

Minutes of a meeting of the Area Planning Panel (Bradford) held on Tuesday, 18 February 2020 in the Banqueting Hall - City Hall, Bradford

Commenced 10.10 am
Concluded 12.10 pm

Present – Councillors

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

Councillor S Hussain in the Chair

Apologies: Councillors Wainwright and Watson

Observer: Councillor Griffiths (minutes 34b and c)

30. DISCLOSURES OF INTEREST

- (i) All members of the Panel disclosed in the interest of clarity that they were acquainted with the applicant in respect of 2 Frensham Drive, Bradford (minute 34a) as he was a fellow Councillor but undertook to consider this application in the same manner as they would any other.
- (ii) Councillor Amran disclosed in the interests of clarity that he knew several members of the public in attendance but confirmed that he had not been contacted in respect of any of the applications to be considered.

Action: City Solicitor

31. MINUTES

Resolved –

That the minutes of the meeting held on 19 December 2019 be signed as a correct record.

32. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

33. PUBLIC QUESTION TIME

No public questions were submitted.

34. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

The Strategic Director, Place presented **Document “K”**. 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) 2 Frensham Drive, Bradford

Great Horton

A householder application for a side extension, an increase to the roof ridge height, the addition of front and rear dormer windows, inclusion of a porch and balcony – 19/05198/HOU.

Members were advised that the application complied with policy in all respects and that it had been presented for their consideration simply in furtherance of transparency of decision making as the applicant was a serving Councillor.

Resolved –

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

Action: Strategic Director, Place

(b) Land East of 43 Brunswick Road, Bradford **Idle and Thackley**

A full planning application to change the use of a development on land east of 43 Brunswick Road from the previously approved 10 C3 residential apartments to form a C2 residential institution (five apartments and one six bed house) and the installation of roof lights to the rear elevation – 19/04986/FUL

Members were reminded that this site had previously been granted planning permission and were advised that the buildings now identified were identical to those previously approved. The application was simply in respect of a change of use of the site to C2 use for people with mental health conditions. It was stressed that the exterior of the proposed premises was to remain unchanged, that staff would not sleep over and that there would be sufficient off-street parking for the proposed use.

In response to questions from members, the Senior Planning Officer advised that the only changes that were proposed were internal and were in order to reconfigure layout; the application had been made to reflect the proposed change of use; and that although the road was narrow, there was enough parking on site at the development.

A ward councillor attended the meeting and represented the concerns of local residents, stating that although some concerns had been addressed, some remained. He asked for confirmation that the dimensions of the buildings had not changed and that the external layout had not changed. He stressed that local residents were supportive of the proposed use by vulnerable people but were concerned that the C2 use class covered a wide variety of institutions, some of which would not be appropriate for this location, given its limitations.

It was confirmed that both the dimensions and layout were unchanged and it was suggested that an additional condition could be imposed to ensure that, if a different use within the C2 use class was proposed in future, it would have to be considered afresh.

A local resident attended the meeting and stressed that local people needed protection in respect of this particular issue.

The applicant also attended and stated that he was trying to provide a facility for people who needed care but that he wanted to work within the law and do the best for his neighbours.

Members considered that the use of the property should be stipulated in order to provide residents with reassurance in respect of future use.

Resolved –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place's technical report.**
- (2) That an additional condition be imposed to ensure the use of the proposed institution shall be as described in this application only.**
- (3) That the precise wording of the above resolution be delegated to the Assistant Director, Transportation, Design and Planning.**

Reason: In response to concerns expressed in respect of the wide range of potential uses permitted within the C2 classification and to retain control over future changes of use with particular regard to the provision of on-street parking and the amenity of neighbouring residential properties.

Action: Strategic Director, Place

(c) Land South of Booth Royd, Bradford

Idle and Thackley

Full planning application for the construction of a new detached dwelling with covered parking and turning area on land to the south of Booth Royd Drive, Bradford – 19/03936/FUL.

Members were advised that the site was adjacent a conservation area and that the trees shown on photographs of the site were to be retained. The Senior

Planning Officer requested a minor amendment to proposed condition 13 so that only the upper floor windows were required to be obscured as the ground floor windows would not present any issues of overlooking.

