential properties.

Other Issues Raised in Representations

- The application is unclear as to whether deliveries are for raw materials or finished goods.

Response - The delivery hours relate to all deliveries to the site.

- The business should move to an industrial site and give the residents of Acre Lane some peace and quiet.

Response - This application does not relate to the use of the property.

- There have been instances when there have been too many HGVs delivering at any one time which leads to drives being blocked.

Response - This is not something which can be controlled by the Local Planning Authority in this case. The current application relates on to the hours in which deliveries can take place.

- Increased hours will increase the number of delivery vehicles causing further harm to neighbour's amenities and to the condition of the road.

Response - The applicant advises that the current proposal is for the extension of hours to facilitate existing deliveries.

Community Safety Implications:

The proposed development 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:

This is an established industrial site and allowing delivery from 07:00 Monday to Friday would not significantly harm the amenities of the surrounding properties and the proposal would also not harm highway safety. The proposal complies with policies UR3, TM19A and P7 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. There shall be no deliveries to the premises outside the hours of 07:00 to 18:00 Monday to Friday and 08:00 to 14:00 on Saturday and not at all on Sundays and Bank Holidays.

Reason: In the interests of the amenities of neighbouring residents and to comply with Policy UR3 of the Replacement Unitary Development Plan.

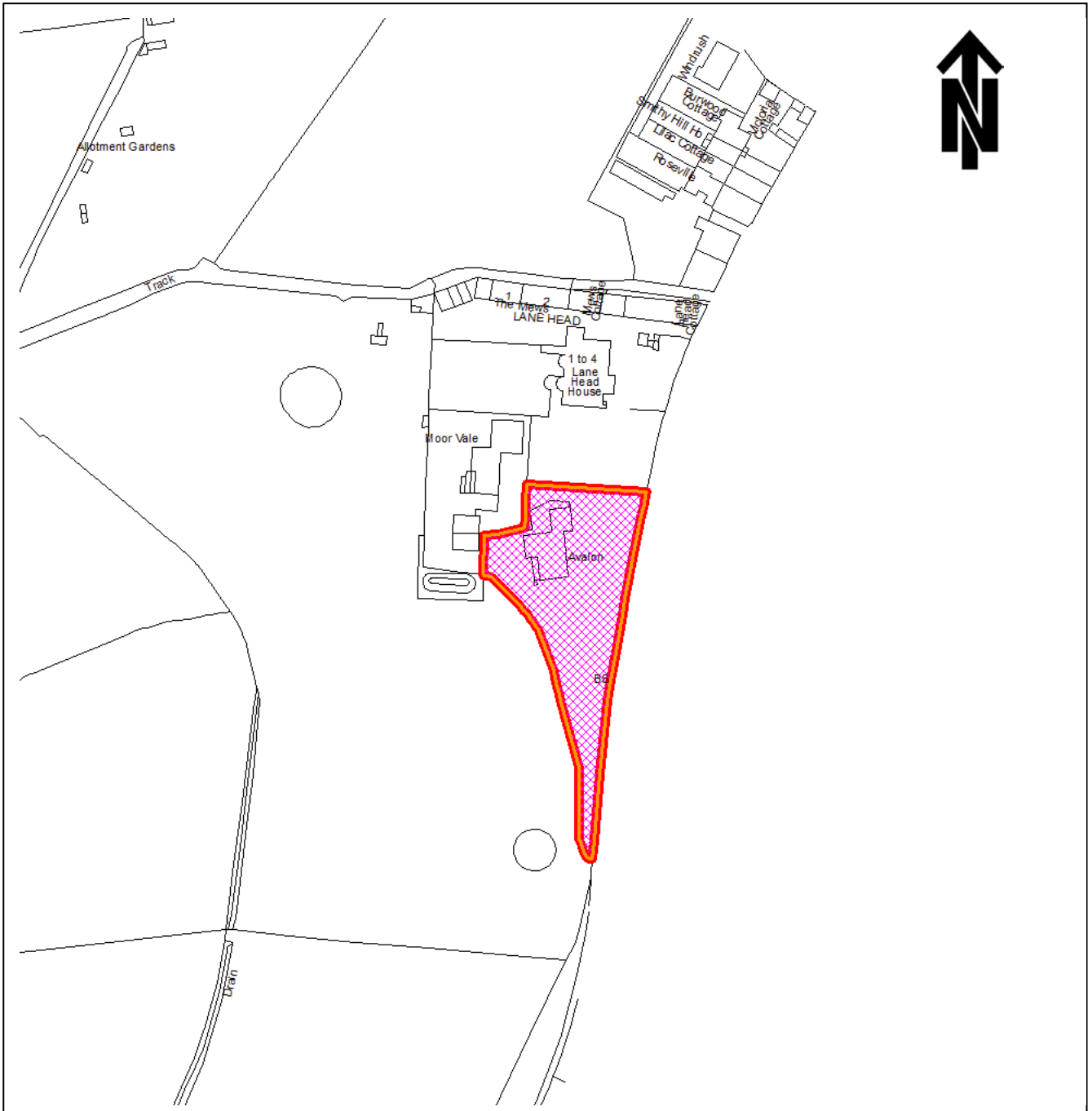
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or any subsequent equivalent legislation, the premises shall be used for the production of sweets and small bakery items only and for no other purpose (including any other activity within Class B2 of the Order).

Reason: In order that the Local Planning Authority retains control over future changes of use with particular regard to the generation of noise, smells and general activities within this residential area and to comply with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Bradford)

15/06717/FUL

9 March 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

<p>ITEM NO. : 3</p>	<p>LOCATION: Avalon Apperley Lane Rawdon Leeds</p>
----------------------------	---

9 March 2016

Item Number: 3
Ward: IDLE AND THACKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
15/06717/FUL

Type of Application/Proposal and Address:

A full planning application for the demolition of the existing dwelling house and construction of replacement building to house six two-bedroom apartments at Avalon, Apperley Lane, Bradford

Applicant:

Mr Patrick Knowles

Agent:

AAH Planning Consultants

Site Description:

The host property is an extended five bedroom detached dwelling standing within a large site off Apperley Lane. The property was constructed circa 1970 and has no particular architectural merit but is typical of that period of construction. The site has a number of protected trees to the front running parallel with the main road and behind this is a lawned area and access drive. The trees form an important amenity in the immediate locality owing to their prominence. Green Belt land and open fields are located to the west of the site. A listed building is located to the north of the site and on the opposite side of the main road. The Little London conservation area is also located immediately to the north of the site. The surrounding area to the north and east is mainly residential with a variety of housing types present.

Relevant Site History:

13/02888/FUL: Redevelopment of existing dwelling and site to 8 self-contained apartments and parking (refused 30.09.2013; intensification of the use of the site without access improvements and insufficient information regarding the impact on the protected trees)

14/02256/FUL: Enlarge existing dwelling and redevelop to create six self-contained apartments including new access/egress from the site and driveway (refused 10.10.2014; intensification of the use of the site without access and visibility improvements)

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.

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
TM19A	Traffic management and road safety
TM12	Parking standards for residential developments
D1	General Design Considerations
BH4A	Setting of Listed Buildings

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 1 January 2016. Fourteen individual objections have been received.

Summary of Representations Received:

Highway safety issues and intensification of the use of the site.
Adverse impact on the setting of the listed buildings and the conservation area.
Application is made to maximise potential profits when the site is sold.
Previous applications have been refused on the site for highway safety reasons.

Consultations:

Highways Development Control: No objection to the scheme based on additional information and access improvements proposed.

Design and Conservation: Objection to the scheme, harm to the setting of the listed building and conservation area.

Trees Officer: No objections subject to conditions.

Leeds City Council: No objections based upon latest plans showing achievable visibility splays.

Drainage: No objections subject to conditions.

Summary of Main Issues:

Principle of development.

Residential amenity.

Visual impact and effect on the setting of the conservation area and listed buildings.

Highway safety.

Impact on trees.

Outstanding issues raised in representations received.

Appraisal:

Principle of development

The site is unallocated on the RUDP and it is therefore considered that the principle of residential development at the site would be acceptable, particularly given the lack of a 5 year housing land supply in the Bradford district. The site is located in a relatively sustainable location close to public transport routes. The proposed scheme will also make efficient use of the site with the provision of six units.

Residential amenity

The proposal would not result in any significant impacts on the amenities of the surrounding properties. The facing distances that will be achieved are sufficient to prevent unacceptable overlooking, being in excess of the 7-metre minimum distance to the site boundaries. The proposed building will not result in lesser facing distances than those achieved by the existing building.

Visual impact and effect on the setting of the conservation area and listed buildings

The loss of the existing property and replacement with the new structure is considered acceptable in visual terms. The new building will cover a similar footprint to the existing building, but it will extend 1.5 metres higher to give a total height of 10.01 metres and will include a first floor element whereby only a single storey garage now exists. This will clearly increase its overall volume, floor space and massing, however, it is not considered that this increase will significantly adversely affect the setting of the listed building to the north or the adjacent conservation area. This was the officer assessment on the previous planning applications which proposed a structure of a similar scale and design. The NPPF requires the impact on heritage assets to be assessed and the severity of those impacts to be given substantial weight and to balance against this any benefits the scheme may have. In this case, the replacement building will result in some impact on the setting of the listed building and conservation, however, those impacts are not considered to be severe in relation to the building presently affecting this setting and it is considered that proposal would result in a neutral impact overall. The replacement building will remove some undesirable features such as the flat roof garage and will replace this with a simply designed building.

The scheme will also result in tangible benefits (provision of living units in the Bradford district to contribute to the housing shortage/targets and improvements to the site access resulting in overall improvements to highway safety), and it is considered these benefits are sufficient to outweigh the limited effect on the setting of the listed building and conservation area in this case.

The site planning history is also material in the consideration of this application and it is noted that previous schemes at the site have not been resisted in terms of the impact of the proposal on the setting of the listed building and the conservation area, even when a larger building was proposed on the first such application (13/02888/FUL). Considerable weight should be given to these past decisions and it would be unreasonable to resist this scheme which results in no more significant impacts than the previous proposals. Overall and when considering the balancing act within paragraphs 131, 134 and 137 of the NPPF and the duty under the Planning and Listed Buildings Acts 1990, the scheme is considered acceptable.

Highway safety

The proposal will result in some increase intensity of use at the site, as at present there is just one large dwelling house occupying the plot. As part of the scheme, the existing access point to the site will be improved by relocating a wall to allow a wider access and lowered the walls at the entrance to allow full visibility splays of 2.4 x 90 metres to be achieved. This will significantly improve the situation and allow two vehicles to pass at the same time at the site access point. In terms of the impact of the proposal on traffic movements at the site, there will be modest increase. The existing house will generate about 3.8 vehicle movements per day (figure based on TRICS and the emerging Core Strategy for Bradford). The proposed flat will generate a predicted total of 22.8 movements based upon 3.8 movements per day multiplied by 6. A fall back position does however exist whereby a permitted change of use of the existing dwelling to class C4 (house in multiple occupation) whereby up to six unrelated individuals could live at the property, each of which could have access to and use a vehicle. This change would not require planning permission and would result in increased vehicle movements without any improvements to the site access. The increase in vehicle movements will be relatively modest and is not likely to amount to more than between 10 and 20 extra movements a day; this is not significant and the improvements shown to the access point would militate against any predicted increase in vehicles movements at the site.

In terms of parking provision, there is sufficient provision proposed on the site, with an average of 1.5 spaces per unit, in line with Annex C of the RUDP. Therefore the development will not result in any undue pressure for parking on the busy classified road. In addition, there is appropriate turning provision within the site.

Overall, given the analysis above and the proposed access improvements that the proposal would not result in significant highway safety implications or significant intensification of use.

