

Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 30 November 2022 in the Council Chamber - City Hall, Bradford

Commenced 10.15 am
Concluded 2.25 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Engel Cunningham S Khan	Glentworth Ali	Stubbs

Apologies: Councillor Shabir Hussain

Councillor S Engel in the Chair

14. DISCLOSURES OF INTEREST

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

Cllr Cunningham declared that he was previously a Member of the Townscape Heritage Grants body who had awarded a grant for works at the Darley Street location application number 22/03629/FUL (Minute No.18).

Cllr S Khan declared that 6a Southfield Road, Bradford application number 22/03253/FUL and 60 Moore Avenue, Bradford application number 22/03979/HOU were in her Ward (Minute No.18).

Cllr Engel declared that the Maharjah buildings application number 22/02408/FUL were in her Ward and whilst she had historical contact she did not have a prejudicial interest (Minute No18).

Action: Director of Legal and Governance

15. MINUTES

Resolved

That the minutes of the meeting held on 7 September 2022 be held as a correct record.

16. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

17. PUBLIC QUESTION TIME

There were no public questions received.

18. APPLICATIONS FOR APPROVAL OR REFUSAL

A. 38 - 40 Darley Street Bradford BD1 3HN -

Wyke

This was an application on the site of a former post office to form a fireworks retail shop (E(a) use) and a nail and eye lashes saloon (*sui generis*) and to form two, one bed apartments on the upper ground floor only (C3 use) with associated external alterations.

The application received a considerable number of representations the majority of which consisted of objections, these were summarised in the Strategic Director's technical report and were due mainly to the nature of its intended use as a fireworks shop.

In addition, 1 further representation was received and circulated to Members prior to the meeting.

Officers presented the application and informed Members that it was necessary to obtain planning consent due to the splitting of the premises into 2 and if this was not present, that no Planning Consent was necessary.

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

A concern was raised regarding the lack of information relating to the building's heritage but Officers advised that revised information had been submitted by the Agent and a condition was included for drawings to be submitted and approved.

The issue of anti-social behaviour associated with the mis-use of fireworks was raised as Members wanted to know if it was directly associated with the pre-existing business or elsewhere. Officers advised that there was an issue within the City Centre but not at the site under consideration or already trading in the immediate vicinity.

Members acknowledged that licensing was a matter for the West Yorkshire Fire Service and not a Planning consideration and asked if there had been any meaningful planning based objections received. Officers advised that Health and Safety legislation and separate licensing existed for the storage of fireworks but this was not a planning consideration.

A Ward Councillor was present at the meeting and addressed the Panel with a number of concerns raised by constituents. These are summarised below.

- Ongoing problem with fireworks in the City Centre
- On sale 365 days of the year
- No issues with other proposals but objections to the fireworks outlet
- Very beautiful building
- Would make no positive contribution to the area as it was adjacent to flats and businesses
- Potential hazardous substances used in the nail bar being a potential fire hazard
- Impact on all aspects of health
- The impact to emergency services and noise etc. from a previous Scrutiny review on the use of fireworks
- No connection to the previous business as a post office
- Applicant not engaging with requests to consult

Officers were then given the opportunity to respond to the points made by the Ward Councillor to address the issues raised.

- The use of the building was in the same class as that of a post office (Class E retail)
- If the building was not to be sub divided, then no planning permission would be required

The Agent and applicant were also present and addressed the Panel to answer concerns and provide relevant information.

- If the shop floor space was not being divided the applicant would be able to sell fireworks with any further planning consent. This could take place without any improvements proposed for the front to be required
- The space was being split to make the operation viable financially
- 2 additional apartments were being created
- Is already selling fireworks, this was a re-location only
- Applicant was fully compliant with regulations and the Fire Service were aware of the existence of the business
- The proposal would add to regeneration and employment
- Fireworks were designed and built by the applicant
- Promotion was responsible
- Rigorous tests were undertaken for import and sale
- Accredited supplier
- Licensed premises in Lincolnshire used for storage and trading standards had undertaken checks

- The applicant kept a log (licensing book) and had CCTV and worked with Police when applicable
- Re-location which would provide additional employment and residential accommodation

Officers were then given the opportunity to respond but had no further points to add.

Members were then given the opportunity to comment and ask questions again following the representation from the Agent and applicant.

A Member asked about operating hours and what they were likely to be. Officers advised that there were no conditions included to restrict but these could be proposed.

A Member asked the applicant if their trading hours would change and was advised that there were no plans to change the hours of operation and some of their sales were made online and again the applicant reiterated that he held all the relevant licences.

The class of use and its relevance to planning policy was raised once again but the use was the same.

Members then made the following comments.

- An emotive subject to which they were sympathetic as the misuse of fireworks was considered a scourge on society
- Treatment of a listed building, advertising consent was raised as fascias on the existing fireworks outlet were not sympathetic to a listed building. It was advised that a separate application relating to external changes was already underway to achieve an acceptable design and was pending consideration
- Misuse of fireworks were not the fault of the business owner
- Pressure existed to deal with ASB associated with fireworks and made it a difficult decision
- No reasonable planning reason to refuse
- Re-location of existing business

Resolved –

That the application be approved subject to the conditions set out in the Strategic Director, Place' technical report.

B. 6A Southfield Road Bradford BD5 9ED

Wibsey

This was a retrospective planning application in relation to a change of use from a packaging and distribution unit to a Class E retail at the address above. The site consisted of an irregular plot of land at the major traffic junction between Little Horton Lane and Southfield Road in Bradford. Frimley Avenue also ran to the west of the site and provided vehicular access. The site had no significant level changes and was currently enclosed by a green wire fence. The locality included

a mix of retail, light industry and residential. Details of previous planning applications and their outcomes were included for information.

The application had attracted 4 representations, including one from a Ward Councillor in opposition to the application being granted.

There were also 2 further late representations citing fly-tipping, rats, limited access (for wheelchairs and pushchairs), parking and access to adjacent properties which were not included in the report submitted.

Officers further advised that there were 2 open enforcement actions relating to the site and stated that there was no impact on the viability of the application. Hours of operation could be controlled with no issues raised by Highways or Environmental Health Officers. The display of a sign indicating that the business was open for 24hrs a day would be addressed via enforcement as it constituted a planning breach.

Following the Planning Officer's presentation, Members did not ask any questions and made the following comments.

- The number of visitors to the site was a pre-existing problem and changes would be detrimental
- Parking was already a problem as there was a one-way system already there but was not enforced and was regularly ignored
- Deliveries were already impacting nearby roads
- This was a retrospective application
- The concern relating to the 24-hour notice going up
- Traffic and residential amenity not being addressed
- Change of use would increase the problems already being experienced
- Noise from the car park was not addressed adequately in the report
- The site should be secure outside operating hours
- Members would like a condition relating to traffic regulations added
- EV charging facilities were also requested for inclusion

Officers responded to the comments made by Members with the following.

- the potential for the 1-way road being ignored was noted
- the application under consideration was smaller and a change of use to retail
- enhancements to traffic regulations were limited to signage and lines and could be added as a condition, no other enforcement was possible

A Member then asked if a condition could be added to state that the site was locked when not in use and Officers responded that condition 4 related to a restriction in hours and would expect to be locked but it could be added

A number of other questions were then asked including the timescale for parking to be available. Condition 3 addressed this point.

Clarification was sought relating to the hours of business, whether these were opening or operating hours. Officers advised that delivery hours could be included or usage would include deliveries.

This was a retrospective application and Members asked if there were any ASB issues reported. Officers advised that an objection had already been received relating to waste disposal

Members made further comments regarding the suitability of the business as a good neighbour and the perception of making the situation worse.

A Member stated that consideration to refuse should be given to allow the applicant to address some of the enforcement and general issues discussed. Officers advised that refusal would need to be on Planning grounds only.

There was still concern relating to traffic and the impact on increased volumes. Officers pointed to condition 3 and 4 which they stated should improve the situation

A member asked if it was possible to add a condition to install CCTV to assist traffic enforcement but Officers responded that the Council had no authority to enforce moving traffic violations at the time but changes were being made.

A Member asked why 6 months was being given to complete actions from planning conditions and Officers stated that a separate condition could be added to state that the site should be locked when not in use, operating hours could be specified and the period of time could be reduced to 1 month if desired. Signage could also be added as a condition and the Highways team would address it.

There were still Member concerns that enforcement would be ignored and the business would carry on irrespective of planning and highways rules and regulations but only the application before Members could be considered.

A Member asked if checks could be carried out relating to conduct both past and present but Officers stated that they could not access this information in Planning. Highways improvements would cost and potentially needed a Traffic Order. The difficulty faced was the application was retrospective. Conditions on the application needed to be lawful and reasonable – If Members believed that they would be breached then it was sufficient to refuse the application on that basis.

Resolved –

That the application be approved subject to conditions set out in the Strategic Director, Place's technical report and the following amendments/additions as below:

Amendment to condition 3 to read:

Within 1 month of the date of this decision, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved site plan. The car park so approved shall be kept available for use while ever the development is in use.

AND

Condition 6.

Within 3 months of the date of this decision, at least one Electric Vehicle charging point shall be provided within the customer car park. The charging point and the associated parking bays shall thereafter be kept available for their intended use for the lifetime of the approved development.

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.”*

Condition 7.

The vehicular access and pedestrian access gates to the site shall be closed and locked outside the approved hours of operation.

Reason: *In order to reduce opportunities for anti-social behaviour and to comply with Policies DS5 and EN8 of the Core Strategy Development Plan Document.*

AND

A Section 106 Legal Agreement to secure revisions to signage at the site access/egress to emphasise the one-way system on Frimley Drive. If a Section 106 agreement is not completed within 3 months of the date of the meeting, the application to be referred back to the Planning Panel for determination.

C. 9 Wharfedale Rise Bradford BD9 6AU

Toller

This was a householder application for a two storey front extension and two storey rear extension at Wharfedale Rise, Bradford. Number 9 was a detached property at the end of a residential cul-de-sac. It was constructed predominantly in stone with a tile roof and had a number of apex features that were previously clad with wood. To the front the property benefited from an integrated double garage and above this was a large balcony area with access from the first floor level. The property benefited from driveway access and at the rear had a private enclosed garden.

The Strategic Director’s technical report included details of previous applications relating to the site and how they were determined. Following neighbour notification letters, no representations were received.

Members had no questions or comments following the Officer’s presentation.

Resolved –

That the application be approved subject to the conditions set out in the Strategic Director, Place' technical report.

D. Holmewood Social Club Broadstone Way Bradford BD4 9DY Tong

This was a full application for the demolition of the existing social club building and for construction of a single storey retail food store at Broadstone Way, Bradford.

Holmewood Social Club was set in a large rectangular curtilage to the East of Broadstone Way in the Holmewood Estate. To the North and East of the site there were residential properties, to the South Holmewood Connect (community hub), and on the opposite side of Broadstone Way, west of the site, sat St Christopher's Church. The majority of the large curtilage was to the south of the building and formed a large car park accessed off Stirling Crescent which ran between the social club and Holmewood Connect. The upper section of the site was grassed over, but did not appear to be used.

Details of previous planning applications relating to the social club were included for information and following publicity notices, received 3 comments in support, 8 objections and a petition also objecting to the application. Objections received included one from a Ward Councillor. There were also 3 additional late written representations opposing the development circulated to Members and Officers prior to the meeting.

As part of the presentation, Officers clarified one of the differences with the application under consideration as it would now be entirely inside the local centre when relaying the planning history of the site. The retail impact assessment on existing businesses indicated the potential loss of trade to existing businesses was not deemed as significant. No other sites had been identified as a suitable alternative and it was considered an improvement. Officers acknowledged the representation received from a Ward Councillor but stated that the scale of the proposal and existing crossing did not warrant further intervention.

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

A Member asked if Officers were aware of the position of the existing crossing facility and the impact on Highways. Officers stated that it was considered to be reasonable and they were satisfied with the on-site parking as being adequate.

Another Ward Councillor attended the meeting and addressed the Panel. The points raised are summarised below.

- The social club operated until recently
- Regional planning authority deemed the site unsuitable
- The retail impact assessment, even though estimated to be 7.5% would result in the loss of a local business
- The proposed outlet sold frozen and dry good which did not fit with programmes such as Born in Bradford, Act Early and fresh food outlets were needed with the area being a food desert

- The site needed re-development
- Holmewood and Tong Development Plan was accepted by the Executive
- Long term sustainability in jeopardy
- Did not meet the needs of local people
- Did not contribute to the health of local people
- The site was more suitable for a residential development

Officers responded to the points made and stated that the Planning Inspector had said there was insufficient information (the sequential test and retail impact assessment documents), not that the site was unsuitable. The Holmewood and Tong Development Plan was not officially adopted so the weight it carried was limited. The shop sold mostly frozen goods so there was no significant clash with existing businesses and Planning did not exist to either benefit or be detrimental to any single business. The shopping complex was privately owned and only the application presented could be considered – there were no reasons to refuse permission.

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

A Member asked if the Holmewood and Tong Development Plan had been adopted and was advised that it was still being developed to become more formal but was not yet adopted. Officers also quoted from the report submitted stating that the proposal ‘was considered to meet the broad aims of this document’

The applicant and agent were also present at the meeting and addressed the Panel and provided a summary of the history during his ownership of the site stating that Councillors had previously favoured a new construction and how it fitted in with NPPF to benefit economic, social and environmental factors. He also pointed to the evidence which indicated a larger shop would not negatively impact on other businesses.

Members commented that there were no planning reasons to refuse and were satisfied with the conditions included in the application.

Resolved –

That the application be approved subject to the conditions set out in the Strategic Director, Place’ technical report.

E and F. Sunwin House 65 Sunbridge Road Bradford BD1 2NJ

City

This was an application to Change of use of ground floor from retail to entertainment use with café, retail area, consultation room with health/nutrition specialist and a physiotherapy treatment room (*sui-generis*) and repairs and improvements to front and interior to Sunwin House, 65 Sunbridge Road, Bradford.

(application number 22/02714/FUL)

A further application seeking listed building consent for internal alterations, repairs

and improvement to front to facilitate change of use of ground floor from retail to entertainment use with café, retail area, consultation room with health/nutrition specialist and a physiotherapy treatment room (application number 22/02715/LBC) was considered simultaneously.

Sunwin House was purpose built in 1935-36 by the City of Bradford Cooperative Society as a department store and was located within Bradford City Centre. Externally it displayed bold Art Deco architecture and detailing, resulting in a contrasting presence to much of the city centre's Victorian and Edwardian architecture. Internally, the ground, first and second floors were open plan retail shop-floor space, with interconnecting escalators and lifts. These floors remained largely un-subdivided with the escalators remaining in the original locations, but with replacement equipment. Application number 22/02715/LBC relating to the listed building consent was to be considered alongside 22/02714/FUL had received 5 objections relating to the change of use and 31 objections relating to the listed building consent were also received.

The agent for the applicant was unable to attend the meeting in person but had submitted a written representation which was circulated to Members and Officers in advance of the meeting.

Officers presented the application including internal floor plans and photographs showing the building and location for Member's information.

Officers stated that the proposed use was acceptable in a city centre and Planning did not consider commercial competition. They also stated that there may be a separate application for advertising consent in the near future. There were no changes that would harm the building and Highways and Environmental Health had not raised any objections.

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

A Member asked if any changes made could be undone and was advised that the proposed works were remedial restoring the building. Any subdivision done internally could be undone.

A Member also asked if the 20th Century society had been involved or consulted and was advised that it had not and was not a statutory body for consultation purposes.

Members also asked about entrances, exits and parking issues and were informed that the building was in a city centre location with buses, on-street parking and a nearby car park.

In relation to the other floors in the building, Officers advised that the proposal did not represent any prejudice to the use on the 3rd floor as a call centre.

Resolved –

That the application be approved subject to the conditions set out in the Strategic Director, Place's technical report.

G. Unit 6 Car Park Great Horton Industrial Estate Cooper Lane Bradford BD6 3ND

Queensbury

This application related to a change of use of land at the location above. The site was used as a lorry park base where lorries were controlled for deliveries. It was accessed via gates on Cooper Lane. The site had a hardstanding area and was part of an established commercial context to the north and west. To the east were the curtilages of residential properties serving Holly Street (gables) and Overton Street (rear elevations). To the southeast there was an established tree buffer on a raised embankment to the rear elevation of houses along Overton Street and to the northeast of the application site there was boundary walling adjoining the gables of the houses along Holly Street.

Following publicity notices via neighbour notification letters, a number of representations objecting to the application were received and a summary of these was included in the Strategic Director's technical report.

Following the presentation and site plans that included new turning circles and parking arrangements, Officers advised that this was a retrospective application but the applicant had agreed to planning condition relating to operating hours and vehicle idling (no idling signs to be erected). Conditions for drainage had already been submitted and approved with 6 months allowed for signage to be completed. They had also given consideration to the site's historic use.

2 additional representations were received but generally contained the same comments as others made already.

Officers advised that any breach in operating hours would be subject to enforcement action and the Environmental Health Act had been taken into consideration when recommending the application for approval. In relation to statutory nuisance – Officers were satisfied that there was no significant harm to residential amenity.

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

In relation to the material to be used for the hard-standing and surface treatments, could a condition be included to check their suitability, were materials being specified and was it possible to do so. Officers directed Members to conditions 5 and 6 of the application in the report and stated that SUDS would allow for drain off in the ground with minimal impact on the main highway with improved surface materials in use."

Members of the public attended the meeting and had requested to speak as local residents living next to the site who were objecting to the proposal. The main points made are summarised below.

- The proposal was a change of use
- The operation was already impacting on neighbouring residents
- Dust and contamination blowing into neighbouring gardens

- No drainage on site
- Pollution and rats
- Concern regarding the weight of vehicles in a mining area
- Operating at night
- Turning room was inadequate
- Inadequate site
- Engine revving, beeping, shouting, drilling
- The operating hours were not being adhered to
- Swearing and shouting
- Residents' health affected
- Residents unable to sit in gardens or use rear bedrooms

Following the residents' representations, Officers were given the opportunity to respond to the concerns raised.

- In relation to the coal mining legacy, the coal authority had been consulted and was satisfied
- If operating hours were breached these would be subject to enforcement and there was an open enforcement as work had already started
- Environmental Health could investigate statutory noise nuisance, even if it occurred during operating hours

Members were then given an opportunity to ask questions following the residents' representation, the details of which and the responses given are as below.

A Member asked if work could be carried out during reasonable hours and was advised that this was possible to require from the applicants. Dust and debris issues were the responsibility of Environmental Health.

Could the time allowed to carry out remedial works be reduced? Officers advised that 6 months was deemed reasonable for drainage works as it coincided with the winter period. Drainage measures needed to be submitted, approved and implemented.

A Member stated that the operation was detrimental to residents and whether noise abatement measures could be taken, such as fencing, planning etc. to reduce the impact. Officers responded that the site's previous use was industrial in nature and its' impact mitigated by measures already included as conditions to the application. There was a brief discussion relating to acoustic fencing, its effectiveness and suitability as well as issues caused by vibrations and noise from vehicles manoeuvring within the site. The surface materials could impact on the amount of noise and how it carried, so Members asked if an assessment on noise and vibration had been carried out and whether it was something within the remit of Planning. Officers stated that they had looked at the scale of the operation and it was anticipated that there would be approximately 24 vehicle movements per day. No assessment of vibrations was carried out and there would be a limited number of vehicles operating. However, significant harm to residential amenity would constitute a reason for refusal.

Members were not confident that the operating hours would be observed.

Resolved –

That the application be approved subject to the conditions set out in the Strategic Director, Place's technical report plus the amended/additional conditions as detailed below.

Amendment to Condition 5 to read:

*Within 6 months of the date of this decision, the vehicle turning area shall be laid out, hard surfaced and sealed within the site, in accordance **with a constructional specification that has first been submitted to and approved in writing by the Local Planning Authority** and retained and kept clear for the use of vehicles to manoeuvre whilst 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 with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 110 of the National Planning Policy Framework.*

AND

Condition 11.

Construction work to implement works approved by conditions attached to this permission shall only be carried out between the hours of 0800 and 1800 on Mondays to Fridays, 0800 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

***Reason:** To protect the amenity of the occupants of nearby dwellings and to accord with Policies DS5 and EN8 of the Core Strategy Development Plan Document.*

H. 46-48 Fitzroy Road Bradford BD3 9PD -

Bradford Moor

This was a full planning application to change the use from a shop/flat to an education facility to include a single storey extension to the front of the property at the address above.

The application site was an end of terrace stone built property used as a shop at basement and ground floor level with residential use in the above floors, located in a densely populated area comprising of 19th century residential terraces to the east of Bradford City Centre.

The application had received a number of objections but had also received letters of support and a petition signed by 147 people in support of the proposal. A summary of all representations received was included for information in the Strategic Director's technical report.

Officers presented the application and showed photos of its location and layout of the streets surrounding the property. The objections raised as Planning considerations consisted of highways safety and the harm it would cause to

neighbours as there was very limited on-street parking only and the proposal did not include any off-road parking facilities.

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

A Member asked if there were any rules relating to outside spaces for educational establishments and was advised that there were no rules applicable.

The applicant attended the meeting and addressed the Panel. The points made are summarised below.

- The facility would be for local people to use
- Help for young people in a deprived area
- A warm space and support for the elderly and isolated residents
- High crime area
- Opportunity to upskill the local community
- Already had informal Police support
- Parking would not be required

Members were then given the opportunity to ask questions following the applicants' representation. The details of which and the responses given are as below.

A Member stated that there had been no noise assessment and the lack of parking. If an assessment had been submitted, would it have affected the recommendation to refuse? Officers advised that the parking issue would be reason enough to refuse.

The idea was considered as a positive one and a Member asked about funding. Officers responded that it may have been eligible for community funding but this was not a planning consideration.

Members considered that the use proposed was ambiguous and the floor plan did not coincide with the layout. It was acknowledged that there was no control over who came to the property and their mode of travel to get there.

The parking was a pre-existing problem and would continue to be an issue.

Resolved –

That the application be refused for the reasons set out in the Strategic Director, Place's technical report

**I. Maharaja Buildings Cemetery Road Lidget Green Bradford BD8 9RY
Clayton and Fairweather Green**

This was a full planning application seeking permission to change the use of approx.930 square metres of the Maharaja buildings, Cemetery Road, Lidget Green, BD8 9RY from storage and distribution (B8 use class) to a non-food retail shopping mall (use class A1).

Maharaja Textiles was a large industrial warehouse off Cemetery Road, at the junction with Greenside Lane which ran to the south of the premises. The building was of typical appearance and form for an industrial warehouse with parking provided to the front and side. The proposal also included an area of land off Wallis Street which provided parking for existing industrial units.

Following publicity of the application, 1 representation objecting to the application was received and 1 in support from a Ward Councillor.

Officers presented the application and explained the issues with the application. Previously assessment and sequential tests were not required for a similar building as it was below the threshold when the application was approved. The threshold limit had subsequently changed to 200m²

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

Clarification was requested relating to employment use versus retail use and Officers informed Members that the numbers quoted related to traditional 'B' class use. Removal of a large site was contrary to policies E6 (Saved RUDP policies) and EC4 (Core Strategy policies).

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

- He acknowledged that policies had changed but there were other national considerations
- The UK economy
- There were no jobs in the employment zone and 20 jobs could be created
- No harm to local businesses as no others were selling the same kind of goods
- NPPF – cited that sustainable development should be supported wherever possible

Following the Agent's representation, Officers were given the opportunity to respond to the points made. These are summarised below.

Officers were not convinced that there would be no harm caused and did not consider this to be the most appropriate site. This did not mean that more retail should not be permitted. The NPPF needed justification that it's a sustainable site. There was no retail impact assessment and if it was available it could have changed the recommendation but it was not available to consider.

Members then asked the Agent the following questions:

If the application was deferred, would it be possible to obtain the documents discussed to enable a determination to be made? The Agent stated that there was no harm applicable as there were no other similar businesses locally. The area proposed was an unused part of the building and if there was no alternative, then the studies would be undertaken.

A Member expressed concern about what would happen if the application was not approved. It needed to be brought into use but was this the most appropriate for its considerable size. Why was such a large space to be given over? Planning Officers also confirmed that documents had not been submitted after requests had been made.

There was then a discussion about the most appropriate determination.

Resolved –

That the determination be deferred for 3 months from the date of this meeting pending the submission of a retail impact assessment and a sequential test as required by Policy EC5 of the Core Strategy Development Plan Document.

If both documents are not received within 3 months of this decision, the decision to be delegated to Officers to refuse.

J. Parkfield 60 Moore Avenue Bradford BD6 3HU

Wibsey

This was an application to retain cladding to the face of a rear dormer window at 60 Moore Avenue.

The application site was a semi-detached dwelling located in an area of mixed dwelling types. It had a stone front and rendered side and rear walls with blue slate roof tiles. There was off street parking to the front and side and the dwelling was extended to the front with a porch plus 2x single storey rear extensions as well as front and rear dormer extensions.

Following publicity notices, 1 representation in support of the proposal was received from a Ward Councillor.

Officers presented the application and stated that it constituted an excessive use of cladding and the application was re-submitted but without any changes to previous submissions. In relation to other nearby dormers to clarify their relevance Officers summarised how they would have been approved.

A Ward Councillor attended the meeting and addressed the Panel in support of the application and made the following points.

- The logic relating to decision making – the front dormer was deemed acceptable but the rear was not
- Similar dormers – acknowledged the change of rules
- Some dormers still being constructed in the area
- Reflects what is already in the area. Needed to be logical

Officers were then given the opportunity to respond. A summary of these are below.

The front dormer, no cladding was included on the plan but applicants build as

they wish, not enough staff resource was available to enforce planning breaches.

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

- A comparison was made to the dormer window to the adjoining property
- The colour of the cladding matched the remainder of the roof and would not move or leak or make any noise
- The builder had fitted the cladding without checking
- The applicant had tried, unsuccessfully to get the builder to rectify but was unable to get a response

Once again, the Planning Officers were given the opportunity to respond to the points made by the Agent and are summarised below.

- In relation to another property identified, the dormer was less visible with a side extension that obscured the view of the dormer
- In compliance with the GPDO 2015 the dormer would only be considered as permitted development if the materials used matched the remainder of the roof.

Members then had the opportunity to comment and these are summarised below.

The dormer was not considered to be noticeable and Members felt that they could exercise some discretion and it would not set a precedent. The property was not a listed building and was not in a conservation area and was comparable to the rest of the building.

Resolved

That the application be approved as Members deemed that there was no significant impact on visual amenity due to being partly obscured and cladded with material of a similar colour to the roof in accordance with policies DS1 and DS3 of the Core Strategy Development Plan Document.

Action: Interim Strategic Director, Place

19. MISCELLANEOUS ITEMS

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

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(9)
Decisions made by the Secretary of State - Allowed	(6)
Decisions made by the Secretary of State - Dismissed	(12)

Resolved –

That the requests for Enforcement/Prosecution Action and the decisions

made by the Secretary of State as set out in Document “F” 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).

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER