

Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 23 February 2022 in Council Chamber - City Hall, Bradford

Commenced 10.00 am
Concluded 12.40 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Amran Engel Cunningham Lal	K Green Riaz	R Ahmed

Observers: Cllr C Firth

Apologies: Cllr Khan and Cllr Stubbs

Councillor Engel in the Chair

56. DISCLOSURES OF INTEREST

In the interests of transparency the following declarations of interest were received:

Cllr Cunningham declared an interest in Minute 60 (e and f) as he had previously raised funds for South Square Centre and recused himself from all discussions and votes on the applications under consideration.

Cllr Shakeela Lal declared an interest in Minute 60 (b) and recused herself from all discussions and votes on the application under consideration.

Cllr Sinead Engel declared an interest in Minute 60 (b) as the application was within her Ward but that she had not discussed the matter before the Panel meeting with any interested parties.

57. MINUTES

Resolved –

That the minutes of the meeting held on 22 December 2021 be signed as a correct record.

Action: City Solicitor

58. INSPECTION OF REPORTS AND BACKGROUND PAPERS

No requests to review documents had been received.

59. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

A. 192 Reevy Avenue, Bradford, BD6 3RP

Royd

This was a retrospective householder planning application for the construction of a garage and store room at 192 Reevy Avenue, Bradford. The site was a semi-detached dwelling set amongst a mix of dwelling types and was constructed from stone to the front elevation.

The application had received a number of representations both in support and from objectors, including two Ward Councillors and were focused on the use or potential use of the garage and store room. The report included the size and materials used and made reference to legislation which would allow the keeping of animals including horses as incidental to the enjoyment of the dwelling's occupants and therefore could not, reasonably, be a condition of approval.

The presentation to the Panel included diagrams and photographs. The Chair noted the door on the structure had a letterbox and raised the issue that it could be used as a separate residence and not in accordance with the planning consent now being sought. Officers stated that the application included a condition to address this. A brief discussion then took place as there was a concern regarding the potential for abuse of planning consent. Officers stated that this type of abuse could be addressed via enforcement if it became necessary. One Member urged that a condition be specifically included to avoid the situation arising and it was agreed that an existing condition be re-drafted to ensure it was clear and not simply implied or intended.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Places' technical report (Document "I") with the inclusion of the following amendment to Condition 3.

3. The garage and store room hereby granted planning permission shall only be used for purposes which are ancillary to the residential use of the dwelling house 192 Reevy Avenue and shall not be used and occupied as a

separate independent unit or used for commercial purposes.

Reason: To safeguard the amenities of people living nearby and to accord with Policy DS5 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

B Grove Library, Great Horton Road, Bradford, BD7 1AX City

This was a full planning application to change the use of part of the ground floor and first mezzanine floor levels in the former Grove Library to a restaurant. Officers presented the application including both interior and exterior photographs to allow Members to visualise the building, its location and surrounding road layout and parking availability. Grove Library was a Grade II Listed building located in the Little Horton conservation area and had been used for a considerable length of time as a library for Bradford College. The interior of the building had been changed previously and was minus any original features so changes would not have any impact or cause harm to the building's significance.

The application was first submitted for development of the entire building but the proposal was now limited to only the ground floor and first mezzanine floor levels. This was a result of objections from the Council's highways officer in view of the limited off-street parking on the site. The application under consideration represented a more modest, partial use of the building. A petition was also received in opposition to the application in its original form objecting to the appropriateness of the intended use and possible parking issues for residents.

Following the presentation, Members were given the opportunity to comment and to ask questions, the details of which and the responses given, are as below.

The previous application was refused due to limited parking facilities, how many parking spaces were now available as part of the new application and how many were required according to the standards? Officers advised that the application under consideration was not the same as the previous one submitted as it now only related to part of the building and so the parking requirement was. In order to answer the question specifically, Members were directed to the report which stated that 45 spaces would be required but there would perhaps only be space for six vehicles within the site. The majority of the parking on the site was dedicated to users of the adjacent business centre.

The interior had already been significantly altered, would alterations (such as new signage) on the exterior required additional consent? Officers advised that rules governing the exterior were strict and Members were again directed to the report, in particular Informative number 3 that covered this matter.