Impact on trees

The site contains a number of protected trees, mainly within the site and on its boundary with the road. The scheme will result in the loss of a tree to the site entrance (not part of the preservation order) to allow widening of the access point and some trees are recommended for removal on safety grounds according to the tree report. Overall, the impact on the protected trees will be acceptable; the proposed parking spaces will encroach within the root protection areas of some trees but with the use of appropriate surfacing, root damage can be limited. Conditions would be appropriate to prevent significant damage to protected trees.

Outstanding issues raised in representations received

Application is made to maximise potential profits when the site is sold

Comment: This is not a material planning consideration.

Previous applications have been refused on the site for highway safety reasons

Comment: This is correct, however, none of the previous schemes offered access improvements or informed analysis of the likely level of intensification of the use of the site.

Community Safety Implications:

None.

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 the site for residential use is considered acceptable given its relatively sustainable location and the lack of a 5 year housing land supply in the Bradford district. There are no significant impacts in terms of residential amenity, visual impacts on the setting of the listed building and conservation area and protected trees at the site. The scheme would not result in a significant intensification of use of the site and improvements to the site and visibility offered at the site entrance are effective. The proposal is therefore compliant with policies UR2, UR3, D1, TM2, TM12, TM19A, H7, H8 and NE5 of the RUDP and guidance contained within paragraph 32 of 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, nor shall there be any demolition, site preparation, groundwork, materials or machinery brought on to the site, nor shall there be any work to any trees to be retained until tree protection measures are installed in accordance with an arboricultural method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority.

Reason: To ensure that trees are adequately protected prior to development activity on the site which would otherwise unacceptably harm trees to the detriment of public visual amenity and to accord with policies NE5 and NE6 of the Replacement Unitary Development Plan.

4. The approved tree protection measures shall remain in place, shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during the construction period in the interests of visual amenity and to accord with policies NE5 and NE6 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.

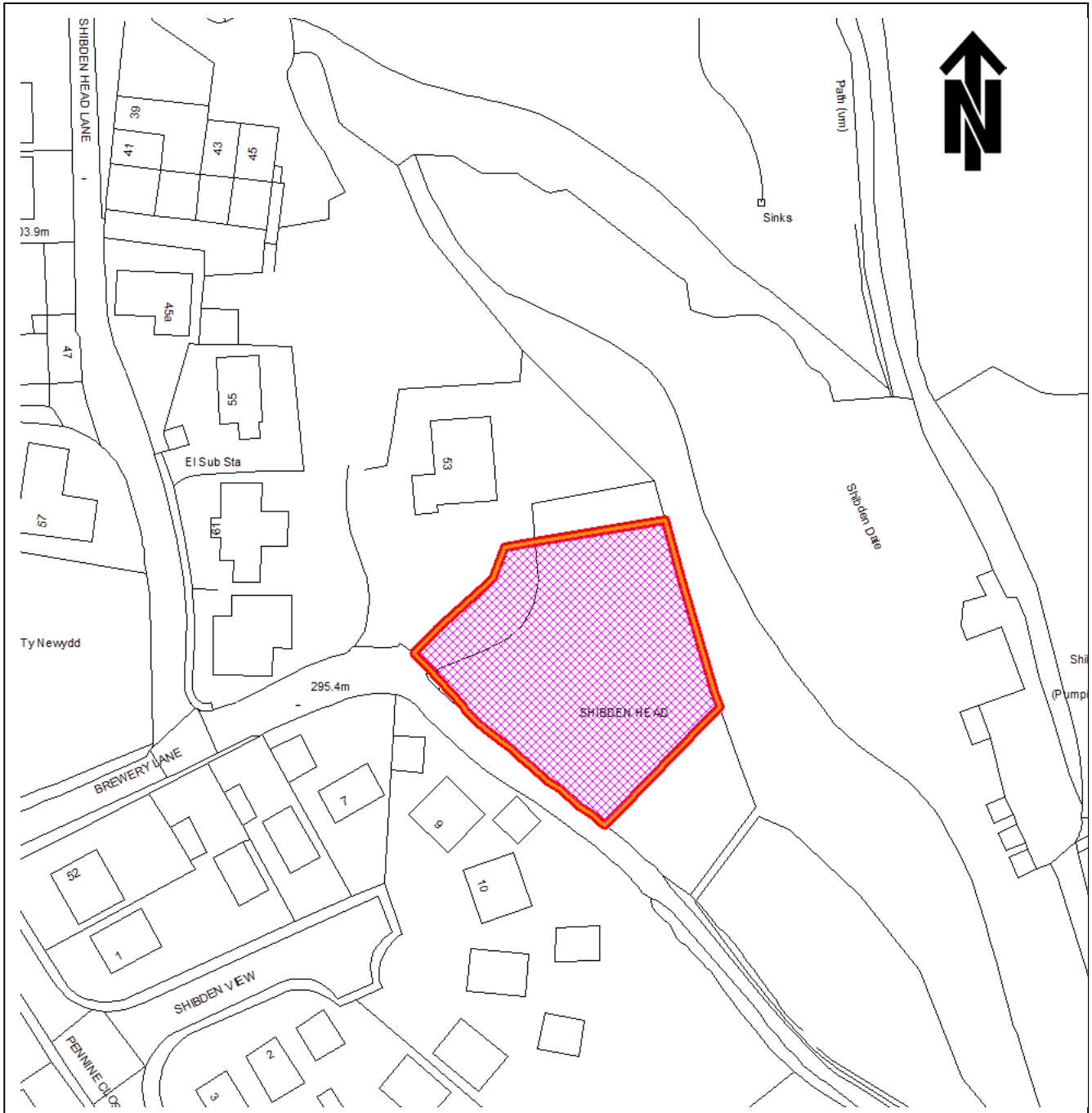
6. Before first occupation of the development, the proposed improvements to the site access to include widening and lowering of the walls to forms visibility splays shall be completed to a constructional specification to be approved in writing by the Local Planning Authority.

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 Replacement Unitary Development Plan.

Area Planning Panel (Bradford)

15/07331/FUL

9 March 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

ITEM NO. : 4

LOCATION:

**53 Shibden Head Lane
Queensbury Bradford**

9 March 2016

Item Number: 4
Ward: QUEENSBURY
Recommendation:
TO REFUSE PLANNING PERMISSION
APPLICATION WITH PETITION

Application Number:
15/07331/FUL

Type of Application/Proposal and Address:

A full planning application for the construction of a detached dwelling and garage at land at 53 Shibden Head Lane, Queensbury, Bradford.

Applicant:

Mr & Mrs Langford

Agent:

Janus Architecture

Site Description:

The site is an area of land, located within the Green Belt and adjoining the property at 53 Shibden Head Lane. The surrounding area is mainly residential with open land in the Green Belt extending to the south and east. Access to the site is via Shibden Head Lane which is narrow and substandard in terms of surfacing and drainage.

Relevant Site History:

(All on adjacent site)

07/03091/FUL: Construction of three houses (granted 07.11.2007).
10/03540/FUL: Renewal of planning permission 07/03091/FUL: Construction of three houses (granted 13.10.2010).
12/04655/FUL: Amendments to existing granted application 10/03538/FUL: Construction of two dwellings (granted 15.01.2013).

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.

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt.

Proposals and Policies

UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
TM2	Impact of traffic and its mitigation
TM12	Parking standards for residential developments
D1	General Design Considerations
TM19A	Traffic management and road safety
GB1	New Building in the Green Belt
GB2	Siting of New building in the Green Belt

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 3 February 2016. One letter of objection, and support from two Queensbury Ward Councillors and a 23-signature petition have been received.

Summary of Representations Received:

In support:

The development will allow access improvements to be made to Shibden Head Lane to the benefit of walkers, farmers and other road users and to residents living in the locality.

In objection:

None of the concessions offered by the applicant outweigh the harm to the Green Belt and justify the development which is unacceptable in principle in the Green Belt.

All of the concessions could be offered whether or not the development was proposed or went ahead.

The validity of the concessions is questionable should the site change ownership.

Consultations:

Highways Development Control: No objections given the modest scale of development and access improvements proposed.

Environmental Health: No comments received.

Minerals and Waste: No objections subject to conditions based upon the latest submission of information in relation to ground contamination.

Drainage: No objections, subject to conditions.

Summary of Main Issues:

Principle of development.

Highway safety.

Residential amenity.

Visual impact and effect on the openness of the Green Belt.

Trees.

Outstanding issues raised by representations received.

Appraisal:

Principle of development

The site is located within the designated Green Belt and is unacceptable in principle and would constitute inappropriate development as per paragraph 89 of the NPPF and policy GB1 of the RUDP. In this regard, it must be considered whether there are any very special circumstances that exist which would justify the development and outweigh the harm by reason of inappropriateness and any other harm to the Green Belt.

The application contains information which identifies four 'concessions' that the applicant is willing to make in order to justify the development within the Green Belt. The four elements consists of (1) the proposed access improvements on Shibden Head Lane, (2) forfeiting an existing planning permission on the adjacent site for three dwellings (3) the development of one dwelling closest to the highway would be forfeited, and (4) an undertaking not to pursue any further development on any of the remaining land within their ownership within the Green Belt. However, none of the 'concessions' offered would amount to very special circumstances to outweigh the harm and inappropriate development proposed, nor do they justify why the dwelling must be constructed in this location in the Green Belt. All of the 'concessions' could be offered and implemented independently of the development proposed. Furthermore, the concessions offered would prove difficult to enforce, particularly if the site changes ownership. The 'concessions' offered could not be considered reasonable and relevant to the development proposed, particularly in regard to conditions or legal agreements needed to enforce them.

Therefore, the development is inappropriate and would result in significant harm to the openness and character of the Green Belt without any very special circumstances being demonstrated. The proposal is therefore contrary to policy GB1 of the RUDP and paragraph 89 of the NPPF.

Highway safety

The development is proposed on a modest scale and would not result in any significant highway safety implications. As part of the scheme, improvements are proposed to the existing highway in terms of width and pedestrian access which would improve the safety of this part of Shibden Head Lane. Sufficient parking and turning provision is provided within the site for the scale of the development proposed.

Residential amenity

The site is a little isolated from surrounding residential properties and would not result in any significant adverse implications in terms of amenity. All separation distances from the dwelling as proposed are sufficient to prevent significant overlooking or overshadowing impacts.

Visual impact and effect on the openness of the Green Belt

Although the proposed development is likely to be sympathetic to the area in terms of its scale and design, the large detached dwelling and associated detached garage would result in a significant impact on the openness of the Green Belt in this location and considerable harm would result to its character. As noted above, the applicant has not put forward any very special circumstances which would outweigh this considerable harm, particularly the non-implementation of planning permissions on the adjacent site not in the Green Belt is not sufficient justification.

Trees

A large group of trees are located to the east of the site, however, it is unlikely that they would be significantly affected by the development as the dwelling and the garage are located sufficiently distant from the nearest trees to minimise any impacts. The trees are not protected by a preservation order.

Outstanding issues raised by representations received

The issues raised by representations have been assessed within the main body of the report. It is unclear how the applicant's proposed 'concessions' could reasonably be enforced or controlled, particularly if the ownership of the site changed. Such 'concessions' would need to be achieved by legal agreements, however, such agreements must be reasonable in all aspects and relate to the development proposed. In this case the 'concessions' offered could not reasonably form part of a legal planning agreement.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

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

Reasons for Refusal:

The proposed development lies within an area defined as Green Belt on the Replacement Unitary Development Plan wherein there is a strong presumption against inappropriate development. The proposed development would constitute inappropriate development in the Green Belt and in the absence of any very special circumstances, which may warrant the proposal being treated as an exception, the proposed development is, by definition, harmful to the Green Belt. For this reason the proposed development is unacceptable against Policy GB1 of the Replacement Unitary Development Plan and paragraph 89 of the National Planning Policy Framework.
