

**Minutes of a meeting of the Area Planning Panel
(Bradford) held on Thursday, 19 December 2019 in
Committee Room 1 - City Hall, Bradford**

Commenced 10.05 am
Concluded 12.15 pm

Present – Councillors

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

Observers: Councillor Imran Khan and Shaheen (minute 28b)

Councillor S Hussain in the Chair

24. DISCLOSURES OF INTEREST

- (i) Councillor Amran disclosed an interest in the item relating to 72 Toller Lane, Bradford (minute 28b) as he was related to the applicant. Accordingly he left the meeting during that item and took no part in the discussion or voting thereon.
- (ii) In the interests of clarity, Councillors Ahmed, Sullivan, Wainwright, Watson and Whitaker all disclosed in respect of the same item that they had considered the matter when it had been previously presented to the Panel but undertook to approach the issue with an open mind and to consider all the relevant issues before making a decision.

ACTION: City Solicitor

25. MINUTES

Resolved –

That the minutes of the meeting held on 17 October 2019 be signed as a correct record.

26. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

27. PUBLIC QUESTION TIME

No questions were submitted by the public.

28. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

The Strategic Director, Place presented **Document “I”**. Plans and photographs were displayed in respect of each application and a summary was provided of the representations that had been received for each application.

(a) 46 Flockton Crescent, Bradford Bowling and Barkerend

A householder application for the retrospective construction of front and rear dormer windows and a single storey rear extension at 46 Flockton Crescent, Bradford – 19/04377/HOU

Resolved –

That consideration of the application be deferred to a future meeting of the Panel at the request of the applicant.

Action: Strategic Director, Place

(b) 72 Toller Lane, Bradford Toller

An application for two storey side extension with office at ground floor and residential use on the first floor linked to the existing dwelling and dormer windows to the front and rear of 72 Toller Lane, Bradford – 19/03256/FUL

The Strategic Director highlighted that the location of the property was on a very busy road junction and that there was limited on-street parking. He reminded the Panel that this application had been considered previously and that there had been some concern about whether the application represented a home office or a business. He advised that save for the inclusion of an internal door to link the two parts of the property this application was unchanged from the previous iteration so his recommendation was for refusal.

A Councillor attended the meeting and spoke on behalf of the applicant in a personal capacity. He disagreed with the view that the property was situated on a

busy road as he considered that it was set back from the main road and actually sat on an unmade road. He also stated that a previous objector now supported the application and that the local mosque had offered its car park for use by the applicant's clients. He advised that the applicant intended to run a small internet based stationery business with some storage of stock at the premises and deliveries sent out from the premises. He also stated that the application had been necessitated by the applicant's insurer which required separate insurance cover for the business and the family home. He stressed that the main concerns in respect of the application could be resolved as the property was on a wide through road with on street parking so there was little likelihood of vehicles reversing into the main road or performing "u-turns".

A Ward Councillor also attended and supported her colleague's representations, stressing that parking and other traffic matters were not a concern, that local people were supportive of the application and that this would be a small family oriented business with little public attendance. She also advised that previous concerns had now been addressed and that the applicant was an employee of the Council who would be continuing his employment as his family would run the business.

Members questioned the Councillors about their representations, including whether stationery supplies would be kept on the premises and whether there would be deliveries to and from the premises. They were advised that supplies would be kept on the premises and that there would be deliveries both to and from the premises but that these would be at a low level initially.

The Strategic Director advised members that the letter from the mosque in respect of parking had no bearing in planning terms as it could not guarantee parking availability and that the application as submitted was not for a home office but was for full planning permission for a separate office.

The Principal Engineer, Highways advised that the offer of parking from the mosque would need a Section 106 agreement to be of any consequence and that such an agreement would then affect the parking available for the mosque. He stressed that the increase to the size of the property plus the application for a separate office meant that three or more parking spaces were necessary, especially taking into account the proximity of a busy road. He advised that the representations made by the Councillor supporting the applicant at this meeting which explained the nature of the proposed business more clearly gave him greater cause for concern than had previously been the case as the need for deliveries had now been confirmed.

The Chair commented on the application, stating that, when it had previously been presented, a door to link the two parts of the property had been requested. He also noted that there were two busy mosques nearby as well as a wedding hall and other businesses on Toller Lane but that there were parking spaces on-street and the other businesses had no dedicated parking but managed to operate successfully. He stated that he was now happy with the application.

Members asked for confirmation of whether the application was for a separate office and were advised that it was.

Members stated that their concerns had now increased as they had heard an explanation of the nature of the proposed business and the need for deliveries to and from the premises.

The Chair disagreed with that view as he considered that the applicant had complied with the previous request for an internal door and that other businesses nearby coped with the busy road and roundabout.

Resolved –

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

Action: Strategic Director, Place

(c) 138 New Line, Bradford

Eccleshill

A full planning application for the retrospective change of use from dwelling (C3) to a mixed use as a dwelling and a tattoo studio at 138 New Line, Greengates, Bradford – 19/03904/FUL

The Strategic Director highlighted to the Panel that this was a retrospective application for a small scale operation and that there was a parking area outside the property but that part of this was subject to a compulsory purchase order. He also advised that there was parking nearby at the local supermarket and that the location was considered sustainable.

Members queried the availability of the supermarket car-park as an on-line search seemed to show that it was subject to a maximum stay of two hours. They also queried why the advice of the Highways Officers had not been accepted.

They were advised that the application had been assessed as being a small scale operation in a sustainable location with good public transport links and on-street parking so these factors had been balanced against the advice of the Highways Officers. It was also confirmed that it would be possible to have three cars parked at the premises at any one time.

The applicant attended the meeting and spoke in support of his application, stressing that even taking into account the Compulsory Purchase Order, it was possible to park three cars at his property. He also advised that he ran a private tattoo studio, with clients attending by pre-booked appointment only rather than a shop with walk-in clientele.

Members queried how long would be required to tattoo a client and were advised that the average appointment would be three hours and the maximum six hours. The applicant also advised that he accepted only one client per day in order to fit in with his other businesses.

Resolved –

That 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) 31 Moorside Gardens, Bradford

Eccleshill

A householder application requesting permission for a two storey side and single storey rear extension with porch to front at 31 Moorside Gardens, Bradford – 19/03937/HOU

The Panel was advised that the orientation of the property meant that there would not be any issues of overshadowing; that windows to the rear of the property would have obscure glazing and that the only first floor windows would be to the front of the property.

A member questioned whether there was a gap between the proposed extension and the boundary of the property and was advised that there was and that the extension accorded with the extensions policy.

A member of the public objecting to the application attended the meeting and spoke in regard of his concerns, stating that his parents lived in the next door property which was at an acute angle to this property with a significant change in level between the two houses. He considered this meant that the extension would strongly overbear and over dominate his parents’ house. He had provided a set of photographs to support his objections in advance of the meeting and these had been circulated for members’ consideration.

He considered that a high wall would be positioned close to the dining room window of his parents’ house; that the proposed extension was wider than permitted and that the “rule of 45 degrees” would be broken. He stated that only two other properties in the street had extensions and they were situated side by side with much narrower extensions.

The Strategic Director advised that guidance meant that the extension should be 3.86m wide but that it was proposed to be 4m wide, which was not considered to be significantly different. He also explained that the reference to a 45 degree angle was not relevant to this application as it related to the problem of overshadowing, which would not occur at this property. He accepted that the extension would have an impact on the neighbouring property, in terms of there being a change from the current situation, but highlighted that most of the massing would be alongside the garage.

The applicant also attended the meeting and spoke in support of his application, stating that he needed more space for his family and his business. He also wanted to be able to stay near the support of his extended family as he had grown up in the area. He stressed that the nature of his work did not mean there would be any noise or deliveries as he worked in the music industry and used headphones to prevent noise problems.

Resolved –

That 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) Land at Old Allen Road, Wilsden

Thornton and Allerton

A reserved matters application subsequent to outline planning approval referenced 18/03894/OUT. The application seeks approval of access and scale details related to the construction and operation of an energy storage facility on land at Old Allen Road, Wilsden – 19/03074/REM

Members were advised of the nature of the storage facility and reminded that this was a reserved matters application for access and scale matters only. The photographs of the location showed that visibility would be limited by the topography of the area and further hidden by the required bund and tree planting. The Strategic Director advised that the most significant activity at the facility would be as the site was being commissioned and decommissioned, at all other times activity would be limited.

A member of the public objecting to the application attended the meeting and spoke in respect of his concerns, stressing that he was objecting on safety grounds as there would be a significant number of containers on site, each holding batteries for energy storage. He also considered that drainage would be an issue. He suggested that all the containers be painted green in order to minimise their impact on the landscape. He also noted that there was alternative access to the site which he considered safer and more suitable.

The Strategic Director advised that this application dealt with matters of access and scale only and that safety matters had previously been addressed. He reminded members that the containers would be spaced so that in the event of fire it would be confined to one unit only. Matters of drainage had also been considered previously and were already the subject of a condition. The outline application had indicated that the containers would be green and the alternative access mentioned by the objector was not within the ownership of the applicant so wasn’t a practical alternative. He acknowledged that the access road was lengthy but considered it would have very limited impact.

Members asked questions in respect of fire safety; the distance to the neighbouring farm; the size of the facility; the purpose of using storage facilities rather than a building and whether containers would be stacked on top of each other.

In response, they were advised that fire suppression and detection measures were already in place and were not the subject of today’s application; that the neighbouring farm was in excess of 200m from the facility; that storage containers would have a lower impact on the green belt than a building and that containers would not be stacked.

In addition, the applicant advised that the fire prevention measures in place were very stringent and that the tree planting would be placed on top of the bund to provide a good level of screening.

Resolved –

That 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) Land at Valentine Court, Off Back Lane,
Thornton**

Thornton and Allerton

A reserved matters application requesting consideration of appearance, landscaping, layout and scale for four detached houses (pursuant to outline approval 16/05388/OUT) on land at Valentine Court, off Back Lane, Thornton – 19/03575/REM

Members were advised that the proposed development matched the character of the locality and addressed the limited access to the site. The plot nearest the existing dwelling adjacent the site had been reduced in size to reflect its position and the orientation of both properties meant there would be no overshadowing. The Strategic Director advised that there would be a little overlooking but considered that it would be minimal due to the topography of the site.

Questions were asked in respect of garaging and parking and whether the proposed development accorded with guide lines in respect of housing density. In response, the Panel was advised that all the proposed garages could accommodate a car and that each property also had two off street parking spaces. Although the policy on density stated 30 properties per hectare, this development was set at a level of 21 properties per hectare, which was permitted under national guidelines taking into account the character of the site.

An objector attended the meeting and addressed the Panel, stating that he lived in the nearest existing property and had concerns in respect of the proposed elevation levels, considering that the nearest new property would be much higher than his house and would therefore be both intrusive and invasive. He advised that a ground floor window in the house proposed nearest to his would look directly into his house. He also considered drainage to be a potential problem and that water pressure in the area was already low. He did not consider that the bridleway could be used for that purpose once the houses had been built as access would be difficult.

In response the Strategic Director suggested that a condition in respect of obscure glass could be imposed and that the drainage team had already suggested appropriate conditions at outline permission stage.

The applicant’s agent attended the meeting and highlighted that the principle of development had already been approved, including matters of access and

drainage. This application was only to deal with matters of layout and scale for a development that would provide four family homes. The initial plans had been amended to take into account concerns in respect of the existing property. The proposed properties were in keeping with the area, were of a suitable size and had been landscaped to maintain the character of the area.

A member commented that he considered the proposed garages should be maintained for their original use and not converted into additional accommodation.

Resolved –

- (1) That application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place’s technical report.**
- (2) That, notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the integral garages within the dwellings hereby permitted shall remain available for the purposes of garaging and no subsequent alterations to convert these garages to primary residential accommodation addition shall be carried out without the express written permission of the Local Planning Authority.**

Reason: In the interests of amenity and highway safety and to accord with Policies TR2, DS4 and DS5 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

29. MISCELLANEOUS ITEMS

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

Requests for Enforcement/Prosecution Action

(a) 11 Silverhill Drive, Bradford Bradford Moor

Unauthorised front dormer window – 18/00333/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issue of an Enforcement Notice on 6 November 2019.

(b) 117 Cumberland Road, Bradford Great Horton

Without planning permission, the construction of four dormers on the rear of the roof plane and the construction of four dormers on the front roof plane of the

property and the installation of two externally mounted roller shutters, shutter boxes and guide rails to the front elevation of the property – 17/00885/ENFAPP

The Planning Manager (Enforcement and Trees) authorised the issue of an Enforcement Notice on 8 October 2019.

(c) 2 Oakroyd Villas, North Avenue, Bradford **Manningham**

Breach of condition 3 of planning permission 13/00727/HOU – 15/00962/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issue of a Breach of Condition Notice on 25 November 2019.

(d) 40 Sunderland Road, Bradford **Manningham**

Without planning permission the construction of a dormer window on the front and rear roof planes of the property – 18/00416/ENFCON

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

(e) 7 Sandhill Close, Bradford **Clayton and Fairweather Green**

Without planning permission, the formation of a hardstanding at the front of the property without provision to direct run-off water to a permeable or porous area or surface within the curtilage of the dwelling house.

The Planning Manager (Enforcement and Trees) authorised the issue of an Enforcement Notice on 8 October 2019.

(f) Black Dyke Mills, High Street, Queensbury **Queensbury**

Installation of advertisement signs on grade II listed building – 16/01053/ENFADV

The Planning Manager (Enforcement and Trees) authorised enforcement action on 14 October 2019.

Decisions made by the Secretary of State – Allowed

(g) 40 Speeton Avenue, Bradford **Royds**

Two storey side and part two storey and single storey rear extension – Appeal ref 19/00087/APPHOU

(h) Land at Canal Road, Bradford **Bolton and Undercliffe**

Retrospective Application for use of land – Appeal ref 19/00088/APPFL2

Decisions made by the Secretary of State – Withdrawn

(i) 1A Fountain Terrace, Wyke

Wyke

Orangery to front – Appeal Ref 19/00106/APPHOU

Decisions made by the Secretary of State – Dismissed

(j) 9 Ardennes Close, Bradford

Bolton and Undercliffe

Retrospective construction of extension to rear and removal of dormer extension to second floor and increase of roof ridge – Appeal Ref 19/00092/APPHOU

(k) Albion Mills, Hutson Street, Bradford

Little Horton

1x 48 sheet freestanding digital advertising unit, measuring 3m high and 6.92m wide – Appeal Ref 19/00121/APPAD2

(l) Former Site of White Bear Inn, 1222 Leeds Road, Bradford

Bradford Moor

Appeal against enforcement notice – Appeal Ref 19/00042/APPENF

(m) Forster Square Retail Park, Valley Road, Bradford City

Installation of digital advertising display – Appeal Ref 19/00093/APPAD2

(n) Land East of 4 Bell Dean Road, Bradford

Clayton and Fairweather Green

Appeal against Enforcement Notice – Appeal Ref 19/00037/APPENF

(o) Land East of 4 Bell Dean Road, Bradford

Clayton and Fairweather Green

Appeal against Enforcement Notice – Appeal Ref 19/00038/APPENF

(p) Site off Holme Lane, Tong

Tong

Demolition of Livery Stables and Construction of one dwelling – Appeal Ref 19/00096/APPFL2

Decisions made by the Secretary of State – Notice Upheld

(q) 51 Scarlet Heights, Queensbury

Queensbury

Appeal against Enforcement Notice – Appeal Ref 19/00058/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