A Ward Councillor was then invited to make a representation as an objector to the application. Cllr Aneela Ahmed addressed the Panel and made the following points:

- The application was not supported by the highways department
- Lack of co-ordination within the Council

- No parking wardens would be on duty at the times when parking problems would occur
- The application was detrimental to the health of residents
- Concern over access and egress for emergency services vehicles
- The site was located on a major arterial route
- With operating hours of 5pm to 11pm that residents would have further parking problems
- A petition being considered at Bradford West Area Committee relating to parking on Great Horton road – demonstrated that there was a pre-existing problem that would be exacerbated by the development
- Rooms already in use already had inadequate parking facilities
- Disabled space – needed to be reconsidered or re-planned
- Was the subject of discussions already taking place between WY Police and the Mayor

Officers responded as follows:

- Highways were not in support but it was a balanced recommendation to approve
- No parking was needed previously due to the building's use being connected with the nearby Bradford College
- Any development would create parking pressures that were greater than the past use of the development especially so given the size of the building
- The comparison between this and the site at 38 Manningham Lane was valid as both sites had similar characteristics in that they both provided parking that was below the standards set out in Council policy and were close to the city centre and both had public car parks nearby
- The noise impact was considered as acceptable
- Other businesses were operating in the vicinity at the same time that the proposed restaurant intended to open and was in line with what was usually permitted

Members were again given the opportunity to comment and ask questions. The details of which, and the responses given are as below.

- The Chair asked about emergency access and egress for people with mobility issues and whether there was a level access into the property. Officers advised that they did not have the information and that difficulty could arise as the building was a pre-existing and listed, but these considerations were not part of the planning application
- The Chair whether the application was legal to approve in view of the Equalities impact. The Legal Officer advised that it was appropriate to approve but it should be taken into account and considered as part of a balanced decision

The Agent for the application attended the meeting and addressed the Panel and made the following points:

- Highways considerations were now included in the application
- There was nothing that could be done to increase the car parking facilities

but stated that the building was on a main transport route and parking was available nearby. He also stated that if the application was not approved the applicant was considering conversions to residential apartments as there was a financial need to gain a return on the applicant's investment

- There were several access points
- Level access was available through the existing business centre
- There were steps to the entrance but these could not be changed (listed building) but suggested the use of demountable ramps to cover the steps

Officers had no questions for the Agent and again, Members were given the opportunity to comment and ask questions. The details of which, and the responses given, are as below.

- In relation to the pre-existing traffic issues on Great Horton Road, what actions were being taken to mitigate the effect of potential increases in traffic?
- What were the requirements for accessibility?
- Officers advised that accessibility needed to be taken into account but it was not a requirement to give a precedence for planning matters. Considerations needed to be balanced and could be 'conditioned' if necessary, such as a scheme being in place and approved before first use
- The application failed to offer sufficient off-street parking
- Officers stated again, that the proposed development was a scaled down version from those previously submitted and that there was sufficient parking nearby. It was a listed building that was still not in use
- Clarification on the type of extraction flue was requested and Officers shared the photo from their presentation again so that Members could see that it was not an external unit – Environmental Health had been consulted and were satisfied with the proposed system

There was a brief discussion regarding the possible provision of parking attendants and Members stated their support for local business and to bring the building back into use. There were no objections to the interior as they were confident that the applicant would refurbish the inside to a high standard. It was also stated that the lack of parking would not put people off. One Member suggest the possibility of withdrawing the application, to be re-submitted once parking issues had been investigated further.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Places' technical report (Document "I")

AND

Subject to the additional condition:

7. Before first use of the development hereby approved, a scheme setting out details of access and egress from the building for people with disabilities affecting mobility shall be submitted to and approved in writing by the Local Planning Authority. This should include details of how people with such disabilities will escape the building in the event of emergencies. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure reasonable provision is made for people with disabilities in accordance with Policy DS5 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

**C. Land north of 5 to 17 Munster Street, Bradford
Bowling and Barkerend**

This was a full planning application that sought approval for the construction of eight residential dwellings on land situated north of 5 to 17 Munster Street, Bradford. Officers presented details of the application including plans and photographs of the site. This allowed Members to see the nature of the site and its position in relation to existing properties and road layout, including parking arrangements.

The application had attracted a number of representations objecting to the development, with parking and highways issues raising the most concern to residents as well as wildlife and mining legacy concerns. Officers also gave a summary of the most recent objections received after the report was published. The report presented provided responses and details of consultations to address the concerns raised by objectors.

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

- Were the conditions robust enough to address the coal mining legacy issues?
- Officers advised that the conditions had been provided by the Coal Authority and that further investigations would be needed to ensure the stability and safety of the land prior to development. However providing this was done and the recommendations followed, no objections were raised by the Coal Authority

A group of objectors attended the meeting and addressed the Panel and raised the following issues.

- There appeared to be no evidence of an extension to the 12-week consultation period
- No response from the case officer until the week before the meeting
- Inadequate parking would be left after the development was completed – limited mobility and disability were of particular concern to at least one property owner
- Concerns about access for refuse collection vehicles

- There were no pre-existing parking problems
- An area included on the development plan was an un-adopted road in private ownership
- Other solutions were feasible to address parking problems
- Likely problems for visitors to existing residences due to lack of parking
- No way of challenging the extension of the consultation period
- Not an open process
- No timely responses given
- Mining legacy concerns, especially to do with gas

Officers responded to the objectors' concerns. The current case officer confirmed that only one call had been received which had been responded to, and that there was an agreed extension of time in place. Officers acknowledged the significant amount of time that the application had been in, however this was largely due additional information required to progress, which took longer than expected to arrive. This required consultation from external consultees, which further added to delays

Members were, again, given the opportunity to comment or ask questions. The details of these and the responses given are as below.

- Was there any off-street parking with new development?
- Officers responded to confirm that there were 2 places planned for each property and directed Members back to the site plan. They also stated that the visitor planning spaces were for all to use, not just those visiting the new dwellings. They further stated that the only un-adopted road was Munster Street and not the section of Harcourt Road as objectors specified. There was a proposed Traffic Regulation Order (TRO) which would consist of double yellow lines and that vehicles for people with additional needs displaying a blue badge could be permitted to park on double yellow lines, provided it was safe to do so and these could be applied for. There was also the option of disabled parking spaces to be created if needed.
- A Member commented that traffic enforcement officers would not be on duty if problems occurred (out of office hours)
- Officers advised that the application could not be refused on the basis that enforcement may or may not be needed or actioned as it was beyond the remit of Planning
- 2 applications had been refused in the past, what was the difference between them and the application under consideration?
- Officers explained that the area was mixed use and whilst they were not aware of the specifics, the only thing being considered was the current application that was submitted under the current regulations – Officers did refer to their report and give a summary of the previous refusals for the benefit of Members

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Places' technical report

(Document “I”)

Action: Strategic Director, Place

**D. Prince of Wales Inn, 91 Harrogate Road, Bradford BD2 3ES
Eccleshill**

This was a full planning application for the construction of a new roadside service station including a modest shop, canopy and ancillary parking on the site of the former Prince of Wales public house, 91 Harrogate Road, Bradford.

The site occupied a triangular shaped plot that sat on the junction of Harrogate Road and Leeds Road. The public house had previously been demolished and the site was cleared. Officers presented details of the application including proposed access and egress to the new business to provide further information for Members.

The application had received 23 representations objecting to the proposal, including 2 from Ward Councillors. The reasons for objection were included in the officer's report and consisted of a variety of concerns and issues for local residents.

The application was previously brought to the Planning Panel but had been deferred in order to obtain a more detailed impact assessment from Highways as there were concerns about access to the site and the safety of pedestrians using the pavement that access and egress points would cross.

There would also be a need to move a nearby bus stop which would be at a cost to the developer and must be agreed by WYCA and Bradford Council.

Members were then given the opportunity to comment and ask questions to officers. The details of these, and the responses given, are as below.

- What would happen when traffic approaches from the opposite direction (i.e. coming from the opposite side of the road)? There was concern still regarding pedestrians having to cross the access and egress points which went across the pavement
- Officers shared the site plan with Members again and stated that the entrances were already there and that there was likely to be no difference apart from a small increase in vehicle movements. In accordance with the NPPF, the risk would need to be significant and a balanced view had to be taken

A Ward Councillor (Cllr Reid) attended the meeting and addressed the Panel and made the following points:

- It would be difficult to satisfy the concerns from stakeholders at the primary school
- Cllr Reid stated the aims of the NPPF to support his objection
- Noted the discussion that had taken place regarding other similar outlets in

the area

- The proposed structure would be an eyesore
- The junction that the site occupied was a difficult one and this development was not the right solution
- The Ward Councillors could see that there would be issues with the site if it was developed in this way
- Any increase in traffic would adversely affect what was already a bad situation
- The issue of air quality where children were likely to be in the vicinity
- Does not believe that objections were not addressed in the context of the area's economic, social and environmental situation
- Ward Councillors acknowledged the work put in by Officers but urged the Panel to refuse the application
- Clarification that the additional research, assessed by Highways, was paid for by the applicant

The applicant and agent also attended the meeting and addressed the Panel stating the following points.

- The agent quoted from the NPPF with data that supported the transport statement
- The agent clarified the access and egress arrangements
- Consultation had been carried out with WYCA and the bus stop would be moved further away
- The number of trips data was provided in summary as a full review was undertaken following the previous deferral
- 2 Highways tests – proposal was acceptable in accordance with NPPF
- TRO – would improve pedestrian access around the access points
- Cycle parking and EV charging would be provided on site
- There were no objections to the proposal from Highways

Members were again given the opportunity to comment and to ask questions of the applicant and agent.

- The Chair commented on the legalities of permitting a new outlet selling fossil fuels in light of the declared climate emergency. She also noted that electricity was being generated using fossil fuel power stations
- Officers responded that it did not prevent planning permission being granted and the ambition to move away from using fossil fuels would not happen overnight

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Places' technical report (Document "I")

Action: Strategic Director, Place

E and F South Square Centre, South Square, Thornton, Bradford Thornton and Allerton

These applications related to the same site and consisted of retrospective planning permission being sought for the retention of new fencing, a gazebo and ground surfaces to the rear garden of a grade II listed building at the worker's cottages, South Square Centre, Thornton. Application F related to listed building consent and its impact on a heritage asset.

Officers presented both applications together and provided Members with photos of the site showing the gazebo, pathways, access and views from different angles so that Members could adequately visualise the proposal.

An objector attended the meeting and addressed the Panel as a representative of nearby residents. The summary points of objections raised are as below.

- The use of the space had evolved into that of a beer garden
- The noise, especially in summer was intrusive and described as screeching
- The space was available to all but was mainly used by patrons of the Watchmaker bar
- Intrusive behaviour – people looking into residents' windows
- No confidence in the 9.30pm curfew proposed

Officers were asked to clarify which of the objections were matters for Planning and/or Licencing. There was technically no change of use from that of a garden and the curfew was considered reasonable. However, an earlier curfew could be considered.

Members had a number of questions and comments for officers which are summarised below:

- How could residents be protected from noise and to maintain privacy?
- Was its purpose to generate income?
- The issue was around how the area was managed
- What was being used for, was alcohol consumed in the area?
- How high was the gazebo – was it within limits?

Officers responded that the application if for a gazebo and fencing and that objections arose from the use of it. Formalising the area made it more attractive to use and it could have been done without planning permission. The additional objections were not planning considerations. The applicant would need to respond to the Members' question regarding alcohol consumption and they were satisfied the height did not cause any harm.

A Ward Councillor attended the meeting and addressed the Panel in support of the application and noted the work that had been done on site and the support given from the Council for the site to be developed/improved. He also stated the Council's objective to support community need and that this was a retail and leisure development. It would contribute to funding for its upkeep and

sustainability. The outdoor seating would encourage visitors as a community hub.

A representative (trustee) from South Square also addressed the Panel and stated that the area was included as part of the asset transfer. The application for was a gazebo and fencing which was an attractive design but installed for health and safety purposes. The gazebo also acted as a noise inhibitor and a shelter in bad weather. It was not considered to be too high and was placed away from residential properties. The trust involved had responded as much as possible to neighbours' concerns and that the area benefitted everyone. Signage would be displayed relating to parking and noise (details of the curfew). There had been a 25% increase in visitor numbers and businesses should be supported.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Places' technical report (Document "I")

Action: Strategic Director, Place

**F. South Square Centre, South Square, Thornton, Bradford
Thornton and Allerton**

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Places' technical report (Document "I")

Action: Strategic Director, Place

(Mohammed Yousuf - 01274 434605)

60. MISCELLANEOUS ITEMS

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

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(10)
Decisions made by the Secretary of State – Allowed	(4)
Decisions made by the Secretary of State - Dismissed	(8)

Resolved –

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