

## Agenda for a meeting of the Area Planning Panel (Bradford) to be held on Wednesday 10 February 2016 at 1000 in the Ernest Saville Room, City Hall, Bradford

### Members of the Panel - Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Rickard	Lee (Chair)	Reid
Whiteley	Amran	
	Ferriby	
	Wainwright	

### Alternates:

<i>Conservative</i>	<i>Labour</i>	<i>Liberal Democrat</i>
<i>Ellis</i>	<i>Duffy</i>	<i>Stelling</i>
<i>Sykes</i>	<i>Farley</i>	
	<i>M Slater</i>	
	<i>Swallow</i>	

### Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- Light refreshments and a lunch will be provided for the Members of the Panel only.
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Panel may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Panel will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, one representative of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes.
- A briefing for all Member groups will be held at **0930** in the **Ernest Saville Room, City Hall, Bradford**

### From:

Dermot Pearson  
Interim City Solicitor  
Agenda Contact: Claire Tomenson  
Phone: 01274 432457  
E-Mail: [claire.tomenson@bradford.gov.uk](mailto:claire.tomenson@bradford.gov.uk)

### To:



## A. PROCEDURAL ITEMS

### 1. **ALTERNATE MEMBERS** (Standing Order 34)

The Interim City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

### 2. **DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*Notes:*

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

### 3. **MINUTES**

**Recommended –**

**That the minutes of the meeting held on 16 December 2015 be signed as a correct record (circulated separately).**



#### 4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Claire Tomenson - 01274 432457)

#### 5. PUBLIC QUESTION TIME

(Access to Information Procedure Rules – Part 3B of the Constitution)

To hear questions from electors within the District on any matter which is the responsibility of the Panel.

**Questions must be received in writing by the City Solicitor in Room 112, City Hall, Bradford, by mid-day on Monday 8 February 2016.**

(Claire Tomenson - 01274 432457)

### B. BUSINESS ITEMS

#### 6. PLANNING APPLICATIONS AND OTHER MATTERS

The Panel is asked to consider the planning applications and other matters which are set out in the following documents.

(i) **Document “M”** – relating to items recommended for approval or refusal.

The sites concerned are:

- |    |  |                |   |
|----|--|----------------|---|
| 1. | 224 Parkside Road, Bradford (page 1)                                     | <i>Approve</i> | <b><u>Little Horton</u></b>                   |
| 2. | Prince of Wales Inn, 457 Allerton Road, Bradford (page 10)               | <i>Approve</i> | <b><u>Thornton &amp; Allerton</u></b>         |
| 3. | 16 Canford Road, Bradford (page 16)                                      | <i>Refuse</i>  | <b><u>Thornton &amp; Allerton</u></b>         |
| 4. | 19 Oaks Drive, Bradford (page 21)  | <i>Refuse</i>  | <b><u>Clayton &amp; Fairweather Green</u></b> |
| 5. | Dar-UI-Aloom Jamia Mohammadia, 92 - 96 Lapage Street, Bradford (page 27) | <i>Refuse</i>  | <b><u>Bradford Moor</u></b>                   |



(ii) **Document “N”** - relating to miscellaneous items:

- 6. -9. Requests for Enforcement/Prosecution Action (page 32)
- 10 -12. Decisions made by the Secretary of State – Allowed & Dismissed (page 39)
- 13. Petition to be Noted (page 41)

(Mohammed Yousuf – 01274 434605)

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THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



## Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (BRADFORD) to be held on 10 February 2016

# M

### 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.	224 Parkside Road Bradford BD5 8PW - 15/03193/FUL [Approve] (page 1)	Little Horton
2.	Prince Of Wales Inn 457 Allerton Road Bradford BD15 7DX - 15/04931/FUL [Approve] (page 10)	Thornton and Allerton
3.	16 Canford Road Bradford BD15 7BS - 15/06864/HOU [Refuse] (page 16)	Thornton and Allerton
4.	19 Oaks Drive Bradford BD15 7RY - 15/02339/FUL [Refuse] (page 21)	Clayton and Fairweather Green
5.	Dar-UI-Aloom Jamia Mohammadia 92 - 96 Lapage Street Bradford BD3 8AU - 15/06962/FUL [Refuse] (page 27)	Bradford Moor

Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: [mohammed.yousuf@bradford.gov.uk](mailto:mohammed.yousuf@bradford.gov.uk)

**Portfolio:**  
Housing, Planning and Transport

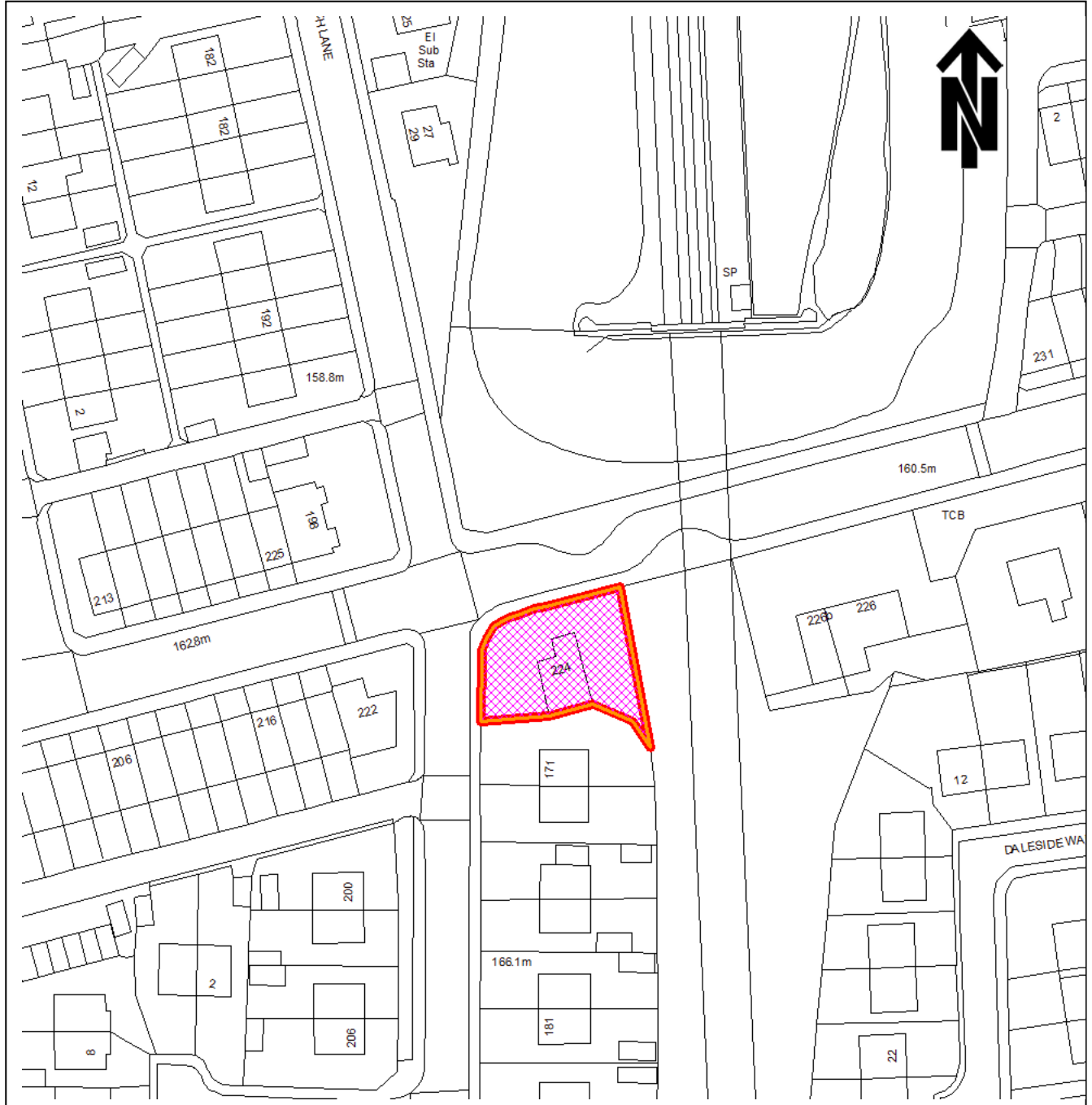
**Overview & Scrutiny Committee Area:**  
Regeneration and Economy



**Area Planning Panel (Bradford)**

**15/03193/FUL**

10 February 2016



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ITEM NO. : 1	LOCATION: <b>224 Parkside Road Bradford</b>
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**10 February 2016**

**Item Number: 1**  
**Ward: LITTLE HORTON**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**  
**APPLICATION WITH TWO PETITIONS**

**Application Number:**  
15/03193/FUL

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

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.

**Applicant:**

Mr Amir Raja

**Agent:**

Mr Rashid Moghul

**Site Description:**

The site is located at the junction between Parkside Road and Birch Lane occupying a prominent plot within the area. The site is unattractive having a large, corrugated metal garage and a collapsed boundary wall of concrete blocks, both in a state of disrepair, and concrete hard-standings. A small stone boundary wall runs around the Birch Lane/Parkside Road frontage with the ground level being raised up from Parkside Road. The street scene of Birch Lane comprises residential properties; Parkside Road is largely made up residential properties with a shop located to the eastern boundary of the site.

**Relevant Site History:**

14/01514/FUL: Construction of community and education centre including demolition of existing garage unit, refused 17.09.2014.

**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***

UR3: Local Impact of Development

D1: General Design Considerations

P7: Noise

TM2: Impact of Traffic and its Mitigation

TM11: Parking Standards for Non-Residential Developments

TM19A: Traffic Management and Road Safety

NR16: Surface Water Run Off and Sustainable Drainage Systems

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was publicised by site notice and neighbour notification letters. The expiry date for comments in connection with the application was 5 September 2015. A petition containing 89 signatures was received in objection to the proposal, as well as a further 33 individual letters of objection. A petition containing 197 signatures was received in support of the proposal as well as 11 individual letters of support.

**Summary of Representations Received:**

**In support**

Will provide educational classes for local children.

Will provide support for parents and adults.

Will offer educational booster classes for adults.

To work with local organisations and agencies to develop activities in the area.

Steer the youth away from crime and drugs.

Promote respect for elders.

Provide library room and computer room facilities.

Developing the site will prevent fly tipping.

**In objection**

Already numerous community and education centres in the area.

No parking facilities.

Problems with parking in the area.

Will result in more on-street parking.

A residential dwelling would be more appropriate.

This is a residential area.



The proposed use would include prayers 5 times a day.

There is a community centre 500 yards away from the planned site which is struggling to keep up funding.

De-value properties.

The development will not be a community centre but will be an extension of the madrassah on the corner of Parkside Road and Parkway.

**Consultations:**

Highways Development Control - Do not raise any object to the proposal subject to a planning conditions requiring that the proposed parking is provided prior to the first use of the building and that the development shall not be brought in to use until all best endeavours have been undertaken to implement a Traffic Regulation Order (TRO) prohibiting on street parking in the vicinity of the Parkside Road/Birch Lane junction. A scheme indicating the extents and full details of the TRO shall first be agreed with and approved in writing by the Local Planning Authority. The cost of processing and implementing the TRO shall be borne by the Applicant.

Bradford Trident - No comments received.

**Summary of Main Issues:**

Principle.

Visual amenity.

Residential amenity.

Highway safety.

Outstanding matters raised in representations.

**Appraisal:**

This application is similar to that (ref 14/01514/FUL) previously refused by the Bradford Area Planning Panel on 17th September 2014 for the following reason:-

The proposal as submitted would be prejudicial to the amenity of neighbouring residents by reason of noise and general disturbance generated by the coming and going of attendees to the development as proposed. As such the development is contrary to policies P7, D1 and UR3 of the Replacement Unitary Development Plan.

The current submission differs in that the proposed hours of operation have been amended from 07:00-22:00 seven days per week to 09:00-20:00 each day. In addition the aspect of the lower ground floor area that was previously identified as an ablution area is now a hallway serving two toilets. The ground floor area of the building has been amended from what was previously identified as an open hall into three separate activity rooms. The amendment has been undertaken in order to allay concerns previously raised that the proposal would function as a place of worship or madrassah rather than a community and education centre

**Principle of Development**

The application site is unallocated within the RUDP and therefore developing the site for use as a community and education centre (Use Class D1) is considered to be acceptable in principle subject to the local impact of the development.

The applicant has described the use as a 'community and education centre' and the submitted Design and Access Statement elaborates on this stating that the building would be utilised for homework groups for children struggling with key subjects such as English, maths and science, as well as language courses for children and adults. The information also advises that sewing, embroidery and other classes would be offered. The centre will also offer an activity room for ladies, to encourage exercises for weight loss and promote a healthy lifestyle.

In dealing with the previously refused application concerns were raised that the building may be used as a place of worship and that although the this use would fall within class D1 along with education and community centres the full remit of uses needed to be considered in determining the application. In this regard the ablution facilities have now been omitted from the submitted plans and a large hall area has been divided into three activity rooms. The proposed hours of use (09:00-20:00) have been revised and are not consistent with the opening hours required for the premises to predominantly function as a place of worship. The specific use of the premises as a community and education centre can also be ensured by a planning condition as can the proposed opening hours.

### **Residential Amenity**

The amended hours of operation (09:00-20:00 seven days a week) are suitable to ensure that the proposed use would not result in adverse implications for the amenity of neighbouring residents as a result of the coming and going of attendees at the application site. The revised hours of operation can be ensured by the imposition of a planning condition in the event that planning permission is granted.

It is considered that the proposed floor plans are now consistent with the layout and facilities that might be expected within a community centre. The reduced room sizes would not lend themselves to be used for prayers or acts of worship, as was the key concern raised in the refusal of the previous submission. It is also notable that in the event that the application is approved a condition can be imposed limiting the use of the premises to community centre only within class D1 of the Use Classes Order. This will prevent the use of the building from changing under permitted development to another use within class D1 which could have a greater impact on neighbouring residents.

In conclusion the proposed development is not considered to result in any adverse residential amenity implications subject to the imposition of planning conditions.

### **Highway and Pedestrian Safety**

The development site is located on Parkside Road at its junction with Birch Lane. Parkside Road has now been traffic calmed due to persistent traffic problems resulting from the road being used as a 'rat-run'. There is also a high degree of on-street parking taking place on Parkside Road, to the west of the site, due to a lack of off-street parking facilities for local residents. A build-out has also been constructed on Parkside Road along the site frontage to reduce and regulate vehicle speeds.

The applicant is proposing to provide four off-street parking bays accessed from Birch Lane. There is no way of restricting the use of the proposed community centre to local residents only and the proposed use is likely to attract car borne visitors for both long and short stays. As there are no TROs to prohibit parking at the junction of Parkside Road and Birch Lane this could lead to indiscriminate parking taking place on the highway on and around the junction. However, the promotion of a TRO at the junction of Birch Lane and Parkside Road would be sufficient to prevent indiscriminate parking at the junction which would result in highway safety concerns. Subject to the four parking spaces being laid out prior to the use commencing, and the attachment of a Grampian-style condition stating that no part of the development is to be carried out until the TRO is in place, the development would be acceptable in terms of highway safety and would accord with policies TM2, TM11 and TM19A of the RUDP.

### **Visual Amenity**

The submitted Design and Access Statement indicates that the proposed building would be constructed using a mixture of beige and brown brickwork surmounted by a slate roof. The surrounding area is comprised of a variety of construction materials with brickwork predominant on Birch Lane and a combination of natural stone, brickwork and slate evident on Parkside Road. The proposed construction materials are therefore appropriate in relation to the surrounding area and a more detailed assessment of this matter could be ensured by imposing a planning condition requiring the submission of samples for final approval. A 'hit and hiss' timber fence is proposed above the existing boundary wall, which will create a more open appearance than a solid fence. There is no detail on the proposed height of the fence but given an existing concrete block boundary treatment is located on the site a timber fence would be an improvement.

The siting of the proposed building would respect the common building lines of both the residential properties on Birch Lane and Parkside Road. The building would be three storeys in height including a lower ground floor, ground floor and first floor, however the submitted drawing illustrates that the ridge height of the building would match that of the adjacent property at 171 Birch Lane. The gable end of the south elevation of the building would reflect the design of 171 Birch Lane, whilst the more elaborate roof form of the building to the north would add visual interest when viewed from Parkside Road. The size and scale of the building are therefore appropriate for the site and whilst the design details are not locally commonplace this would make a positive contribution to the appearance of the area and add interest to both Parkside Road and Birch Lane.

### **Drainage**

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

**Outstanding Matters Raised in Representations:**

Already numerous community and education centres in the area.

There is a community centre 500 yards away from the planned site which is struggling to keep up funding.

Comment: The presence of other similar uses and any issues arising from 'competition' between them is subject to market forces and so controlled by the current planning system.

A residential dwelling would be more appropriate.

Comment: Whilst residential development of the site may also be appropriate, the application is for a community and education centre and therefore has been assessed on its own merits.

De-value properties.

Comment: Property values are controlled through market forces and therefore do not fall within the remit of the current planning system.

**Community Safety Implications:**

The application does not present any community safety implications.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposed development is considered to be acceptable in principle and would accord with the requirements of the NPPF and policies UR3, D1, P7, TM2, TM11, TM19A and NR16 of the RUDP.

**Conditions of Approval:**

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

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

2. The use of the premises shall be restricted to the hours from 09:00 to 20:00 each day.

Reason: In the interests of the amenities of neighbouring residents and to accord with policies UR3 and P7 of the Replacement Unitary Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any subsequent equivalent legislation, the premises shall be used only as a community and education centre and for no other purpose (including any other activity within Class D1 of the Order), without the prior written consent of the Local Planning Authority.

Reason: In order that the Local Planning Authority retains reasonable control over future changes of use with particular regard to residential amenity and road safety, and to accord with policies UR3, D1, P7 and TM19A of the Replacement Unitary Development Plan.

4. Before development begins, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials and those to be used for the construction of boundary treatments in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with policies UR3 and D1 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. The development shall not be brought in to use until all best endeavours have been undertaken to implement a Traffic Regulation Order prohibiting on-street parking in the vicinity of the Parkside Road/Birch Lane junction. A scheme indicating the extent and full details of the Traffic Regulation Order shall first be agreed with and approved in writing by the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety and to accord with policy TM19A of the Replacement Unitary Development Plan.

8. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The submission will provide for sustainable drainage techniques, or will provide evidence, based on site investigations, to show that such techniques cannot be used on the site. The drainage scheme so approved shall thereafter be implemented prior to the occupation of the development.

