

# Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday 10 February 2016 at City Hall, Bradford

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Commenced 1005  
Concluded 1255

## PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Rickard	Amran	Reid
Sykes	Ferriby	
	Lee	
	Wainwright	

Apologies: Councillor Whiteley

Observers: Councillor Salam (Minute 33(a))

## Councillor Lee in the Chair

### 29. DISCLOSURES OF INTEREST

The following disclosure of interest was received in the interest of clarity:

Councillor Sykes disclosed that he had objected to the application and requested enforcement action be undertaken in relation to Minute 33(c) and he therefore withdrew from the meeting during the consideration of this item in accordance with the requirements of the Members' Code of Conduct (Part 4A of the Constitution) and the Members' Planning Code of Conduct (Part 4B of the Constitution).

**ACTION:** *Interim City Solicitor*

### 30. MINUTES

Resolved –

That the minutes of the meeting held on 16 December 2015 be signed as a correct record.

**ACTION:** *Interim City Solicitor*



### 31. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no appeals submitted by the public to review decisions to restrict documents.

### 32. **PUBLIC QUESTIONS**

There were no questions submitted by the public.

### 33. **PLANNING APPLICATIONS AND ASSOCIATED MATTERS**

The Strategic Director, Regeneration presented **Document “M”** and **“N”**. Plans and photographs were displayed and/or tabled in respect of each application and representations summarised.

#### (a) **224 Parkside Road, Bradford**

#### **Little Horton**

A full application for the demolition of a garage and the construction of a three storey detached building to provide a community and education centre at 224 Parkside Road, West Bowling, Bradford - 15/03193/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the site was unkempt and located on a road with traffic calming measures. A previous application for a place of worship and community centre had been refused in 2014 on the grounds of disturbance to residential amenity. The new scheme proposed the provision of community and education services and representations in support and objection had been received. Members were informed that no objections had been received from the Council’s Highways Department subject to the implementation of a Traffic Regulation Order (TRO). The submitted application proposed a community use with hours of operation from 0900 to 2000 hours that would be controlled by a condition on the application. The scheme would not overshadow or be overdominant, the design and scale would be acceptable and the boundary treatments around the site would be improved. The Strategic Director, Regeneration confirmed that the amount of traffic to the site would increase and four off-street parking places would be provided. He reported that the Council’s Highways Department had suggested that double yellow lines also be placed at the junction of Parkside Road and Birch Lane. The application was then recommended for approval subject to the conditions as set out in the report.

In response to Members’ queries, the Strategic Director, Regeneration clarified that:

- The implementation of double yellow lines had been suggested in order to protect the junction and the TRO would have to be considered by the Area Committee, who could reject the proposal. The condition had been worded to ensure that ‘best endeavours’ were undertaken to carry out the TRO and if it failed, then a decision would have to be made as to whether the condition had been breached.
- The TRO would be beneficial to the application. It was illegal to park on junctions and the installation of double yellow lines would reinforce the point, however, the matter would not affect the principle of development.
- A reasonable approach was required in relation to the conditions on the application and on street parking would only be required when the building was occupied.

- Trident Community Council, as the Parish Council, would be consulted directly and it was their choice as to whether they provided a comment.
- A petition in support of and against the application had been submitted.
- Representations had been received from the local area.
- The four parking spaces would be on a first come first served basis.
- No details had been provided as to how many people would use the facility, however, there would be fire regulation limits.
- A public sewer existed and Yorkshire Water had to be consulted in respect of anything that would affect the sewer in the road.
- The previous application had proposed a place of worship and this would have had a wider use. The new submission proposed individual small rooms and would be a community and education centre.
- Condition 3 restricted the use of the premises and any breach would be subject to enforcement action.

A Ward Councillor addressed the meeting and stated that:

- The differences in the applications had been explained.
- The previous application had been vague.
- The developer had adhered to all the reservations from officers and amendments had been made.
- There were objections and support for the scheme.
- The lands had been derelict for the last 10 years and fly tipping had occurred.
- The previous reasons for refusal had been addressed.
- The hours of operation had been addressed.
- The developer wanted to work with all the authorities to ensure compliance.
- Trident Community Council had been consulted and was in support of the application.
- There were no other education centres in the area.
- The developer had done everything within its power to adhere to planning law.
- Yorkshire Water would be consulted.
- The building would be used.
- The TRO would be considered by the Bradford East Area Committee.

In response to a Member's query, the Ward Councillor confirmed that there were some education centres approximately a quarter of a mile away.

An objector was present at the meeting and raised the following concerns:

- There were seven other centres in the vicinity and twelve in total in the area.
- Objections had been submitted by people who lived in the direct vicinity.
- There were traffic issues on Parkside Road. It was used as a cut through especially at peak hours.
- There was a Madrassa at 234 Parkside Road.
- Parked vehicles caused major problems on Friday.
- There was no requirement for the centre.
- There would be an overflow to and from the existing Madrassa on Parkside Road.
- There was no diversity at the nearby Madrassa and this centre would be the same.
- The objections were against an Islamic Centre that was not required.
- Enforcement in relation to the traffic could not be guaranteed.
- There were no yellow lines around the existing Madrassa.

- Numerous objections had been submitted.

During the discussion a Member raised concerns in relation to the wording of the condition regarding the TRO, as the highways issues were subject to the Area Committee's decision and there was no certainty that they would definitely be addressed. The proposal would exacerbate the problems in the area and the matter needed resolving. In response the Chair reported that amendments had been made and the Council's Highways Department had not objected to the application. The Strategic Director, Regeneration reiterated that reasonable conditions had to be set and the term 'best endeavours' identified that the TRO had to be considered by the Area Committee. He stated that the issue was not in the applicant's control and a condition could not be imposed that the applicant had to obtain approval. The Interim City Solicitor informed Members that if the application went to appeal there would be very little grounds to contest the refusal, as it complied with Council policies. He confirmed that any concerns regarding the TRO could be dealt with by a planning obligation on the applicant. It was noted that if Members wished to vote against the officer's recommendation, substantiated reasons would be required.

In response to more questions, the Strategic Director, Regeneration explained that the previous application had been refused due to noise and disturbance issues, however, the hours of operation had now been shortened. He confirmed that the need for an education centre could not be controlled through planning legislation.

Further discussions ensued and Members reiterated the concerns in relation to highway safety. Members then agreed that in light of additional advice not being available the application should be referred to the Regulatory and Appeals Committee.

#### **Resolved –**

**That the application be referred to the Regulatory and Appeals Committee for determination as the Panel could not make a considered decision on the proposal in light of the requirement for further advice on highway safety issues.**

#### ***ACTION: Strategic Director, Regeneration***

(b) **Prince of Wales Inn, 457 Allerton Road, Bradford**

**Thornton & Allerton**

A full planning application for conversion of a public house into a restaurant, new shop frontage, external stairs, 1st floor rear extension, new roof and conversion of one flat to two at the former Prince of Wales Public House, 457 Allerton Road, Allerton, Bradford - 15/04931/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that work had already commenced on the site, which was derelict and not used. The proposal included a new roof that would raise the height and a small rear extension. A number of objections had been submitted and the issues raised were covered in the officer's report. A reference had been made to planning issues on the adjacent site, however, it was not within the red line boundary and not part of the proposal. It was noted that there was no parking provision on the site and Members were informed that the public house could change to a restaurant without planning permission. The application for consideration proposed the conversion of the existing flat into two, which would be beneficial to the District, and would not have a significant impact

on neighbouring properties. The Strategic Director, Regeneration then recommended the application for approval, subject to the conditions as set out in the report.

The Strategic Director, Regeneration responded to Members' questions and confirmed that:

- The premises could become a restaurant without planning permission.
- There was an extant planning permission on the land to the side and an informal agreement had been in place previously in relation to parking for the public house.
- The adjoining land used to belong to the Council but had since been sold and had extant planning permission.
- The extant permission was for retail units and they had been reduced in size due to the overshadowing of the public house.
- There was no parking provision for the flats as it was a sustainable location.

An objector was present at the meeting and raised the following points:

- He was amazed that no one from the Council's Highways Department was present.
- Issues relating to highways had been a factor of the extant planning permission.
- When the property was a public house the staff, patrons and occupiers of the flat used to park on the land to the side.
- The use of the land had been withdrawn and retail units would be built.
- The applicant could allow the land to be used as a car park.
- Vehicles had parked on the land for over 40 years.
- There were food outlets opposite and the customers used the land for parking.
- The adjacent land was now fenced off.
- Another public house's patrons had previously used the car park.
- The main issue was traffic congestion.
- The latest report from the Council's Highways Department suggested that it would be more beneficial if the adjacent land was used as a car park.
- It would be ridiculous to consider the application without a representative of the Council's Highways Department being present.

A supporter of the applicant was present at the meeting and stated that:

- The proposal would create jobs.
- The premises could open as a restaurant without planning permission.
- The proposal would bring a derelict building back into use.
- There were no restaurants in the vicinity.
- The adjacent land was owned by one of the applicant's business partners and it would not be possible to bring the land into use, as there were four partners involved.
- There was sufficient parking provision in the vicinity.
- The applicant had worked with officers to comply with Council policies.
- The application was recommended for approval.

During the discussion a Member reported that there was a Traffic Regulation Order (TRO) request for yellow lines at the opposite side of the road at the crossroads of North Parade and Allerton Road. Other Members indicated that they were not satisfied that further highways advice could not be provided. It was acknowledged that the premises could become a restaurant without planning permission and concerns were raised that the

application could exacerbate the highways issues. There would be an increased demand for on street parking and this would need to be addressed. In response to the comments made, the Strategic Director reiterated that the application for consideration was the provision of an additional flat. The Interim City Solicitor reinforced this point and indicated that the Panel could not address the highway issues, however, they could be highlighted outside of the meeting.

### **Resolved –**

**That the application be refused for the following reason:**

**The proposal fails to provide suitable and sufficient accommodation within the site for the parking of vehicles in connection with the residential element of the development. Consequently there would be increased manoeuvring and parking of vehicles within the highway to the detriment of the safe and free-flow of traffic. For this reason the proposal fails to comply with policies TM2, TM12 and TM19A of the Council's adopted Replacement Unitary Development Plan.**

***ACTION: Strategic Director, Regeneration***

(c) **16 Canford Road, Bradford**

**Thornton & Allerton**

Construction of single-storey rear extension at 16 Canford Road, Bradford - 15/06864/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that there was an extant permission for a 3 metre extension to the rear and a side extension, however, a 5 metre extension had been substantially constructed which contravened the Council's Householder Supplementary Planning Document (HSPD) limit of 3 metres. The construction caused a degree of overdominance and would substantially overshadow the neighbouring property. There was an issue with the extension's boundary, as it appeared to be built on the boundary wall and consent from the neighbouring property would have been required. The Strategic Director, Regeneration recommended the application for refusal, as per the reason set out in the report and also for the reason that the applicant had failed to serve a notice on the adjacent land owner under the Town and Country Planning Order.

The Strategic Director, Regeneration informed Members that permission for a small extension had previously been granted in August 2014 and that this application was retrospective. He confirmed that an increase to the width of the side extension and the dormers had been approved as part of the permission granted in 2014 and that overdominance was the key issue.

The applicant was present at the meeting and made the following points:

- The extension had not been built on the neighbour's property.
- A great deal of faith had been placed in the architect.
- Plans had been submitted and it had been believed that they were acceptable.
- A large investment had been made in the property.
- Her family were living in temporary accommodation.
- A 3 metre extension had been built previously and an application for an additional 2 metres had been submitted.

The applicant's agent was present at the meeting and commented that:

- The application was for a 2 metre single storey rear extension and a 3 metre extension was already in existence.
- The proposed extension was within Government guidelines.
- The original footprint was 68 metres square.
- The approved extensions totalled 38 metres square and were within Government guidelines.
- The neighbour supported the application and wanted the construction work to be completed.
- The distance to the rear boundary was 7 metres.
- The boundary distances were sufficient.
- The materials would match the existing property.

In response to some of the comments made, the Strategic Director reported that the materials may match the existing property, however, the extension overshadowed and overdominated neighbouring properties. He confirmed that the applicant had sought approval via the Government's larger extension policy but it had been refused as there had been an objection. The issues regarding the applicant's architect were a civil matter and the Council's Planning Department could have offered advice to the applicant. The applicant's agent was aware of the Council's policies.

**Resolved –**

**That the application be refused for the reason set out in the Strategic Director, Regeneration's technical report and subject to the following additional reason:**

**The applicant has failed to serve the appropriate notice on adjacent land/property owners (i.e. Certificate B) as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 under Articles 13 and 14.**

***ACTION: Strategic Director, Regeneration***

(d) **19 Oaks Drive, Bradford**

**Clayton & Fairweather Green**

A full planning application for the construction of a detached dwelling in the rear garden of the property at 19 Oaks Drive, Lower Grange, Bradford - 15/02339/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application proposed the construction of a standard two storey property in a sustainable location within the rear garden of the existing house. The principle of development in gardens had been established, however, the footprint of the building was within the root protection area of two protected trees. A number of objections had been received from local residents and the Council's Tree Officer as the proposed dwelling would be too close to one of the trees and compromise its long term survival. The tree would cast a shadow on the property and need pruning in order to permit acceptable residential amenity. The Strategic Director, Regeneration stated that the trees were of benefit to the wider area and, therefore, recommended the application for refusal as per the reason set out in the report.

In response to Members' queries, the Strategic Director, Regeneration confirmed that:

- Building Regulations would condition any drainage issues.
- The trees were Ash and protected.
- The Council's Tree Officer had stated that the mitigation measures suggested in the tree report minimised the effect, however, they were not adequate, as the proposed dwelling was too close to the tree and the tree roots could not be accounted for. All the reports submitted were double checked.
- The houses in the vicinity pre-dated the maturity of the trees.

The applicant was present at the meeting and stated that:

- The application proposed the construction of a house in the garden.
- A previous application had been submitted by his father, who had then gone to live abroad.
- A new drive would be created.
- The proposed building would be located 6 metres from the trunk of the tree.
- Tree branches hung over other properties.
- The crown of the tree would be lifted and the branches would not affect the house.
- A ground and root protection area would be constructed to relevant standards.
- Foundations would be undertaken to minimise root disruption.
- Ground level changes would not be made.
- No hard surfaces had been proposed.
- The trees would be able to be inspected on completion of the work.
- A property on Vivien Road had been extended to less than 5 metres from a tree and no protection measures had been undertaken during the construction.
- Two tree reports had been submitted and tree protection measures would be provided.
- All reports requested by the planning officer had been provided.

In response to further questions, the Strategic Director, Regeneration clarified that there would be sufficient space for parking and a shared access for both properties. He stated that in order to protect the tree from damage, construction should not be carried out under the crown spread or near the root protection area. The proposed protection measures had been considered by officers and if built, the tree would overshadow the garden and windows of the proposed house. Overall the development would damage the tree in the long term.

**Resolved –**

**That the application be refused for the reason set out in the Strategic Director, Regeneration's technical report.**

***ACTION: Strategic Director, Regeneration***

(e) **Dar-UI-Aloom Jamia Mohammadia, 92 - 96 Lapage Street, Bradford Moor  
Bradford**

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application proposed a first floor extension to the Mosque and that there was an extant permission for a rear extension at



the property. It was noted that the two Ward Councillors were in support of the proposal, however, the addition of an extra storey would have an impact on the adjoining residential properties. The approved rear extension was slightly larger than those usually approved and the proposed scheme would increase the height of the building alongside the boundary. Members were informed that the development would harm the outlook of and be overdominant to the houses on Acton Street, which would be detrimental to residential amenity and the property had a basement that could be utilised instead. The application was then recommended for refusal due to the impact on the adjoining residential properties.

In response to Members questions, the Strategic Director, Regeneration confirmed that two of the adjoining residential properties were owned by the Mosque and none of the residents had objected to the application.

The applicant's agent and a supporter of the applicant were present at the meeting and made the following comments:

- An application had been granted in 2014 and the extension constructed.
- A further application had been rejected as it had proposed an external fire escape.
- The submitted scheme was for a smaller extension and had an internal fire escape.
- If the first floor extension was not constructed the safety aspect would be lost.
- No objections had been received in respect of the rejected and the current application.
- The proposal would provide for the needs of and serve the community.
- The Mosque was to purchase the Acton Street properties.
- All three properties would be occupied by people who managed the Mosque.
- The upper floor was not currently being used.
- The proposal would provide a fire escape for the upper floor.
- The proposed extension was smaller.
- The Panel should use their judgement.

In response to a query, the Strategic Director, Regeneration explained that the proposed extension would not facilitate the fire escape.

During the discussion Members acknowledged that the properties may not remain in the ownership of the Mosque, however, the facility was needed for the community. It was noted that a slightly larger rear extension had previously been approved and that the upper floor was currently not being used.

**Resolved –**

**That the application be approved for the following reason:**

**The proposed development would be acceptable in scale and massing. Its proximity to shared boundaries would not result in a physically dominating relationship nor create increased overshadowing and loss of light to the amenity of neighbouring residential properties, therefore, it would comply with policies D1 and UR3 of the Replacement Unitary Development Plan.**

**And that the application be subject to the following conditions:**

- (i) **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).**

- (ii) **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.**

- (iii) **The first floor windows in the south- and east-facing elevations of the extension hereby permitted shall be glazed in opaque 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 policies UR3 and D1 of the Replacement Unitary Development Plan.**

***ACTION: Strategic Director, Regeneration***

- (f) **Requests for Enforcement/Prosecution Action**

- (i) **19 Greenway Road, West Bowling, Bradford** **Little Horton**

Construction of rear extension - 15/00309/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 30 December 2015.

- (ii) **51 Roper Lane, Queensbury, Bradford** **Queensbury**

Construction of raised timber platform - 15/00370/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 30 December 2015.

- (iii) **Northfield Works, Carlisle Terrace, Bradford** **Manningham**

Unauthorised canopy structure - 15/00997/ENFUNA

The unauthorised canopy structure remains in place and on 4 January 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

- (iv) **Ashfield Mills, Leeds Road, Bradford** **Idle & Thackley**

Unauthorised Class A1 retail use - 15/00118/ENFCOU

On 8 January 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

**Resolved –**

**That the decisions be noted.**

***ACTION: Strategic Director, Regeneration***

(g) **Decisions made by the Secretary of State**

The Panel noted the following appeal decisions taken by the Secretary of State:

**APPEAL ALLOWED**

(i) **12 Bingley Road, Bradford** **Heaton**

Construction of rear dormer window with hip to gable extension - Case No: 15/03836/HOU

Appeal Ref: 15/00144/APPHOU

**APPEALS DISMISSED**

(ii) **11 Redburn Avenue, Shipley** **Heaton**

Appeal against Enforcement Notice - Case No: 12/00347/ENFAPP

Appeal Ref: 15/00068/APPENF

(iii) **19 Upper Rushton Road, Bradford** **Bradford Moor**

Retrospective application for single storey extension to accommodate kitchen and shower room for disabled person - Case No: 15/02580/HOU

Appeal Ref: 15/00141/APPHOU

**Resolved –**

**That the decisions be noted.**

***ACTION: Strategic Director, Regeneration***

(h) **Petition to Note**

(i) **Land off Dunnock Avenue, Clayton Heights, Bradford** **Queensbury**

The Local Planning Authority received a petition in relation to a new Tree Preservation Order (TPO). The new order covers part of the area originally protected under TPO reference 446. This new order was made on 4 June 2015 and confirmed, within the timescales set down in the TPO legislation, by the Development Services Manager on 27 November 2015.

The issues raised by the petition were fully considered by the Tree Officer before making the recommendation to confirm the order.

**Resolved –**

**That the decision be noted.**

***ACTION: Strategic Director, Regeneration***

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Panel.**

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THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER