

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25 June 2020

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Subject:

This is a full application for the demolition of the bungalow presently of site and its replacement with a two storey detached dwelling with off street parking to the front at 144 Poplar Grove, Bradford.

Summary statement:

The site is in a suburban location where dwellings of different design and character are common. The dwelling proposed here is large in size and is of a design that is not considered to be appropriate in this location. Its siting and size means that it would have a significantly negative impact on the living conditions of the neighbours to either side due to its size and massing.

The application site is in a 'development high risk area' due to coal deposits near the surface. In February the Bradford Panel resolved to defer determination of the application to allow the applicant to undertake the necessary land stability survey work required by the Coal Authority. This work has been undertaken and the Coal Authority have no objection to the proposed scheme. This does not overcome the two other reasons for refusal which remain in place.

The application is recommended for refusal.

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Transportation & Highways)
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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a full application for the demolition of a bungalow and erection of a replacement two storey dwelling at 144 Poplar Grove, Bradford.

2. BACKGROUND

Attached as Appendix 1 is a copy of the Officer's Report which identifies the material considerations of the proposal.

3. OTHER CONSIDERATIONS

N/A

4. OPTIONS

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application then reasons for refusal will need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from this application.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

8. OTHER IMPLICATIONS

N/A

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

The site is in a suburban setting that is well served by public transport and local amenities. The size and design of the proposed dwelling mean that it is unsustainable since it would introduce poor design into the street scene and would have a demonstrably negative impact on the amenity and living conditions of the residents to either side of the site on Poplar Grove.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

8.4 COMMUNITY SAFETY IMPLICATIONS

The Community Safety Implications of the proposed development are considered in Appendix 1.

8.5 HUMAN RIGHTS ACT

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

There are no Ward implications posed by this development.

9. NOT FOR PUBLICATION DOCUMENTS

There are no 'not for publication' documents.

10. RECOMMENDATIONS

It is recommended that the Committee accept the recommendation of refusal within the report attached as Appendix 1.

11. APPENDICES

Appendix 1: Report of the Strategic Director of Regeneration and Culture.