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

**Footnote:**

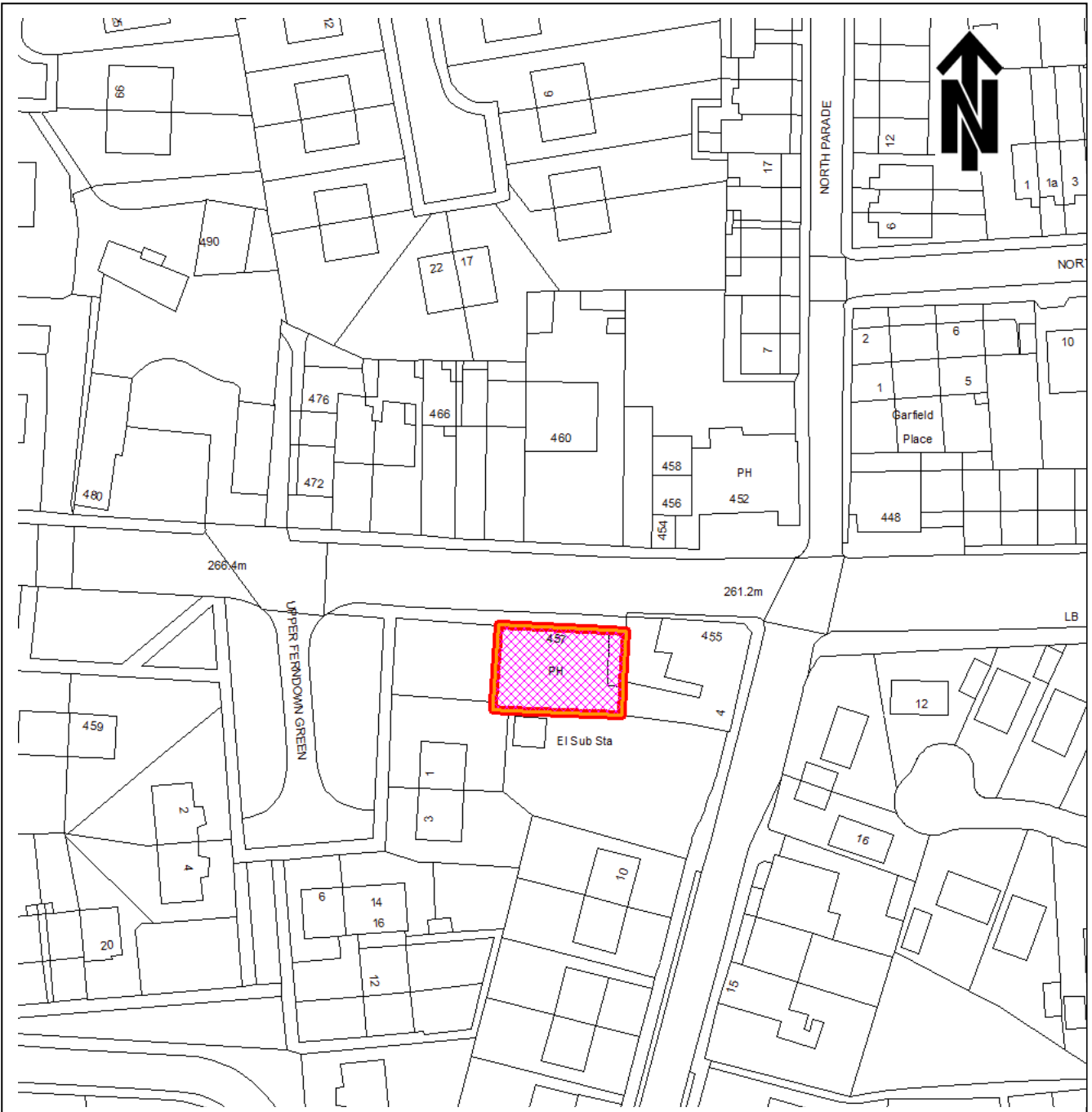
The developer should be aware that implementing the Traffic Regulation Order process subject of the above condition can be time consuming and therefore, in order to avoid unnecessary delays in the development being brought into use, the applicant should take steps to start the process as soon as is practicable. The cost of processing and implementing the Traffic Regulation Order shall be borne by the applicant. In the first instance the applicant should contact Gurnam Shergill (Senior Engineer) on 01274 434963 to discuss this matter further.

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**Area Planning Panel (Bradford)**

**15/04931/FUL**

10 February 2016



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ITEM NO. : 2	LOCATION: <b>Prince Of Wales Inn</b> <b>457 Allerton Road Bradford</b>
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**10 February 2016**

**Item Number:** 2  
**Ward:** THORNTON AND ALLERTON  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
15/04931/FUL

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

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.

**Applicant:**  
Mr Hussain

**Agent:**  
Khawaja Planning Services

**Site Description:**

457 Allerton Road is the former Prince of Wales Public House, currently unoccupied. The building is stone built surmounted by a stone slate apex roof, albeit the building has been extended in the form of a two-storey flat-roofed side extension and a single-storey flat-roofed extension to the rear. The property abuts the footpath to the front and is tight to the curtilage to the rear restricting external space and though there is an area of open land opposite, which was previously used for informal parking, this has now been enclosed and is no longer available.

**Relevant Site History:**

92/05583/ADV: Illuminated public house signage, granted 01.12.1992

**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***

UR3	Local impact of development
TM2	Impact of traffic and its mitigation
TM11	Parking standards for non-residential developments
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
D1	General design considerations

Shopfront Design Guide

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application has been publicised by a site notice and individual neighbour notification letters. The publicity period expired 14th November 2015. 22 representations have been received in objection to the proposed development.

**Summary of Representations Received:**

Highway safety and parking issues.

Visual amenity.

No requirement for an additional restaurant – This is not material planning consideration.

Noise and disturbance.

Reference is also made to past planning issues on the adjacent site. Whilst within the applicant's ownership, it is outside the red line and as such does not form part of the proposal. The application is assessed on its own merits.

**Consultations:**

Drainage: No objections subject to kitchens being fitted with grease separator.

Highways: The proposal is difficult to resist, but would like to see the land to the side of the property be used for parking.

**Summary of Main Issues:**

Principle.

Residential Amenity.

Visual Amenity.

Highway Safety.

## **Appraisal:**

### **Principle**

The proposal is for the conversion of the former public house into a new restaurant and to create two flats above. The development includes a first floor rear extension, a new external staircase, a new roof and the installation of a new shop front.

As a public house, the property falls within the A4 use class (Drinking Establishments) of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015. Under the provisions of this Order a change of use from one use class to another can, in some circumstances, occur without the requirement for planning permission; the change of use from an A4: Drinking Establishment to an A3: Restaurant is one such instance. This aspect of the proposal could therefore occur without planning permission.

A single residential unit is also already in existence on the upper floors therefore the application deals with the addition of a further residential flat and the physical alterations proposed. Given the established residential nature of the locality, the good public transport links and need for housing within the District, the principle of a further residential unit is supported.

The proposal however, remains subject to an appraisal of the local impact of the development and the main issues are assessed below.

### **Residential Amenity**

The proposal would not introduce any issues that would increase harm to neighbouring amenity than the established situation. As noted above, the use of the property as a public house (or restaurant under permitted development rights) and one flat is already established. The addition of a further flat will not in itself generate conditions prejudicial to neighbouring amenity.

The property is positioned such that it does not enjoy close relationships with neighbouring residential properties, with the nearest property, at 1 Upper Ferndown Green, positioned off the South-West corner. The proposed physical alterations and additions will therefore not directly impact neighbouring properties or their associated amenity spaces. The proposal therefore accords with policies UR3 and D1 of the RUDP which both, inter alia, seek to ensure that new developments preserve neighbouring amenity.

The amenity of the occupants of the flats can be preserved by a condition restricting the hours of operation of the restaurant till 23:00. This would be an improvement on the existing situation which, in planning terms, is unrestricted.

### **Visual Amenity**

The original building retains some character with a central door way and large windows to either side and above. The addition of the side extension has eroded this character somewhat, as whilst constructed of matching materials, the nature of the window openings and the roof form make it appear poorly related.

Since the initial site visit, works have commenced on site and though some aspects may not require consent (such as changing the roofing materials) other aspects require planning approval and these works are carried out at the owners risk. The loss of the building's original roof material has been a concern expressed in number of the representations received. The roof materials would need to be similar in appearance to those being replaced to be permitted development.

The change in form of the building is acceptable; whilst the building has some character that is desirable to retain, it is of no special architectural or historical merit alterations are thereby assessed on their individual merit. The surmounting of the building under one uniform roof would benefit the building's overall appearance and integrates the existing side extension with the main building. Given the proposal results in a new roof, a condition regarding the roof materials is reasonable and will ensure the quality of the development.

The shop fronts initially proposed have been amended as they paid no respect to the character or proportions of the building. The revisions simply seek to increase the size of the ground floor windows, with a single signboard proposed above. The signage would be subject to the requirement for express advertisement consent. These limited alterations maintain the appearance of the building's frontage.

The external staircase and first floor extension are relatively modest alterations, that will not have significant implications for the appearance of the building or wider locality. The staircase is to the side and given the appearance and proximity of neighbouring buildings the impact will be limited.

The proposed extension is a small lean-to extension to the rear of the building, positioned above the existing flat roof ground floor extension. The form and appearance is sympathetic to that of the main building and subject to the use of appropriate materials is visually acceptable.

The proposed works therefore satisfy the requirements of policy D1 of the RUDP.

### **Highway Safety**

The application comes with no off-street parking provision and as such is entirely reliant upon the local highway network. Parking for the public house previously occurred on an area of open land to the side of the building, but this was an informal arrangement, and its long term availability could not be guaranteed. This land, whilst now in the same ownership, is no longer likely to be available for use as there is an extant planning permission for a new A1 retail unit, and within the course of this application the land has been enclosed.

As noted above, the proposed restaurant use and one residential flat would not require planning approval, therefore the impact on the local highway network is only as a consequence of the additional flat. The addition of a modest two-bedroom flat would not generate a significant level of vehicular activity at the site, which could be further reduced by the availability of public transport in the locality.

Therefore, whilst the concerns raised in the majority of the representations received are noted, the granting of planning permission would not result in highway safety/parking issues above and beyond what could occur without prior planning approval.

**Community Safety Implications:**

None foreseen.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposed development would not result in significant implications for neighbouring amenity or highway safety, above and beyond what is already permissible and the physical alterations would maintain the appearance of the building. The requirements of policies UR3, D1, TM2, TM11, TM12 and TM19A of the RUDP are therefore satisfied.

**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 restaurant premises the subject of this decision shall not be open for business between the hours of 23:00 and 08:00 and no customer shall be served or otherwise make use of the premises between these hours.

Reason: In order to safeguard the amenity of nearby residents and to accord with policies UR3, D1 and P7 of the Replacement Unitary Development Plan.

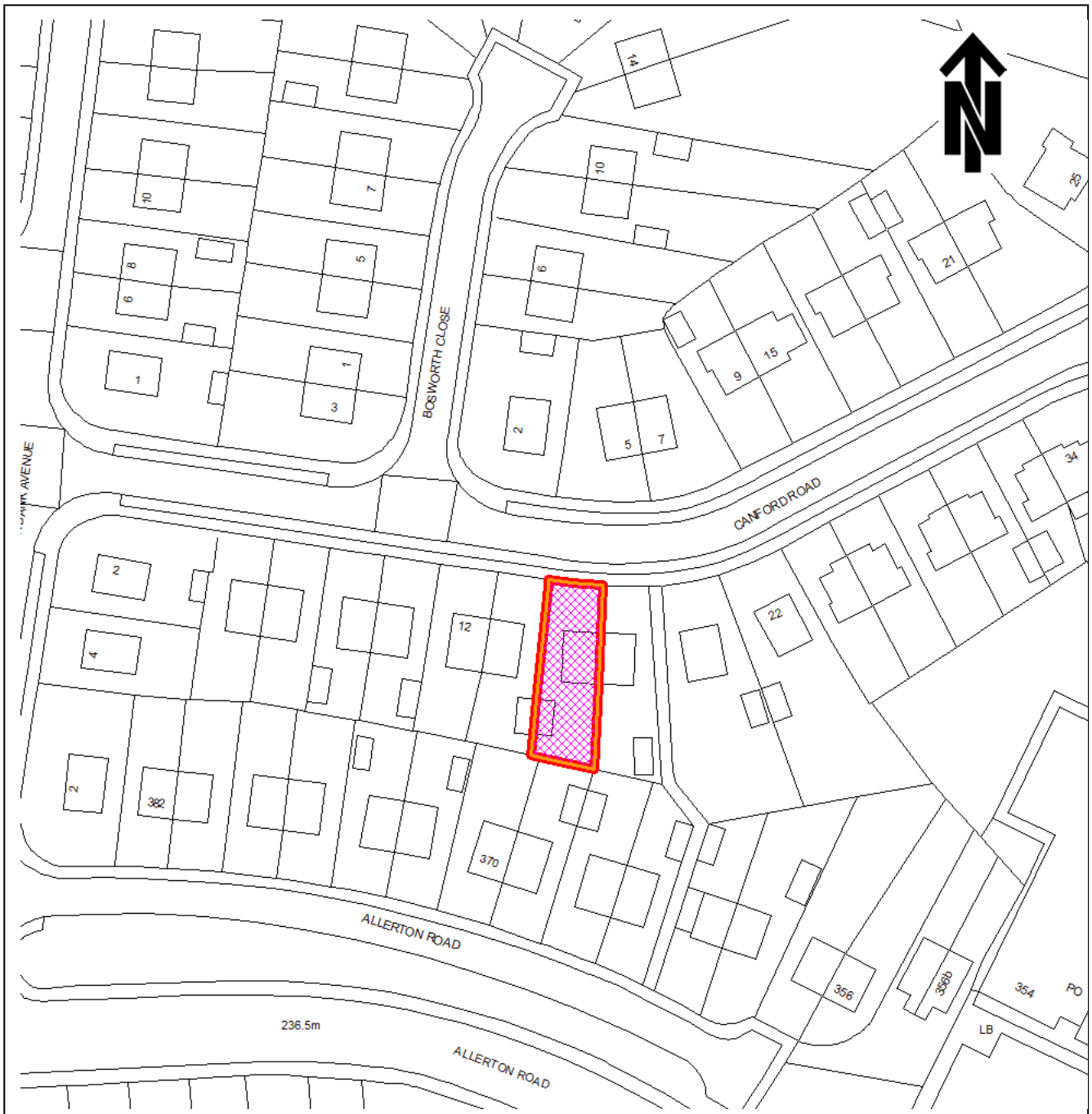
**Footnote:**

The applicant should be aware that drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-1:2004 and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal.

**Area Planning Panel (Bradford)**

**15/06864/HOU**

10 February 2016



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<p>ITEM NO. : <b>3</b></p>	<p>LOCATION: <b>16 Canford Road Bradford</b></p>
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**10 February 2016**

**Item Number:** 3  
**Ward:** THORNTON AND ALLERTON  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
15/06864/HOU

**Type of Application/Proposal and Address:**  
Construction of single-storey rear extension at 16 Canford Road, Bradford.

**Applicant:**  
Mr & Mrs A Hussain

**Agent:**  
Mr A Redmile, Architectural Design

**Site Description:**  
The dwelling is a semi-detached dormer bungalow constructed of brick with similar properties along Canford Road. The works subject of this application have commenced and appear to be close to completion. Timber fencing approximately two-metre high encloses the rear boundary.

**Relevant Site History:**  
14/02371/HOU: Construction of side and rear extension including dormer window to front, granted 20.08.2014.  
14/05043/PNH: Construction of single storey extension (depth 6 metres, maximum height 4 metres, height to eaves 3 metres), prior approval refused 07.01.2015.

**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 not allocated for any specific land use in the RUDP. Taking account of policies saved for the purposes of formulating the Local Development Framework the following RUDP policies are applicable to the proposal.

***Proposals and Policies***

UR3 The Local Impact of Development  
D1 General Design Considerations

Householder Supplementary Planning Document (HSPD)

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

Application publicised by way of neighbour notification letters. The overall expiry for the publicity was 17 December 2015. Six letters of support, and one in objection, have been received.

**Summary of Representations Received:**

**In Objection**

Overlooking.  
Extension almost built.  
Two storey and built to the side as well.  
Takes up most of garden.  
Appearance out of keeping with whole row of houses.

**In Support**

Approval would allow applicants and their young family back into the house and stop the disruption they are facing causing them tension and stress.  
Applicants trying to achieve the best environment and home for their 4 children who will benefit due to current lack of space.  
Proposal would elevate this area and set a precedent for other neighbours.  
Appreciate awkward house layout when living with a family.  
No loss of light and privacy.  
Approval would allow works to be completed so that everybody can get back to normality.  
Allegation that applicant let down by their first architect.  
Refusing planning permission would make the business that is run from home suffer with financial impacts.

**Consultations:**

Drainage: No comments received.

**Summary of Main Issues:**

1. Impact on the Local Environment.
2. Residential Amenity.
3. Outstanding Representations.

## **Appraisal:**

### **Impact on the Local Environment**

The HSPD requires the size, position and form of extensions to improve the character and quality of the original house and wider area. Due to the overall 5-metre depth of the proposed extension the ridge is above the eaves of the existing house and visually this not a poor relationship with the host premises. However due to rear location of this extension and its relatively inconspicuous siting, the design would be acceptable in light of Policy D1 of the RUDP and the HSPD.

### **Residential Amenity**

The depth of the proposed extension is 2 metres and taking into account of the existing 3-metre deep extension (approved under 14/02371/HOU) the overall net depth from the original host property would exceed the limit set by the HSPD, which normally limits single storey extensions to 3 metres in depth. As such there exists a harmful loss of amenities for the occupiers of the adjoining semi-detached property at 18 Canford Road.

The proposed extension would face onto a rear, close-boarded fence of approximately 2 metres in height at a distance of over 7 metres. By virtue of this screening and degree of separation there would be no loss of privacy for residents to the south of the site i.e. to Allerton Road.

### **Outstanding Representations:**

#### Objections

Extension almost built.

Comment: This is noted and accepted that works have commenced and is towards the latter stage of completion.

Two storey and built to the side as well.

Comment: The proposal is for a single storey extension. The two-storey side extension has been granted approval under ref 14/02371/HOU.

Takes up most of garden.

Comment: The HSPD requires less than half of the useable curtilage area to be occupied by extension. This criteria is not met hence the proposed extension constitutes over-development.

#### Support

Approval would allow applicants and their young family back into the house and stop the disruption they are facing causing them tension and stress.

Approval would allow works to be completed so that everybody can get back to normality.

Comment: The extension requires planning permission and has to undergo the necessary due process for determination. Any resultant disruption, etc. would be under the sole control of the applicant.

Applicants trying to achieve the best environment and home for their 4 children who will benefit due to current lack of space.

Appreciate awkward house layout when living with a family.

Comment: The existing layout of the house does not appear to be unduly awkward. The existing and proposed plans show, essentially, an extended lounge area.



Proposal would elevate this area and set precedent for other neighbours.

Comment: The design and appearance are assessed above. There is no principle of precedent in the English planning system as each application has to be assessed in its own merits.

Allegation that applicant let down by their first architect.

Comment: This is a private matter.

Refusing planning permission would make the business that is run from home suffer with financial impacts.

Comment: The Council is not aware of any business being run at the application premises. The submitted plans indicate that the application house is solely limited to domestic purposes so any material change of use would require a separate planning permission.

**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 quality 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:**

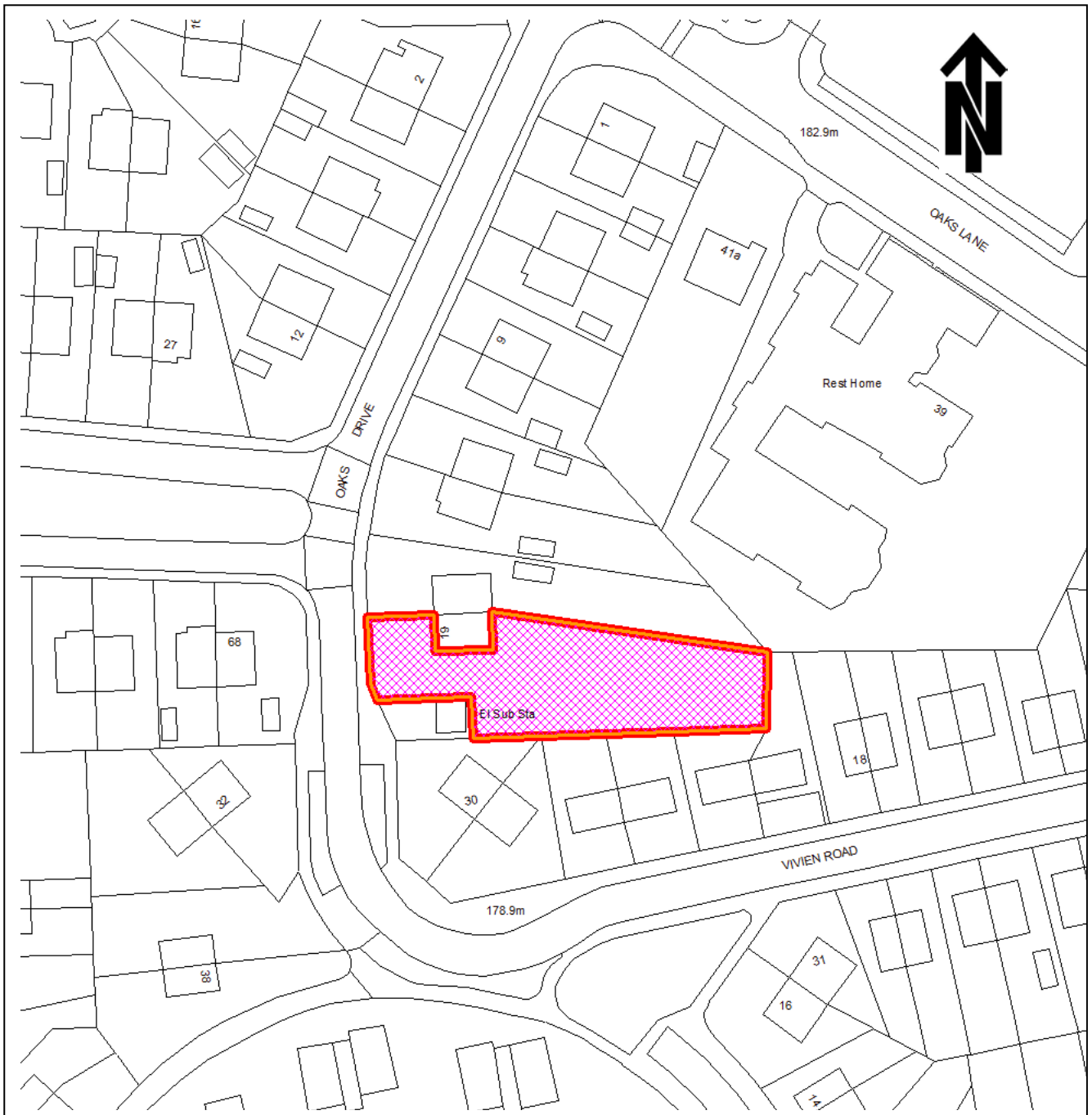
The excessive rear projection of the proposed extension would result in over-domination, overshadowing, loss of outlook and loss of natural daylight to the detriment of the amenities of the occupants of the adjoining property at 18 Canford Road. As such the application fails to comply with the Council's adopted Householder Supplementary Planning Document and policies UR3 and D1 of the Replacement Unitary Development Plan.

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**Area Planning Panel (Bradford)**

**15/02339/FUL**

10 February 2016



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ITEM NO. : 4	LOCATION: <b>19 Oaks Drive Bradford</b>
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**10 February 2016**

**Item Number:** 4  
**Ward:** CLAYTON AND FAIRWEATHER GREEN  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
15/02339/FUL

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

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.

**Applicant:**

Mr Abdul Zaman

**Agent:**

Mr Michael Rowley

**Site Description:**

The site is the garden area of the property at 19 Oaks Drive. The garden is generous in its proportions and contains two protected trees. Access to the site is via the driveway to the host property. The surrounding area is residential with semi-detached properties being the dominant form.

**Relevant Site History:**

05/05468/FUL: Construction of detached dwelling, refused 22.12.2005 due to (1) residential amenity and (2) lack of information on protected tree on 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**

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

TM12: Parking standards for residential developments

TM19A: Traffic management and road safety

D1: General Design Considerations

NE5: Retention of Trees on Development Sites

NE6: Protection of Trees During Development

NR16: Surface Water Run Off and Sustainable Drainage Systems

P6: Unstable Land

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised by site notice and individual notifications letters. A second period of publicity was initiated after receipt of amended plans on 2 September 2015. Nine letters of objection and one from a Clayton and Fairweather Green Ward Councillor have been received, the latter requesting that the application be referred to the Bradford Area Planning Panel.

**Summary of Representations Received:**

Adverse effect on residential amenity (loss of view and outlook).

Overlooking concerns.

Loss of wildlife.

**Consultations:**

Highways: No objections.

Trees officer: Objection to the proposal.

Coal Authority: Initial objection to the application, but revised details address the concerns raised, subject to conditions.

Conservation: No objections.

Drainage: No objections, however, provision must be made to deal with the watercourse across the site.

**Summary of Main Issues:**

Principle of development.

Residential amenity.

Visual impact.

Highway safety.

Trees.  
Drainage.  
Coal report/risk assessment.  
Outstanding issues raised by representations received.

**Appraisal:**

**Principle of Development**

The site forms the rear garden of the property and although not classified as previously developed land, its development for residential purposes would not result in any significant harm to the visual character of the area and would make a modest contribution to the Districts housing demand. The site is also located in a sustainable location, close to public transport links and services and easy access to larger centres. Given the above, it is considered that the principle of development is acceptable.

**Residential Amenity**

The proposal has been amended since its original submission to address concerns in relation to amenity impacts. The dwelling has been re-designed with a roof slope facing away from the properties on Vivien Road to the south. Although the dwelling will be located on a higher level than these properties, the plans show compliance with a 25-degree test for the effects of overbearing and loss of outlook. The reduction in the scale of the dwelling and its re-design have resolved issues of overbearing upon these properties to an acceptable degree. No direct overlooking will occur towards Vivien Road as no habitable room windows are proposed in the southern elevation of the dwelling. Within the site itself, issues of overlooking between the proposed and existing properties have been resolved by carefully placing habitable room windows to avoid direct views between the properties, given that there is only a facing distance of 13 metres between them. A bathroom window is proposed at first floor level closest to the host property which can be obscure glazed to prevent direct overlooking. A proposed fence will prevent any overlooking at ground floor level. Overlooking will not occur to the amenity area of the property to the north (No 21 Oaks Drive) as no habitable room windows are proposed to the side elevations of the dwelling. Overall, the scheme would not result in any unacceptable impacts upon amenity.

**Visual Impact**

The proposal will occupy a large footprint and will be a substantial building within the site; however, it will not be highly prominent within the general street scene and has been designed to be sympathetic to the area. The use of stone for its would enhance the street scene given the predomination of render in the surrounding area. Overall, the dwelling will not significantly detract from the street scene.

**Highway Safety**

The proposal would not result in significant concerns for highway safety; there is sufficient off-street parking for both existing and proposed dwellings and access from the existing driveway is considered acceptable without significant intensification of use of the site.

### **Trees**

The site contains two large trees, protected by a preservation order. Two arboriculture reports have been submitted in order to assess the impact the proposal will have on these trees. The latest report shows the footprint of the proposed dwelling which will be located partly within the root protection area (RPA) of the tree. The report and survey also plots the crown spread of the tree after the recent approval to reduce it by 10% has been carried out. The proposed dwelling is too close to the protected tree. The remaining crown spread will be affected by the dwelling and further works to the tree will be inevitable to allow the property to be constructed and occupied. Furthermore, in future, to allow a reasonable level of accommodation and living conditions for occupants of the dwelling, there will be further pressure to either prune the tree or remove it to allow adequate light and outlook to the building.

The tree report suggest mitigation measures during construction include areas designated to be kept clear of construction materials and machinery, tree-friendly foundation measures and drainage proposals to allow water to flow to the tree to aid its survival. However, none of these measures would be adequate or successful in preserving the tree both during construction and in the future, given the scale and location of the dwelling in relation to the tree. In summary, the proposal fails to allow adequate protection of the protected tree and is contrary to policy NE5 of the RUDP.

### **Drainage**

There are no significant drainage issues at the site and conditions can address the details of any proposed drainage system to serve the new unit and to determine how the watercourse, which crosses the site, will be affected by the development.

### **Coal Report/Risk Assessment**

The application did not initially contain a risk assessment or information regarding the existence of coal mining features within the site, which could affect the safety of the new development as the site is located within a high risk area. Subsequently, two reports and assessments have been submitted which have concluded that the site is generally safe to develop subject to a condition that a physical site investigation is carried out prior to commencement of development. This investigation would assess whether there is a mine shaft within the site, however, it is confirmed by the Coal Authority that giving a precise location for this shaft would be difficult due to its age. Given the findings of the latest risk assessment, the development would not pose a significant risk in terms of ground stability and could proceed with a precautionary condition as above.

### **Outstanding Issues Raised by Representations Received**

Loss of wildlife.

Comment: There is no evidence of harm to wildlife as a result of this proposal; the site is not designated as, or within close proximity to, a protected wildlife site.

### **Community Safety Implications:**

None significant.

**Equality Act 2010, Section 149:**

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

**Reasons for Refusal:**

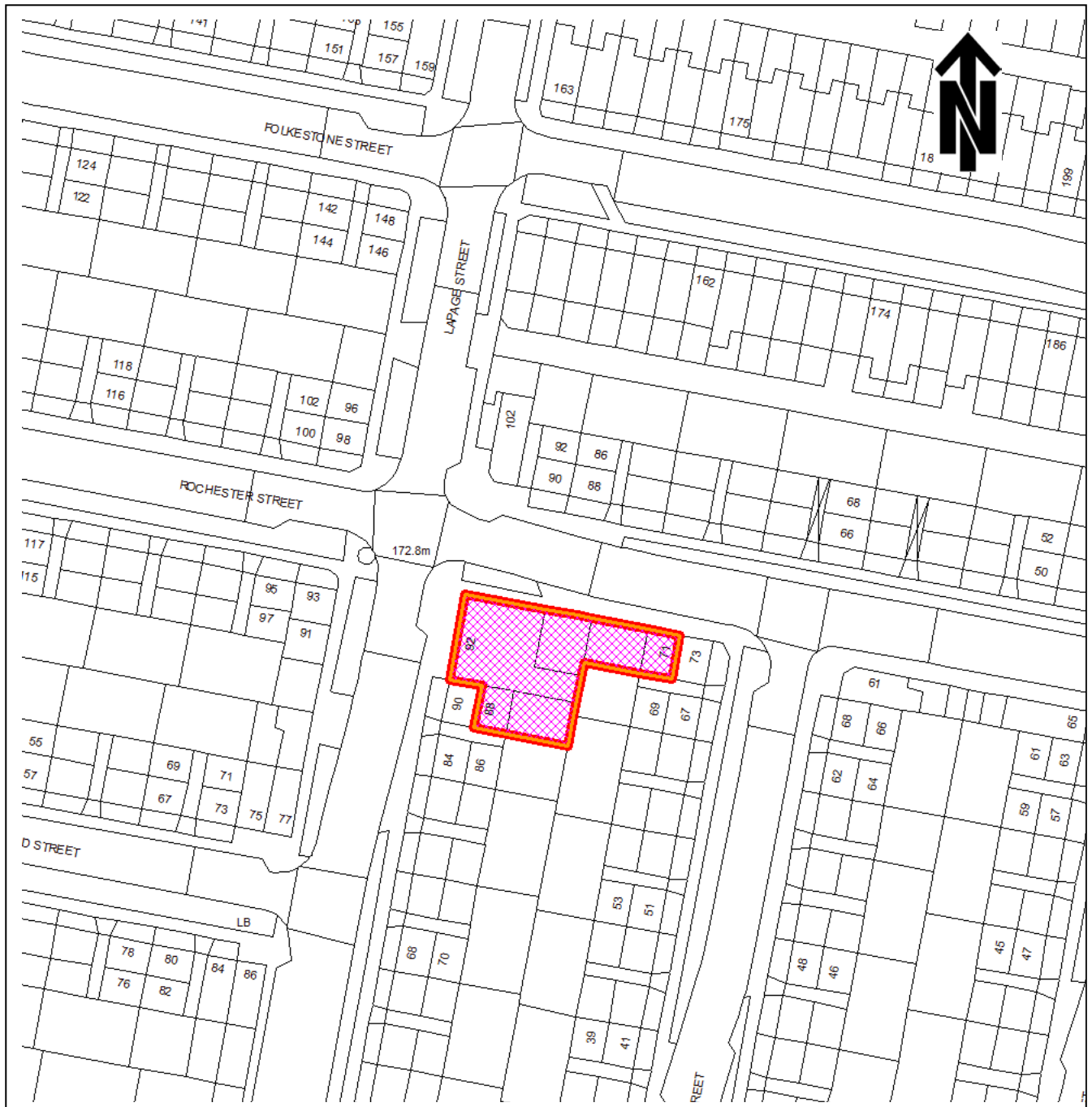
The proposed development will result in harm to the existing protected tree on the site due to the proximity of the dwelling to the tree, its encroachment into the root protection area of the tree and the pressure the development will place on the tree in the future in terms of further pruning/removal of the tree. The proposal is therefore contrary to Policy NE5 of the Replacement Unitary Development Plan.

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**Area Planning Panel (Bradford)**

**15/06962/FUL**

10 February 2016



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<p>ITEM NO. : <b>5</b></p>	<p><b>LOCATION:</b> <b>Dar-UI-Aloom Jamia Mohammadia</b> <b>92 - 96 Lapage Street Bradford</b></p>
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**10 February 2016**

**Item Number: 5**  
**Ward: BRADFORD MOOR**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
15/06962/FUL

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

A full planning application for the construction of a first floor rear extension to the Dar-UI-Aloom Jamia Mohammadia Mosque at 96 Lapage Street, Bradford Moor, Bradford.

**Applicant:**

Mr Mohammad Naeem

**Agent:**

Ziad Younis

**Site Description:**

92-96 Lapage Street is sited at the junction between Lapage Street and Rochester Street, facing the latter. The building was formerly three terrace buildings which have been merged and converted into a mosque. The locality is residential, characterised by long rows of terraced dwellings of a like design and appearance. The mosque and the residential properties benefit from enclosed yards, generally to the rear. The mosque abuts the yard of properties off Acton Street, and as an end of row property, runs alongside Lapage Street. The property has been extended in the past in the form of a front extension, and a single storey rear extension is also currently under construction.

**Relevant Site History:**

82/07931/COU: Change of use of food shop to fish and chips, refused 26.01.1983  
97/01667/COU: Change of use from storage room to dwelling, granted 30.07.1997  
00/03765/COU: Change of use from retail and residence to Islamic Education Centre and residence, granted 20.04.2001  
01/03834/FUL: Construction of outbuilding to house wash area of property, granted 11.01.2002  
03/00678/VOC: Variation of condition 3 on application 00/03765/COU to allow use of premises as a Mosque, granted 02.04.2003  
09/04153/FUL: Construction of front extension to mosque and improvement of ablution block, disabled access and fire escape, refused 20.10.2009  
10/00709/FUL: Front extension to mosque and improvement of disabled access, fire escape and alterations to toilets and ablutions, granted 17.05.2010  
13/03036/FUL: Removal of existing ablution area and construction of hall, granted 03.10.2013  
14/02781/FUL: Removal of existing ablution area and construction of hall: amendments to rear extension, granted 22.08.2014

15/01178/FUL: Retrospective application for removal of existing ablution area and construction of a basement and two storey rear extension, refused 27.05.2015 on grounds of harm to neighbouring amenity and poor design.

**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***

Community Priority Area

***Proposals and Policies***

UR3 The Local Impact of Development

D1 General Design Considerations

**Parish Council:**

Not in a parish,

**Publicity and Number of Representations:**

The application has been publicised via a site notice and individual neighbour notification letters. The publicity period expired on 2 January 2016. Two representations have been received from Bradford Moor Ward Councillors.

**Summary of Representations Received:**

Both representations support the proposal as it is considered that the proposed extension would not be harmful to local or neighbouring amenity.

**Consultations:**

Drainage – No comments.

Highways Development Control – No objections as there is ample on street parking and most worshippers are anticipated to walk to the mosque.

**Summary of Main Issues:**

The impact on the residential amenity of neighbouring properties.  
The impact on the visual amenity of the locality.

**Appraisal:**

The application is submitted against an extensive planning history, where planning permissions have been granted for developments which do not strictly meet the relevant Council planning policies. In the determination of the single storey rear extension, currently under construction, it was accepted that there would be some implications for neighbouring amenity in terms of an overbearing relationship and an increase in overshadowing. However, following recommended revisions to the form of the extension, an 'on balance' decision was taken, where the needs of the mosque and the associated benefits to the local community were seen to outweigh any harm.

Guidance has been provided throughout, that additional extension of the mosque would be extremely difficult given the very restricted nature of the site and the proximity to neighbouring residential properties. Whilst some of the neighbouring properties (71 Acton Street and 88 Lapage Street), are within the ownership of the mosque 69 Acton Street, which also shares a boundary with the mosque, remains in private ownership. Notwithstanding ownership of the properties, they all remain within a residential use and have right to protection of their amenities.

In light of the above, planning application reference 15/01178/FUL for an additional storey to the rear was refused in May 2015 on grounds of harm to neighbouring amenity and poor design. The current application seeks to overcome these reasons for refusal by reducing the depth of the first floor and changing the roof form.

It is accepted that in amending the roof form the design issue have been resolved. The lean-to design currently proposed represents a sympathetic addition that will maintain the appearance of the building and sit comfortably within the street scene. The issue in respect of neighbour residential properties amenity however, remains a significant concern.

The approved single storey rear extension was amended in its form and design in order to limit the impact on neighbouring amenity. The proposal to add a further storey to the extension would unbalance the relationship between the mosque and the neighbouring residential properties. The additional height and massing will result in a loss of outlook, overshadowing and an overbearing relationship, that will adversely impact both habitable room windows and the only available private amenity space. This will impact all the three of the residential properties which share a boundary with the mosque.

The impact on 88 Lapage Street is likely to be the most significant as the property is set at a lower level, and the extension runs alongside the entirety of the shared boundary, clearly breaking a 45-degree line taken from the ground floor habitable window. This relationship is already compromised and the extension will exacerbate this situation increasing the feeling of enclosure and level of overshadowing experienced by occupants of this property.

The fact that the extension will improve the facilities on offer to the local community has been considered, and was given weight as part of the previous approval, however, in this instance the resulting harm to neighbouring amenity is considered to outweigh the potential benefits. The proposal is therefore contrary to policies UR3 and D1 of the RUDP.

**Community Safety Implications:**

None foreseen.

**Equality Act 2010, Section 149:**

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

**Reasons for Refusal:**

The development would by reason of its scale, massing and proximity to shared boundaries result in a physically dominating relationship, increased overshadowing and loss of light to the detriment of the amenity of neighbouring residential properties. The development is therefore contrary to policies UR3 and D1 of the Replacement Unitary Development Plan.

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### Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (BRADFORD) to be held on 10 February 2016

**N**

#### Summary Statement - Part Two

##### Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action (page 32)	(4)
Decisions made by the Secretary of State – Allowed (page 40)	(1)
Decisions made by the Secretary of State – Dismissed (page 40)	(2)
Miscellaneous Item (page 41)	

Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: [mohammed.yousuf@bradford.gov.uk](mailto:mohammed.yousuf@bradford.gov.uk)

**Portfolio:**  
Housing, Planning & Transport

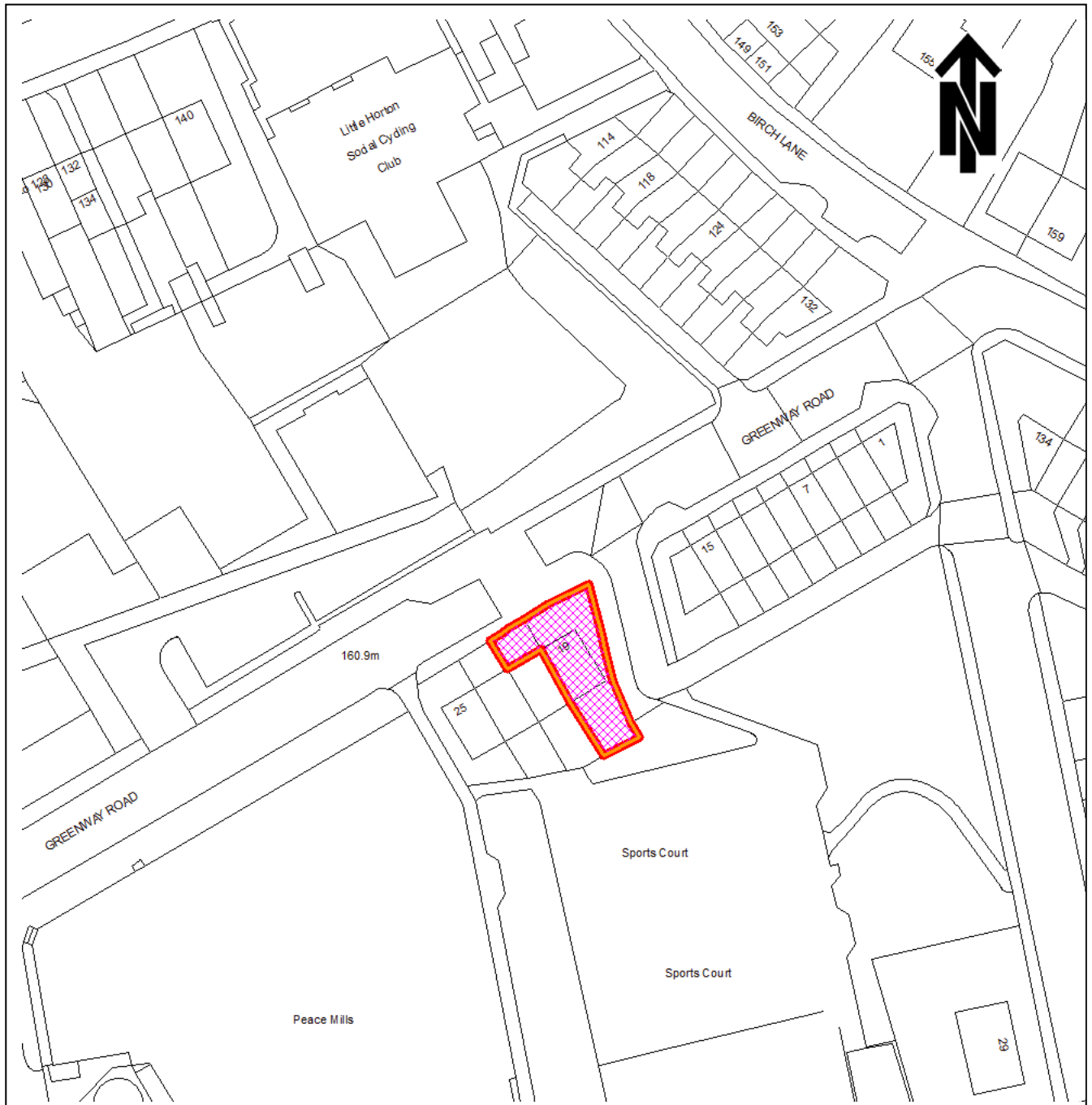
**Overview & Scrutiny Committee Area:**  
Regeneration and Economy



**Area Planning Panel (Bradford)**

**15/00309/ENFUNA**

10 February 2016



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<p>ITEM NO. : <b>6</b></p>	<p>LOCATION: <b>19 Greenway Road Bradford</b></p>
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**10 February 2016**

**Item Number: 6**  
**Ward: LITTLE HORTON**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/00309/ENFUNA

**Site Location:**  
19 Greenway Road, West Bowling, Bradford, BD5 8PD

**Breach of Planning Control:**  
Construction of rear extension.

**Circumstances:**  
It was brought to the attention of the Local Planning Authority that the occupier of the above property had constructed a new rear extension for which planning permission was required and had not been obtained. The development was challenged as unauthorised, however, no action was taken to rectify the breach.

The unauthorised extension due to the use of inappropriate materials, poor design, scale and prominent location is considered to be significantly detrimental to the visual amenity, character and appearance of the existing property and overshadow and be overdominant to the detriment of the residential amenity of the occupiers of the dwelling.

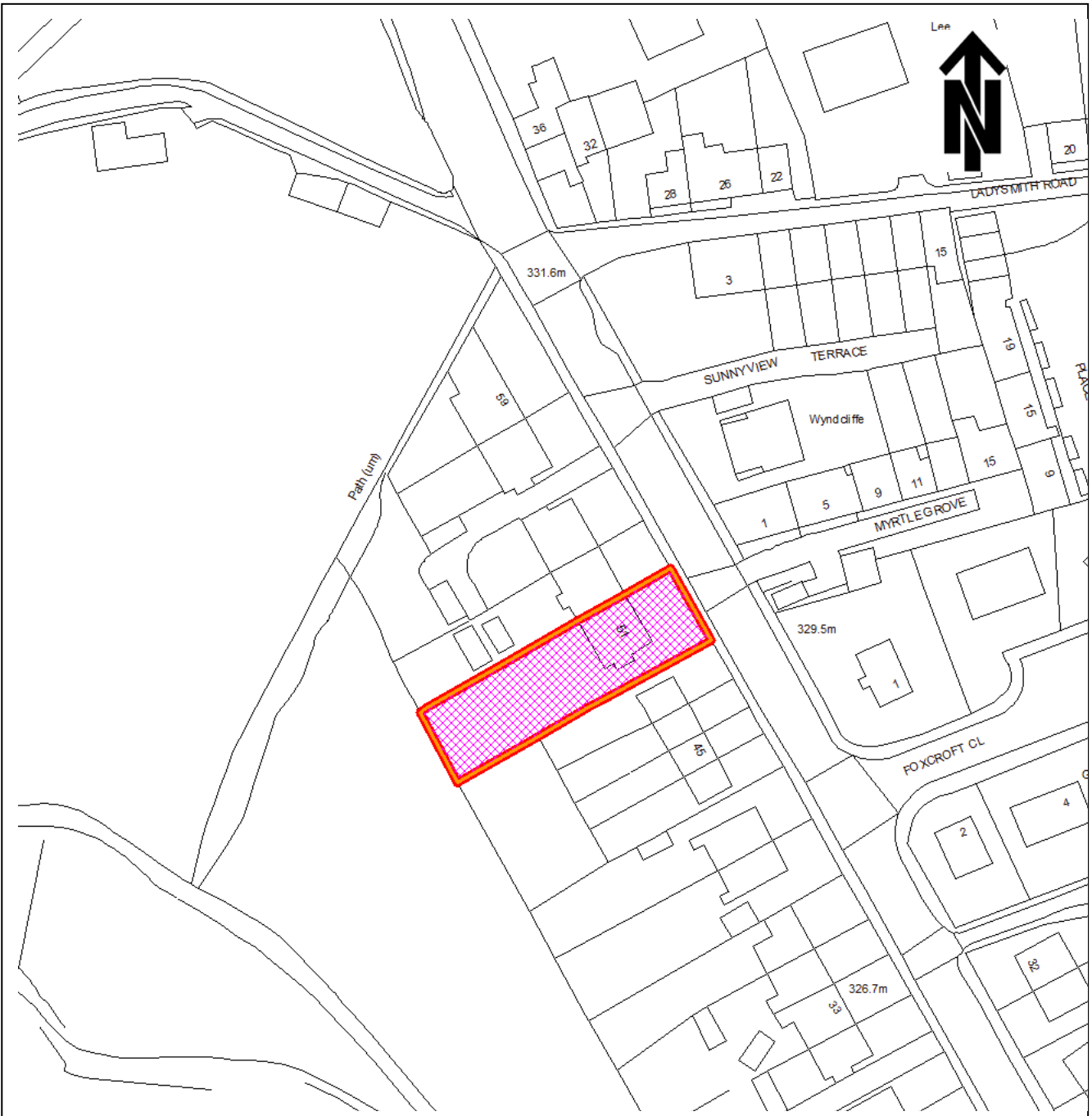
The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 30 December 2015.

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**Area Planning Panel (Bradford)**

**15/00370/ENFUNA**

10 February 2016



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ITEM NO. : 7	LOCATION: <b>51 Roper Lane Queensbury Bradford</b>
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**10 February 2016**

**Item Number:** 7  
**Ward:** QUEENSBURY  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/00370/ENFUNA

**Site Location:**  
51 Roper Lane, Queensbury, Bradford, BD13 2DQ.

**Breach of Planning Control:**  
Construction of raised timber platform.

**Circumstances:**  
It was brought to the attention of the Local Planning Authority that the occupier of the above property had constructed a new raised timber platform for which planning permission was required but had not been sought. A retrospective application was submitted for consideration however was refused.

The unauthorised timber platform is detrimental to the residential amenity of the occupiers of the adjacent dwelling by reason of overlooking, overshadowing and being overbearing and is therefore contrary to the Councils Householder Supplement Planning Document, Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan and national policy set out in the National Planning Policy Framework

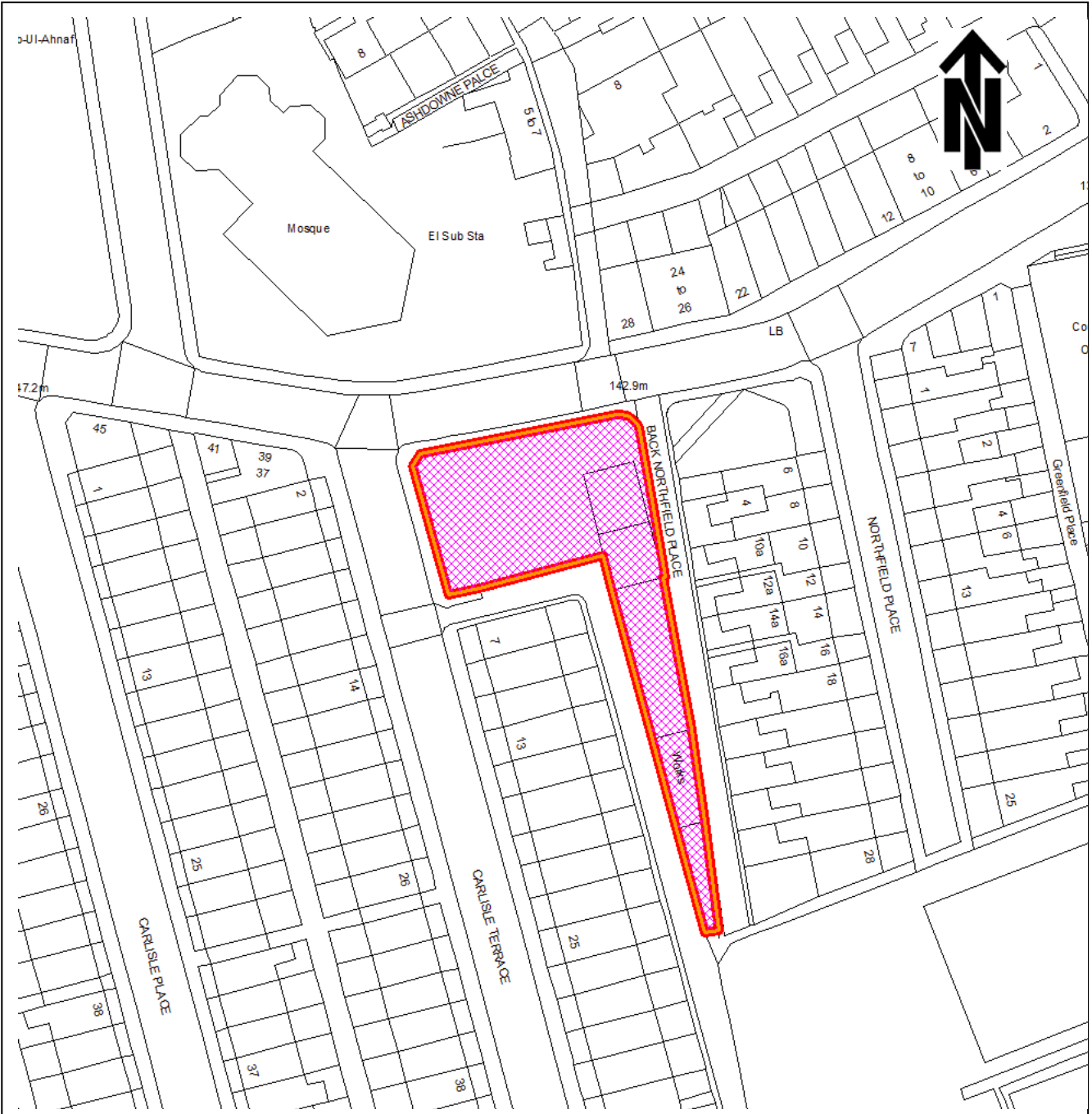
The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 30 December 2015.

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Area Planning Panel (Bradford)

15/00997/ENFUNA

10 February 2016



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ITEM NO. : 8	LOCATION: <b>Northfield Works</b> <b>Carlisle Terrace Bradford</b>
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**10 February 2016**

**Item Number: 8**  
**Ward: MANNINGHAM**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/00997/ENFUNA

**Site Location:**  
Northfield Works, Carlisle Terrace, Bradford, BD8 8AQ

**Breach of Planning Control:**  
Unauthorised canopy structure.

**Circumstances:**  
In August 2015 the Local Planning Authority received an enquiry regarding a structure being erected at the property.

An inspection showed that a canopy structure had been erected, for which the Council had no record of planning permission having been granted.

The occupier of the property has been requested to take action to rectify the breach of planning control, however no action has been taken to date.

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

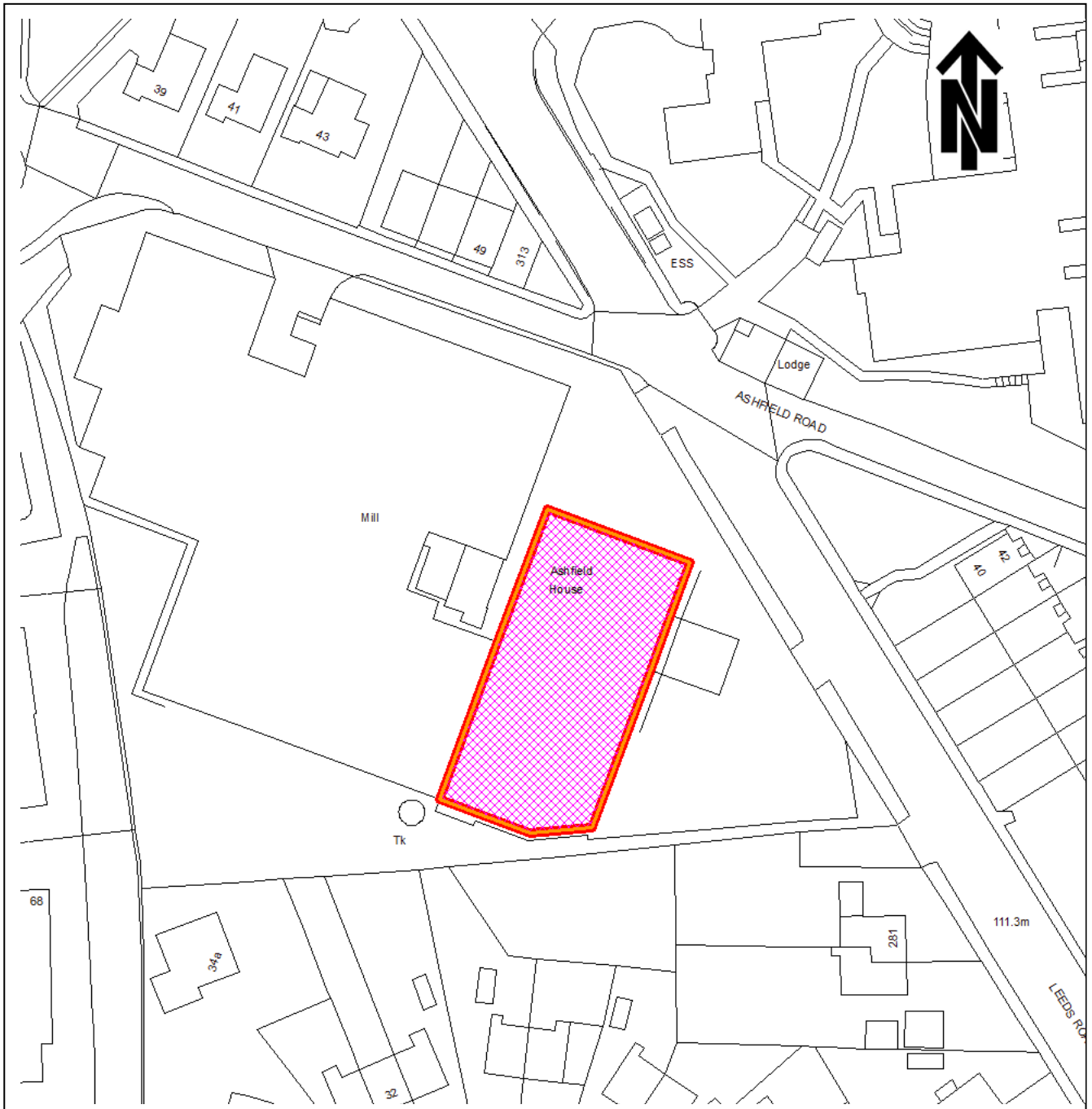
It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised canopy structure is detrimental to visual amenity by virtue of its design and appearance, contrary to Policies D1, D10, UR3 and UDP3 of the Council's adopted Replacement Unitary Development Plan.

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Area Planning Panel (Bradford)

15/00118/ENFCOU

10 February 2016



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ITEM NO. : 9

LOCATION:

**Part Of Ashfield Mills  
289 Leeds Road Bradford**

**10 February 2016**

**Item Number: 9**  
**Ward: IDLE AND THACKLEY**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
15/00118/ENFCOU

**Site Location:**  
Ashfield Mills, Leeds Road, Bradford, BD10 9AH

**Breach of Planning Control:**  
Unauthorised Class A1 retail use.

**Circumstances:**  
In October 2006 planning permission 06/04729/COU was granted by the Council to use the property for a Class B8 warehousing and storage. The approved floor plan indicates a small area within the property for ancillary retail use.

In February 2015 it was noted that at least half of the property was being used for Class A1 retail purposes, for which the Council had no record of planning permission having been granted.

The owner/occupier of the property has been requested to take action to rectify the breach of planning control, however no action has been taken to date.

On 8 January 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised Class A1 retail use of the property is contrary to Policies CR1A, CR4A and UDP6 of the Council's adopted Replacement Unitary Development Plan, due to the location of the property outside a designated Local Centre.

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## DECISIONS MADE BY THE SECRETARY OF STATE

### Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
10	Heaton (ward 12)	12 Bingley Road Bradford BD9 6HH  Construction of rear dormer window with hip to gable extension - Case No: 15/03836/HOU  Appeal Ref: 15/00144/APPHOU

### Appeals Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
11	Heaton (ward 12)	11 Redburn Avenue Shipley BD18 3AT  Appeal against Enforcement Notice - Case No: - 12/00347/ENFAPP  Appeal Ref: 15/00068/APPENF
12	Bradford Moor (ward 06)	19 Upper Rushton Road Bradford BD3 7HU  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

### Appeals Upheld

There are no Appeal Upheld Decisions to report this month

### Appeals Upheld (Enforcements Only)

There are no Appeal Upheld Decisions to report this month

### Appeals Withdrawn

There are no Appeal Withdrawn Decisions to report this month

### Appeal Allowed in Part/Part Dismissed

There are no Appeals Allowed in Part/Part Dismissed to report this month

**10 February 2016**

**MISCELLANEOUS ITEM**

**Item Number: 13**  
**Ward: Queensbury**  
**Recommendation:**  
**THAT THE PETITION BE NOTED**

**TPO Reference:**  
**15/00007/A – Old TPO Reference: 446**

**Site Location:**  
Land off Dunnock Avenue, Clayton Heights, Bradford

**Circumstances:**

The Local Planning Authority has 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.

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