

Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 25 August 2021 in the Banqueting Hall - City Hall, Bradford

Commenced 10.00 am
Concluded 12.03 pm

Present – Councillors

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

Councillor Engel in the Chair

41. DISCLOSURES OF INTEREST

In the interests of transparency, Councillor Cunningham declared that he was a member of the Town Scape Heritage Board.

Action: City Solicitor

42. MINUTES

That the minutes of the meeting held on 30 June 2021 be signed as a correct record.

Action: City Solicitor

43. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals.

44. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

A. 97 Whetley Lane, Bradford

Manningham

This is a full application proposing a first floor rear extension to an existing shop above an already approved extension. Officers submitted an overview of the application indicating the nature of the application and previous approved planning permission demonstrating that materials used would be in keeping

with neighbouring properties. The impact on a neighbouring property was also considered and was judged that there would be no impact both presently and in the future due to the nature and use of the adjoining properties.

Members asked the following questions for clarity:

A Member asked whether the property was commercial or residential and was advised that the property was for commercial use and that there was a neighbouring property with some residential use.

Officers were asked whether there was space for commercial waste bins at the rear and were advised that there was sufficient space and reminded Members that the ground floor application had already been approved and that this was for the first floor.

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 “C”).

Action: Strategic Director, Place

B. 16 Victor Street, Heaton, Bradford

Manningham

This is a householder application for dormer windows to the front and rear roof of 16 Victor Street, Manningham. The application seeks permission for dormer windows to a property which sits in a conservation area.

Officers presented an overview of the application stating that the proposed windows were disproportionate in size and would impact on the appearance of the property and the wider street for this reason and due to the proposed materials. There were other properties in the vicinity with dormer windows but these were pitched roof dormers of an appropriate size and were possibly installed prior to the introduction of the Council’s Householder SPD.

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

- Was the issue with the rear dormer that the property was in a conservation area?
 - Officers advised that there were no permanent development rights in conservation areas and they were looking to protect the property’s appearance. A dormer window with a pitched roof design would be acceptable
- Had special circumstances been used before?
 - Officers advised that larger dormer windows were not permitted and the special circumstances would not change the outcome. The addition of cladding was also not permitted, the guidance hadn’t changed and the design was not acceptable

The applicant and Ward Councillor attended the meeting and addressed the Panel stating that there was a specific need for more room as the family living in the house was growing and there were disabled children needing more space. It was not economically viable for the family to move to a larger property and that the applicant was willing to work with Planning to find a solution.

A brief discussion then took place as to how to proceed and agreement was reached.

Resolved –

That the application be deferred to allow for additional evidence to be considered and work with Planning to amend the design to make it compliant.

Action: Strategic Director, Place

C. 2 - 4 Rawson Place, Bradford City

This is a full application to attach aluminium shutters to the front and side of the ground floor of an existing commercial property.

Officers presented the application for both the installation of external shutters and for listed building consent and showed photos of the building which was situated in the Bradford City Centre Conservation Area. Officers reported that the shutters did not preserve and enhance the character of this heritage asset which, under the Planning (Listed Buildings and Conservations Areas) Act 1990 placed a duty on the Council to protect and prevent this.

Officers could not support external shutters but would be in favour of internal shutters of an appropriate design which would create an active street frontage and provide an acceptable amount of additional security.

A quote from the Project Officer, Townscape Heritage Scheme stated that the business owner had declined to consider alternative security solutions.

An objection had been received from a member of the public who stated that the retrospective application showed blatant disregard for planning in Bradford.

Members were then given the opportunity to ask questions and make comments, the details of which are as below:

A Member asked about the cost of installing internal shutters and was concerned about negative publicity and crime reporting in the local area. Officers stated that the applicant was asked not to install external shutters and to allow them would send the wrong message.

A Member also asked if there was any financial support available to support the relocation of shutters and was advised by Officers that there was funding

available for the overall enhancement of the building but not just for shutters.

The applicant and his representative addressed the Panel. They stated that the area was rundown, quiet and there had been incidents of damage and theft. They also said that female members of staff were anxious. The applicant read statements from a representative of West Yorkshire Police and said that internal shutters were not feasible.

A Councillor was present and also addressed the Panel and asked whether there was any room for discretion as internal shutters were not financially viable for the business owner.

In response, Officers clarified that not all incidents cited related to break ins and read parts of the consultation response received from the Police to the planning application which did not reflect the statement made by the applicant.

Under the NPPF, Officers have a statutory duty in relation to listed buildings and the level of justification to ignore this was very high. With reference to other properties in the area, the purpose of the NPPF served to protect and enhance so this would not happen again. Officers also stated that the application was retrospective and constituted a criminal act to carry out works on a listed building without consent.

Members were again given the opportunity to ask questions of the applicant and make comments, the details of which and the responses given are as below:

A member asked what the prevailing regulations in place when the business opened and whether the business owner had spoken to his insurers. The applicant stated that he had been quoted £100,000 for internal shutters but officers had suggested other solutions. The business started in 2007 and the applicant stated that he was not aware these were needed and the cost implications. He said the business would have to close as structural costs were prohibitive.

A member asked whether the illegal works carried out would invalidate the insurance but was advised that this was probably not the case.

A member commented on clarification of the role of Planning and the Police, who should be responsible for crime prevention, not Planning.

The following comments were also made

- The applicant should connect with conservation teams and engage with Police to fulfil their role
- Conservation was a legacy and the applicant should work with the right people
- Sympathy for the applicants' position but the installation was illegal and there was no discretion
- Members asked about the policy and were advised that it had been drafted in co-operation and at the request of Members and was similar to other areas

Resolved –

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

Action: Strategic Director, Place

D. 2 - 4 Rawson Place, Bradford City

This was an application for a listed building’s consent to attach aluminium shutters to the front and side of the ground floor of a commercial property. This application was considered alongside the application “C” for the same property.

Resolved –

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

Action: Strategic Director, Place

E. 68 Allerton Grange Drive, Bradford Thornton and Allerton

The application was a householder application for the construction of a conservatory to the front of the existing dwelling.

Officers presented the application to the Panel with photos of the proposed construction. The host property was a townhouse in a row of four which were elevated from the highway.

The issues with the application arose out of the fact that it was 3 metres by 3 metres and would be situated on the principle elevation and thus would be harmful to visual amenity.

The application received 13 letters of support, one of which was from a Ward Councillor.

The applicant and the Ward Councillor attended the meeting and addressed the Panel. The reason for the conservatory being added was to allow access for a disabled relative who visits the house very frequently and is cared for by the occupants of the dwelling (main carers). There was no possible access via the existing shared path and there were plans to put in wheelchair access in the garden. Access was not possible at the rear and the front shared access consisted of steps. The family could not move and the applicant had already considered a porch over the front door.

A Member asked if there were any other options but was advised that the rear of the property was not maintained.

Officers raised the issue of access which was not on the application – a ramp would also require planning permission.

Members requested that the application be deferred and re-submitted with a full plan to include access arrangements.

Resolved –

That the application be deferred to allow discussions to take place with Planning Officers

Action: Strategic Director, Place

(Mohammed Yousuf – 01274 434605)

45. MISCELLANEOUS ITEMS

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

(A-M) Requests for Enforcement/Prosecution Action

(N-V) Decisions made by the Secretary of State – Dismissed

(W-X) Decisions made by the Secretary of State – Varied and Upheld

Resolved –

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