

## Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 7 December 2016 at the Banqueting Hall - City Hall, Bradford

Commenced      10.00 am  
Concluded        11.30 am

**Present – Councillors**

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Rickard Shaw	Lee Wainwright Amran Azam	Stelling

**Councillor Lee in the Chair**

**18. DISCLOSURES OF INTEREST**

No disclosures of interest in matters under consideration were received.

**19. MINUTES**

That the minutes of the meetings held on 20 July and 7 September 2016 be signed as a correct record.

**20. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

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

**21. PUBLIC QUESTION TIME**

There were no questions submitted by the public.

**22. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL**

The Strategic Director, Regeneration presented **Document “G”**. Plans and photographs were displayed in respect of each application and representations summarised.



**(a) Poplars, 521 Harrogate Road, Bradford**

**Eccleshill**

A householder application for the construction of a boundary wall, detached garage and new gated access onto Harrogate Road and Beckwith Drive at 521 Harrogate Road, Bradford - 16/07250/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was for the construction of a boundary wall, garage and new access. It was noted that the new wall would be stone faced and would replace a previous wall and hedge. The garage would be largely screened from public view due to the ground levels on the site. The Strategic Director, Regeneration then recommended the application for approval, subject to the conditions as set out in the report.

**Resolved –**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration’s technical report.**

***Action: Strategic Director, Regeneration***

**(b) 228 Parkside Road, Bradford**

**Little Horton**

Demolition of existing derelict bungalow and construction of new two-storey place of worship (D1) at 228 Parkside Road, West Bowling, Bradford - 16/04818/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. Members were informed that the application was for the demolition of the existing bungalow and the construction of a two storey place of worship with eight parking spaces provided. The site was unallocated and the principle of development was accepted. A large number of representations had been submitted against and in support of the scheme and the issues were detailed in the officer’s report. Consultations had been undertaken with Council Departments and the Environmental Health Team had raised objections to the use outside of the hours 0730 to 2000. The scale and form of the proposed building would look unusual in the street scene, though the materials would match those in the area. Members noted that the car parking provision was adequate, however, the issue was in relation to residential amenity. It was a quiet area and the proposed use would attract people early mornings and late evenings. The Strategic Director, Regeneration reported that the applicant had provided a calendar of prayer times, which commenced prior to 0700 hours and finished after 2300 hours. He stated that if the use was restricted via a condition, then it would be nullified, however, the potential for large numbers of visitors to the site early or late would disturb residents. The application was then recommended for refusal as per the reason set out in the report.



In response to Members' questions, the Strategic Director, Regeneration stated that:

- On balance it was considered that there would be sufficient on-street parking to cope with the peak demand.
- The other facility in the area operated similar hours to those proposed.
- The hours of operation could be controlled by a condition but it may be unreasonable if the condition was unduly restrictive and nullified the benefit of the development. If the facility was unable to function before 0700 hours and after 2300 hours, then the condition would be unreasonable as these hours were part of the function of a Mosque.
- There was no requirement in relation to the control of numbers inside the building, as this was covered by Fire Regulations.
- No details had been submitted in relation to speakers on the building and they would require planning permission.

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

- He lived adjacent to the site.
- There were no parking facilities in the area and cars were parked indiscriminately which caused chaos.
- The Council's Parking Enforcement Team had been contacted.
- A land search had been undertaken and not more than one storey building should be constructed.
- He had requested that a bat survey be undertaken, as there were bat colonies in his garden.

In response to some of the comments made the Strategic Director, Regeneration indicated that there may be a covenant on the land restricting building, however, this was a private matter and added that the National Planning Policy Framework (NPPF) placed a duty on developers to ensure that land was safe and stable. With regard to the undertaking of a bat survey, the only issue was the demolition of the existing bungalow and unless bats were found to roost on the site the Planning Department was unable to progress the matter. There was other legislation that covered the issue and the developer must ensure that bats would not be endangered.

A supporter of the application was present at the meeting and made the following points:

- A significant number of Muslims lived in the area and there was no place of worship that was fit for purpose.
- The community had purchased the land with the aim to build a Mosque.
- Over 200 families were in support of the proposal.
- The site had been derelict for many years.
- It was in the best interest of the community to work with residents to ensure that the inconvenience was limited.
- There were no major issues, only the hours of operation.
- The first and final prayer times were out of the specified times requested,



but would not always be and equated to less than 5% of the use of the building.

- Prayers were important.
- The development would provide many opportunities for employment, the local economy and would not create an inconvenience to local residents.
- Conditions could be placed on the application.
- Speakers would not be required outside the building.
- The education centre in the vicinity was not fit for purpose, therefore, the aim was to close it and move the facility to the new building.

A Member queried whether the applicant's suggested hours of use were acceptable and could be conditioned. In response the Strategic Director, Regeneration confirmed that the proposed hours of 0700 to 2300 hours conflicted with previous information provided that stated the first prayer would be prior to 0700 hours. The Council's Environmental Health Team had also requested that the hours of operation be restricted to 0730 to 2000 hours.

During the discussion Members acknowledged that the development would be a place of worship, however, the hours of use were not acceptable in a residential area.

**Resolved –**

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

***Action: Strategic Director, Regeneration***

**(c) 40 Brackendale Avenue, Thackley, Bradford Idle and Thackley**

A full planning application for the construction of one dwelling within the garden area of 40 Brackendale Avenue, Thackley, Bradford - 16/04378/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that the application proposed the construction of a dwelling within the garden area that backed onto an area of woodland that was covered by tree protection orders (TPOs). A number of representations in support and against, including a petition, the scheme had been submitted and the issues were noted in the officer's report. Consultations had been undertaken with various Council Departments and the Trees Team had objected to the development due to the proximity to the protected trees. The Strategic Director, Regeneration stated that there was a lack of housing in the District and, therefore, the principle of development was accepted. He confirmed that the dwelling would be single storey and not impact on neighbouring properties, however, it would be in close proximity to three of the protected trees in the woodland to the rear. The windows at the back would overlook the trees and the rooms would be dark, which could warrant pruning or removal and, therefore, have a significant impact. The application was then



recommended for refusal for the reason as set out in the report.

In response to Members questions, the Strategic Director, Regeneration confirmed that objectors to the proposal lived in the vicinity, whereas those in support resided some distance away. He explained that the trees affected were part of a wider wooded area on a separate site and owned by a different person.

The applicant's agent was present at the meeting and made the following comments:

- The issues with the protected trees were acknowledged and they could not be pruned without permission.
- The trees were not within the application site boundary.
- The Council's Trees Team had been consulted and the applicant had submitted a full tree survey, which stated that they would not affect the principle of development.
- Only one tree would require pruning by 2 metres and the applicant was entitled to do this.
- The applicant had provided the required full tree survey over 11 weeks ago, however, the Local Authority had not responded.
- The trees were the only issue.

In response to some of the comments made, the Strategic Director, Regeneration stated that the Council's Tree officer had responded on 31 October 2016. He explained that there was conflict between the trees and the proposed development and one of the trees would require pruning. This would be an ongoing burden for the future occupants and the trees would overshadow the house.

During the discussion Members acknowledged that the trees would cause issues for the proposed dwelling.

**Resolved –**

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

***Action: Strategic Director, Regeneration***

**(d) Lime Tree Farm, 8 Tong Lane, Tong, Bradford Tong**

Planning permission is sought, for the construction of a side extension to form a swimming pool with self-contained accommodation above at Lime Tree Farm, 8 Tong Lane, Tong, Bradford - 16/04200/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He informed the Panel that the application was for the construction of a two storey side extension to a property



within the Green Belt and, therefore, was subject to constricted development. Members noted that within the limited exceptions to the policies an extension of up to 30% of the property's original cubic volume was permitted and the applicant's agent had stated that the proposal would be a 46% increase, however, officers had checked the information and believed that the extension would result in a volume increase of 70%. The Strategic Director, Regeneration explained that the extension would provide facilities for the special needs of a disabled occupant, however, the scheme was deemed to be excessive and the Council's Occupational Therapy Unit had recommended internal amendments. He indicated that a revised reduced scheme would be supported, however, a compromise had not been reached. Local Authorities had to give substantial weight to the Green Belt and the proposed extension was too large, therefore, the application was recommended for refusal.

In response to Members' queries, the Strategic Director, Regeneration clarified that the permitted increase was to the cubic mass of the building and not the footprint. He stated that the extension must not result in a disproportionate addition to the dwelling and had to maintain the openness of the Green Belt. Members were informed that extensions over 30% had been supported previously and that officers had some sympathy towards the scheme as the justification was that it would benefit a disabled person.

The applicant was present at the meeting and explained that his youngest son was a paraplegic whose condition was slowly improving, however, he had muscular problems and was having hydrotherapy treatment. He informed the Panel that he also attended local swimming pools but it was becoming more difficult to get there and the proposed scheme would benefit all the family. It was noted that his son was due to commence school this year and would still require physiotherapy when there, therefore, it would be advantageous if he could undertake this at home before and after school.

In response to Members' concerns about the size of the proposed scheme, the Strategic Director, Regeneration confirmed that the agent had been asked to address the issue and had not done so, therefore, the Panel would need to consider the submitted plans.

During the discussion Members' indicated that they had sympathy with the circumstances, however, the development was against Green Belt policy and a compromise had not been resolved.

**Resolved –**

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

***Action: Strategic Director, Regeneration***



## 23. MISCELLANEOUS ITEMS

The Strategic Director, Regeneration presented **Document “H”** and the Panel noted the following:

### DISCONTINUANCE NOTICE

(a) **628 Manchester Road, Bradford** **Little Horton**

Enforcement Case Reference: 16/00666/ENFADV  
Discontinuance action authorised – 5 October

### REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION

(b) **11 Carlton Drive, Bradford** **Heaton**

Construction of rear white UPVC dormer window - 15/00252/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 21 November 2016.

(c) **143 Fagley Road, Bradford** **Eccleshill**

Unauthorised dormer windows - 15/00641/ENFAPP

On 7 November 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(d) **185 Queens Road, Bradford** **Bolton & Undercliffe**

Unauthorised fence and gate - 16/00287/ENFUNA

On 27 October 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(e) **2 Briardale Road, Bradford** **Heaton**

Construction of boundary wall - 15/01119/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 15 November 2016.

(f) **Land at 2 Cropredy Close, Queensbury, Bradford** **Queensbury**

Land at 2 Cropredy Close, Queensbury, Bradford - 16/00301/ENFCOU

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 8 August 2016.



**(g) Land at 2 Cropredy Close, Queensbury, Bradford Queensbury**

Unauthorised raised decking structure - 16/00498/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 5 August 2016.

**(h) 2 Idle Road, Bradford Bolton & Undercliffe**

Unauthorised two-storey side extension and dormer windows - 16/00557/ENFAPP

On 21 November 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

**(i) 484 Harewood Street, Bradford Bradford Moor**

Unauthorised front extension - 16/00319/ENFUNA

On 27 October 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

**(j) 650 Great Horton Road, Bradford Great Horton**

Unauthorised externally mounted roller shutter - 16/00721/ENFUNA

No action has been taken to date and on 3 November 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

**(k) 736 Great Horton Road, Bradford Great Horton**

Unauthorised externally mounted roller shutters - 16/00363/ENFUNA

No action has been taken to date and on 5 October 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

**(l) 8 Brantwood Drive, Bradford Heaton**

The unauthorised change of use from a residential use to a mixed use of: Residential use and for the storage, dismantling, sale and supply of motor vehicles and motor vehicle parts - 16/00478/ENFCOU

The Planning Manager (Enforcement and Trees) authorised an enforcement notice on 6 October 2016.

**(m) 8 Woodhall View, Bradford Bradford Moor**

Unauthorised dormer windows - 15/01168/ENFUNA





On 17 November 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

**(n) 893 Great Horton Road, Bradford** **Royds**

Construction of rendered wall to front of Grade II listed building - 15/00940/ENFLBC

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 27 October 2016.

**(o) Land South of Wilsden Road, Sandy Lane, Bradford** **Thornton & Allerton**

Unauthorised development – excavations, engineering operation, removal of spoil/soil, erection of fencing, storage of siting of containers/site office, associated ground works - 16/00753/ENFCON

The Area Planning Manager authorised the issuing of an Enforcement Notice under delegated powers on 14 September 2016.

**(p) Land South of Wilsden Road, Sandy Lane, Bradford** **Thornton & Allerton**

Unauthorised development - 16/00890/ENFCON

In order to prevent significant harm caused by the unauthorised works on the land the Development Services Manager authorised the issuing of a Temporary Stop Notice under delegated powers on 6 October 2016.

## **DECISIONS MADE BY THE SECRETARY OF STATE**

### ***APPEAL ALLOWED***

**(q) 10 Speeton Grove, Bradford** **Royds**

Two storey side extension (retention) - Case No: 16/03016/HOU

Appeal Ref: 16/00119/APPHOU

### ***APPEALS DISMISSED***

**(r) 1-5 Greaves Street, Bradford** **City**

Appeal against Enforcement Notice - Case No: 14/01147/ENFUNA

Appeal Ref: 16/00083/APPENF



- (s) **1 Hey Street, Bradford** **City**  
Appeal against Enforcement Notice - Case No: 12/00996/ENFAPP  
Appeal Ref: 16/00018/APPENF
- (t) **1 Hey Street, Bradford** **City**  
Appeal against Enforcement Notice - Case No: 12/01072/ENFCOU  
Appeal Ref: 16/00019/APPENF
- (u) **1 Moorside Street, Bradford** **Royds**  
Change of use from highway to private curtilage - Case No: 16/02951/FUL  
Appeal Ref: 16/00103/APPFL2
- (v) **23a Croftland, Bradford** **Idle & Thackley**  
Sycamore - remove - Case No: 16/03762/TPO  
Appeal Ref: 16/00090/APPTPO
- (w) **342 Great Horton Road, Bradford** **City**  
Appeal against Enforcement Notice - Case No: 15/00818/ENFUNA  
Appeal Ref: 16/00072/APPENF
- (x) **353 Great Horton Road, Bradford** **City**  
Temporary permission for existing cabin building within the rear yard - Case No:  
16/03255/FUL  
Appeal Ref: 16/00094/APPFL2
- (y) **79 Kenley Parade, Bradford** **Great Horton**  
Appeal against Enforcement Notice - Case No: 13/00313/ENFCOU  
Appeal Ref: 16/00005/APPENF
- (z) **79 Kenley Parade, Bradford** **Great Horton**  
Appeal against Enforcement Notice - Case No: 13/00313/ENFCOU  
Appeal Ref: 16/00115/APPENF



**(aa) Leylands Medical Centre, 81 Leylands Lane, Bradford** **Heaton**

Two detached houses - Case No: 16/00451/FUL

Appeal Ref: 16/00091/APPFL2

**(bb) The Knowle, 50 Knowle Lane, Wyke, Bradford** **Wyke**

Conversion of stables to dwelling - Case No: 16/03237/FUL

Appeal Ref: 16/00095/APPFL2

**Resolved –**

**That the decisions be noted.**

**Action: Strategic Director, Regeneration**

Chair

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

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