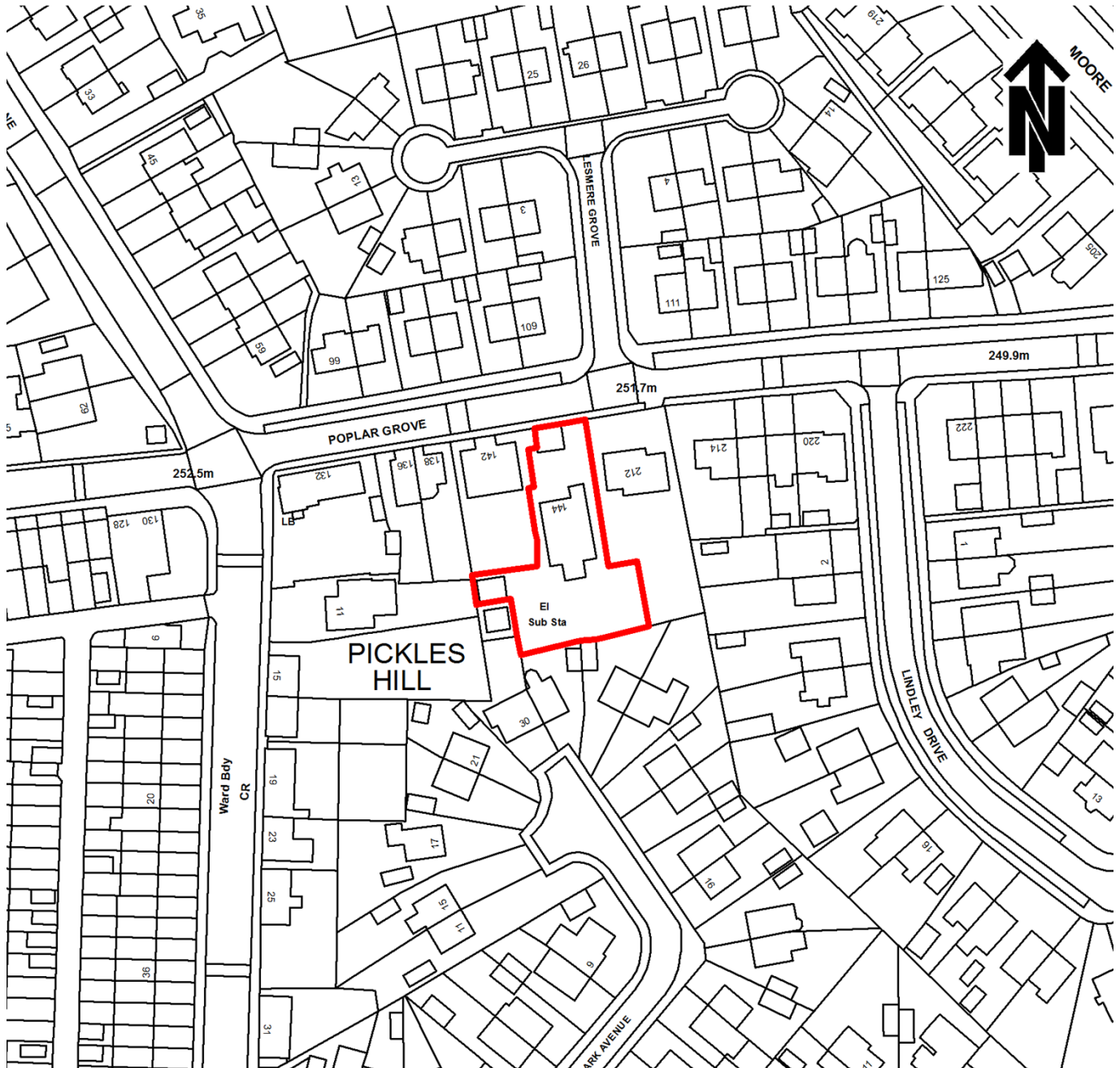
12. BACKGROUND DOCUMENTS

The Replacement Unitary Development Plan for Bradford District
National Planning Policy Framework
The Core Strategy Development Plan Document

19/04251/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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144 Poplar Grove
Bradford BD7 4JT

Appendix 1

Ward: Great Horton
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
19/04251/FUL

Type of Application/Proposal and Address:

This is a full planning application for the demolition of the existing single storey dwelling and the construction of a two storey detached dwelling in its place at 144 Poplar Grove, Bradford.

Applicant:
Mrs Rebecca Greenwood

Agent:
Mr Eatzaz Hassan - Faum Architecture

Site Description:

The application plot comprises a bungalow set in a large sized plot on the south side of Poplar Grove. The site is surrounded by residential dwellings of varying sizes and architectural designs. To the front of the site is a detached garage which has its back facing onto the highway. The bungalow is set back from the road further than the dwellings to either side.

The rear boundary backs onto the properties on Beldon Park Avenue. The side and rear boundaries are relatively well established with tree planting of various species and sizes.

Relevant Site History:
None.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is 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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), are saved for the purposes of formulating the Local Plan for Bradford, and remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

Policy DS1: Achieving Good Design

Policy DS3: Urban Character

Policy DS4: Streets and Movement

Policy DS5: Safe and Inclusive Places

Policy EN8: Environmental Protection

Parish Council:

n/a

Publicity and Number of Representations:

Site notices posted on Poplar Grove and Beldon Park Avenue on 26th November 2019 with an expiry date of the 17th December 2019.

Summary of Representations Received:

Two letters received supporting of the application:

- The development would improve the appearance of the site.
- The development would not affect the neighbour at 142 Poplar Grove.

One letter received objecting to the application:

- The dwelling would overlook the neighbours to the rear.

Consultations:

Drainage: No objection subject to a condition relating to the drainage of the site.

Environmental Protection (Land Contamination): Records indicate that a historic landfill site, Land at Moore Avenue (BMDC Landfill Site Reference: 13sw22) is situated approximately 194 Metre(s) from the site. No objection subject to conditions related to unexpected contamination.

Coal Authority: The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Updated comments received on the 3rd April 2020, raises no objections subject to conditions.

Summary of Main Issues:

1. Principle of Development
2. Design
3. Residential amenity
4. Highway safety
5. Coal/unstable land

Appraisal:

The Panel that convened on the 18th February 2020 resolved:

“That consideration of the application be deferred for a period of two months.

“Reason: to allow the applicant to submit an updated Coal Mining Risk Assessment Report to the local planning authority.”

An updated Coal Mining Risk Assessment Report completed by ARP Geotechnical Ltd dated 19th March 2020 was forwarded to the Coal Authority and a response received on the 3rd April 2020. The Coal Authority have withdrawn their objection to the proposal on the basis of the updated Coal Mining Risk Assessment Report and this is considered further in the relevant part of the report.

1. Principle of Development

The application seeks permission to demolish the existing bungalow and erect a two storey dwelling within the site.

As the proposal is for residential development it is necessary to consider paragraph 11 of the NPPF which states that there is a presumption in favour of sustainable development. The existing bungalow is not of a high architectural value and does not make a high contribution to the visual amenity of the locality.

Poplar Grove comprises a mixture of house types, the dwelling to the west is a two storey detached dwelling, to the east is a detached bungalow. To the front of the site is a detached stone built garage. The plot is of a good size measuring roughly 44m deep and around 13.5m wide increasing to 27m wide. The proposed would fill the width of the site with a gap of 1.2m to the western boundary and 1.4m to the eastern boundary.

The proposal is for a replacement dwelling and as such there is no net increase in residential dwellings and as such no wider benefit would accrue from development, such as an increase in the housing land supply of the District. The principle of the development is however considered to be acceptable subject to its local impact.

2. Design

Core Strategy policy DS1 states the planning “decisions should contribute to achieving good design and high quality places.” This is consistent with the NPPF paragraph 124 “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

The proposal is for a large dwelling that would nearly fill the width of the plot when viewed from Poplar Grove. The dwelling is designed in a way which does not reflect the

vernacular of the area but has a distinct character. However, when viewed from Poplar Grove the proposed dwelling would appear as an incongruous addition in the street scene. The large amount of glazing and the projecting first floor bay is a detrimental design feature since it dominates the principle elevation of the dwelling in a location where such design features are not present. Similarly, the double height bay window to the right of the front elevation is a nondescript element that does not make a strong contribution to the appearance of the dwelling.

The depth of the house results in a dwelling of substantial size. This means that it would be significantly larger than the surrounding houses. The plans show the depth of the house as 19m. This means that it fills a large proportion of the plot and this means that the two side walls that run along a large proportion of the boundary with the gardens to either side. The house is positioned back from the road's edge and the front elevation aligns with the rear wall of 142 Poplar Grove. It is acknowledged that Poplar Grove is made up of a number of different building designs and styles. However, what is proposed here, in terms of its size, position and design is unacceptable in design terms since it dominates the site and is not reflective of good design.

3. Residential Amenity

Criterion F of Core Strategy policy DS5 states that development should “not harm the amenity of existing or prospective users and residents.”

The size of the proposed dwelling and its position within the site means that both side walls of the dwelling run along the boundary of the dwellings to either side. The front elevation of the proposed house is set in line with the rear elevation of number 142 Poplar Grove, which is the dwelling to the west of the site. This means that a 19m long side wall at a height of 6m to the eaves at 1.2m from the side of number 142 would occupy the entirety of the side boundary of the rear garden. Moreover, this elevation has windows that would face directly into the rear garden of the adjacent property.

Similarly, the relationship with number 212 Polar Grove means that the side wall of the proposed dwelling would be set 1.4m from the boundary and would see a large flank wall facing towards the rear garden area of the dwelling.

At present the bungalow on the site is set back in the site and the two side walls run along the boundary with the houses to either side. However, as a bungalow its impact is greatly reduced since the side windows are at ground floor level and face towards the boundary treatment which screens the bungalow from views into the garden area of the dwellings to either side. The size and position of the boundary vegetation means that some removal of the trees is unavoidable. Moreover, the first floor windows of the proposed dwelling are above the height of any of the existing boundary vegetation.

The dwelling proposed would result in a significant reduction in the amenity for the residents to either side of the development plot. The introduction of first floor windows at less than 1.5m from the boundary of the site means that overlooking both perceived and experienced would be unacceptably detrimental to the amenity of the residents to either side on Poplar Grove.

4. Highway Safety

The development provides off street parking to the front for four cars (two x tandem

parking spaces). This is adequate for the scale and size of the development. It is noted that there is no space to manoeuvre within the site and this will mean that cars have to either reverse into or out of the site, but this is a relatively common situation along Poplar Grove. It is noted that traffic does not travel and excessive speeds along the highway due to the traffic calming speed bumps that occupy the length of Poplar Grove. The parking arrangements are, therefore, considered to be acceptable.

5. Coal/Unstable Land

Policy EN8(B) states:

“Proposals for development of land which may be contaminated or unstable must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination or instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment. Investigation of land quality must be carried out in accordance with the principles of best practice.”

The Coal Authority has identified that the application site lies in a High Risk Area where there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The site is specifically in an area of thick coal outcrops and probable unrecorded coal mining at shallow depth.

The Coal Authority previously commented on this planning application with a holding objection. The applicant has now submitted an Intrusive Coal Mining Investigation Report (ARP, 19 March 2020) to accompany this planning application.

This report presents the findings of intrusive site investigations undertaken to determine the exact situation in respect of shallow coal. A Coal Authority permit was correctly obtained by the applicant for the three boreholes sunk within the application site.

These boreholes encountered a shallow underlying coal seam, and evidence of coal mine workings were encountered. The report author has interpreted the findings of investigations and concludes insufficient rock cover is present. Accordingly, the report author recommends that a scheme of treatment of workings (i.e. drilling and grouting) should be undertaken.

The exact form and extent of remedial and treatment works need to be agreed with the Permitting Section of the Coal Authority as part of the applicant's permit application.

Officers are satisfied that with appropriate conditions, the site could be safely developed. The previously suggested reason for refusal has, therefore, been addressed.

This does not overcome the other two reasons for refusal which remain unaltered by the additional information received.

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 raised in relation to consideration of this application.

Reasons for Refusal:

1. The proposed dwelling would, by reason of its size, massing, design and appearance have an unacceptably detrimental impact on the visual amenity and street scene of Poplar Grove and, therefore, fails to comply with Core Strategy policies DS1 and DS3.

2. The proposed dwelling would, by reason of its size, massing and siting would have an unacceptably negative impact on the amenity and living conditions of the residents at 212 and 142 Poplar Grove due to overlooking, overshadowing and overbearing of the private amenity space viz the rear gardens of either dwelling. The proposal therefore fails to comply with Core Strategy policies DS1, DS3 and DS5.