

## Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 22 March 2023 in the Council Chamber - City Hall, Bradford

Commenced 10.00 am  
Concluded 1.45 pm

### Present – Councillors

LABOUR	LIBERAL DEMOCRAT
Engel S Khan S Hussain	Stubbs

Apologies: Councillor Simon Cunningham, Councillor Julie Glentworth and Councillor Zafar Ali

### Councillor S Hussain in the Chair

#### 20. DISCLOSURES OF INTEREST

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

Cllr Stubbs – item B (minute no. 24) in his Ward – but had no involvement with any party involved

Enforcement item P (minute no. 25) in his Ward – but had no involvement with any party involved

Cllr Engel – item E (minute no. 24) in her Ward – but had no involvement with any party involved

Cllr Khan - items C and H (minute no. 24) in her Ward – but had no involvement with any party involved

**Action: Director of Legal and Governance**

#### 21. MINUTES

## **Resolved –**

That the minutes of the meeting held on 30 November 2022 be signed as a correct record.

### **22. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

No requests were received to view documents.

### **23. PUBLIC QUESTION TIME**

No questions were received.

### **24. APPLICATIONS FOR APPROVAL OR REFUSAL**

#### **A. 1 Malvern Road, Bradford, BD9 6AR Toller**

The application under consideration related to a two storey side extension and conversion of the property to create 5 flats at the above address. The report submitted provided relevant site planning history and stated that the property was a large, detached dwelling being similar to those in the immediate vicinity. The application had originally been for 7 flats but the figure was reduced. The planned extension was considered acceptable and would not harm the visual amenity of neighbours as it would be contained within the sizeable plot. The application also included dedicated parking for each dwelling.

Following publicity via neighbour notification letters, 31 objections were received and 1 notification of support. The application was recommended for approval subject to a number of conditions by Planning Officers.

At the start of their presentation, Officers relayed some information from the report as there was some wording that had not been reproduced so offered clarity and completion of the comments relating to planting. They also confirmed that the original application had been altered and the number of dwellings requested was reduced with amendments to proposed on-site parking arrangements also.

Members were then given the opportunity to ask questions on the Planning Officer's presentation. The details of which and the responses given are as below.

A Member asked if each apartment had its own entrance or whether there would be a communal entrance and asked about emergency egress. Officers advised that the apartments would be accessed via a communal entrance and details such as fire doors etc. would be finalised by Building Control Officers.

A Member asked whether there would be EV charging points installed and was the Highways department satisfied with 1 space per dwelling as they would be 2 bedroom properties. Officers advised that EV charging points could be added in via condition and that Highways had no issues with the proposals. The bar in the NPPF to refuse on parking was very high and on-street parking was not a particular issue in this instance.

Cllr Khan declared that she was acquainted with one of the objectors but had not discussed the matter and had no prior knowledge in relation to the application or the role of the resident as an objector.

A member referred to the planning report relating to an additional condition to protect tree roots during construction and was advised that there was no TPO in place for trees on the site, these had not been assessed so a condition could not be added. The applicant could, in theory have removed the trees prior to planning implementation. A scheme could be presented relating to plans to preserve any trees of worth. The Member stated that they would like the trees to be retained should the application be approved. Officers advised that the applicant would need to agree to it as a pre-condition.

There were objectors to the application who addressed the Panel and made the following points:

- Previous owners had taken care of the garden area
- The aesthetics of the neighbourhood needed to be maintained to attract professionals to live in the area
- Concerns relating to vehicles reversing into the road
- Grass verge parking
- Additional vehicles – could be up to 12 plus visitors
- Why was 1 space per dwelling acceptable
- Concerns that cars will be parked on the junction
- Crossing hazard and concerns relating to utility and emergency services access
- Footpath on one side only
- Proposal is inappropriate to surrounding properties

Members were then given the opportunity to comment, the details of which are summarised below.

- Members would vote to approve if a pre-condition could be included relating to EV charging points
- Members acknowledged the neighbours' concerns but they were not sufficient to refuse permission

**Resolved –**

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

**AND**

***C6 All trees shown on the approved drawings to be retained, including any trees whose canopies overhang the development site, shall be protected throughout the construction period with tree protection fencing or other tree protection measures that are in accordance with BS 5837: 2012 Trees in Relation to Construction.***

***Notwithstanding any details that were submitted with this planning application, the development shall not begin until a Tree Protection Plan, setting out full details of proposals to protect trees within or adjoining the site during the development process, have been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall accord with recommendations contained in BS: 5837. The development shall not be implemented otherwise than in full compliance with the approved Tree Protection Plan***

***Following the approval of such tree protection details, 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 for pre-commencement condition: Trees on the site are of high amenity value and implementation of the tree protection measures prior to any development work beginning on the site is essential to ensure that trees are adequately protected in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.***

***C7. Five electric vehicle charging points shall be provided prior to the first occupation of the residential flats hereby approved. All charging points shall be marked clearly and permanently with their purpose and be retained fully operational whilst ever the development subsists.***

***Reason: To facilitate the uptake of low emission vehicles by residents and visitors and to reduce the emission impact of traffic arising from the development in line with the Council's Low Emission Strategy and National Planning Policy Framework.***

***If the applicants or their representatives fail to provide agreement to the pre-commencement condition 6 within a three-month period, the application is to be referred back to the Panel for a decision.***

**B. 15 Acre Crescent, Bradford, BD2 2LP Eccleshill**

The application submitted related to a residential single storey bungalow for a rear extension, loft conversion with dormers and the replacement of a garage with an annex at the above address. Some of the works proposed would be allowed under permitted development rights and could be undertaken without the need for planning permission.

The application was publicised via neighbour notification letters and 10 representations were received. The comments received consisted of 2 in support and 8 objecting to the proposal including and objection from a Ward Councillor. The report contained details of all considerations including highways impact, environment and the impact on neighbours. The proposed works were considered appropriate and officers recommended that the application be approved subject to the conditions in the report submitted.

Officers pointed to an omission of a side extension but stated that the plan

presented was the application under consideration and did not impact on their recommendation. The proposed annex would be a replacement for a garage on the property but that permitted development rights would be removed.

A Ward Councillor attended the meeting and addressed the panel and made the following points:

- The overall impact should be considered without ignoring what changes were proposed under permitted development
- The property sat in a prominent position and would be oversized when finished
- A limit to how much the neighbour would be overlooked could have been considered during design
- The annex would be higher and closer to their property and would restrict access
- The design was not the best
- The kitchen was also re-sited

Officers were given the opportunity to respond to the Ward Councillor's objections and provided the following information.

- The whole proposal was under consideration but there were elements that could be completed under permitted development and would not need planning permission.
- A first floor would be created but the ground floor still fulfilled all the needs of a residence.
- Each application was considered on its own merits
- The kitchen could be relocated with permission being required

The neighbour from the property next door to the site also attended the meeting and addressed the panel and made the following points:

- The dormer window would be overlooking her property and directly into her bedroom and lounge
- A covenant existed to prevent building to the front and no permission had ever been given
- There would be a total loss of privacy

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

A Member asked about the height of the apex of the proposed annex and was advised that it would be approximately the same as the existing garage, a steeper pitch but overall size would be the same.

A question was asked relating to overshadowing as the window would be facing the neighbouring property and whether it would reduce the neighbour's amenity.

Members paused their consideration of the application at this point to allow Officers to provide the relevant plans to answer the question.

- Members commented that the change to the property was substantial and would be prominent on the street scene
- The proposal would reduce the neighbour's amenity
- Some Members of the Panel were minded to refuse the application
- The Chair supported the Officers' recommendation to approve as the proposal would provide family accommodation.

**Resolved –**

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

**C. 6A Southfield Road, Bradford, BD5 9ED                      Wibsey**

The application submitted related to a change of use from a packaging and distribution unit to a class E retail site (retrospective) at the above site. The application was previously considered at a Planning Panel in November 2022 and permission was granted subject to a number of conditions with some additional conditions relating to parking, access and vehicle charging facilities. The application was referred back as the applicant had failed to start the process for the Section 106 agreement within the specified time so it was to be determined by the Planning Panel.

Officers provided a recap and photographs of the site and advised Members in relation to revised opening hours. The applicant was now seeking permission without a S106 agreement.

There were no questions or representations made during the meeting.

**Resolved –**

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

**D. Caravan at Orchard Meadow Farm, Upper Heights Road, Thornton, Bradford**

**Thornton and Allerton**

The application submitted related to the retention on site of a caravan for a period of up to 3 years whilst barn conversion works were carried out at Orchard Meadow, Upper Heights Road, Thornton. The application was a retrospective one and permission for the barn conversion was granted in 2018 with the caravan in place during this time. The report contained details of the representations received following a site notice, neighbour notification letters and a press notice. The total of representations received totalled 14, 13 of which were objections with no comment made on the one in support that was also received. Planning permission would not be permanent and a specified time limit was proposed to allow for the barn conversion works to be completed. There were a number of complaints regarding the land on which the caravan sat but these were not part of the application under consideration.

Officers confirmed that there was no planning permission currently and the application was for temporary permission to keep the caravan on site in order to complete the property conversion and for it to be removed. They also confirmed that there was no enforcement in place at present.

A representative for a group of local residents attended the meeting and addressed the Panel to object to the application and made the following statements:

- The caravan had been occupied for several years
- Only a small amount of work to the barn had been carried out
- Damage had been done to surrounding buildings and building had been carried out without planning permission
- A previous assessment stated that the building would need a full re-build as it had deteriorated and would therefore need to be demolished
- Legal action was underway due to the impact on a neighbouring property
- Reports were completed in relation to damage done by work being done as they could collapse and there was no party wall request or agreement in place

The applicant was also present at the meeting and addressed the Panel.

- He explained that he had been experiencing health problems which had consequently caused delay in progressing the conversion work
- In relation to issues with water, a spring had been moved
- He had been subject to visits by the Police following neighbour complaints
- The family needed to stay on the property as there were animals that needed to be tended
- The applicant disputed that the work had not been started

Officers responded to the points raised and confirmed that planning permission was granted for a conversion only and not for a demolition and re-build.

Members did not have any questions but made the following comments:

- Members were minded to go with Officer's recommendations but the time allowed was deemed generous
- The caravan had been on-site for a long time already and 2 years should be sufficient

**Resolved –**

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

**E. Fairweather Green Inn, 799 Thornton Road, Bradford**

## **Clayton and Fairweather Green**

The application under consideration was for a change of use of the former Fairweather Green Inn public house to class E use for a ground floor charity shop and associated office spaces on the first floor. A previous application for the site for a mixture of uses including Community, Library and Education Facilities was withdrawn following concerns raised relating to highway safety and traffic impacts. Following re-advertising of the application it received 38 objections relating to its charity use, parking problems and conflicting information.

Officers stated that there were concerns relating to parking as a nearby school increased the number of vehicles picking up and dropping off twice a day during term time and were already presenting residents with some amenity issues.

Officers provided Members with details of the proposal including site plans and photographs and were able to confirm that restrictions were proposed to restrict any changes being made that could impact on highways.

### **Resolved –**

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

## **F. First Floor, 15 Mansfield Road, Bradford                      Manningham**

The application submitted related to a change of use from a Plumber's Merchants to a class E(d) snooker lounge on the first floor with created parking and boundary treatments. Following advertisement, 72 representations were received which consisted of 16 objections and 56 representations in support. A summary of comments, both in support and in opposition were included in the Strategic Director, Place' report that was circulated and published prior to the meeting. The report also contained details of the building, local area, parking facilities and the possible impact of round the clock use as no time constraints existed in relation to the building's prior use. Planning permission would need to include specified operating/opening hours to address any potential disturbance due to noise. Officers presented a summary of the points raised prior to the meeting as included in the report as well as site plans and photos showing current photographs of the building.

Two objectors were present at the meeting and addressed the Planning Panel making a number of objections including:

- Due to the number of businesses in the area the footfall and out of hours' noise and litter would increase
- Issues with anti-social behaviour
- The fact that local residents had submitted a petition opposing the application
- There was another snooker centre with negative feedback from nearby residents relating to noise such as car doors slamming etc.
- Increased pollution and smells
- Ditches where points of access to parking proposed and that the roads were



- not suitable for 2-way traffic
- Sleep disruption for neighbours
- A query regarding ownership of the proposed car park space was raised

The applicant and agent were also at the meeting and presented the reasons why the application should be allowed:

- The lack of use other than storage for the upper floors of the building
- The car park was not secure at present
- It would reduce fly-tipping
- It would not increase anti-social behaviour
- The activity would be taking place on the upper floors
- The car park would be secured
- Snooker was a quiet sport and was a quieter option under the building's existing class of use
- It would regenerate a dilapidated building
- Would bring money and jobs to the area
- The rooms used would be small
- Highways raised no concerns with proposals
- The close time had already been altered to address concerns relating to noise (in line with other businesses in the area)
- They considered there were no reasons for refusal under planning law
- The building was in a conservation area and support had been expressed by the LA conservation team
- Tree planting would be undertaken
- There was a reasonable distance from the car park to nearby houses

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

- How would the facility be ventilated as in the summer months, the windows would possibly be open and the noise made by the activity and customers could be carried?  
Officers advised that there was secondary glazing already in place which was not due to change as part of the application and would provide sound insulation
- What measures would be put in place to address drainage? Officers advised that the existing green run off areas would remain and drainage issues would not increase, drainage would occur within the curtilage of the building and car park.
- The building was being brought back into use and any improvements were welcome. It would need to be well managed and the issue of anti-social behaviour was not a planning consideration.
- Concerns relating to litter and pollution, could some corporate responsibility to shown and work with residents to address? Officers advised that it would be a Licensing matter but they needed to be a good neighbour. The issues could not be controlled by Planning

- Members would not be happy to support if it was operating 24 hours-a-day as it was not the best site

Officers stated that if the application was refused, it would likely be approved on appeal.

**Resolved –**

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

**G. 29 Whetley Lane, Bradford, BD8 9EH Toller**

The application related to a change of use to create unit and the retention of one residential unit including front and rear extensions and new shop front at 29 Whetley Lane, Bradford.

The site sat on the Bradford ring road (A6177) with some layby parking to the front. The building was a 2 storey stone built, end of terrace property sitting on the end of a terrace whose historical use was residential with some changes to business/financial use.

The technical report included planning history for the site and details of representations received. Comments both in support and objecting to the proposal were included and the application was presented to the Planning Panel at the request of a Ward Councillor.

The Highways Department could not support the application due to the already limited parking, the likely intensification of use and indiscriminate parking giving rise to concerns relating to the nearby pedestrian crossing as well as pedestrian and highway safety concerns.

There was one question from Members which related to accident statistics but these were not available. Officers re-iterated that Highways were not in support of the application and the parking situation could not be changed to make any improvements.

**Resolved –**

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

**H. 783 Little Horton Lane, Bradford**

**Wibsey**

This was a retrospective planning application for a double storey rear extension, front porch and disabled access ramp to the front entrance of 783 Little Horton Lane, Bradford.

The report circulated to Members included details of the property and its Planning history showing previous refusals including an appeal which was also refused.

The publicity generated nine representations which were mainly in support and a Ward Councillor had requested that the application be determined by the Planning Panel should officers be minded to refuse permission.

The report explained the reasons that the application should not be allowed due to contraventions of DS1 and DS3 of the Core Strategy Development Plan Document as well as SC9 of the Councils' Core Strategy and the Householder supplementary planning document and the Councils' approved Householder Supplementary Planning Document Design Principle 3. Leading to the effects on neighbours' amenity due to loss of light and the overbearing nature of the construction.

Officers further clarified that the only part of the application that was not retrospective related to the disabled access ramp.

There were 2 objectors who attended the meeting and presented their issues with the application, making the following points.

- The matter has been going on since 2012
- The application was refused multiple times
- It has created a wind tunnel
- Neighbours natural light has been taken
- There were further concerns relating to loss of light due to the porch and trees to the front of the property
- The development was overbearing and of poor quality
- The property now reached only 11" from a neighbours' wall
- The development should have been demolished in 2016 (16/8/2016)
- The extension was built over a main sewer
- The windows overlooked neighbours' property

Members of the public were then asked to leave the Chamber as the Ward Councillor representing the applicant wanted to share some sensitive and personal information relating to the applicant. Once this was shared, the public were re-admitted.

The agent for the applicant addressed the Panel and made the following points

- There was a deviation from what was approved
- The ramp would result in the removal of trees (those blocking additional light at the front of the property)
- Windows would be glazed with obscure type glass
- The development was 2.5metres from the neighbours' rear space
- The neighbours' garage already created an obstruction to light
- The materials used were similar to other nearby properties
- The porch and ramp were needed (wheelchair access)

The husband of the applicant was also present and stated that the space was needed especially at ground floor level and they had 2 small children and was a growing family. The applicant had suffered a slipped disc and was experiencing stress.

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

Were there any steps that could be taken to make the upstairs more 'approvable'?

Officers referred to the Planning Inspector's decision stating that the issue related to its depth and height and the impact on the neighbours. The approval granted in 2012 was not what had been built. Disability did not override harm as it had been identified for many years.

Was there any work done under permitted development? Officers advised that there was none at the rear but the porch could be if not too high.

Members made the following comments:

- It was reasonable to extend the ground floor and obtain permission for the 1<sup>st</sup> floor but it has been done without regard to planning or neighbours. The medical condition was being used when the application would otherwise not be considered.
- On balance the Member will still minded to refuse
- The development was out of keeping and the matter had been on-going for a long time
- A Member stated they would not have voted to approve
- The breach of planning was no accident, previous applications were refused and the work had been done regardless, planning laws existed to protect all. The disregard for planning was considered insulting.
- Medical needs accepted for the ground floor but there was no specific requirement for the upper floor on these grounds
- The Chair stated that he wanted to approve despite advice from the Legal Officer that personal circumstances, such as medical reasons, were not normally material to a planning decision and should only be taken into account where the competing material considerations were balanced. In this regard the officer drew attention to the fact that the development had been the subject of a planning enforcement notice which was upheld at an appeal before an independent planning inspector. The Chair said he wanted to make an exception and support the application and that he had seen worse extensions

**Resolved –**

**That the application be approved as Members decided the medical needs of the occupier outweighed the reasons for refusal as set out in the Strategic Director, Place' technical report**

**I. Sandy Lane Methodist Church, Bairstow Street, Sandy Lane,  
Bradford**

**Thornton and Allerton**

Householder application for two dormer windows to side elevation of the former Sandy Lane Methodist Church, Bairstow Street, Sandy Lane.

This was a householder application for two dormer windows to the side elevation of the former Sandy Lane Methodist Church. The technical report included details of the building's planning history with details of work permitted before and since it's change of use from a place of worship to a residence.

The application received a number of representations including from a Ward Councillor who requested that the application be determined by the Planning Panel if Officers were minded to refuse. A neighbour objected to due to the loss of privacy that would result from the dormers being installed.

Officers provided photos and site plans and explained their concerns relating to the large dormer windows and the subsequent loss of amenity to the neighbour. Permitted development rights were removed when the change of use application was granted so the addition of dormer windows that would normally be allowed as permitted development were not in order to protect the character of the building.

A Ward Councillor from another Ward attended for a colleague to support the application and made the following statements:

- The building was not listed
- A drawing had been submitted (this was disputed by Planning Officers)
- Smaller dormers were allowed
- No objections or complaints
- The resident had brought the building back into use for a growing family
- Similar windows in the area
- No change to the front of the building was being proposed
- Permitted development was removed

Planning Officers were then given the opportunity to respond to the comments received and confirmed that a neighbour complaint/objection had been received. The decision was a 'no' due to the scale which did not fit with planning policy. It had been stated that the changes were needed for a growing family but the plans submitted did not support that. Officers explained the reasons for and what permitted development consisted of and that they were trying to protect neighbours' amenity and the character of the building. Permitted development rights were only removed where there was good reason to do so.

Members had no questions and made the following comments:

- No reason to go against Officers' recommendations
- Bedrooms were close by
- Would feel overlooked
- Members did not like the materials to be used
- Beautiful building as it is
- Dormers would ruin the appearance

Planning Officers were then given the opportunity to respond to Member

comments.

- An application for smaller dormer windows had been withdrawn but could be re-submitted, applicant had chosen larger windows

**Resolved –**

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

**Action: Strategic Director, Place**

## **25. MISCELLANEOUS ITEMS**

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

	<u><b>No. of Items</b></u>
Requests for Enforcement/Prosecution Action	<b>(27)</b>
Decisions made by the Secretary of State - Allowed	<b>(4)</b>
Decisions made by the Secretary of State - Dismissed	<b>(14)</b>
Decisions made by the Secretary of State - Part Allowed	<b>(1)</b>

**Resolved –**

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