

Minutes of a meeting of the Area Planning Panel (Bradford) held on Tuesday, 20 August 2019 in Committee Room 1 - City Hall, Bradford

Commenced 10.00 am
Concluded 11.50 am

Present – Councillors

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

Councillor S Hussain in the Chair

7. DISCLOSURES OF INTEREST

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

Councillor Watson disclosed that in relation to 844 Cleckheaton Road, Bradford (Minute 10 (c)) the application was within her Ward, however, she had not discussed any of the matters now before the Panel for determination with any interested parties.

Councillors Shabir Hussain, Amran and Warburton disclosed that he knew a number of people associated with some of the applications but they had not discussed any of the matters now before the Panel for determination with any interested parties.

ACTION: *City Solicitor*

8. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

9. PUBLIC QUESTION TIME

There were no questions submitted by the public.

10. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

(a) 26 Briggs Avenue, Bradford

Wibsey

A householder planning application for the construction of a single storey rear extension at 26 Briggs Avenue, Bradford - 19/02336/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He informed Members that the property had already been extended and the proposed single storey extension would still retain a distance of 8.9 metre to the rear boundary, therefore overlooking was not an issue. A number of objections had been submitted and the issues raised were covered in the officer's report. The proposal would provide facilities for one of the occupants and the Council's Occupational Therapy section had supported the request. The application was then recommended for approval, subject to the conditions as set out in the report.

A supporter of the applicant was present at the meeting and stated that the application complied with all planning policies, but had been submitted to the Panel due to the objections received. He then requested that the application be approved.

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) 4 Stone Street, Sandy Lane, Bradford

Thornton & Allerton

A full planning application for the change of use from residential dwelling to mixed use of residential and child-minding at 4 Stone Street, Sandy Lane, Bradford - 19/01176/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application requested the change of use from residential to mixed residential and child-minding. The property was currently used as a hair salon at ground level and residential above. The on-street parking was limited in the vicinity and the nearby public house had informally agreed that their car park could be used by the child-minding business. The application was a re-submission due to the previous refusal on the grounds of parking provision. It was noted that the applicant had agreed to limit the number of children looked after to seven and no changes would be made to the property. The Strategic Director, Place then recommended the application for approval, subject to the conditions as set out in the report.

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

- The applicant did not own the car park that was to be used.
- The informal arrangement regarding the car park had not altered the recommendation. The proposal to approve the application had been based upon the number of children being limited to seven and the vehicle movements would not be detrimental.
- It would be a requirement to register the children using the child-minding service with the Local Authority.
- The operating hours would be conditioned.
- Vehicles would only drop off and collect children.
- A member of staff would collect the child from a vehicle if it was unable to park safely.
- The operating times would not clash with those of the public house.
- In the case of an accident fatality, driver error would be looked at and the road network may not necessarily be involved.

The applicant was present at the meeting and commented that:

- The accident had occurred at 8pm.
- The previous application had proposed a commercial use.
- The new tenant wanted to move into the property and continue her business.
- The fire service had visited the property and all their recommendations had been put in place.
- A register of the children that attended was kept.
- He believed the objections were personal.
- The Parish Council had supported the application.
- It was hoped that the application could be supported.

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) 844 Cleckheaton Road, Bradford

Wyke

A full planning application seeking permission to change the use of the former post office and ancillary storage building at 844 Cleckheaton Road, Bradford - 19/00643/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application sought permission to convert the property into a house in multiple occupation (HMO) with two access points, one from Cleckheaton Road and the other off South Street. The property was located in a sustainable location and, therefore, the parking provision of one space for the dwelling and two spaces for the HMO would be adequate. A number of objections had been submitted and the issues were covered in the officer’s report. The Strategic Director, Place stated that the proposal would add to the District’s housing demand and recommended the

application for approval, subject to the conditions as set out in the report.

In response to a Member's query regarding the access, the Strategic Director, Place confirmed that there was an existing driveway onto Cleckheaton Road, however, it was not used.

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) Land at Haigh Hall Road, Bradford

Idle & Thackley

A full application for the construction of six dwellings on land at Haigh Hall Road, Bradford. The application is a resubmission of application 18/04898/FUL-19/01705/FUL

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 six dwellings with access from Stanley Street. The proposal was a resubmission, as the previous application had been refused due to access issues. It was noted that Stanley Street was a better road with a wide junction onto Harrogate Road and it would be resurfaced as part of the application. The Strategic Director, Place confirmed that two parking spaces would be provided per dwelling and the access point from Haigh Hall Road would be closed off. 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 on Haigh Hall Road and was the only resident overlooked by the site.
- The site plan was incorrect as his garden covered part of the area shown as allotments.
- He did not object in principle to the proposal.
- The dormers should be rotated, so that they would not overlook his garden.
- Haigh Hall Road was unadopted and the residents were responsible for its upkeep.
- Residents were concerned that construction vehicles would use and damage the road.
- His property had not been identified on the plan.

In response to some of the comments, the Strategic Director, Place clarified that the distance to the gable of the objector's property would be 12.3 metres and the Council required a 7 metre distance between non-habitable windows. In relation to the construction traffic, he indicated that a condition could be placed on the application stating that Stanley Street must be used.

The applicant was present at the meeting and stated that:

- Three industrial units were located on the site and were surrounded by residential properties.
- It was not an ideal location for the units.
- A number of complaints had been submitted in relation to the usage and traffic to the site.
- The proposed development would reduce the traffic to the site and there would be less noise pollution.
- The proposal would mitigate anti-social behaviour.
- The proposed dwellings would improve and increase the value in the area.
- The scheme would be a better use of the land.

In response to questions, Members noted that:

- There would be recourse against extraordinary traffic on Haigh Hall Road, but it was hoped that this would be avoided. A management plan to use Stanley Street could be established and this would be enforceable. Under planning law it would stop the use of Haigh Hall Road.
- The applicant could enter into a legal agreement with the Council to ensure that any damage to the road was rectified.
- The re-surfacing of Stanley Street was part of the proposal, though it would not be made up to adoptable standards and was covered by condition 11.
- An additional condition could be placed on the application for a construction management plan, subject to the agreement of the applicant.
- A minimum of 7 metres distance was required between non-habitable windows and 12.3 metres had been identified, which was a significant gap and would mitigate amenity issues.
- The windows in the gable end of the objector's property were not habitable rooms and there would be sufficient distance to mitigate amenity issues.
- The distance in relation to the objector's garden was sufficient not to cause overlooking.
- Enforcement action would be taken as quickly as possible, however, it was difficult in terms of planning and a site visit would be undertaken.
- The condition would cover any damage to the road and local residents could also undertake their own action.
- A temporary stop notice could be actioned and if the applicant did not comply then prosecution action could be progressed, however, this was speculation as the event had not taken place.
- The condition would address the issue of damage to the road and if there was a breach the applicant would be susceptible to enforcement. The Council would not want to pass the responsibility to take further action to the residents.
- Another option would be to close the access from Haigh Hall Road before the commencement of development, however, the agreement of the applicant would be required.

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 additional condition:

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site;**
- ii) hours of delivery of materials;**
- iii) location of site management offices and/or sales office;**
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;**
- v) car parking areas for construction workers, sales staff and customers;**
- vi) temporary warning and direction signing on the approaches to the site (to include signage on Haigh Hall Road prohibiting use of Haigh Hall for construction traffic).**

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed.

Reason: To ensure the provision of proper site construction facilities and to prevent the use of Haigh Hall by contractor's vehicles in the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies DS4 and DS5 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

(e) Land at Wilmer Drive, Shipley

Heaton

An application for full planning permission for the construction of a five bedroom detached dwelling at Land at Grid Ref 414395 436265 Wilmer Drive, Shipley - 19/00946/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 a five bedroom detached property and a previous submission had been granted permission in 2017. The new scheme was similar to that previously approved except for a slight increase in the width and a balcony on top of the single storey element. The application was then recommended for approval, subject to the conditions as set out in the report.

An objector addressed the Panel and explained that:

- The track was the only access to five properties.
- He used the access for his business.
- The applicant had assured him that the track would not be blocked.
- In June the track had been blocked for four days without prior notice.

- Work could not be undertaken on the site without the track being blocked.
- Complaints had been made to the rights of way officer.
- He had legal access on his title deeds.
- He believed the Council had disregarded the legal notice he had sent.
- It was illegal to block his right of access.
- The application should be refused.
- Title Deeds established property ownership issues.

The objector confirmed to the Chair that he had submitted evidence to the Planning Department on three occasions but had not received a response. The Strategic Director, Place explained that planning approval would not override the Title Deeds and permission would be required in relation to the blocking of the highway, which would be temporary. A Member questioned whether a condition stating that the track must be kept open at all times, especially during the construction, would be possible and was informed that there were times when it would be necessary to temporarily close the right of way. Closures were subject to a procedure and it would be unreasonable to place a condition on the application. If the applicant wanted to close the track it would have to be on highway safety point. The City Solicitor clarified that the Highway Authority had a duty to keep the track clear, which would be the responsibility of the Highway Enforcement Team. A condition would not be required, as this would be a duplication of powers. He stated that the Title Deeds were a private matter and the Panel had to consider the application before them. The Strategic Director, Place reported that reasonable access had to be given to the site and it had to be accepted that temporary blockages may occur. Members noted that highway enforcement would be quicker to action and reiterated that there would have to be a highway safety issue for the track to be closed long term. Due notice would also have to be given, where possible, if the track had to be closed.

In respect of the evidence quoted by the objector, the City Solicitor stated that information should be submitted 24 hours prior to the meeting and was accepted at the Chair's discretion. Issues regarding the Title Deeds were a private matter for the individuals concerned and had no bearing on the application. The Strategic Director, Place added that any blockage of the track would be for the Highways Department to enforce, as it would be beyond planning powers.

During the discussion the Strategic Director, Place informed Members that a footnote could be placed on the application that advised the applicant of his responsibility regarding the public right of way.

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 that the following footnote be placed on the application:

Footnote: The development site adjoins a public right of way. This must not be obstructed by any plant, materials or equipment during the development. Any obstruction of the route, including obstruction by the temporary storage of materials or equipment, would constitute an offence under the Highways Act 1980 and may lead to enforcement proceedings.

If building works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. For details, please contact the Council's Transportation and Highways (Network Resilience) team via network.management@bradford.gov.uk

The surface of the footpath should not be disturbed. However, if damage to the public footpath caused by development works does occur, it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way, these must be approved, in advance by the Rights of Way Section. No new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. Contact rightsofway@bradford.gov.uk.

The requirements of the Equality Act 2010 must also be considered.

Action: Strategic Director, Place

(f) 97 Mayo Avenue, Bradford

Wibsey

A planning application for a two storey side and rear extension to 97 Mayo Avenue, Bradford - 19/01814/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the proposed extension would be located in place of the existing garage, however, concerns had been raised in relation to its proximity to neighbouring properties. The applicant had provided justification that the extension would be for the benefit of a disabled person and it was not considered that the ground floor extension would have an adverse impact. However, the proposed first floor would have an overbearing impact on 1 Raymond Drive.

Resolved –

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

Action: Strategic Director, Place

(g) Land at 44 Pasture Walk, Bradford

**Clayton & Fairweather
Green**

A full planning application for the construction of a two storey block of four apartments and a two storey extension of an existing block to create two further apartments at land at 44 Pasture Walk, Bradford - 19/01724/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 that construction of a two storey block and a two storey extension, which would replace an existing garage. It was noted that a protected tree would have to be removed in order to provide a parking area and the extension would have an overbearing effect on neighbouring gardens. The proposed length of the building had been shortened in order to move it away from protected trees, however, the application had still been refused due to the impact on the trees and the lack of a tree survey. The application proposed obscure glazing to the rear and this had overcome some of the issues initially raised. The Strategic Director, Place then recommended the application for refusal, as per the reasons set out in the report.

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

- Planning officer's concerns were accepted.
- The issues had tried to be resolved.
- The extension was acceptable in principle.
- The number of units had been reduced from five to four.
- The proposal had been moved back from the other property.
- A protected tree would be removed.
- Replanting could be conditioned.
- A tree report could be submitted as a condition.
- The additional information provided mitigated the concerns regarding overbearing and overshadowing.
- 109 Pentland Avenue would not be overshadowed after 8.30am.
- There was sufficient distance between the scheme and 109 Pentland Avenue.
- The provision of a tree report and a re-planting scheme could be conditioned.

The Strategic Director, Place stated that the applicant was aware of the requirement of a tree report, as a previous application had been refused and it would be required prior to granting approval as the trees could be killed. A Member questioned whether the application could be withdrawn and resubmitted with a report. In response the Strategic Director, Place confirmed that it could be considered if the applicant could demonstrate that no trees would be harmed and a suitable planting scheme was proposed, as the Council's tree officer had raised concerns in relation to the lack of space for new trees. A Member suggested that the application could be deferred and stated that he could not support the proposal without a tree report. Another Member acknowledged that the issue regarding the trees had still not been resolved and indicated that the application should be refused.

A Member questioned why a tree report had not been provided and the applicant's agent accepted that it was required, however, local residents had supported the removal of the tree in order to provide housing and improve the environment. The Chair questioned whether the application could be deferred and a tree report undertaken. The Strategic Director, Place stated that a time limit would be required for a response and if not received the application should be refused under delegated powers.

Resolved –

That the application be deferred and delegated to officers in order for the applicant to submit a tree survey and that if it is not received within three months then the application be refused by the Strategic Director, Place under delegated powers.

Action: Strategic Director, Place

11. MISCELLANEOUS ITEMS

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

REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION

(a) 1 Sal Nook Close, Bradford Wyke

Without planning permission the construction of one pair of semi-detached dwellings at land at 1 Sal Nook Close, Bradford - 18/00472/ENFCON

The Planning Manager (Enforcement and Trees) authorised enforcement action on the 12 July 2019.

(b) 100-100a Market Street, Thornton, Bradford Thornton & Allerton

Without planning permission, the installation of an externally mounted roller shutter, shutter box and guide rails to the front elevation of the property - 18/00057/ENFUNA

On 2 July 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(c) 1360 Leeds Road, Bradford Bradford Moor

Unauthorised cladding and canopy structure to front - 18/00201/ENFUNA

On 10 July 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(d) 22 Plumpton Mead, Bradford Windhill & Wrose

Unauthorised walling, fencing and hard surfacing - 17/01031/ENFUNA

On 31 July 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(e) 38 Granton Street, Bradford Bradford Moor

Unauthorised dormer window - 18/00694/ENFUNA

On 3 July 2019 the Planning Manager (Enforcement & Trees) authorised the

issue of an Enforcement Notice.

(f) 39 Melrose Street, Bradford **Great Horton**

Without planning permission the construction of a rear dormer window - 18/00458/ENFAPP

The Planning Manager (Enforcement and Trees) authorised enforcement action on the 25 June 2019..

(g) 418 Allerton Road, Bradford **Thornton & Allerton**

Without planning permission construction of first floor extension to the rear of the property - 17/00938/ENFUNA

The Planning Manager Enforcement and Trees authorised Enforcement action on 30 July 2019.

(h) 51 High Street, Queensbury, Bradford **Queensbury**

Without planning permission, the installation of an externally mounted roller shutter, shutter box and guide rails to the front elevation of the property as shown on the attached photograph - 18/00962/ENFUNA

On 2 July 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(i) 530 Great Horton Road, Bradford **City**

Unauthorised signs on Listed Building – 14/01154/ENFLBC

On 10 July 2019 the Planning Manager (Enforcement & Trees) authorised the issue of a Listed Building Enforcement Notice.

(j) 603 Thornton Road, Bradford **Clayton & Fairweather Green**

Unauthorised structure - 18/00910/ENFUNA

On 3 July 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(k) 702 Great Horton Road, Bradford **Great Horton**

Without planning permission, the change of use of land for the siting of a metal container - 17/00602/ENFCOU

On 2 July 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(l) 808 Leeds Road, Bradford **Bradford Moor**

Unauthorised timber cladding to front, side and rear elevations -

18/01064/ENFUNA

On 10 July 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(m) 860-862 Leeds Road, Bradford **Bradford Moor**

Unauthorised timber cladding to front elevation - 14/00765/ENFUNA

On 10 July 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(n) Land at Grid Ref 409311 433624 Lower Heights Road, Thornton & Thornton, Bradford **Thornton & Allerton**

Without planning permission the use of land for a mixed use consisting of:-

1. Agricultural use.
2. The use of the land as a site for the residential occupation of a caravan.
3. The use of land as a vehicle depot in connection with a food supply and distribution business.
4. The use of land in connection with the breeding and production of fish.
5. The use of land for the storage of a boat and industrial plant and machinery storage.

An enforcement notice was authorised by the Planning Manager (Enforcement and Trees) on 21 June 2019.

(o) Unit 1 Bowland Street Industrial Estate, Bowland Street, Bradford **Manningham**

Breach of condition 3 of planning permission 13/01204/FUL re business hours - 19/00339/ENFCON

On 3 July 2019 the Planning Manager (Enforcement & Trees) authorised the issue of a Breach of Condition Notice.

DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS DISMISSED

(p) 11 Kingswood Street, Bradford **Great Horton**

Retrospective application for two dormer windows to front - Case No: 18/03955/HOU

Appeal Ref: 18/00155/APPHOU

(q) 137 Legrams Lane, Bradford **City**

Change of use from class A1 retail sales shop to class A5 takeaway hot food shop, two dormer windows and access stairs to flat - Case No: 18/03185/FUL

Appeal Ref: 19/00035/APPNO2

(r) 32 Northdale Mount, Bradford **Wibsey**

Two storey rear extension - Case No: 19/00412/HOU

Appeal Ref: 19/00053/APPHOU

(s) 75 Town Lane, Bradford **Idle & Thackley**

Install roof lights - Case No: 18/03986/LBC

Appeal Ref: 19/00022/APPLB2

(t) 96 Heights Lane, Bradford **Heaton**

Retrospective application for featheredge slat timber fence to boundary - Case No: 18/05335/HOU

Appeal Ref: 19/00061/APPHOU

(u) Jowett House, 153 Sunbridge Road, Bradford **City**

Partial demolition of modern additions to main mill building complex - Case No: 18/05050/FUL

Appeal Ref: 19/00028/APPFL2

(v) Land to rear of 19 & 21 Ashfield Avenue, Bradford **Heaton**

Construction of four family houses consisting of two x 4 Bed Houses and two x 3 bed houses with access, layout and scale submitted for consideration - Case No: 18/02740/OUT

Appeal Ref: 19/00054/APPFL2

(w) Unit 1 Stanley Street, Greengates, Bradford **Idle & Thackley**

Car repair/body shop and car sales yard. The whole building and its external courtyard have been used for car sales since 2006. - Case No: 18/01221/CLE

Appeal Ref: 18/00159/APPCLC

(x) Unit 2 Stanley Street, Greengates, Bradford **Idle & Thackley**

Car repair/body shop and car sales yard. The building and its external courtyard have been used for car sales since 2007. - Case No: 18/01225/CLE

Appeal Ref: 18/00160/APPCLC

APPEAL ALLOWED IN PART/ PART DISMISSED

(y) 8 Como Grove, Bradford

Toller

Rear dormer window extension to double storey extension allowed on appeal and front boundary wall (retrospective) dismissed on appeal. - Case No: 18/05256/HOU

Appeal Ref: 19/00043/APPHOU

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