

Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 19 December 2018 in Committee Room 1 - City Hall, Bradford

Commenced	10.25 am
Adjourned	12.50 pm
Reconvened	1.45 pm
Concluded	3.20 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
S Hussain Wainwright Amran	Whitaker Ellis	R Ahmed

Observers: Councillor David Green (Minute 22(a)), Councillor Nussrat Mohammed (Minute 22(b)), Councillor Sarfraz Nazir (Minute 22(f)) and Councillor Mohammad Shabbir (Minute 22(b))

Apologies: Councillor Rosie Watson and Councillor Gerry Barker

Councillor S Hussain in the Chair

18. DISCLOSURES OF INTEREST

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

Councillor Amran disclosed that in relation to 16-18 Leylands Lane, Bradford (Minute 22(b)) 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.

Councillor Amran disclosed that he knew a number of people associated with some of the applications but he had not discussed any of the matters now before the Panel for determination with any interested parties.

Councillor Ellis disclosed that he was a member of the Yorkshire Regional Flood and Coastal Committee.

ACTION: *City Solicitor*

19. MINUTES

Resolved –

That the minutes of the meetings held on 5 September and 3 October 2018 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, Place presented **Document “G”**. Plans and photographs were displayed in respect of each application and representations summarised.

(a) 1 Odsal Road, Bradford

Wibsey

A full planning application for the construction of a restaurant with drive-through facility and remodelling of the existing car park at the former Wiltex House site, Odsal Road, Bradford - 18/02484/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application was for the construction of offices and a restaurant with access via the existing points on Odsal and Halifax Roads. Acoustic fencing would be installed to a height of 2 metres along the boundary with residential properties and the design mirrored that of the existing restaurant. The application was then recommended for approval subject to the conditions as set out in the report and revisions to conditions 4 and 10.

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

- The close proximity to residential accommodation on Sutcliffe Place and Elmfield Drive was a concern.
- Why was the restaurant not being built away from residential properties?
- Would the acoustic fence be 1.8 or 2 metres in height?
- The current operation had problems with noise, traffic and litter from customers and staff.
- Litter was an issue.
- There were no conditions to tackle the existing problem.
- The acoustic fencing may deal with noise from the drive through, but the development would be over 2 metres high and there would be noise from ventilation systems.
- The development would cause problems for local residents.
- The licensing application stated that there was an intention to show films,

however, this was not mentioned on the planning application.

- The noise problems occurred between 2300 and 0600 hours and the hours should be reviewed.
- The Planning Inspector had overturned the Panel's decision to refuse the existing restaurant and issues had occurred.

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

- The drawings detailed a 1.8 metre high fence, therefore, condition 4 would need to be amended. The noise survey had suggested that a 2 metre high fence be installed along the Sutcliffe Lane and Elmfield Drive boundaries.
- The existing problems were a site management issue and beyond the scope of the Planning Panel.
- The Council's Environmental Health Unit was satisfied with the proposals.
- The development would not cause significant harm to recommend refusal.
- It had previously been the site of a police station.
- Condition 13 related to the ventilation equipment and requested that details be submitted prior to the building being brought into use.
- The showing of films was not a planning issue and could not be considered.
- The hours were the same as the other restaurant on the site.

In response to a Member's query surrounding the acoustic fence, the Strategic Director, Place confirmed that it would be located along the side boundary. Further details were required, however, the fence would not cause further issues for residents and it would not be an excessive height.

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

- The scheme would contribute to the regeneration of the site.
- 12 full time jobs for 20 roles would be provided.
- The site was on a key gateway to the City Centre.
- The restaurant would be a new brand to the country and was part of a young Group which was a top employer.
- The applicant was aware of local concerns in relation to the unfinished site.
- A larger two story building had been planned, however, a smaller building had now been proposed.
- Work had been undertaken with officers in relation to noise concerns.
- The fence had been proposed as part of the development and would be implemented on approval, subject to the proposed condition.
- The building would be a compact modern design and face into the car park.
- The building's location would create a further acoustic barrier.
- The site was a key location.
- The application should be granted.

Members then posed questions to the applicant's agent and were informed that the proportion of takeaway orders was not known, therefore, the two uses had been applied for to cover both possibilities. In relation to litter problems, he acknowledged that it was a prevalent issue throughout retail, therefore, three or

four litter picks would be operated per day, dependant upon the season. The Department for Environment, Food and Rural Affairs (Defra) had guidance on litter picking and businesses had to cover 100 metres off site if there was branded litter. Conditions in respect of litter were always accepted, litter bins would be provided and if specific problems occurred the Restaurant Manager should be approached. The Strategic Director, Place added that planning laws could not control litter beyond the site. He noted that the applicant had provided bin storage, however, the provision of customer bins would be a licensing issue and not a planning consideration.

In response to further questions, Members noted that:

- The proposed hours of operation were 0700 to 2300 hours with deliveries between 0600 and 2300 hours.
- It would be difficult to amend the hours, as they were the same as those operated by the existing restaurant on the site. The proposal was for a smaller restaurant and officers were satisfied that the hours would not cause significant harm.
- The proposal was for 52 seats in the restaurant and nine vehicles in the drive through. The primary use would be an A3 use restaurant and it had not been assessed against the Council's Hot Food Takeaway policy.
- The application proposed a similar operation as the existing restaurant on the site and had been assessed accordingly. The location was not within a local centre and the primary function would be a restaurant within A3 use.

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 4 and 10 as follows:

- 4. Notwithstanding the details shown on the approved plans, before any part of the development is brought into use, a plan showing the positions, design, and materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Boundary treatments should include details of appropriate acoustic fencing along the northwest and southwest boundaries. The treatments so approved shall then be provided in full prior to the first use of the building and shall thereafter be retained.**

Reason: In the interests of amenity and privacy and to accord with Policies DS5 and EN8 of the Core Strategy Development Plan Document.

- 10. The drainage works shall not commence until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. The details and scheme so approved shall thereafter be implemented in full before the first use of the development.**

Reason: To ensure that the development can be properly drained and

**to ensure compliance with policy EN7 of the Core Strategy
Development Plan Document.**

Action: Strategic Director, Place

(b) 16-18 Leylands Lane, Bradford

Heaton

Previous reference: Minute 16(a) 2018-19

A full application for the change of use of 16-18 Leylands Lane, Bradford from a nursing home (Use Class C2) to a house in multiple occupation (HMO) (Use Class Sui Generis) - 18/04325/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that the application requested the change of use from a nursing home to a house in multiple occupation (HMO) and that the previous application had been refused due to the lack of off-street parking provision. It was noted that four 3 metre wide car parking spaces had now been provided in the rear yard for the proposed 15 flats. Representations had been received, however, measures had been put in place by the applicant. The Strategic Director, Place confirmed that the scheme would have a shortfall of three parking spaces, but the previous use had not provided sufficient spaces either. As the property was close to the main bus route, the Council's Highways Department were satisfied with the proposal. The application was then recommended for approval, as per the reason set out in the report.

In response to questions, Members were informed that:

- The shortfall in the parking provision would be three spaces, however, if the use reverted back to a nursing home there would be six spaces less than required.
- The access along the back street would not be used much beyond the property.
- The property was located on a main bus route, had good public transport links and was close to shops and schools.
- The property was located in a sustainable position.
- The previous use as a nursing home required the provision of six parking spaces, but none had been provided.
- A HMO licence had been granted and the property was occupied.

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

- Her house was next door to the HMO.
- The back lane was unadopted, had an uneven surface and potholes.
- Her property had a garage to the rear but it could not be accessed.
- The properties on Leylands Terrace had steps down to their gardens, so they kept their bins on the back lane.
- Bushes made the lane narrow during spring and summer.
- There was a pile of stones on the lane.
- Residents did not park on the back lane, as their cars had been damaged.

- The back lane was not fit for purpose.
- There was no lighting on the lane.
- Skips had been placed on the lane and refuse collection had not taken place due to access problems.
- The people residing in the HMO would not use the parking to the rear if damage occurred to their cars.
- The parking provided would not be used due to the state of the lane.
- The entrance to the back lane was from Highgate, which was busy during peak time traffic.
- The property was not currently full, but five or six cars were present and this did not include visitors' vehicles.

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

- The Council's Highways Department had stated the proposal did not raise any highway safety concerns, but there were issues on Highgate and Leylands Lane.
- The bus service had been reduced to hourly, therefore there would be a greater number of car journeys.
- Residents regularly complained about refuse not being collected.
- The photographs provided showed bins on the lane.
- The back lane was unadopted and not in good condition.
- The report stated that the applicant had made efforts in relation to the parking, but he had just removed a shed.
- If four vehicles parked at the rear they would overhang onto the lane.

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

- The allocated spaces would not improve the parking provision, as there were barriers to parking at the rear of the property.
- The width of the road was insufficient to permit parking.
- Access and egress from the back lane would cause safety issues.
- The bus service had been reduced to one per hour.
- Cars parked on the pavement on Leylands Lane.
- There were highway issues to the front and rear of the property.
- The provision of four parking spaces did not add to the material strength of the application.
- The property next door was derelict and it was believed it would be turned into a HMO.
- It would be preferable if the houses were occupied by families and the property could be transformed back into this type of accommodation.
- Officers had not given due consideration to highway safety.

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

- The property served an important local housing need.
- The tenants need this type of accommodation and had been carefully vetted.
- All the tenants were employed.
- All the anti-social behaviour issues had been addressed.

- The access to the rear had been over exaggerated.
- Construction vehicles had not had a problem accessing the lane.
- There would be sufficient room to park cars.
- The bins would be regulated.
- There was parking to the front of the property.
- He was confident that there were no concerns.
- The application should be granted.

The Strategic Director, Place informed Members that the back lane was an unadopted road and an objection had not been raised previously. He stated the number of parking spaces required had been balanced against the use as a nursing home and three to four spaces would now be provided. The maintenance of the unadopted road was the responsibility of the residents and it was believed that the additional parking spaces would be beneficial.

In response to questions, the applicant's agent clarified that service vehicles could access the unadopted road, the stones would be removed and its condition would improve once vehicles started to use it. The number of vehicles permitted to park could be controlled.

Members posed further questions and the Strategic Director, Place replied that:

- He could not confirm or deny whether service vehicles accessed the back lane, however, they would access it in reverse if they did.
- The provision of lighting on an unadopted highway was not a requirement and the applicant could not be asked to make improvements to the lane.
- The provision of lighting was outside the remit of the applicant.

During the discussion a Member acknowledged that there was no reason to go against the officer's recommendation, however, another stated that he would not support the application due to highways and access issues.

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) 172 Wilson Road, Wyke, Bradford

Wyke

A full planning application for the removal of all timber structures and replacement with a new purpose built cattery (sui generis use class) at 172 Wilson Road, Wyke, Bradford - 18/02300/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the scheme was for the construction of a cattery and the removal of the existing timber structures. The site was located at the end of a road that became a bridleway and was obscured from sight by a boundary hedge and fence. The proposed purpose built cattery

would have a limited impact on the Green Belt. The Strategic Director, Place reported that five objections had been submitted including one from a Ward Councillor and one in support. He confirmed that the Council's Highways Department and Environmental Health Unit had not raised any concerns. Members noted that the facility would cater for 15 cats, maximum and have an appointment system. The proposal would not harm residential amenity and, therefore, the application was recommended for approval, subject to the conditions as set out in the report.

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

- The cattery would provide her family with an income and would resolve child minding issues.
- It would be a small business.
- Neighbours had been considered and the cattery would be located away from the house.
- The cattery would operate on an appointment basis only between 10am and 6pm.
- The garden would remain.
- The business would be licensed and operated to standards.

In response to a couple of questions from a Member, the Strategic Director, Place confirmed that the applicant was agreeable for the operating hours to be controlled by a planning condition.

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) 3 Norman Crescent, Bradford

Bolton & Undercliffe

Construction of a two storey side with single storey rear extension and front porch at 3 Norman Crescent, Bradford - 18/04143/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was for the construction of a two storey side and a single storey rear extension with a front porch. Members noted that the porch and rear extension complied with Council policy. The application was then recommended for approval.

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

- Residents were concerned about the proposal.
- The previous application had been refused.
- The proposed extensions would be an overdevelopment and encroach on neighbouring properties.
- The scheme would be out of character with the area, as space was

expected between houses.

- The garage would be removed and parking provided in the front garden.
- The garden would have to become hard standing.
- Drainage would be affected if hard standing was installed.
- There was no on-street parking provision and this would affect other residents and services.
- Vehicles used Norman Avenue and Crescent as 'rat runs'.
- The neighbours had to replace fences.
- The applicant did not live on site and it site was a mess.
- There were bats in the area.
- The trees and hedges had been removed.
- The proposal complied with policies but not the spirit of the area.
- The proposal had not altered from the previously refused application.

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

- The application had been refused in September 2018 as the proposed extension had been staggered and did not comply with Council policy.
- The proposal did not occupy 50% of the curtilage and met the requirement.
- Specific design needs had been complied with.
- The proposed extension would be set back 1 metre in order to avoid 'terracing'.
- Two parking spaces would be maintained, with additional places if required.
- The access would not alter.
- Hedges were for property owners to maintain.
- The house was not in a bat zone and there was no evidence of bats, but a footnote had been placed on the application in case they were sighted.

Members were also informed that two or three parking spaces were required and the applicant had indicated that extra ones could be provided. The front wall could be removed but authority from the Highways Authority would be required in order to drop the kerb.

The applicant's agent addressed the Panel confirming that the design and proposal complied with the Council's Householder Supplementary Planning Document and requested that the application be approved. The applicant then explained that his family currently lived in a terraced property with a small garden and he needed more space. A family member had health issues that needed ground floor facilities and they only had one vehicle.

During the discussion a Member acknowledged that the proposal complied with Council policies and another noted the concerns of the objectors.

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) 62 Rooley Crescent, Bradford,

Wyke

Detached dwelling as built at 62 Rooley Crescent, Bradford - 18/04513/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the detached dwelling was almost complete and was located in a residential area with no uniformity in the design of the houses. Planning approval had been granted in December 2016 for a similar design and the alterations to the property were minor. The height would be 9.2 metres and the footprint would be slightly different. The Strategic Director, Place informed Members of a representation from a Ward Councillor who could not attend the meeting that requested the application be refused. He then recommended the application for approval, subject to the conditions as set out in the report.

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

- He lived next door and the property overlooked and over loomed his house.
- He and his wife were keen gardeners.
- The concrete footing of the new property's wall had affected his garden hedges and they would die.
- The development had been ongoing for a number of years and caused a disturbance in the early morning.
- Their side garden could not be used as it did not get the sun.
- His house and garden used to be private and were not now.
- The scheme was constantly being altered.

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

- Previous applications had been approved.
- The height and footprint would be the same.
- Only minor amendments had been made in relation to the Velux windows, solar panels and window fenestrations.
- The applicant had tried to place the wall foundations as far away as possible from the trees.
- The scheme could be constructed under permitted development.
- The size, height and volume were the same as the previous approval.

During the discussion Members acknowledged that the previous scheme had been approved and the application only proposed slight amendments. Concerns were raised in relation to the boundary wall and it was requested that the applicant improved its appearance on the neighbour's side.

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

(f) Express House, White Abbey Road, Bradford Manningham

Full planning application for a mixed use development consisting of retail units and cafe at ground floor level and beauty/photography studio at first floor level with external changes to the building which include a balcony to the front elevation at Express House, White Abbey Road, Bradford- 18/04118/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 for a mixed use development consisting of a beauty studio, café and a small retail unit. The building was neglected and located in a mixed use area. It was noted that five car parking spaces could potentially be available and a further three could be acquired by a Section 106 Agreement if required. A number of representations in objection and support of the proposal had been received and the issues were covered in the officer's report. The Strategic Director, Place confirmed that the site was just outside the City Centre, could provide acceptable parking provision and, therefore, the proposal was acceptable in principle. He then recommended the application for approval, subject to the conditions as set out in the report.

In response to a Member's query, the Strategic Director, Place stated that the balcony would adjoin the beauty studio.

An objector was present at the meeting and reported that:

- He lived on Hardaker Street.
- There was a lack of parking in the cul-de-sac.
- The Council's Highways Department had raised concerns in relation to the lack of parking for the new business and the significant highway safety issues.
- Nothing had changed since the previous application.
- The Council had rejected permit parking for residents.
- Anyone could park on the cul-de-sac and residents would struggle to find a place.
- Any vehicle could park in the proposed five plus three spaces as they did not belong to Express House.
- The current business in Unit 3 was already causing parking issues.
- Noise and litter was a problem.
- Where would the delivery vans for the café park?
- The development would not resolve the anti-social behaviour issues, as they had been there for many years.

The applicant was present at the meeting and stated that:

- He had been passionate about the area for many years.
- He wanted to bring his experience back to Bradford.
- The property had always been a commercial building.
- The previous commercial uses had not had an issue with parking.

- Car parking would be available.
- He owned half Hardaker Street.
- It would be an appointment based business and provide an exclusive service.
- He would work one to one with clients on a pre-booked appointment system.
- The business would provide four full time and two part time jobs.
- The proposal provided an opportunity to regenerate a derelict building.
- The development would not eradicate anti-social behaviour, but it would deter it.
- He had not been able to redevelop the building due to previous applications being refused.

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

- The scheme had been reduced.
- Parking had previously been proposed on the opposite side of the road, but that option had been withdrawn.
- Parking spaces would be available.
- The site was close to the City Centre.
- The scheme would bring the building back into use.
- The building had been a dairy many years ago.
- The houses opposite had parking to the rear.
- The roundabout was protected by a Traffic Regulation Order (TRO) and double yellow lines.
- It was believed that some parking may occur at the property, however, the Section 106 Agreement may not be required.

The Chair indicated that he did not want to see empty business units and noted that the applicant was willing to redevelop the building, however, he did not consider a Section 106 Agreement to secure the additional parking would be necessary.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place's technical report but without the Section 106 Agreement to secure additional parking.

Action: Strategic Director, Place

(g) Land at Commercial Street, Queensbury, Bradford Queensbury

A full application for the construction of nine dwellings (eight, two bed and one, three bed) and associated parking at Land at Commercial Street, Queensbury, Bradford - 18/03426/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application was for the construction of nine dwellings with parking and approval had previously been

granted in 2011. Members noted that a tree would have to be removed from the centre of the site, improvements would be made to the highway and the access would be able to accommodate service vehicles. The Strategic Director, Place stated that overall the changes to the previous approved scheme were minimal and, therefore, the application was recommended for approval subject to the conditions as set out in the report.

In response to Members' queries, the Strategic Director, Place confirmed that the proposed improvement to the highway may or may not happen, however, it could be requested as the development proposed a significant number of properties. He clarified that only works directly relevant to the development site could be proposed and the implementation would be subject to a Section 278 Agreement.

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

(h) 149 Rochester Street, Bradford

Bradford Moor

Previous reference: Minute 11(f) 2018/19

Construction of porch to front (retrospective) at 149 Rochester Street, Bradford - 18/02472/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application had been deferred from a previous Panel meeting in order for the applicant to submit medical information in support of the proposal. A letter had since been submitted by the applicant, which stated that he had been misled by the builder and the porch kept out the cold as a family member was unwell. The family's doctor had also sent a letter stating that the cold and draught made the family member unwell. The Strategic Director, Place informed Members that the Council's Occupational Health Unit had been consulted and they did not have any disabled occupants on record at the property. He confirmed that exceptions to the policy could only be allowed on disability grounds and other measures could be undertaken. The application was then recommended for refusal, as per the reasons set out in the report.

In response to a Member's query the Strategic Director, Place clarified that the porch should only cover the front door and there were similar enforcement cases ongoing in the area. He reported that the Council had successfully defended a number of appeals against similar developments in this area.

A Member agreed that the porch did not comply with the Council's criteria, however, he indicated that he sympathised with the family. The Chair also acknowledged that the porch should be smaller.

Resolved –

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

Action: Strategic Director, Place

(i) 71 Killinghall Road, Bradford

Bradford Moor

Change of use of ground floor to beauty salon at 71 Killinghall Road, Bradford - 18/03345/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application proposed the change of use of the ground floor of a mid terraced property to a beauty salon. Properties in the row were residential and non-residential uses were located at the end of the terrace. Members noted that the opening of the building would be altered along with the access to the upper floor. In 2009 an application for a beauty salon at the house next door had been refused and any significant changes in circumstances would have to be considered. In relation to visual amenity, the houses on the terrace were uniformed and, therefore, the proposal was unacceptable on this basis. Customers attending the property would also disturb neighbours and cause harm to the residential amenity. With regards to highway safety, the Strategic Director, Place stated that the property was located on a busy road that had single yellow lines and no off-street parking provision had been submitted. He then recommended the application for refusal as per the reasons set out in the officer's report.

The applicant was present at the meeting and commented that:

- Parking and highway safety had been raised as issues.
- Her business was currently operating from 23 Killinghall Road.
- The objections were meaningless.
- 90% of her clients lived in BD3 and worked.
- It was an appointment based business.
- There was plenty of car parking in the area.
- Number 59 and 76 Killinghall Road had access to parking.
- She wanted to live above her small business.
- Her business would only require two small rooms.
- Number 79 Killinghall Road had stated that her business could use its parking facility.
- She had worked hard and purchased the property.

During the discussion a Member acknowledged the parking issues in the vicinity and stated that it was the most densely populated area in the Bradford District. He noted that the alterations to the frontage to the mid terrace would also be out of keeping with the character of the surroundings. Another Member highlighted the highway safety issues on Killinghall Road. The Chair stated that the property's effect on the residential amenity had to be considered and that if it had been at the end of the terraced row the situation would have been different. In conclusion Members agreed that it was not a suitable property for a business.

Resolved –

That the application be refused for the reasons set out in the Strategic Director, Place’s technical report.

Action: Strategic Director, Place

(j) Land East of 19 Cliffe View, Bradford

Thornton & Allerton

A full application for the construction of a detached dwelling at Land East of 19 Cliffe View, Bradford - 18/04232/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that there was significant planning history on the site and permission had eventually been granted for a single storey dwelling, which had been constructed on the footprint of the approved plans. Members were informed that the height of the approved property was 3.8 metres, however, the submitted application proposed an increase in height to 5.6 metres, the addition of dormer windows and a large expanse of render which would have an effect on the listed buildings. The Strategic Director, Place reported that representations against the proposal had been received and these were supported by a Ward Councillor. He then recommended the application for refusal as per the reason set out in the report.

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

- The imposition of the amendments on the listed building was the issue. The agreed height of 3.8 metres would not cause a problem.
- It was accepted that there were different properties, however, the site was located next to listed buildings and other houses would not affect them.
- The principle of development had been approved, but the new proposal would increase the harm the listed buildings.
- It was not a Conservation Area, but the character of the listed buildings had to be preserved.

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

- Space was limited.
- Her property only had a front garden.
- If the roof was raised it would block out the light to Number 21.
- Her house had been built in 1793.
- An additional storey would overpower the listed buildings.
- The area was originally called ‘The Bogs’ and some of the houses suffered from water in their gardens.

With regard to light and distance concerns, the Strategic Director, Place clarified that the proposal was within the parameters of what was classed as reasonable. He added that the drainage details had been agreed as part of the previously approved application.

The applicant was in attendance and made the following points:

- Prior to development the site had been an eyesore.
- The materials complied with Planning Regulations.
- He had tried to be considerate with neighbours.
- Work had ceased and a new application had been submitted.
- There was no uniformity in the houses.
- The plot was set below the road level.
- The application requested a pitched roof and not a flat roof.
- The roof pitch could be lowered.
- There had been issues at the site previously.
- Planning officers and neighbours had been consulted.
- The affect on the light of other properties had been over exaggerated.

In response to further queries from Members, the Strategic Director, Place explained that:

- The two sets of terraced cottages were listed.
- The new proposed property would be substantially higher and was located amongst listed buildings. The previously approved dwelling sat low down on the site, however, the tall gable of the new proposal would be visible and its prominence raised concerns. The proposal eroded the character of the street scene and did not harmonise with the existing buildings.
- No information had been submitted in respect of a lower pitched roof and Members had to consider the submitted application, however, if the application was withdrawn other options could be explored.
- The affect of the proposal on the setting of the listed buildings was important.
- The combination of the proposed materials would cause harm to the setting of the listed buildings.
- Members could only consider the application before them, however, the applicant could withdraw the scheme and submit a revised proposal.
- The wall would be retained in its current position.

The City Solicitor informed Members that under the Planning (Listed Buildings and Conservation Areas) Act 1990 the Panel had a duty to consider if there would be an effect on the listed building's setting and if it was not significant but beneficial then thought could be given to approving the application. As a residential development had been granted on the site, he indicated that Members would need to question whether the new proposal would affect the listed buildings. The Strategic Director, Place added that the Council's Conservation officer had raised concerns in respect of the amount of render to be used and the increased height and scale. He stated that the previous approval had not significantly affected the listed buildings and reasons would have to be provided if the Panel believed that the new proposal would be beneficial to the setting.

During the discussion a Member indicated that he could not support the application as submitted due to the materials to be used. The Chair stated that he would support the proposal but would like more stone. The Strategic Director, Place explained that the scheme could not be amended as the drawings

presented stated that render would be used and any alterations would then require further consideration.

Following the defeat of the recommendation to refuse the application, the Chair stated that he believed the development would be compatible within the vicinity, as different types of housing were present, however, he requested that stone was used in the construction.

Resolved –

That the application be approved for the following reason:

That following consideration of the setting of the proposed dwelling in accordance with the Listed Buildings and Conservation Areas Act 1990, it is believed that the dwelling would have less of a substantial effect on the listed buildings and may be beneficial to the housing provision within the District.

And that the application be subject to the following conditions:

- 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. Samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority before the development begins, and the development shall be constructed in the approved materials.**

Reason: In the interests of the character and appearance of the nearby listed buildings and to accord with policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

- 3. Notwithstanding any details shown on the submitted plans the development shall not begin until a plan showing the positions, design and materials of boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the first occupation of dwelling and shall thereafter be retained.**

Reason: In the interests of amenity and privacy and to accord with policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

- 4. Prior to the first occupation of the building hereby permitted, details of the finishes and colour of all surface materials, including those to access driveways, forecourts, parking/turning areas etc., shall have been submitted to and approved in writing by the Local Planning Authority and so carried out in accordance with those approved details.**

Reason: To ensure a satisfactory appearance in the interests of visual amenity and to accord with policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the dwelling without prior written permission of the Local Planning Authority.**

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with policy DS5 of the Core Strategy Development Plan Document.

- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Schedule 2 Part 1 Classes A to F of the said Order shall be carried out without the prior written permission of the Local Planning Authority.**

Reason: In the interest of visual amenity and to accord with policy DS5 of the Core Strategy Development Plan Document.

- 7. Before 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 TR2 and EN7 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

23. MISCELLANEOUS ITEMS

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

DISCONTINUANCE NOTICE

- (a) **828 Leeds Road, Bradford** **Bradford Moor**

Date Discontinuance Action Authorised: 13 November 2018

REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION

- (b) **Land at Grid Ref 419513 440123 Greenlea Road, Apperley Bridge, Bradford** **Idle & Thackley**

Unauthorised use of land as a depot for a construction and demolition contractor

and for the importation, storage and deposit of waste – 11/01172/ENFCOU

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 25 September 2018.

(c) 18 Martindale Close, Bradford **Eccleshill**

Unauthorised dormer windows - 15/01066/ENFUNA

On 10 September 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(d) 3 Heaton Grove, Bradford **Heaton**

Breach of condition 6 of planning permission 12/00553/FUL - 17/00012/ENFCON

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

(e) 41 Hollingwood Lane, Bradford **Great Horton**

Breach of condition 3 of planning permission 16/04766/HOU that required the bedroom window in the side elevation of the new extension to be installed with a sill height of 1.7 above the finished floor level - 17/00240/ENFAPP

On 18 October 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(f) 30 Sandbeds, Queensbury, Bradford **Queensbury**

Without planning permission, installation of externally mounted roller shutter, shutter box and guide rails - 17/00452/ENFUNA

On 27 September 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(g) 44 Duckworth Grove, Bradford **Toller**

Unauthorised externally mounted roller shutters - 17/00652/ENFUNA

On 21 November 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(h) 5 Ellercroft Road, Bradford **City**

Without planning permission, construction of a structure to the rear of the property - 17/00635/ENFUNA

On 26 November 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(i) 189 Undercliffe Street, Bradford **Bowling & Barkerend**

Unauthorised self-contained basement flat - 17/00856/ENFCOU

On 13 November 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(j) 19 Hollybank Grove, Bradford **Great Horton**

Without planning permission, construction of a boundary wall to the rear (south west) – 17/00922/ENFUNA

On 26 November 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(k) 252 St Stephens Road, Bradford **Little Horton**

Unauthorised front and rear dormer windows – 17/00971/ENFUNA

On 18 October 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(l) 15 Naples Street, Bradford **Toller**

Without planning permission, construction of a dormer window extension on the principal elevation of the back-to-back dwelling house - 17/01044/ENFUNA

On 18 October 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(m) 807 Great Horton Road, Bradford **Royds**

Unauthorised rear dormer window - 17/01046/ENFUNA

On 8 November 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(n) 8 Como Grove, Bradford **Toller**

Without planning permission, construction of a two storey side extension with a dormer extension in the rear roof plane – 18/00048/ENFAPP

On 26 November 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(o) Food Court, Ingleby Road, Bradford **City**

Without planning permission the siting of two containers that are being used as a café - 18/00124/ENFUNA

On 2 October 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(p) 11 Southbrook Terrace, Bradford **City**

Unauthorised signage - 17/01082/ENFLBC

On 7 November 2018 the Planning Manager (Enforcement & Trees) authorised the issue of a Listed Building Enforcement Notice.

(q) 41 Brisbane Avenue, Bradford **Bolton & Undercliffe**

Unauthorised rear dormer window - 18/00409/ENFUNA

On 13 November 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(r) 43 Hawes Road, Bradford **Wibsey**

Without planning permission, construction of first floor rear extension in the rear roof plane. Without planning permission, the construction of two front dormer extensions in the front roof plane - 18/00325/ENFAPP

On 26 November 2018 the Planning Manager (Enforcement & Trees) authorised the issue of two number Enforcement Notices.

(s) 47 Clayton Road, Bradford **Great Horton**

Without planning permission the siting of a refrigeration unit – 18/00368/ENFUNA

On the 18 October 2018 the Planning Manager Enforcement and Trees, under delegated powers, authorised enforcement action requiring the removal of the refrigeration unit.

(t) Old Police Station, Preston Street, Bradford **City**

Unauthorised single storey side extension, canopy structures, refrigeration unit and portable building - 18/00425/ENFUNA

On 7 November 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(u) Old Police Station, Preston Street, Bradford **City**

Breach of condition 4 of planning permission 11/05465/FUL - 18/00971/ENFCOU

On 7 November 2018 the Planning Manager (Enforcement & Trees) authorised the issue of a Breach of Condition Notice.

(v) 358 Great Horton Road, Bradford **City**

Unauthorised extractor flue - 18/00435/ENFUNA

On 7 November 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS DISMISSED

(w) 12 Far Hills, Bradford **Royds**

Double storey side and rear extension, single storey side and front porch - Case No: 18/00512/HOU

Appeal Ref: 18/00092/APPFL2

(x) 21 Spencer Road, Bradford **City**

Hip to gable roof extension with dormer windows to front and rear - Case No: 18/00436/HOU

Appeal Ref: 18/00081/APPHOU

(y) 21 Woodale Avenue, Bradford **Heaton**

Change of use from takeaway (A5) to non-residential institution (D1) including two-storey extension to rear and side to form madrasa - Case No: 17/06626/FUL

Appeal Ref: 18/00050/APPFL2

(z) 394 Harewood Street, Bradford **Bradford Moor**

Appeal against Enforcement Notice - Case No: 17/00147/ENFUNA

Appeal Ref: 18/00065/APPENF

(aa) 402 Harewood Street, Bradford **Bradford Moor**

Appeal against Enforcement Notice - Case No: 17/00278/ENFUNA

Appeal Ref: 18/00066/APPENF

(bb) 5 Upper Fawth Close, Queensbury, Bradford **Queensbury**

Construction of a pair of semi-detached houses with integral garages. - Case No: 17/04582/FUL

Appeal Ref: 18/00046/APPFL2

(cc) 51 Scarlet Heights, Queensbury, Bradford **Queensbury**

Installation of boundary fence and gate (retrospective) - Case No: 18/00452/HOU

Appeal Ref: 18/00093/APPHOU

(dd) 8 Highfield Place, Church Street, Bradford **Manningham**

Appeal against Enforcement Notice - Case No: 16/00817/ENFUNA

Appeal Ref: 18/00068/APPENF

(ee) Becksides Stables, Chat Hill Road, Thornton, Bradford **Thornton & Allerton**

Conversion of disused cattle barn into a single storey dwelling house. - Case No: 17/06943/PAR

Appeal Ref: 18/00056/APPAR

(ff) Land at Arthur Street, Bradford **Eccleshill**

Residential development including infrastructure, landscape, access and all associated external works - Case No: 17/04224/MAF

Appeal Ref: 18/00073/APPFL2

(gg) Land South of 139 to 141 St Helena Road, Bradford **Royds**

Retrospective application for change of use to sale and fitting of tyres - Case No: 18/00426/FUL

Appeal Ref: 18/00047/APPFL2

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