Photographs from both the applicant and the objector which had been received very recently were circulated for Members' information.

Local residents attended the meeting and one of them spoke in objection to the application, stating that she was speaking for the residents of nine terraced houses and that these residents were opposing the application because of the narrow turning in the lane as they had done in respect of a previous application. They needed access for their properties and considered that during the period of construction, this would not be possible. Their houses were over 120 years old and needed regular maintenance; this would not be possible both during construction and afterwards. They also expressed concern about flooding which occurred in the lane and which they considered would be exacerbated by the proposed building.

She confirmed that the photos she had presented showed a car blocking access for residents; the amount of water coming down the lane on a normal rainy day; the proximity of the crossing to a narrow opening in the lane and trees which already caused considerable overshadowing. She stated that more trees had been planted which would block light still further. She considered that local residents should be able to enjoy outdoor activities and that their downstairs room and gardens should not be overshadowed. She also stated that the build for this process would adversely affect the local school.

The Senior Planning Officer advised that the previous planning application referred to had been for four apartments with a different layout to that now being considered and had been for a much more intensive development. The present application met all the required standards and there was room for a vehicle to enter the site, turn and leave without using reverse gear. He acknowledged that the zebra crossing was close to the site but stated that there would be no blind turning. The application included a condition in respect of water drainage; the issue of loss of light had been addressed and the required level of clearance for shadowing had been achieved. The issue of disruption due to the build process could not be controlled unless the hours of operation of contractors were stipulated.

A ward councillor attended the meeting and spoke in support of the objectors, stating that while he appreciated that all requirements had been fulfilled, the development was a large one on a big plot. He considered that there would be an overall impact and loss of amenity arising from the development, especially as the heritage area was very close. He questioned whether there would be any public benefit from the development.

In response, the Senior Planning Officer stated that the site was not within the conservation area; that it was not necessary to assess public benefit in connection with this application and that conditions were proposed to ensure that the property was appropriate for its setting.

A Member queried whether proposed condition four, in respect of drainage,

meant that the development could not go ahead until the issue of drainage was resolved and was advised that this was the case. Members also asked on what grounds the previous application had been refused and were advised that it had been refused on its position in relation to nearby trees and properties and intensification of use in relation to access. It was stressed that the current proposal was for a far less intensive use and that there was now space for vehicular turning.

A Member queried whether traffic had increased generally since the last application and was advised that, in fact, levels had stayed flat, partly as a result of lifestyle changes such a modern ways of working. The main reason for refusal previously had been that the application had been for a development of four units.

The applicant also attended the meeting and spoke in support of her application. She stressed that the previous application had been considered 17 years ago and had been much too intensive for this site. She lived locally to the site and would be resident there during the construction period, as a result of that, it was in her interests as much as her neighbours that construction was undertaken considerately. She stressed that only pedestrian access was permitted but that, previously, vehicular access had been allowed to neighbours as a courtesy. She stated that the development would help to slow water run-off rather than cause flooding. She advised that the owners of the adjacent garage block supported the application and that it met all statutory requirements. She explained the photographs that she had provided for the Panel.

A Member asked questions in respect of the proposed green roof and was advised that it would be to the rear of the property and, as well as being aesthetically pleasing, would help to slow the rate of water run off from the roof.

In response to other Member questions, the type of material to be used was confirmed as was the requirement for samples of materials to be provided prior to construction commencing.

In response to a suggestion that a condition be imposed preventing the conversion of the garage to residential accommodation, it was confirmed that the proposed “garage” was an open shelter and was too small for conversion to living accommodation. It was also confirmed that a condition to prevent its conversion was already in place.

A Member queried the issue of access and was advised by the applicant that the gates to the site had been locked to prevent them being blocked by a neighbour. The matter had now been settled between the two parties. It was confirmed by the Senior Planning Officer that access to the private driveway was not a relevant matter for consideration by the Panel. He also confirmed that the pedestrian access previously referred to would remain open.

Resolved –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place’s technical report.**
- (2) That, on the recommendation of the Assistant Director,**

Transportation, Design and Planning, condition 13 be amended to read “The upper floor windows in the north elevation of the proposed development hereby permitted shall be glazed in obscure glass and be top opening only prior to the first occupation of the extension and thereafter retained.”

Action: Strategic Director, Place

(d) 144 Poplar Grove, Bradford

Great Horton

Full planning application for the demolition of the existing single storey dwelling and the construction of a two storey detached dwelling in its place – 19/04251/FUL.

The Panel was advised that the potential impact and siting of the proposed building meant that it was currently unsuitable. Those issues could be overcome but had not been addressed by the applicant in this application. There had also been a significant objection to the application from the Coal Authority in respect of the lack of a coal mining risk assessment which included all the necessary information to assess the application.

The applicant's agent attended the meeting and made a detailed representation in respect of his application, stressing the sustainable nature of the proposed development; the mix of design styles amongst existing properties; the proposal to have obscured glass in windows to the side of the proposed dwelling; the screening that would be provided by the boundary fence and the support for the proposal in the neighbourhood. On the subject of the coal mining risk assessment, he pointed out that there was already a house at this location and that the proposed building would follow its footprint. He undertook to put in any remediation that proved necessary.

In response, the Senior Planning Officer advised that the necessary 45 degree angle for prevention of overshadowing was not achieved by the present application; that the proposed footprint was considerably larger than the current dwelling and that the windows to the side elevation meant that there would be a perception of overlooking which would reduce amenity. On the issue of the coal mining report, he advised that the existence of a building did not obviate the need to investigate any possible coal mining legacy and that it was not possible to impose a condition on the current application to require the necessary investigations as such a condition may not be able to be fulfilled, making it an unreasonable obligation. He advised that the proposed dwelling could be pushed forward within the site which could address some of the concerns expressed but noted that this suggestion had not been followed up by the applicant.

In response to questions from Members, it was confirmed that even if the building was relocated as advised, a coal mining risk assessment would still be required. If relocated, there would still be scope for off-street parking for the residents of the new dwelling.

In response to questions from the Chair, it was confirmed that the original building was 40-50 years old and that it may have less substantial foundations than would

be required for the proposed building as it was only single storey. It was also stressed that there was no objection to the principle of development on this site, merely that the concerns outlined in the report must be satisfied before any development could be permitted.

Members discussed in some detail the possibility of permitting the development subject to conditions but were again advised by both their legal advisor and the Senior Planning Officer that it was not reasonable to apply a condition in respect of the coal mining risk assessment as only conditions which could be fulfilled may be imposed. The current risk assessment was not acceptable to the Coal Authority but, if a further assessment were to be provided which included an expert opinion on what investigatory works were required to establish any coal mining legacy, a condition could then be formulated which encompassed those works and which would be capable of being fulfilled.

Resolved –

That consideration of the application be deferred for a period of two months.

Reason: to allow the applicant to submit an updated Coal Mining Risk Assessment Report to the local planning authority.

Action: Strategic Director, Place

35. MISCELLANEOUS ITEMS

The Panel was asked to consider matters set out in **Document “L”** relating to miscellaneous items:

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 roof plane and the construction of four 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) 19 Brompton Avenue, Bradford

Bowling and Barkerend

Breach of condition three of planning permission – 18/05194/HOU

The Planning Manager (Enforcement and Trees) authorised the issue of a breach of condition notice on 8 October 2019.

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

Breach of condition three of planning permission – 13/00727/HOU

The Planning Manager (Enforcement and Trees) authorised the issue of a breach of condition notice on 25 November 2019.

(e) 375-377 Leeds Road, Bradford **Bowling and Barkerend**

Unauthorised alterations to external appearance of property – 17/00129/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issue of an enforcement notice on 26 November 2019.

(f) 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 the issue of an enforcement notice on 25 June 2019.

(g) 455 Killinghall Road, Bradford **Bowling and Barkerend**

Unauthorised front and rear dormer windows – 19/00145/ENFAPP

The Planning Manager (Enforcement and Trees) authorised the issue of an enforcement notice on 13 January 2020

(h) 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 – 18/00223/ENFUNA.

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

(i) 794 Leeds Road, Bradford **Bradford Moor**

Enforcement reference – 19/00926/ENFADV

Discontinuation Action Authorised by the Planning Manager (Enforcement and Trees) on 16 December 2019

(j) 83 Institute Road, Bradford **Eccleshill**

Breach of conditions two and three of planning permission – 17/00116/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issue of a breach of condition notice on 19 December 2019.

(k) Balcony Cottage, Long Lane, Queensbury **Queensbury**

Without planning permission, the construction of a balcony to the front of the building.

The Planning Manager (Enforcement and Trees) authorised enforcement action on 3 December 2019.

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

Installation of advertisement signs on grade II listed building – 16/1053/ENFADV

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

(m) Land adjacent 752 Little Horton Lane, Bradford **Little Horton**

Unauthorised food trailer with attached roller shutter and raised platform – 19/00382/ENFUNA

The Planning Manager (Enforcement and Trees) authorised enforcement action on 17 December 2019.

(n) Slackside Working Mends Club, 98 Beacon Road, Bradford
Wibsey

Without planning permission, the change of use of land to vehicle storage – 18/00530/ENCOU

The Planning Manager (Enforcement and Trees) authorised enforcement action on 10 December 2019.

(o) Yard at 424 Great Horton Road, Bradford **City**

Unauthorised siting of eight metal storage containers – 19/00757/ENFCOU

The Planning Manager (Enforcement and Trees) authorised enforcement action on 17 December 2019.

Decisions made by the Secretary of State – Appeals Allowed

(p) 1A Marshfield Street, Bradford **Little Horton**

Replacement of cladding on front and rear dormers to match existing roof –
Appeal ref 19/00113/APPHOU

(q) 38 Manningham Lane, Bradford **City**

Change of use from A3 (restaurant/café) to sui generis (banqueting facilities) –
appeal ref 19/00068/APPFL2

(r) 507 Otley Road, Bradford **Bolton and Undercliffe**

Appeal against enforcement notice – appeal ref 19/00059/APPENF

(s) 73 St Margarets Avenue, Bradford **Tong**

Garage, conservatory and front porch – appeal ref 18/00152/APPCL

**(t) Clifton Snooker Lounge Ltd, Clifton Mill, Clifton Street, Manningham,
Bradford** **Manningham**

Retrospective change of use from vacant commercial B1 use to form D2
assembly and leisure use for snooker lounge – appeal ref 19/00031/APPFL2

Decisions made by the Secretary of State – Appeals Dismissed

(u) 20 Summerville Road, Bradford **City**

Change of use from shop (A1) to restaurant/café (A3) (retrospective) – appeal
19/00074/APPFUL2

(v) 20 Summerville Road, Bradford **City**

Appeal against enforcement notice - appeal ref 19/00090/APPENF

(w) 31 North Parade, Bradford **City**

Appeal against enforcement notice - appeal ref 19/00064/APPENF

(x) 38 Manningham Lane, Bradford **City**

Appeal against enforcement notice - appeal ref 19/00055/APPENF

(y) 61 Maidstone Street, Bradford **Bradford Moor**

Appeal against enforcement notice - appeal ref 19/00099/APPENF

(z) 63-65 Maidstone Street, Bradford **Bradford Moor**

Appeal against enforcement notice - appeal ref 19/00098/APPENF

(aa) Bradford Kitchens and Bathrooms, 603 Thornton Road, Bradford
Clayton and Fairweather Green

Temporary planning permission for a tyre repair centre – appeal ref 19/03040/FUL

(ab) Knowle Farm, Knowle Lane, Wyke, Bradford

Wyke

Retrospective change of use of land – appeal ref 19/00111/APPFL2

(ac) Land east of 12 Horsley Street, Bradford

Wibsey

Appeal against enforcement notice - appeal ref 19/00057/APPENF

**(ad) Upper Ground Floor, Clifton Mill, Clifton Street, Manningham, Bradford
Manningham**

Appeal against enforcement notice - appeal ref 19/00009/APPENF

**(ae) Upper Ground Floor, Clifton Mill, Clifton Street, Manningham, Bradford
Manningham**

Appeal against enforcement notice - appeal ref 19/00045/APPENF

Resolved –

That matters set out in Document “L” be noted.

No Action

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Area Planning Panel (Bradford).

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER