

## Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 3 October 2018 in Committee Room 1 - City Hall, Bradford

Commenced 10.00 am  
Concluded 12.30 pm

### Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Barker Whitaker	S Hussain Wainwright Amran Watson	R Ahmed

Observers: Councillor Joanne Dodds (Minute 16(b)), Councillor Kamran Hussain (Minute 16(e)), Councillor Nussrat Mohammed (Minute 16(a)) and Councillor Mohammad Shabbir (Minute 16(a) and (d))

### Councillor S Hussain in the Chair

#### 13. DISCLOSURES OF INTEREST

The following disclosures of interest were received in the interest of clarity:

Councillor Amran disclosed that he had been approached in relation to 16-18 Leylands Lane, Bradford (Minute 16(a)) and 149 Wilmer Road, Bradford (Minute 16(d)) as the applications were within his Ward, however, he had not discussed any of the matters now before the Panel for determination with any interested parties.

**ACTION:** *City Solicitor*

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

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

#### 15. PUBLIC QUESTION TIME

There were no questions submitted by the public.

#### 16. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

The Strategic Director, Place presented **Document “E”**. Plans and photographs

were displayed in respect of each application and representations summarised.

**(a) 16-18 Leylands Lane, Bradford**

**Heaton**

A full application for the change of use from a nursing home (Use Class C2) to a house in multiple occupation (HMO) (*Sui Generis*) at 16-18 Leylands Lane, Bradford - 18/01481/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that the building had been a nursing home and was located within a residential area with limited parking facilities and a demand for on-street parking. The application was retrospective and proposed a change of use to a house in multiple occupation (HMO) with 15 bedrooms and a communal living space. It was noted that the nursing home use required six car parking spaces, however, no parking had been provided and seven spaces would be needed if the building was converted into residential use. The Strategic Director, Place stated that the Council could not control the occupants of the property and the owner would have to obtain a HMO licence, which would provide some control and could specify issues such as anti social behaviour. He confirmed that management regulations had stronger laws and indicated that many of the concerns raised could not be dealt with by planning law, but were covered by other legislation. The application was then recommended for approval, subject to the condition as set out in the report.

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

- Anti-social behaviour occurred.
- Litter was an issue.
- There was evidence of drug taking.
- The police had been notified of prostitution taking place.
- Parking was an issue.

Another objector commented that:

- Mental health workers and HGV drivers called at the house late at night.
- The property was causing a nuisance and disturbance.
- The residents had no confidence in the owner.
- The owner had previously managed a nursing home which had been rated inadequate and closed.
- The owner had not engaged with local residents.
- The owner had been contacted on many occasions but had not resolved an issues.
- It was an unpleasant atmosphere for residents.
- The owner had been contacted in relation to the rubbish.
- If granted the application should be subject to control.

A Ward Councillor was present at the meeting and raised the following issues:

- Residents strongly objected to the proposed use and would prefer it to be a residential property.
- Lots of families resided in the area.

- Several complaints had been received in respect of the management of the HMO.
- Approval of the application would cause huge issues for residents and Councillors.
- Safety had not been taken into account.
- The HMO on Emm Lane caused problems.
- The effect on the local community had not been taken into consideration.
- People living in the property were not monitored.
- Officers should consider the wider community.
- Several issues had been raised by residents in relation to parking.
- Speeding was an issue in the area.
- Cars had been damaged as buses could not pass due to parked cars.
- The Council needed to be mindful of where HMOs were located.

The Strategic Director, Place responded to Members' questions clarifying that:

- It was believed that there would be a similar number of residents in the HMO as were in the nursing home.
- There was no planning history for the nursing home, so it was not known whether parking had been required.
- If the property was changed to residential then seven spaces would be required. The previous use would have to be taken into consideration and comparisons made, therefore, six parking spaces would have been needed and seven would now be required.
- Decisions had to be made based on planning laws. The use would not generate anti social behaviour, as it was essentially residential and there was other legislation that had more effective and stronger powers which could be used by the police and Environmental Health.
- A licence was required from Environmental Health in order for the property to be a HMO and conditions could be placed on the licence, however, they were difficult to enforce as they were covered by the police. Management regulations were stronger to enforce.

The City Solicitor explained that if issues were raised in relation to the HMO, then they should be dealt with by the police and the HMO licensing officer could place restrictive conditions on the licence. The application requested consideration of whether the premises could change from a nursing home to a HMO and it was not for the Panel to decide on other factors.

A Member queried whether an application for a new build without the seven required spaces would be approved and in response the Strategic Director, Place indicated that it would be dependent on the circumstances of the site and the impact on the area, however, the submitted application was for a change of use only.

Another Ward Councillor was present at the meeting and stated that:

- There was a vast difference between a residential property and a HMO and a nursing home and a HMO.
- Local residents were experiencing many issues.
- A traffic calming scheme had been established.

- It would be preferable if families lived in the property.

The applicant was present at the meeting and commented that:

- Only one resident had a car.
- The property would not have a major impact on traffic.
- Initially there had been an issue with anti social behaviour, but that person had since left.
- New residents were vetted and the current tenants had not caused any issues.
- The scheme would improve the local environment.
- He was providing housing for people in need.
- Traffic was not a major concern.
- The anti social behaviour problem had been resolved.

Members of the Panel then questioned the applicant and were informed that:

- He was aware that planning permission would be required.
- He had been informed by the HMO licensing officer that residents could occupy the property without permission.
- Residents had been spoken to about their conduct and the property to the right had been empty for three years.
- The nursing home had to be closed and a new use for the building had been sought.
- All tenants signed a two month contract initially and could stay longer if agreed.
- The nursing home had failed a Care Quality Commission (CQC) inspection and had been running at a loss.
- He lived elsewhere but stayed at the premises one or two nights per week.

In relation to a previous query, the Strategic Director, Place confirmed that the nursing home had 21 bedrooms. He reiterated that the Panel could only consider the application on planning matters and they would have to be careful not to trespass into other areas of legislation.

During the discussion a Member expressed concern in the process and indicated that he would have preferred the report to have been presented by the HMO licensing officer following their consideration. He questioned whether the property was suitable for the intended use and indicated that he could not support the application. Other Members acknowledged the parking problems and suggested that spaces should have been provided at the rear of the property. Issues regarding the impact on residents and the material change in use were also highlighted.

The Strategic Director, Place informed the Panel that the application had to be determined in accordance with the Council's Development Plan. He stated that the nursing home could have been established many years ago and six parking spaces would have been required, however, seven were needed for this scheme. It was an authorised use and difficult to refuse on highways grounds. The City Solicitor confirmed that the current use had to be considered, retrospective applications were permitted and road safety issues would not result from the lack

of one car parking space.

The Chair reported that parking was a major issue on the road with vehicles being left on the footpath or double parked and another Member indicated that this would create highway safety issues.

**Resolved –**

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

**That the lack of off street parking would be detrimental to highway safety and, therefore, the proposal would be contrary to Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.**

***Action: Strategic Director, Place***

**(b) 16 Kingswood Terrace, Bradford**

**Great Horton**

A full application seeking to change the use of 16 Kingswood Terrace from an A1 Beauty Shop to a C3 (b) residential use offering supported accommodation and emergency refuge - 18/02698/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application proposed a change of use from a beauty school to supported accommodation, which was a class C3 (b) use. The Panel were informed that the property's shutters were not authorised and enforcement action was ongoing in relation to them. Concerns had been raised in relation to the nature of the use, the types of resident and associated nuisance. A Ward Councillor had submitted a late representation which outlined issues regarding anti social behaviour and the likelihood it would increase; fly tipping; vulnerable elderly residents; and that all three Ward Councillors, whilst in support of the facility, did not believe the location was suitable. The Strategic Director, Place explained that the facility would provide accommodation for vulnerable females and had a programme that was designed to support self sufficiency. He confirmed that such properties were usually located in residential areas, so not to isolate people and it was difficult to envisage any concerns that would be raised. The application was then recommended for approval.

A Ward Councillor was present at the meeting and stated that:

- She was supporting the residents of Kingswood Terrace.
- The proposal would impact in the community.
- Ward Councillors had spent a great deal of time on reducing anti social behaviour in the area.
- Violence was high in the vicinity.
- Support for vulnerable people was welcomed, but the location was not suitable due to the issues in the area.
- Parking was a problem, as the properties were terraced or back to back and had less than 10 parking spaces.

- There were two Mosques in the vicinity and the streets were used for parking.
- Tensions were high between residents and businesses, as customers used the streets for parking.
- Staff parking would not be provided.
- The property was located on a junction.
- The road was used as a 'rat run' and speeding vehicles had been reported.
- The application was commendable, but it was the wrong location.
- The application should be refused.

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

- There was a large population of refugees in the area and they fought between themselves.
- Litter was an issue.
- The Council was aware of the problems in the area.
- Customers of the businesses on Great Horton Road parked on the road and created problems for residents.
- People attending the Mosques parked in the vicinity.
- The type of people to be housed in the facility was not known.
- The police were aware of the issues in the area.
- The road was used as a 'rat run' and there had been a number of near misses involving children.
- Anti social behaviour, drugs and crime were prevalent in the area.

In response to some of the comments made, the Strategic Director, Place stated that it was a suitable area for the nature of the use as it was residential. He confirmed that the facility would not introduce anti social behaviour and the existing issues in the vicinity were being dealt with by the police.

In response to a Member's questions, the Strategic Director, Place informed the Panel that the facility would have five bedrooms and possibly one member of staff that visited or lived in.

During the discussion a couple of Members raised concerns in relation to the effect on house prices; the suitability of the location and the parking problems in the area. The Strategic Director, Place explained that the application could only be considered under planning policies. He reiterated that the property had been a beauty salon previously; was in a sustainable location; was essentially a residential dwelling and required 1.5 parking spaces. The City Solicitor stated that property prices were not relevant, however, real and serious concerns should be given the appropriate consideration. He acknowledged that the building already had a Class A1 use and the other adjoining properties were residential. It was doubtful whether traffic would increase and Members should consider whether more issues would arise from the proposed use compared to the current use.

A Member indicated that it would be public knowledge that the property would house vulnerable people and this would place them at risk. The City Solicitor replied that this would be a matter for the police. Another Member added that vulnerable people rarely had vehicles and could be placed in a facility anywhere.

**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***

**(c) The Pastures, Tong Lane, Tong, Bradford Tong**

A full planning application for an extension to the reception area and the addition of a pavilion style orangery at The Pastures, Tong Lane, Bradford - 18/02717/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application site was a hotel located on the edge of Tong Village and a similar proposal with a marquee had previously been refused. The installation of a marquee had now been removed from the scheme and the application now proposed a small extension to the reception with a contemporary orangery. Members were informed that the extension would be sited away from residential properties and would provide male cloakroom facilities. The large protected trees on the site were located away from the construction area. Concerns had been raised in relation to the impact of the extension as the hotel was located on the edge of a conservation area, however, it would not be seen within the context of the area and was therefore visually acceptable. The Strategic Director, Place reported that regulations had since changed in respect of construction material samples and proposed that condition 2 be amended to reflect this. The application was then recommended for approval, subject to the conditions set out within the officer’s report.

The applicant’s agent was present at the meeting and reported that the upgrade of the facilities would be positive for the area, an investment to the hotel and maintained the Holiday Inn brand.

In response to a Member’s question, the agent explained that the orangery would be a small extension with glazed areas that would provide an open feel to the space.

Another Member acknowledged that the hotel was not in the conservation area, but stated he believed that the proposed scheme would not be in keeping with the building and would have a detrimental effect. Other Members indicated that the development would be beneficial to the area and enhance the hotel.

**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 amendment of condition 2 as below:**

- 2. Before development of the damp course 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.**

***Action: Strategic Director, Place***

**(d) 149 Wilmer Road, Bradford,**

**Heaton**

A retrospective planning application for the construction of a single storey extension to the rear of 149 Wilmer Road, Bradford - 18/02655/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was retrospective and proposed the construction of a rear extension within a conservation area. The property was an end terrace and located at the junction of Wilmer Road and Randall Place. The extension projected four metres beyond the original rear wall, which was one metre further than the permitted depth and impacted on number 147 Wilmer Road, as it was at a lower level. The Strategic Director, Place then recommended the application for refusal due to the significant detrimental impact on neighbours as set out in the report.

In response to Members' questions the Strategic Director, Place confirmed that:

- Neighbours had not objected to the extension and a Ward Councillor had supported the application.
- The extension had been constructed but did not adhere to Council's policies.
- The depth and height of the extension along with the cumulative impact of the outbuildings would be an issue for neighbours.
- The extension appeared to be in line with others.
- The Conservation officer had not objected to the construction.
- All applications were considered on their own merits.
- If approved it would be difficult for the Council to refuse other similar extensions and to defend the decision on appeal.

A Member stated that the Council had policies that should be adhered to and decisions should be consistent. The applicant had shown a complete disregard for planning laws and the Council had to maintain its standards. The Chair noted that other properties on the road had extensions to the rear, however, he did not condone the actions of the applicant. He confirmed that each application had to be considered on its own merits and the circumstances of the case. Retrospective applications had to be accepted as submitted and Panels had to approach them with an open mind. The City Solicitor clarified that all applications must be considered on their own merits and against planning law unless there were other material concerns.

The Strategic Director, Place explained that there were existing projections, not extensions to the rear of the adjoining properties. He stated that the increasing land levels and out buildings beyond the extension raised concerns in relation to the impact on the neighbouring properties, even though no complaints had been

received. There was also scope to extend the property away from the boundary.

A Ward Councillor was present at the meeting and made the following points:

- The applicant had always intended to construct an extension within the Council's guidelines.
- The applicant's wife had died in a fire and his family had taken over the arrangements for the extension.
- The shadow on the adjoining property was from other buildings, not number 149.
- The extension did not impact on the adjoining property.
- The applicant had tried to ensure there were no impacts on the neighbours.
- The adjoining property had an extension along with others in the vicinity.

The applicant was also present and explained to the Panel that:

- He had been dealing with the application prior to the accident and had been caring for his three children following the incident.
- The extension was supposed to be within the Council's guidelines.
- The builder had been paid for 90% of the work and had left the site.
- His family had not been aware of any issues and they were looking after his best interests at a difficult time.
- He had submitted the application as soon as he had become aware of the problem.

The Strategic Director, Place confirmed that the extension would require planning permission due to the outbuildings and the loss of outlook to the window at the rear. During the discussion a Member stated that the extension was smaller than other projections in the vicinity, allowed more light and had a limited impact on visual amenity.

**Resolved –**

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

**The extension is not considered to be visually incongruous to the appearance of the wider street scene and is not considered to be harmful to the visual amenity. It does not overlook rear areas of adjoining properties to the detriment of occupants and, therefore, the proposal would not be contrary to Policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.**

***Action: Strategic Director, Place***

**(e) 27 Durham Terrace, Bradford**

**Toller**

Construction of decking and driveway to rear at 27 Durham Terrace, Bradford - 18/02457/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. Members were informed that the application was retrospective for decking and balustrade at ground level and undercroft parking at the rear of the property. The timber, breezeblock and render structure created visual amenity issues compared to the stone materials of the house. The decking area was over one metre in height, overlooked number 25 and 29 and occupied all of the rear curtilage. The Strategic Director, Place stated that prominence and scale were an issue due to the existing three metre extension and recommended that the application be refused.

In response to queries Members were informed that:

- There were other decking areas on the street. One had been approved in 1997, but was not near to this property and did not occupy all of the rear curtilage.
- The same conclusion would have been reached if matching materials had been used. The decking was very prominent, overlooked two properties and using stone would not overcome these issues.
- The construction was over prominent, out of scale and covered the whole of the rear curtilage.

A Ward Councillor was present at the meeting and commented that:

- The applicant had been unsure as to whether planning permission was required as a number of houses had similar structures.
- The applicant had been served an Enforcement Notice and had then submitted an application form.
- There was a place to store the bins.
- The structure did not overshadow the adjoining properties.
- Neighbours had not objected to the decking.

In response to further questions, the Strategic Director, Place reiterated that other properties on the street had decking areas, however, only one had planning permission and it was not as large as the proposal. He confirmed that a complaint had been submitted in relation to the application for consideration, but if the structure had been in place for over four years then action could not be undertaken.

**Resolved –**

**That the application be refused as per the reasons set out in the Strategic Director, Place's technical report.**

***Action: Strategic Director, Place***

**(f) Land at Grid Ref 413866 433641, Thornton Road, Bradford City**

An outline application for the construction of eight retail units with eight apartments above at land adjacent to 581-583 Thornton Road Bradford - 17/05964/OUT

The Strategic Director, Place informed Members that the applicant had withdrawn the application prior to the meeting.

**Resolved –**

**That the withdrawal of the application by the applicant prior to the meeting be noted.**

***Action: Strategic Director, Place***

## **17. MISCELLANEOUS ITEMS**

The Strategic Director, Place presented **Document “F”** and the Panel noted the following:

### **REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION**

**(a) 204 Kensington Street, Bradford Toller**

Unauthorised single storey front extension - 17/00628/ENFUNA

On 17 August 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

**(b) 60 Fitzroy Road, Bradford Bradford Moor**

Unauthorised two-storey rear extension - 17/00925/ENFUNA

On 6 September 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

**(c) Former Olicana House, Chapel Street, Bradford City**

Breach of condition 2 of planning permission 16/06970/FUL - 16/00138/ENFUNA

On 4 September 2018 the Planning Manager (Enforcement & Trees) authorised the issue of a Breach of Condition Notice.

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

#### ***APPEALS ALLOWED***

**(d) 18 Duchy Avenue, Bradford Heaton**

Extensions to side and rear and relocation of outbuilding to rear including alterations to existing levels (retrospective) - Case No: 18/00328/HOU

Appeal Ref: 18/00049/APPHOU

**(e) 20 Moore Avenue, Bradford Wibsey**

Appeal against Enforcement Notice - Case No: 16/00387/ENFAPP

Appeal Ref: 18/00043/APPENF

(f) **4 Runswick Grove, Bradford** **Wibsey**

Single and two storey extensions, front and rear dormer windows and front porch  
- Case No: 18/00244/HOU

Appeal Ref: 18/00063/APPHOU

(g) **51 Silverhill Drive, Bradford** **Bradford Moor**

Retrospective application for construction of two storey side and rear extension  
with front dormer, bay window, porch and rear dormer - Case No: 17/06149/HOU

Appeal Ref: 18/00031/APPHOU

**APPEAL DISMISSED**

(h) **19 Uplands Crescent, Bradford** **Queensbury**

Appeal against Enforcement Notice - Case No: 16/00495/ENFUNA

Appeal Ref: 18/00013/APPENF

**Resolved –**

**That the decisions 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