

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

Commenced 10.00 am  
Concluded 12.20 pm

### Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Engel Cunningham S Khan S Hussain	Glentworth Ali	Stubbs

Observers: Councillor Kamran Hussain

### Councillor S Hussain in the Chair

#### 1. DISCLOSURES OF INTEREST

In the interests of transparency, the following declarations were received.

Councillor S Cunningham had received correspondence relating to the application under consideration, reference number: 22/02004/FUL Minute No.6)

The Chair, Councillor Shabir Hussain was acquainted with the applicant, reference number: 22/0144/HOU Minute No.6)

**Action: Interim City Solicitor**

#### 2. MINUTES

**Resolved –**

That the minutes of the meeting held on 27 April 2022 be signed as a correct record.

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

There were no requests received to inspect documents relating to applications under consideration.

**4. PUBLIC QUESTION TIME**

There were no public questions received.

**5. MEETING DATES FOR REMAINDER OF 2022-2023**

**Resolved –**

**That the meeting scheduled for September be held on 7<sup>th</sup> of the month, the meeting scheduled for November be held on 30<sup>th</sup> of the month and the March meeting be held on 22 March 2023.**

***Action: Governance Officer***

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

**A. 9 Wharfedale Rise, Bradford**

**Toller**

The Chair declared an interest in the first item on the agenda and recused himself from the meeting for the duration of discussions and determination of the application under consideration.

This was a householder planning application for infill extensions to the front of the property over two floors, with alterations to the roof design of the property.

Officers presented the application including drawings and photos of the house with an explanation of what was being requested.

Members had no questions or comments on the application under consideration.

**Resolved –**

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

**B. The Horse And Farrier, Farriers Croft, Bradford**

**Bolton and Undercliffe**

Councillor Cunningham left the room for the duration of discussions and determination of this application. This was a full planning application for the change of use from a public house (sui generis) and 3-bed flat to a mixed use of community centre/place of worship (sui generis) plus addition of windows, doors and roof lights.

The site was a former public house situated at the junction of King's Road and Farriers Croft with pre-existing vehicular and pedestrian access.

Officers presented the details of the application and provided Members with site plans and photographs of the site and surrounding roads. It was proposed to include yellow lines to protect the safety of the vehicular access point via a Traffic Regulation Order (TRO). It was considered by Officers that the level of occupancy was not excessive and on-street parking was also available. In response to the representations relating to noise and disturbance, Officers stated that it had been a public house so was noisy previously, they considered the level of harm was not significantly greater than that caused by the public house.

There were no biodiversity issues but a condition could be added to for a bat box and bird nesting box. Additional representations had already been circulated to Members in advance of the meeting.

The application had a large number of representations both in support but there were also a considerable number of objectors. Details of both had been provided in the report to Members and were summarised by Officers.

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

- No Highways changes and improvements for pedestrians included. Officers stated that they were not part of the application and the estimated vehicle numbers and movements were similar so the impact of these did not require any changes to lay-out
- The final location of double yellow lines would be finalised as part of a further process (via Highways Area Teams)
- A Member asked for an explanation of the TRO process as specified in condition 3 of the application
- A suggestion was made relating to conditions which would encourage people to walk but Officers responded that, realistically, it was difficult to do that and people would drive, especially as parking was provided. It was hoped that local people would walk, however. It was not considered unsafe at present, but could be addressed if the need arose.
- Members wanted to encourage more sustainable travel
- Could EV charging points be included as a condition? Officers advised that EV charging was included on all new build projects but retro-fitting was not easy. However, 2 spaces with charging points could be included as a condition
- Members also asked about the inclusion of cycle bays and were directed to the existing proposals but indicated that these could be enhanced

An objector attended the meeting and addressed the Panel with a number of concerns.

- Parking
- Loading
- Highway safety
- Planning policy
- Only 1 entrance/exit which had previously been a problem
- Island in the middle of the road
- Any vehicle larger than a car would have difficulty getting through/past the

- site
- People arriving and leaving on masse for planned worship
- Issues for emergency vehicle access
- Traffic emissions and noise and the proximity of a school to the application site
- Doesn't think people will walk, especially in the winter or bad weather
- Reference made to an application in a neighbouring authority that presented similar issues

Also in attendance at the meeting was a Ward Councillor who was in support of the application and addressed the Panel with the following comments.

- The site would be a community centre and place of worship and would be inclusive
- Regulations would address traffic issues
- Up to 45 parking spaces would be available within the site
- The Ward Councillor also asked about the TRO being in place before work started to obtain clarity

Officers responded to the objector's points as follows.

- Double yellow lines would protect the junction and enforcement was possible if it became necessary
- The site referenced could not be considered, the application had to be determined on its own merits

Officers responded to the Ward Councillor and there was a brief discussion relating to a TRO, how it could be included in conditions and how and when it would apply. There was a statutory process to go through which could be subject to delays if objections were received, as these had to be addressed first before the TRO could be implemented. It was possible to word it in such a way that it would not prevent work from commencing. However, the TRO would need to be in place before first use of the development. The Highways Officer urged the applicant to supply the necessary information as soon as possible so the process could start. Works inside the building could start in any event as they did not constitute development requiring planning permission.

A Member suggested that stewards could be employed at busy times to ensure legal parking and highway safety and whether it could be an interim measure until the TRO was provided. Officers stated that with no TRO there was no control and would be difficult to enforce.

The Agent for the applicant attended the meeting and addressed the Panel and made the following points.

- The site was a former public house
- It would be a community centre and place of worship
- There would be no loudspeakers on the outside of the building so calls to prayer would not be an issue for residents
- 100 prayer mats were in the application plan and parking could be added to if needed. This was working on the assumption of up to 4 occupants per

- vehicle
- Would prefer no TRO as it could take some time and the building could not be used
- EV charging points had been considered
- The building would be a local, neighbourhood facility

The applicant then addressed the Panel and stated that there was a lack of community facilities in the Ward and only 1 other place of worship and emphasised the local nature of the facility. He said that it was a pub, was changing to be another community facility but conceded that it would be busy during Eid.

Members were then given the opportunity to make any further comments which are as below.

- There would be an increase in visitors during Eid and Ramadan but this could be beneficial to tackle anti-social behaviour as their presence could deter littering etc.
- Members would like the inclusion of double yellow lines for protect the junction and EV charging points to be added to the application
- Members also asked for the formalising of cycle racks in the application
- There was a lack of community facilities in the Bolton and Undercliffe ward

Officers stated that the time taken for the TRO process to complete depended on the number of representations received. The Area Committee that would meet to determine the matter met frequently so they did not envisage undue delays as a result.

#### **Resolved –**

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

#### **AND**

***C4. Before first use of the development hereby approved the bicycle stands shown on the approved plans shall be provided and they shall thereafter be kept available for their intended use.***

***Reason: In order to encourage the use of modes of travel other than the private car and to comply with Policy TR2 of the Core Strategy Development Plan Document.***

***C5. Before first use of the development hereby approved the two Electric Vehicle car parking spaces shown on the approved plan 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. All EV charging points shall be clearly marked with their purpose and thereafter kept available for their intended use.***

***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.***

***C6. Before first use of the development hereby permitted at least one bat box and one bird box shall be installed to the outer face of this building and retained thereafter.***

***Reason: In the interests of local wildlife and to accord with Policy EN2 of the Core Strategy Development Plan Document.***

**C. Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw, Bradford**

**Tong**

This was a full planning application for the construction of a new car park for school staff, electric vehicle charging and drop-off for pupils, revised site access, improved outdoor play provision and enhanced scheme of soft landscaping at Woodlands Church of England Primary School, Bradford.

The application site was an open space, used as a recreation area with some outdoor equipment in place.

Officers provided some background information relating to existing parking on the road which was limited. There was some other parking but at a distance away. The road on which the parking was located would be the main access road for a new industrial development and yellow lines would be implemented, thus removing the on-street parking. A site on the opposite side of the road to the school had been previously granted outline planning permission but had been deemed unsuitable for a number of reasons.

Officers provided Members with site photos showing the existing parking on site, the proposed location of the new entrance as well as the new pitch and site elevation diagrams showing existing and proposed levels.

A number of representations had been received in relation to the application mostly objecting to the proposals and A Ward Councillor had requested the application be determined by the Planning Panel in the event that Officers were minded to approve.

A summary of the objections was presented as below.

- RUDP
- loss of space
- the transport policy
- design principle
- the new parking provision would encourage car journeys to and from school

Officers did go through the planning policies applicable and responded to issues raised.

- Dog walking facilities nearby
- The catchment for the school included children with working parents
- Alternative parking was further away

Members were then given the opportunity to ask questions which are summarised below.

- Whether the new football pitch would be full sized – Officers advised that it was a Sport England mini pitch
- No new swings appeared on the new plan – Officers advised that they were not being replaced as part of the new plan and there were facilities in the nearby country park
- Would the new pitch be fenced off as part of the school or accessible to the public? Officers advised that the inclusion of a community use agreement, details of which would be supplied by the school regarding out of hours use and charges. The plan did not include a clear indication regarding fences but Officers stated that anything over 6 feet in height would require planning permission

A member of the public and Ward Councillor attended the meeting and addressed the Panel in opposition to the plan. The points made are summarised below.

- The land was given to the villagers under a deed of covenant, solely for the use of villagers
- The smaller pitch and parking area would reduce the available space
- The plan is vague and difficult to follow and it was felt that the developer had not adhered to agreements and were making the situation difficult
- Photos did not provide an accurate picture – the road is very narrow and congested, pollution (emissions) and there were concerns regarding its use as a 'rat run' plus the risk of accidents in the car park

The Ward Councillor raised the following points.

- Both Ward Councillors were opposed to the plan
- The original car park would have included a crossing
- It was the only green space in the village
- The nearby country park was not a green space but a very small tarmacked area
- The road was narrow
- Parents and staff could park in Low Moor and walk
- The concern about crossing the road safely – working parents should be able to cross a road
- The drop off point – staff could have used the car park across the road
- The area would be less useable – it restricted the informal use
- Parking was available
- Parents wanted to park on the doorstep
- The convenience of car drivers was prioritised over local residents

- It was the local villagers green space
- The car park opposite was not considered by the school who wanted convenience
- Would be in use 39 weeks per year and fenced off at fixed times
- This was a half form entry school and the issues would be long term

Officers responded to the member of the public and Ward Councillor as follows.

- The plan did not override covenants
- Could not respond to comments regarding the developer
- The road is wide enough for 2 cars to pass
- It was not possible to control road users' behaviour
- Want a safer environment
- Pollution – would be an issue in any event
- The original car park did not go ahead was due to flooding and was deemed unviable
- Officers accepted that it was a flat, open space but were balancing harm versus benefits

Members were then given the opportunity to ask questions following the objector's representations.

- Were the drainage issues presented by the previously approved proposal not explored or drainage mitigation not investigated? Officers responded that the outline application had been granted permission but the subsequent application for reserved matters had been withdrawn due to complications arising from flood mitigation measures that would be required to implement the development. It was likely that any mitigation measures would have been cost prohibitive or would have resulted in a steep, unsafe vehicular access. It was noted that the original outline application was no longer in existence so could not be considered as part of this application
- The plan had been submitted by the developer on behalf of the school, not by the school itself. To which Officers advised that the school was in support of the plan and had opposed the previously approved development
- Were the Council promoting or ignoring use of greenspace, to which Officers responded that there was no other flat area but the planning balance in this case was considered weigh in favour of the development
- Would dog walkers still be able to use the site? Officers stated that it depended on the owners of the land which was leased by the Council. It was not possible to say that access would be available in the future

Members asked the Ward Councillor if the site was well used to which she responded that it was used by children and villagers, who crossed the road to access it as the only space available. The entrance would cause problems and she felt that a Bradford amenity was being taken away from children to improve convenience to adults.

A Member of the panel stated that he was not certain that any more parking was needed.

The question of the deed of covenant was raised as it was unclear who owned it.



Officers explained that it was not a planning issue and provided an explanation of what a covenant was.

One Member stated that the neighbouring local authority involved had put Bradford in a difficult position as they were obliged to provide a car park with the overriding consideration for parent and child safety over active travel.

The Chair also felt that the position was a difficult one and that people did not walk and did not want to.

**Resolved –**

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

**AND**

**The amendment to condition 3 as detailed below:**

***Before the new car park is brought into use, the Off-Site Highway Improvements comprising :***

- Relocation of the existing speed hump on Mill Carr Hill Road in order to facilitate access***
- Provision of pedestrian guard railing to Mill Carr Hill Road.***
- Associated adjustments to existing road markings within Mill Carr Hill Road***
- Zebra crossing on Mill Carr Hill Road***

***shall be completed as shown on Drawing Ref: AMA/20434/SK006.***

***Reason : In the interests of highway safety and to accord with Policy DS4 of the Bradford Local Plan Core Strategy.***

**AND**

***C11. Prior to the first use of the approved development a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. This shall clarify arrangements for access to the playing pitch and car park for the general community including pricing and hours of operation and designate responsibilities for ongoing maintenance, security provision and public safety at all times of the playing pitch and car parking area during the varying times of the week. The community facilities shall thereafter be provided and maintained in accordance with the approved details.***

***Reason: To ensure the use is available for the full community and to accord with policy OS3 of the Replacement Unitary Development Plan and Policy EN1 of the Core Strategy Development Plan Document.***

## **D. 18 Ryelands Grove, Bradford**

## **Heaton**

This was a householder planning application for dormer windows to the front, side and rear along with internal alterations to the first floor (attic). The property sat at the end of a long cul-de-sac. The front appeared as a single floor but due to land levels was two storey at the rear. Other properties in the cul-de-sac also had dormer windows to the front.

Due to the application not meeting Bradford Planning policy guidelines (no windows, new elevation in excess of existing roof height and issues with a mismatch of plans submitted) and the absence of a bat report, Officers were minded to refuse the application. No representations had been received objecting to the proposal and one Ward Councillor had submitted representations in support.

Officers presented the application including site plans and photos of the property under consideration and photos of other dwellings to provide context for Members. Officers stated that the property sat within a bat alert zone as it was near to woodlands but no preliminary bat report had been received.

Members were given the opportunity to ask questions and only one issue was raised regarding the opportunity to obtain the bat survey.

Two Ward Councillors attended the meeting and addressed the Panel to support the applicant and made the following statements.

- Not previously aware of the bat report issue
- No contact had been made with the applicant regarding the plan or bats
- Appalling service from planning officers, no response to constituents
- Properties in the street differ from each other so there would be no impact on the street scene
- The applicant needs extra space and dormer windows to gain access to it
- The applicant has a growing family, so would want to extend rather than move house
- Feels that the 'goalposts' had been moved and that the applicant and architect had tried to engage with Officers
- Felt that questions raised by the architect have not been considered
- The houses in the street were not identical
- The reason for refusal had been 'the impact on the host dwelling' but, in their opinion, it complemented the street scene
- Queried the bat report issue with other properties who had undergone alteration/development previously asking what the outcomes had been

Officers responded to the points raised and stated that the Case Officer had been in touch with the agent via email but could not be certain regarding the situation around the bat report (the Case Officer was not present to ask). With regards to bat reports on other applications it would have depended on when the applications were determined. In terms of amenity, design was subjective but the proposal was contrary to planning policy.

The agent then addressed the Panel stating the following:

- The application had been validated in March but an email to say it was refused was received in June with suggestions to amend the plan for it to be re-considered. Following discussions with the Planning team, it was re-submitted in June with smaller dormer windows. He went on to say that the issue of the 'wraparound' was not relayed until near the end of June and plans were amended to remove this. He also stated that a few days after this he received notification from the Case Officer that the dormer window was not where he would expect it to be (not centred) and he had not had a response to emails regarding access to the side dormer – there was a perception that a new issue was presented with each email and questions went unanswered.

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

A Member asked whether the application under consideration was the original or amended plan and was advised that it was the original as an amended plan had been submitted for discussion but not for formal consideration.

Another Member asked if it would be appropriate to defer the application and following a brief discussion, there was still an issue with planning policy for the amended plan as it would still cause visual harm. Officers stated that planning policy was a guideline and could be deviated from if there was justification to do so. A decision to approve could be made with reasons included.

One Member commented that the design was not attractive, did not harm the overall appearance of the host property but would provide a better environment for the occupants of the house.

A Member asked how long the bat survey would take and was advised by Officers that it depended as there were different types of survey, the one required would look for bat activity. They further stated that the applicant wanted a decision on the original plan and that he did not wish to submit the amended plan for consideration. The property was set back and there had been no objections received from neighbours.

Members had another opportunity to comment on the application – details of the comments made are as below.

The Chair stated that a decision needed to be made based on the application submitted and that he had visited the street and seen that properties were not identical. He was minded to go against officer recommendations but with conditions for a bat survey and materials to be specified.

**Resolved –**

**That the application be approved subject to the following conditions.**

***1. The sides and the non-glazed sections of the face of the dormer windows hereby approved shall be clad using vertically hung slates of similar colour and finish to the existing roof slates.***

***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.***

***2. No development shall be undertaken to the roof of the dwelling until the developer has carried out an up-to-date survey to establish the presence or otherwise of bats and/or bat roosts within the existing building, and until the survey and its findings have been submitted to and approved in writing by the Council.***

***Should the presence of bats be confirmed, no work shall be carried out until the developer has provided written confirmation to the Local Planning Authority of the granting of a Bat Mitigation Licence under the Conservation of Habitats and Species Regulations 2017.***

***Reason for pre-commencement condition: To safeguard bats and bat roosts that may be found to exist on the site and to accord with Policy EN2 of the Core Strategy Development Plan Document.***

***Action: Strategic Director, Place***

## **7. MISCELLANEOUS ITEMS**

**Resolved –**

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

***Action: Strategic Director, Place***

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Area Planning Panel (Bradford).**