

Minutes of a meeting of the Regulatory and Appeals Committee held remotely on Thursday, 19 November 2020

Commenced 10.00 am
Concluded 11.45 am

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Warburton Wainwright Amran Watson	Ali Brown	Reid

Observers: Councillor Duffy (minute 35)

Councillor Warburton in the Chair

32. DISCLOSURES OF INTEREST

In the interests of clarity, the following interests were disclosed:-

- Councillor Ali disclosed that he was a trustee of the mosque referred to in item 22 of Document “AU”
- Councillor Amran disclosed that his address was similar to that set out in document “AT” but confirmed that it was not the same.
- Councillors Warburton and Wainwright both disclosed that they had been members of the Committee when the application referred to in document “AT” had been considered previously but confirmed that they would both consider the present application as an entirely new application.

ACTION: City Solicitor

33. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted to review decisions to restrict documents

34. MEMBERSHIP OF SUB-COMMITTEES

Resolved –

That the following recommendations to appoint Members to Sub-Committees of the Committee be approved.

Corporate Parenting Panel – Councillor Kyle Green replaces Councillor Pollard as an alternate

Miscellaneous Licences panel – Councillor Ali replaces Councillor Winnard as an alternate

Housing and Non Domestic Rates Panel – Councillor Goodall replaces Councillor Pollard

Hackney Carriage and Private Hire Panel – Councillors Bibby and Davies replace Councillors Kyle Green and Whiteley

Social Services Appeals Panel – Councillors Pennington and Smith replace Councillors Hargreaves and Pollard

ACTION: City Solicitor

35. 34 SAPGATE LANE, BRADFORD BD13 3HD - 20/03538/OUT

The Assistant Director Planning, Transportation and Highways submitted a report (**Document “AQ”**) which set out the outline planning permission for one residential property at 34 Sapgate Lane, Thornton, Bradford.

The application had been initially submitted for a pair of semi-detached dwellings but following negotiations the application had been revised to one dwelling only.

The Assistant Director shared images of the plan of the area and indicated the conservation area boundary. He also showed photographs of the location. He stressed particularly that the application was simply to establish the principle of a dwelling on this site and that all other matters were reserved. He recommended the application for approval.

He advised members of a late objection that had been received, went through its main points and addressed them.

The Chair considered that any subsequent reserved matters application should return to the Committee as a result of the concerns raised by objectors. He noted in particular concerns in respect of working hours and whether any property built here would fit in with other dwellings in the vicinity and with the conservation area.

A local councillor joined the meeting to support local residents and the concerns they had raised.

A local resident also joined the meeting to voice her concerns, stating that she considered the plans shown to be out of date as there had been changes to nearby properties, including a residence at no34 which was not shown on the plan. She advised that the community had concerns about the state of the cobbled road. She also stated that another development which had taken place recently had caused a great deal of upset and that there were a lot of elderly residents who used their gardens as a sanctuary; to have another property in this

area was insensitive and did not take into account the voice of the community.

In response to those concerns, the Assistant Director noted that the plan shown was the 2020 Ordinance Survey plan and that the properties referred to which had changes were some distance from no34. In respect of a residence at no34, he advised that there was an outbuilding possibly constructed using permitted development rights and it may be that someone could be living there. He also advised that he had seen the cobbled road and that he did not consider it to be in too poor a state.

The Council's Principal Highways Engineer joined the meeting and invited any residents who had concerns about the cobbled road to report those concerns. Otherwise, he supported the principle of one dwelling at this location as its addition would not create any highway safety concerns.

The Chair also urged local councillors to contact the highways team about the cobbled road. He also commented that any dwelling on this site should, in his opinion, be of a design suitable to fit in with the area.

The Assistant Director accepted that comment but explained that it could not be considered at this stage as all matters of appearance would be considered at the reserved matters stage.

Resolved-

- (1) That the application be approved for the reasons and subject to the conditions set out in Appendix 1 to Document "AQ".**
- (2) That an additional condition be imposed to state that construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.**

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy DS5 of the Core Strategy Development Plan Document.

- (3) That the Assistant Director, Planning, Transportation and Highways be requested to present the reserved matters application to this Committee at the appropriate time.**

ACTION: Assistant Director, Planning, Transportation and Highways

36. 501 GREAT HORTON ROAD, BRADFORD BD7 4EG - 20/03847/FUL

The Assistant Director Planning, Transportation and Highways submitted a report (**Document "AR"**) which set out a full planning application for the change of use of 501 Great Horton Road from a Class E shop to a *sui generis* hot food takeaway.

Members were shown images of a plan of the area, including the boundary of the district centre, within which this site fell. Floor plans of the property were also shown, along with images of the existing and proposed elevation. It was highlighted that very few external changes were proposed, a vent for the extraction system being the main one.

The Assistant Director advised that a previous application had been refused due to the visual harm that would have been caused by a large external flue and because of conflict between the use of the ground and first floors of the property, however both those issues had now been resolved so the application was now recommended for approval, notwithstanding the concerns of objectors about an overconcentration of hot food takeaways in this area.

In response to a question from a member, the Assistant Director stated that there were a number of hot food takeaways in the area but that he did not consider them to be over dominating the street.

The member then asked about parking for staff and customers and was informed that the standard applied was one space per ten square metres of premises and that this was considered to be a sustainable location. It was stressed that it was a small shop and that most customers would be likely to live nearby.

The Principal Highways Engineer also confirmed that there were restrictions nearby to prevent indiscriminate parking and that there was on-street parking for customer use. As the road was over ten metres wide, it would still be safe to use and the barriers immediately in front of the premises dissuaded unsafe parking and he therefore supported the application.

The Chair queried where the nearest schools and youth centres were located and was advised of several in the vicinity but that the limit on proximity to schools applied only outside the designated centre.

A local resident joined the meeting and stated that the area was always busy and parking was difficult. There was also a very significant littering problem due to the take away premises already in operation. He referred to the petition that he had provided on behalf of his fellow local residents who were also very upset by the on-going problems and the issues of littering. He also stated that the upstairs flat was currently occupied.

The Assistant Director responded to state that issues of littering and anti social behaviour were the responsibility of the licensing authority rather than the planning authority, also that the issue of land ownership and the occupation of the flat did not prevent consideration of this application.

An objection from a local councillor who was unable to attend the meeting had been circulated to all members, and at the request of one of them, it was read out in full. The objection contained concerns about parking and fast food premises attracting youths, anti social behaviour, littering and vermin. It also highlighted that an environmental visual audit had been undertaken by the Police which had stated that fast food takeaways in this area were in excess and that there were too many to support the community. The audit had concluded that further fast food premises would cause problems in an area already saturated with such

premises.

The Assistant Director outlined the policy on overconcentration and explained that Members were entitled to refer to it in making their decision even though it had not been his recommendation.

A member asked his colleagues to consider very carefully the Police comments in the local councillor's email as he was also aware of Police concerns about this locality. Several of his colleague members concurred with those concerns about the impact of another hot food takeaway in this area.

Resolved-

That the application be refused.

Reason – this application would result in an overconcentration of hot food takeaway premises in the area, causing harm to the vitality of the area and to residential amenity. This would be contrary to Policies EN8 and DS5 of the Core Strategy Development Plan Document and the Hot Food Takeaways Supplementary Planning Document.

ACTION: Assistant Director, Planning, Transportation and Highways

37. 71 BEACON ROAD, BRADFORD BD6 3ET - 20/0816/FUL

Application Withdrawn.

NB: In noting the withdrawal of this application, the Chair commented that it was his recommendation that any new application should be considered by this Committee.

38. 8 HIGHFIELD PLACE, BRADFORD BD8 7NN - 20/02561/HOU

At the commencement of consideration of this item, the Chair advised that a request had been received from a local Councillor to defer the item as he was unable to join the meeting to make representations. It was also confirmed that no written representation had been received from the Councillor.

Members discussed the request in some detail before resolving to consider the application at this meeting.

The Assistant Director Planning, Transportation and Highways submitted **Document “AT”** which sought planning permission for two rear dormer windows and a roof extension to 8 Highfield Place, Bradford. He shared images showing plans of the area and photographs of the property which showed the existing rear elevation which had been altered without permission. He referred to the history of refusal of permission at this property and shared images of the current application, advising that it was still recommended for refusal as it still did not comply with the relevant policy. He advised that the applicant had been guided on ways in which to amend the application to make it compliant but that this

guidance had not been taken up.

He also stated that comments from neighbouring residents had been supportive of the applicant, who was caring for vulnerable family members.

The Inspector had reviewed the current application and considered that it still conflicted with policy.

In response to a question from the Chair, it was confirmed that enforcement action had first begun in respect of this property in 2016.

A member commented that he was familiar with the area and knew that the property was not visible from the road. He did not consider that the conservation officer had strong objections to the application and therefore he was minded to consider approval.

Members discussed the issue of building work in the area and the possibility that residents were getting poor advice from local building firms, especially as it was a conservation area; it was suggested that ward councillors may be able to circulate a newsletter advising residents about the issue.

Members noted that the problem with the rear dormers had been on-going for some time and that officers had tried to provide a solution for the applicant which had not been taken on board. They expressed their sympathy for the applicant but considered that there had been sufficient time for the issue to have been resolved by now.

The Committee's legal advisor and the Assistant Director also pointed out that the conservation officer did have concerns about the application and had identified faults with it.

Resolved-

- (1) That, having considered a request by a local Councillor for deferment of consideration of this application, the application be considered at this meeting.**
- (2) That the application be refused for the reasons set out in the Assistant Director Planning, Transportation and Highways technical report.**

ACTION: Assistant Director, Planning, Transportation and Highways

39. MISCELLANEOUS ITEMS

The Committee was asked to consider other matters which were set out in **Document "AU"** relating to miscellaneous items:

- (a) Requests for Enforcement/Prosecution Action (items 1-26)

(b) Decisions made by the Secretary of State –Dismissed (items 27-37)

It was clarified by a member during discussion of this item that the site identified at item 22 belonged to the local mosque.

Resolved -

- (1) That the requests for Enforcement/Prosecution Action and the decisions made by the Secretary of State detailed in Document “AU” be noted.**
- (2) That an update report on item 23 of Document “AU” in respect of Knowle Farm Cottage be provided to Ward Councillors.**

ACTION: Assistant Director, Planning, Transportation and Highways

Chair’s Comment – on closing the meeting, the Chair advised that the meeting scheduled for December would not take place and wished all those present a safe and happy Christmas.

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER