

Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 1 November 2017 at Committee Room 1 - City Hall, Bradford

Commenced 10.15 am
Concluded 12.00 pm

Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Barker	S Hussain Wainwright Azam Watson	Stelling

Observer: Councillor Imran Khan (Minute 21 (e) and (g))

Apologies: Councillor Mark Shaw

Councillor S Hussain in the Chair

18. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

19. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

20. PUBLIC QUESTION TIME

There were no questions submitted by the public.

21. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

(a) 9 Meadowcroft Close, Bradford

**Idle &
Thackley**

A full application for the construction of two dwellings on land to the East of 9 Meadowcroft Close, Bradford - 17/03372/FUL

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

- The application was considered to be borne out of greed.
- Meadowcroft Close was a unique cul-de-sac and one of the most desirable in Idle.
- He considered the Strategic Director's report to be biased and the summary of objections to be inadequately stated.
- The report stated 'land to the east' but the land was a driveway, with a conservatory and two garages.
- The proposed plot sizes would be 21% smaller than the five existing properties.
- He considered the report to be contradictory as it stated that the proposed dwelling would have matching eaves heights but would be approximately 200 millimetres higher than neighbouring properties. The report stated that this increase in height would 'not be readily discernible'; he queried by whose standards this decision had been made and asked the Panel to take this into account.
- He did not consider it to be fair to apply Policy HO5 (density of housing schemes) or HO8 (housing mix) to this application.
- In relation to the proposed gables, the report stated that there were a variety of existing gabled elevations fronting onto the street scene, which was incorrect.

In response to some of the comments made, the Strategic Director, Place explained that:

- Policies used to determine the application were district-wide.
- He did not consider that the 200 millimetres difference in eaves height between the proposed property and the neighbouring property to be out of context when viewed from ground level.
- He did not consider that the proposed gables would look out of character for the area as there were a variety of different housing designs.

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

- The base build of the proposed dwellings was based on the current build of the surrounding properties.
- The original application was for two six bedroom dwellings which was reduced in size to two four bedroom dwellings following objections from neighbours about their scale and size.
- The public sewer which currently ran between the two properties would be diverted with boundary planting for privacy.
- There was not a big difference in eaves height (200 millimetres).

Resolved –

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

Action: Strategic Director, Place

**(b) Land at Grid Ref 409311 433624,
Lower Heights Road, Thornton, Bradford**

**Thornton &
Allerton**

A retrospective application for the formation of an animal watering hole at Land at Lower Heights Road, Thornton, Bradford - 17/04061/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that the application was being presented to the Panel following an objection received from a local Ward Councillor stating that cows and other animals had grazed on the land for generations and he questioned the need for the watering hole; objecting to the size and depth of the watering hole; that the watering hole was more akin to a pond than a watering hole; raising concerns of animal welfare; that the area was surrounded by attractive greenbelt and attracted tourists; the watering hole was unattractive and equipment was often left out and not securely put away. The need for a watering hole had been established by officers following a visit. There used to be a stone trough on site but this had been enlarged to accommodate for more animals. He was satisfied that the retrospective plans submitted adequately showed the watering hole as constructed on site. It could be subject to further enforcement action if breaches occurred.

A Member raised concerns of safety and queried whether the installation of steps in and out of the watering hole could be conditioned as part of the application. In response, the Strategic Director, Place explained that this was not a planning consideration and could not be conditioned due to the land being in private ownership, however an advisory footnote could be added to request the applicant to take this action.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place’s technical report and subject to the following footnote being placed on the application:

That, in light of concerns raised regarding safety, it be suggested that the applicant construct steps to allow safe access in and out of the watering hole.

Action: Strategic Director, Place

(c) Mowbray Arms, 5 Lily Street, Bradford

Manningham

This is a full planning application seeking planning permission to convert and

extend the former Mowbray Arms Public House, 5 Lily Street, Bradford in order to create seven residential flats - 17/04234/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the building was derelict and the proposal was to convert it into seven residential flats. A small side extension would be added and off street parking would be provided. Members were informed that a number of representations in support and objection to the scheme had been received and the issues raised were covered in the report. It was stated that the development would be an improvement to the conservation area and the flats would be small scale with modern living requirements. The application was then recommended for approval, subject to the conditions as set out in the report.

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

- He lived on Lily Street.
- A petition against the development had been submitted.
- It was a historic building.
- The scheme would have a detrimental impact on local residents.
- The report stated that no objections had been received regarding highways.
- The development would only provide one parking space per flat and the previous application had been refused in relation to the parking provision.
- The previous application had been refused in light of highway safety issues and the undertaking of reversing manoeuvres.
- On street parking was scarce and the cause of tension in the area.
- It was a residential area.
- The seven flats would create noise disturbance.
- A petition from local residents had been submitted.
- Residents had a right to a respectful family life.
- The entrance area was used by an access bus.

In response the Chair stated that it used to be a very busy pub, there were many self contained flats in the vicinity and on street parking was plentiful.

The applicant was present at the meeting and stated that:

- He was a community man.
- The site was experiencing fly tipping and anti-social behaviour issues.
- He had been clearing the site of rubbish.
- He had received complaints about the building and had been asked to submit plans in order to try and improve the area.
- It was upsetting to see a beautiful building empty and derelict.
- Many people supported the proposal.
- People were afraid to walk to the shop at the bottom of the street.
- The site could not be left derelict.
- A request that the building reopened as a pub had been submitted, but he did not want that for the community.
- He appreciated the concerns raised and wanted to improve the area.

The Strategic Director, Place confirmed that the proposed flats would be modest in size and seven parking spaces would be provided. He stated that there would be less vehicle movements than if the building was a public house and residential flats and there would be three external doors, not just one.

In response to Members' queries, the Strategic Director, Place reported that:

- The previous refusals had been for different reasons and the new scheme only proposed a modest extension. The Council's Highways Department had been consulted on each application.
- Each submission was considered on its own merits and against Council policies. Only one parking space per unit was required and seven off street spaces would be provided. Vehicles would be able to enter and exit the site in a forward gear and a bin store had been identified on the plans.

During the discussions, Members acknowledged that the site was derelict and attracted anti social behaviour. It was agreed that the proposal would bring a building on a brownfield site back into use and provide much needed housing in the District.

Resolved –

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

Action: Strategic Director, Place

**(d) Wibsey Working Mens Club,
6 - 8 Back Market Street, Bradford**

Wibsey

External alterations to 100 High Street (Market Tavern) and 6-8 Back Market Street (Wibsey Sports and Social Club). New glass feature entrance to 100 High Street and render to be repaired and re-painted. Existing entrance to 6-8 Back Market Street to be walled up and new bi-fold doors installed on the side elevation. Works also include some existing arched windows to be walled up and made good - 17/03879/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that a previous application had proposed the merger of the public house and sports and social club, however, following discussions the scheme had been amended and both premises would be retained as separate entities. The application now proposed external alterations which included the repositioning of the main entrance to the club, some windows to be blocked up and the existing porch on the public house to be replaced. The Strategic Director, Place confirmed that the proposed entrance would be located away from residential properties and bi-fold doors would be fitted. He stated that a number of objections had been received, however, since the submission of the amended plans a Ward Councillor had withdrawn their representation and no others had been submitted. The application was then recommended 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, Place’s technical report.

Action: Strategic Director, Place

(e) 113 Lister Avenue, Bradford

**Bowling and
Barkerend**

A householder planning application seeking retrospective planning permission for the retention of the front boundary wall constructed at 113 Lister Avenue, Bradford, BD4 7QS - 17/04918/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that the boundary wall had been constructed to a height of 2.1m and there were four pillars (three at a height of 2.75m and one at 2.5m). He stated that this was the second application received by the authority seeking permission for the boundary wall. Following the first application, it was resolved that the height of the walling be reduced to a maximum of 1.65m, with the four pillars reduced to 2.35m in height. He explained that the Highways officer had raised concerns regarding the lack of visibility to pedestrians using the footway and to drivers of vehicles emerging, but this had not formed part of the recommended reason for refusal which related to the boundary wall being visually incongruous with the character and appearance of the wider street scene and physically imposing when viewed from the footpath. One representation had been received from a local Ward Councillor who was in support of the application citing safety of the residents, improved security and the limited visual impact.

A Councillor in support of the applicant was present at the meeting and stated that:

- The garden had always been raised from the inside.
- The resident had incorrectly thought that the application previously submitted had been approved.
- He did not consider the boundary wall to be harmful to the visual amenity or unacceptable when measured against policies D1, DS3 and DS5 of the Local Plan for Bradford.
- The materials used matched those used in the area by other residents and he considered the wall to fit in with the wider street scene.
- The applicant had spent a lot of money on his garden and wall in order to protect his family and property.
- The property was located in close proximity to Bradford Academy and, prior to the wall being built, the applicant and his family had suffered from threatening behaviour from students of the school who use to sit on his wall to eat and smoke. The wall being built had eradicated this problem for the applicant and his family.
- As a Ward Councillor he had been inundated with complaints from residents in the area about the behaviour of students from Bradford

Academy.

- The wall gave the applicant and his family security and it was only 40cm more than previously approved.

The applicant was present at the meeting and stated that:

- Both his children had life-long health conditions relating to their kidneys.
- School children use to sit on his wall, eat and throw their litter in his garden.
- Some children smoked whilst sat on his wall and after he asked them not to, his car window had been smashed.
- There was a football pitch across the road from his home and footballs used to end up in his garden; having a higher wall helped to stop this from happening.

Resolved –

That the application be approved for the following reason:

The boundary wall is not considered to be visually incongruous with the character and appearance of the wider street scene and is not considered to be harmful to the visual amenity. Therefore, the proposal would not be contrary to Policies DS1 and DS3 of the Local Plan for Bradford.

Action: Strategic Director, Place

(f) 14 Rayner Avenue, Bradford

Toller

A householder planning application for the construction of a two storey side and rear extension at 14 Rayner Avenue, Bradford, BD8 9PP - 17/03295/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application proposed the construction of a side and rear extension to a semi-detached property in order to meet the needs of two disabled children. The house was located on a steep sloping road and there was a significant difference in the levels to the adjoining property. The scheme proposed a 7 metre deep extension at ground floor level with a bedroom on the upper level and was the same as the two previous refused applications. The Strategic Director, Place confirmed that the Occupational Therapy Department had been consulted and they had recommended a scheme consisting of bedrooms and bathing facilities. A balance between the needs of the children and Council policies was required, however, the Occupational Therapy Department had indicated that the provision of a therapy room was not essential. The application was therefore recommended for refusal as per the reason set out in the report.

The Strategic Director, Place then informed Members of comments from a Ward Councillor that had been submitted prior to the meeting, which included that it was believed that the applicant had previously been granted permission for a 6 metre extension; the house was small; the applicant had been advised to apply for planning permission under the 'prior notification' process which would provide a 6

metre deep extension; the neighbours had not objected to the proposal; the children required more equipment and facilities; the additional room would provide a physiotherapy facility; and supporting documentation had been submitted.

The Strategic Director, Place explained that the Council's policies allowed flexibility, however, they had to be balanced. He confirmed that the Occupational Therapy Department supported the extension for the provision of bedrooms and bathing, but not the therapy room. The applicant had been informed of the prior notification planning process and it was believed that the scheme could be redesigned in order to resolve the impact on neighbours that the proposed development would create. Unfortunately amendments had not been made to the application and, therefore, it was recommended for refusal.

In response to Members' queries, the Strategic Director, Place stated that if the Council's Occupational Therapy Department had supported the proposal, the balance on the impact on neighbours would still have to be assessed and the application would not have been automatically approved. He reported that discussions had been undertaken with the applicant and agent and advice on the prior notification process and the redesigning of the scheme had been provided. Members noted that even though neighbours had not objected to the scheme, it had to be assessed against Council policies and a prior notification planning application could be approved if no representations were received.

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

- A representative of the local MP had also attended the meeting with Planning officers.
- The alternative plans were not acceptable.
- The Council's Occupational Therapy Department had indicated that a treatment room was not required, but they had suggested that a supporting letter from the physiotherapist was obtained.
- The Occupational Therapy Department had not stated that they would be against a treatment room.
- Supporting letters had been provided from the children's GP and physiotherapist, who had known them since birth.
- Her children had Education, Health and Care Plans (EHCPs).
- Her children had a substantial amount of equipment but there was only one living area.
- The treatment room would only be a small part of the extension.
- A neighbour had been permitted 6 metres for a kitchen extension and only an additional metre was required for the treatment room.
- The outhouse would be demolished.
- The extension was for the benefit of her disabled children.

The Strategic Director, Place acknowledged that the Planning Department was in a difficult position and confirmed that the neighbour had been through the prior notification process. He reported that the overall depth of the extension was 7 metres and the bedroom was over 4 metres deep. The impact on neighbours would be significantly reduced if the scheme was reduced by a metre, however, Council policies would still have to be consulted. Members noted that a 6 metre extension could be applied for through the prior notification process, though

approval of the scheme would depend on whether any objections were received.

During the discussion Members acknowledged the difficult situation and accepted the Council had to abide with its policies, however, they sympathised with the applicant's position and noted that neighbours had not objected to the proposal.

Resolved –

That the application be approved for the following reason:

That the special circumstances and future needs of two disabled members of the family provide sufficient reasons for the application to be an exception to the Council's Householder Supplementary Planning Document and Policies DS1 and DS3 of the Local Plan for Bradford.

Action: Strategic Director, Place

**(g) Land East of 125 Harewood Street,
Bradford**

**Bowling
and Barkerend**

A full planning permission is sought for the construction of a domestic storage building, Land east of 125 Harewood Street, Bradford - 17/04388/FUL

A Ward Councillor addressed the Panel and explained that the applicant's agent was away and the applicant had not been informed of the meeting. Therefore he requested that consideration of the application be deferred.

Resolved –

That the application be deferred to the next meeting of the Panel at the request of a Ward Councillor.

Action: Strategic Director, Place

22. MISCELLANEOUS ITEMS

The Strategic Director, Place presented **Document "H"** and the Panel noted the following:

REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION

(a) 2 Park View Road, Bradford

Manningham

Unauthorised rear extension and raised decking - 17/00018/ENFUNA

The Planning Manager (Enforcement and Trees) authorised enforcement action on 20 September 2017.

DECISIONS MADE BY THE SECRETARY OF STATE

APPEAL ALLOWED

- (b) **Land South of Woolcombers Way Junction,
Dick Lane, Bradford** **Bowling
and Barkerend**

Change of use to car sales, valeting and office.

Appeal Ref: 17/00062/APPFL2

APPEALS DISMISSED

- (c) **11 Carlton Drive, Bradford** **Heaton**

Retrospective Planning application for rear dormer, rooflights, excavation of garden to front and inclusion of patio doors and railings to front boundary wall - Case No: 16/09460/HOU

Appeal Ref: 17/00094/APPHOU

- (d) **19 Elizabeth Street, Little Horton, Bradford** **City**

Appeal against Enforcement Notice - Case No: 14/004111/ENFLBC

Appeal Ref: 17/00026/APPENF

- (e) **216 Kensington Street, Bradford** **Toller**

Appeal against Enforcement Notice - Case No: 15/00154/ENFUNA

Appeal Ref: 17/00045/APPENF

- (f) **712 Manchester Road, Bradford** **Little Horton**

Replacement of 48-sheet advertisement hoarding with internally-illuminated LED digital display - Case No: 16/09450/ADV

Appeal Ref: 17/00016/APPAD1

- (g) **Field House, Cockin Lane, Bradford** **Queensbury**

Demolition of existing out buildings and construction of new dwelling - Case No: 16/09597/FUL

Appeal Ref: 17/00080/APPFL2

- (h) **Land at Grid Ref 409650 434752,
Back Lane, Allerton, Bradford** **Thornton and
Allerton**

Appeal against Enforcement Notice - Case No: 15/00098/ENFCOU

Appeal Ref: 17/00020/APPENF

APPEAL ALLOWED IN PART/PART DISMISSED

(i) 97 Wellington Road, Bradford

Bolton and Undercliffe

Appeal against Enforcement Notice - Solid timber fence atop north facing boundary wall - allowed on appeal. Vehicle access from Idle Road - dismissed on appeal. - Case No: 16/00317/ENFUNA

Appeal Ref: 17/00029/APPENF

Resolved –

That the decisions be noted.

Action: Strategic Director, Place

PETITION TO BE NOTED

(j) 2 Browning Street, Bradford

Bowling and Barkerend

Single storey extension to the side at 2 Browning Street, Bradford - 17/05452/FUL

Resolved –

That the petition be noted.

Action: Strategic Director, Place

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