

Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 30 June 2021 in the Council Chamber, City Hall

Commenced 10.00 am
Concluded 12.15 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Engel (Chair) Amran Engel Cunningham	K Green Riaz	Stubbs

Councillor Engel in the Chair

37. DISCLOSURES OF INTEREST

In the interest of transparency Councillor Amran declared an interest as a contractor in the vicinity of the application. Minute 39 (F) However, he had not discussed the matter under consideration with any interested party.

Action: City Solicitor

38. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no declarations of interest in matters under consideration.

39. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

A. 23 Lyon Street, Queensbury, Bradford Queensbury

A partially retrospective planning application was presented by Officers in relation to change of use of land to the side of 23 Lyon Street, Queensbury to form ancillary garden space and for the construction of walls/fencing.

The development site is a triangular piece of land to the west side of Lyon Street, and is located at the head of Victoria Street and Wellington Street which run perpendicular to Lyon Street and lies within the Queensbury Conservation Area.

Officers went through the history of applications which had been previously submitted for information to assist Members.

Members were then given the opportunity to ask questions in relation to the application the details of which and the responses received are summarised below.

One Member asked whether the site was owned by the applicant and Officers were able to confirm that there was no through route present and that the applicant had purchased the land.

A question was raised in relation to how the site would and could be used as the application stated that it was for a garden and parking and whether it would be used more for parking than as a garden. Officers stated that there was a hardstanding on the site and that there were no restrictions to prevent it being used for parking.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place’s technical report (Document “A”).

Action: Strategic Director, Place

B. 3 Southlands Avenue, Thornton, Bradford Thornton and Allerton

Officers presented a householder planning application for a rear extension, hip to gable roof conversion and front and rear dormer windows at 3 Southlands Avenue, Thornton, Bradford. The presentation included both photographs and plans for the extension as well as street views so that Members could visualise any possible impact or compatibility with surrounding properties. The host property is a single storey bungalow situated in a residential street with similar properties in the vicinity. Officers also provided details of vehicular access and egress from the site.

A number of objections had been received as well as letters in support of the application which resulted in the application being considered by the Planning Panel.

A representative attended the meeting on behalf of the applicant and addressed the Panel to support the application.

Members did not have any questions for either Officers or the applicant’s representative.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place’s technical report (Document “A”)

Action: Strategic Director, Place

C. Former the Gallopers, Wakefield Road, Bradford

Bowling and Barkerend

This is a section 73 application which seeks to obtain approval for a variation to a condition relating to a previously submitted application (19/04913/FUL. The variation is for alterations to the design of a restaurant unit which formed part of a commercial development on the site which had previously been a public house and car park. The site is surrounded by a mixture of commercial and residential properties but is predominantly residential. The site is relatively level and there are a number of metal warehouse type structures in the immediate vicinity.

Planning Officers suggested that an outstanding query relating to the boundary line of the property could be resolved either by a separate application or it could be deferred and delegated to Officers

Members were given the opportunity to comment and ask questions the details of which and the responses received are as below:

A Member raised the issue of parking on Wakefield Road and was advised that any issues could be addressed with a TRO (traffic regulation order)

One Member asked if there was a landscaping schedule and was advised that there wasn't one in the application under consideration. The issue could be addressed separately and did not prevent permission being granted if the Panel chose to do so.

Members also asked the following:

Were there any changes to the four retail units in terms of their usage and it was agreed that a condition would be added to ensure that usage would not change from that given in the previous application.

Members asked about accessibility and were assured that full access and facilities would be available on the ground floor of the restaurant. The structure would consist of recycled shipping containers and Members asked about ventilation, climate control in the summer and ventilation. They also raised the issue of the buildings' appearance and were assured that the building would have to resemble the drawings and that would be overseen by Building Control to ensure compliance

The agent for the applicant attended the meeting and addressed the panel as well as answering Member questions.

The agent assured Members that the usage would be amended to the new category and confirmed that the ground floor of the restaurant was designed to be accessed by those less mobile. The issue around maintenance of the building was not easy to answer but stated that it would be in the owners' interest to keep the building looking attractive. The agent also stated that the applicant was experienced in this type of development

so was aware of what would be needed.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place’s technical report (Document “A”) and also subject to the additional conditions:

16. The use of the four retail units shall be restricted to uses within Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (or any subsequent equivalent legislation). Notwithstanding the provisions of the Use Classes Order, or any subsequent equivalent legislation, the premises shall not be used for any other purpose or activity within Class E of the Order.

Reason: In order that the Local Planning Authority retains control over future changes of use with particular regard to the amenity of neighbouring residents and parking provision at the site, and to accord with Policies DS5 and TR2 of the Core Strategy Development Plan Document.

17. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials (including the finish of the proposed restaurant unit) to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

D. Mowbray Arms, 5 Lily Street, Bradford Manningham

This was a full planning application to convert a former public house to form a ground floor retail unit with three flats on the first floor.

The former Mowbray Arms was a detached building on the junction of Lily Street and Church Street and was situated in the St Pauls conservation area. The application attracted a number of objections including a local Ward Councillor citing a number of concerns in relation to need, noise, proximity to a school and highways issues. The objections were mainly highways but records indicated that no collisions had taken place.

The building was in a state of dilapidation and had been subject to anti-social behaviour incidents, despite efforts to secure the site. A previous application to turn the site into seven flats had been previously approved and work had started but some changes were now being proposed, the

omission of an extension and the introduction of a retail unit on the ground floor and less residential accommodation.

Members were then given the opportunity to comment and ask questions the details of which and the responses received are as below:

- Was there any reason why the project had not been completed following planning permission in 2017?
 - The plan had been resubmitted and was different to the original
- What would the opening hours be and had any complaints been received relating to the proposed operating hours of 6am-11pm?
 - Officers responded that some concerns had been raised regarding potential for noise and that Members could restrict them
- The property was in a conservation area, would the appearance, specifically the windows be in keeping?
 - The windows would be kept as they were but would be replaced with new ones and the Design Conservation Officer would need to approve of these
- Did the design include a dropped kerb?
 - Officers advised that ramp access was available
- The footpath outside was narrow and a Member raised a concern for pedestrian safety with people going in and out onto it
 - Officers advised that access would not be directly from the narrow footpath
- Had any consideration been given to on street parking for the shop and flats?
 - Officers advised that there was unrestricted on-street parking and Highways had already looked into this issue and had no concerns
- If the shop became an off licence, it could lead to anti-social behaviour
- One Member asked if an EV point was included in the application or could it be added
- If litter was an issue, placing of bins would restrict the narrow footpath

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place’s technical report (Document “A”) and also subject to the additional conditions:

9. The use of the premises shall be restricted to the hours from 06:00 to 22:00.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy DS5 of the Core Strategy Development Plan

Document.

10. The use of the ground floor shall be as a retail unit within Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (or any subsequent equivalent legislation). Notwithstanding the provisions of the Use Classes Order, or any subsequent equivalent legislation, the premises shall not be used for any other purpose or activity within Class E of the Order.

Reason: In order that the Local Planning Authority retains control over future changes of use with particular regard to the amenity of neighbouring residents and parking provision at the site, and to accord with Policies DS5 and TR2 of the Core Strategy Development Plan Document.

11. From the date of first occupation a minimum of 1 parking spaces shall be equipped with fully operational, purpose built EV charging point(s) capable of providing a continuous supply of at least 16A (7.5kW) via a mode 3 type 2 connection. The location of the charging points shall be clearly and permanently signposted and their existence highlighted in staff induction packs. Details of the exact model and specification of charging points, and planned maintenance arrangements shall be provided to City of Bradford MDC for their approval prior to the opening date of the development. Charging points installed shall be retained thereafter.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

Action: Strategic Director, Place

E 16 Oakroyd Terrace, North Avenue, Bradford Manningham

The application under consideration was partly retrospective and related to the construction of extensions and amendments to previously approved plans under application reference 11/02849/FUL. The application also included the installation new external stairs.

The site is an end terrace property which has a convenience store on the ground floor. The property has been extended over time and has a number of planning applications attached to it.

A number of representations were received, including one from a local Ward Councillor who was in support, following letters being sent to the neighbourhood to publicise the application.

The application did not include proposals to address previous planning

refusals and previous issues remained relevant on heritage preservation grounds.

The application sought permission retrospectively in respect of alterations that have already taken place without planning permission. The plans previously approved were shown to Members to demonstrate the difference between the permission granted and what has actually been constructed. (retrospective permission was previously refused on two occasions in relation to the extensions which were now in place).

Members then had the opportunity to comment and ask questions the details of which and the responses received, are as below:

One Member noted that there was a difference between what had been built and what had been previously approved as the extension was another storey higher on both the side and rear of the property. Another Member commented that it was visible from the train and travellers would see the impact

Members asked the following questions:

- What was it being used for?
 - Officers responded that it was in residential use as far as they were aware
- Was it affecting light?
 - Officers responded that it was and would not normally be acceptable due to the impact – it was noted that neighbours had not complained
- What was the impact on the previous application as the height was lower?
 - Officers responded that the wall was a lot higher and directly on the boundary
- Was it compatible with the street scene?
 - Officers advised that it was not. The DCO was not objecting to the back as much as the side with height being the main issue.
- Why hadn't it gone to enforcement?
 - Officers responded that there was an enforcement case open
- What was the impact of the side extension as it an access road?
 - Officers responded that it was an access to the rear
- Were there plans to add to the frontage?
 - Officers responded that the side was likely to stay the same with a single storey front

The applicant was present at the meeting and addressed the Panel and stated that:

commercial buildings. The application received both letters of support and objection. Support was expressed for a local business but objections included potential noise from customers and vehicles in the early hours. It was noted that noise from the premises beyond 1am had already occurred via the report from Environmental Health and presented an ongoing concern.

Members were then given the opportunity to comment and ask questions. The details of which and the responses received are as below:

Clarification was sought to identify the use of premises surrounding the site in question as it was necessary to be sure that it was this business causing a noise nuisance. It was also relevant to identify where the support letters came from, whether from close by or not.

Officers provided a generic breakdown of the origin of the support letters which indicated that they came from a variety of Bradford postcode areas.

- Who owned the land at the side of the site?
 - This was in dispute as it was not owned by one party
- Would there be any seating?
 - Officers advised that it was not clearly indicated on the plan

The agent for the applicant attended the meeting and addressed the Panel stating the following main points:

- The nearby bookmakers closed 30 minutes after the last race
- The interior would be of a high standard with tables and chairs to eat in
- No provision for outdoor seating was included
- The tea kiosk that was previously situated on the site had been removed in May (contested information from the Planning officer report)
- The Licensing Committee had made a flawed decision
- The site freehold was held by the applicant's family
- A freedom of information request had been made for the acoustics report
- Stated that customers can use parking on nearby business premises (a garage and a printshop)
- A 24 hour off licence had been approved in the immediate vicinity and that a nearby steakhouse opened until 12.30am
- Stated that the café was used by shift workers including NHS and Police employees

A further discussion took place relating to the application as there was no formal agreement to park on nearby business premises there would be no guarantee that these could be used if any of the businesses were sold.

Two Ward Councillors were in support of the application but the outstanding Environmental Health concerns related to noise from cars, music and loud, late night conversations which were not created by the

business but would be due to it being open until a late time.

Resolved –

That the application be refused for the reasons set out in the Strategic Director, Place’s technical report (Document “A”).

Action: Strategic Director, Place

(Mohammed Yousuf - 01274 434605)

40. MISCELLANEOUS ITEMS

The Panel was asked to consider other matters which were set out in **Document “B”** relating to miscellaneous items:

- (A-K) Request for Enforcement/Prosecution Action
- (L-M) Decisions made by the Secretary of State – Allowed
- (N-Q) Decisions made by the Secretary of State – Dismissed

Resolved –

That the requests for Enforcement/Prosecution Action and the decisions made by the Secretary of State as set out in Document “B” be noted.

Action: Strategic Director, Place

(Mohammed Yousuf – 01274 434605)

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