

## Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 27 April 2022 in Council Chamber - City Hall, Bradford

Commenced 10.00 am  
Concluded 11.30 am

### Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Engel Amran Cunningham S Khan	Riaz Glentworth (alt)	Ahmed (alt)

Apologies: Councillor Kyle Green and Councillor Brendan Stubbs

### Councillor Engel in the Chair

#### 61. DISCLOSURES OF INTEREST

In the interests of transparency the following declarations were made.

The Chair (Cllr S Engel) and Cllr Khan declared that item B (Minute number 65) was in their Ward but had not been in contact with any interested parties.

Cllr M Amran declared that item C (Minute Number 65) was in his Ward and he was acquainted with people in attendance but had not been in contact with any interested parties.

**Action: Interim City Solicitor**

#### 62. MINUTES

Resolved -

That the minutes of the meeting held on 23 February 2022 be signed as a correct record (previously circulated)

**Action: Interim City Solicitor**

#### 63. INSPECTION OF REPORTS AND BACKGROUND PAPERS

No requests to view documents were received.

**64. PUBLIC QUESTION TIME**

There were no questions submitted for matters under consideration.

**65. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL**

**A. 5 Ashburnham Grove Bradford BD9 4NX Manningham**

This was a householder application for the construction of a single storey extension to the rear of the above property. Officers provided the Committee with plans and photos of the host property and explained that it was brought to the Committee for transparency as the applicant was a Ward Councillor. The proposed extension would not be visible on the street and despite the loss of the two garages, there would still be adequate parking available on the property. There were no representations received relating to this application

The agent for the applicant attended the meeting and addressed the Committee and confirmed that the extension would not be visible.

There were no questions or comments from Members of the Committee.

**Resolved –**

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

**Action: Strategic Director, Place**

**B. 6 Duckworth Lane, Bradford, BD9 5EP Toller**

The application was for the fitting of an external rear extraction canopy and AC unit to the property named above. The two storey retail shop was located in a mixed use area with many having flats at first floor level plus residential properties at the rear fronting onto Toller Lane. The application received 16 objections which were listed in the report.

Officers presented the proposed site for the extraction equipment and explained that modifications had been made as to where it would be placed to minimise the noise impact on the neighbouring residence. Officers pointed out that there was no change of use and the latest noise impact report was acceptable. There would also be no change to the front elevation. All objections relating to the AC unit had also been addressed. The use of the building was not part of the application and litter/vermin complaints were not a planning matter for this application as was parking. Filters would be fitted to reduce smells.

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

In terms of the noise, was it acceptable to the residence above to which Officers

responded that there was no residence above. The unit sighting was altered to address the problem for the flat next door and would not be an issue for residents across the road.

Why did the plan include seating if there was no change of use to which Officers responded that it was simply to illustrate that it could be operated as a seated eating facility. In terms of the concern that it could become a takeaway, this would be addressed via enforcement if the situation arose.

A Member was still concerned about parking but was again reminded that the business still sat in the same use class and planning permission was not needed so the impact of the use could not be considered as the application was for fitting of equipment only.

The location of bin storage was again confirmed for Members and was shown to be internal. This would be a matter for Environmental Health if it became an issue.

There was a brief discussion around the business classification and Officers were able to reassure Members no change was needed.

Had Public Health been consulted? Again, Officers confirmed that the application was for the placement of equipment only.

A Member stated that the impact had not been fully considered but again, was reminded that only the fitting of equipment could be considered and not the use.

A Ward Councillor attended the meeting and addressed the Committee to object to the application and was concerned about the use and noise affecting neighbouring properties. He further stated that the prediction in the planning report was not adequate.

The effect on residents at the back was a concern and the noise from an upstairs cold room would disturb the property next door and wanted it to be considered, despite not being a planning consideration for this particular application. He again cited the problem of vermin and litter and stated the decision should not be based on predictions.

In response to the Councillors objections, Officers stated that the seating had not been altered and that the Noise report was not a prediction but was based on the expertise of the report author. Sound insulation was proposed for the cold room and the application had adequate conditions to use the equipment.

A Member then asked if the noise report had gone to Environmental Health which it had.

Members proposed to refuse and parking was once again cited as a concern on the impact to the street scene at the rear of the property.

**Resolved –**

**That the application be refused on the grounds of the impact to the street scene at the rear of the property being contrary to Policies DS1 and DS3 of the Core Strategy Development Plan Document.**

**Action: Strategic Director, Place**

**C. Land North of Leylands Medical Centre, 81 Leylands Lane, Bradford  
BD9 5PZ**

**Heaton**

This was a full planning application for the construction of three houses including parking, access and landscaping on land to the north of Leylands Medical Centre on Leylands Lane, Bradford.

The proposed site was not in use and was overgrown within a mixed use area with a boundary wall and trees fronting the most prominent area of the site.

The publicity for the application received 9 representations of which 3 objected and 6 were in support. The objections related to protected trees which could potentially be damaged or removed and the proposed planting would not mitigate the loss.

The site was higher than the road and would require excavation and 'air spading' of roots which could potentially result in the loss of both protected trees.

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

A Member asked what the life span was of the trees on the site and was advised that they could live for 20-30 years or more.

The trees were categorised and the Tree Officers clarified what the classifications meant – the trees in question were category B which were very good, healthy, valuable trees.

The Ward Councillor attended the meeting and addressed the Committee in support of the application citing the following reasons:

Housing shortage – availability of affordable housing

The land had been in the same ownership for 10 years

It would tackle the housing crisis

Previous applications had been refused

The site was vulnerable to crime and the owners had spent a considerable amount of money maintaining the site

2 viable options had been put forward to address the tree issue

Replacement planting proposed if the protected trees were removed

Would bring the site into use

Did not agree that the proposed digging and re-directing of roots would not work

It was a brownfield site

Officers responded to the above points and stated that the site is greenfield and the root issue was a significant one – attempts to untangle the roots would

probably result in the loss of both trees. The trees in question were of good quality and in a prominent position and proposed planting would be small. The owners were aware of the trees when they purchased the property. Tree Officers questioned the viability of the proposed air spading method and stated that stability would be compromised. Untangling the roots would be extremely difficult without causing damage to them in the process.

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

A Member asked how long it would take for any new trees planted to reach the same quality and maturity and was advised that it would be 80 years to reach the same size and value so the loss of amenity would not be mitigated.

In relation to previous applications, the medical centre had been approved. Officers advised that they did not object in principle to a residential development and that they were granted on their own merits. The access issues to the site were not new and alternative access could be investigated.

A member asked if trees were moved as part of previous applications and was advised that there was no information available but the outcomes for other applications was not relevant as each was assessed on their own merits. The site was independent of the medical centre site. The Council Solicitor made a statement about precedents and explained that precedent was rarely relevant in planning matters and the individual merits of each application was the primary consideration and was the matter for determination on the current site under consideration.

The architect for the applicant also attended the meeting and addressed the Panel to ensure that Members had the most up to date information around the methodology of the work proposed stating that air spading was an acceptable method to use. He stated that it would result in the loss of one tree but others would be planted in place.

Officers confirmed that they had received and reported the most up to date information and had no further comment to make on it and again stated the significant harm and that the Planning Inspectorate had also rejected the removal and potential harm as the appearance would be significantly altered.

Members voted to grant permission with additional conditions to be included.

**Resolved –**

**That the application be granted subject to the following conditions:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in

accordance with the approved plans listed below:

Proposed Floor Plans received by the Council on 17th Sep 2021

Proposed Elevations received by the Council on 17th Sep 2021

Sections received by the Council on 9th Mar 2022

Proposed Site Plan received by the Council on 31st Jan 2022

Sections received by the Council on 31st Jan 2022

Tree Protection Plan referenced 1176 201E received by the Council on 1st Feb 2022

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. 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 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.

4. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 1176 201E and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

5. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered 1176 201E and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

6. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TR2 of

the Core Strategy Development Plan Document.

7. From the date of first occupation, every property on the site with dedicated parking shall be provided with access to a fully operation 3 pin socket on a dedicated 16A circuit, capable of providing a 'trickle' charge to an electric vehicle. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas or within dedicated garage space. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack/travel planning advice.

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 policy EN8 of the Core Strategy Development Plan Document, the West Yorkshire Low Emission Strategy, and the National Planning Policy Framework.

8. No drainage works shall begin until details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The details and scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Core Strategy Development Plan Document.

9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

10. The development hereby permitted shall not be commenced other than in full compliance with the approved Tree Protection Plan numbered 1176 201E, the Arboricultural Impact Assessment Tree Protection Method Statement, and Tree report received by the Local Planning Authority on the 1st February 2022. Special attention shall be paid to those trees which are to be retained, including any trees whose canopies overhang into the development site which shall be protected with tree protection fencing and ground protection measures in accordance with the information submitted and to British Standard 5837:2012.

The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site until the tree protection measures have been installed in accordance with the approved details.

Reason: To ensure that trees are adequately protected prior to development activity on the site which would otherwise unacceptably harm trees to the detriment of public visual amenity and to accord with EN5 of the Core Strategy.

11. No development above damp proof course level shall be carried out on the hereby approved dwellings until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP should include the following details:

- i) Position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell;
- ii) Details of proposed new trees and details of new shrub and grass areas - including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety;
- iii) The extent, types and heights of the means of enclosure to all curtilages;
- iv) Full elevation details of the cycle storage units approved on plan number 1176 210E;
- v) Details of types of hard surfaces within the development other than those within the domestic curtilages;
- vi) and details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved details.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: To ensure protection and enhancement of biodiversity, to achieve a satisfactory standard of landscaping in the interests of visual amenity, and to accord with policies SC9, EN2, EN5, DS1, DS2, and DS3 of the Core Strategy Development Plan Document and National Planning Policy Framework.

12. In the first planting season (1st December to 31st March) following the substantial completion of the development, a minimum number of 2 replacement trees shall be planted within the front of the site facing onto Leylands Lane.

These replacement trees shall comprise of the 2 Lime Trees, which shall be



a minimum of 10 centimetres in girth; planted at least 2 metres outside of the canopy spreads of existing trees, at intervals of 1.5 metres from other trees and hard standing areas. All new trees must be to British Standard BS 3936 Nursery Stock rootballed or containerised, staked and tied in accordance with good arboricultural practice.

The Local Planning Authority shall be notified in writing of the date of planting and shall have confirmed that the trees are planted in accordance with the requirements of this condition before the development is brought into use.

Any trees or plants comprising this replacement planting scheme that become uprooted, damaged or diseased or which die within the first 5 years following the completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death/removal of the original planting.

Reason: To mitigate the environmental impact of the development, to provide appropriate replacement for existing trees that will need to be removed to accommodate the development, in the interests of biodiversity, visual amenity and in accordance with polices EN2 and EN5 of the Core Strategy Development Plan Document.

**Action: Strategic Director, Place**

(Mohammed Yousuf - 01274 434605)

## 66. MISCELLANEOUS ITEMS

**Resolved –**

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