

Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 26 July 2023 in Council Chamber - City Hall, Bradford

Commenced 10.00 am
Concluded 12.40 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT	GREEN
S Khan A Hussain Amran Hayden	Glentworth	Stubbs	Hickson

Councillor A Hussain in the Chair

1. DISCLOSURES OF INTEREST

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

Applications 1 and 2 -110 Leaventhorpe Lane, Bradford 23/00632/HOU and British Queen, 207 Huddersfield Road, Bradford 23/00087/FUL. Cllr A Hussain, Cllr M Amran and Cllr S Khan all declared that they were aware that the applicant is the brother of Cllr K Hussain. Cllr C Hayden declared a job offer made by a brother of the applicant. (Minute Number: 5)

Cllr M Amran also declared that application number 5 – 5 Park Drive, Heaton, Bradford 23/01078/FUL was in his Ward. (Minute Number 5)

Action: Director of Legal and Governance

2. MINUTES

Resolved –

That the Minutes of the meeting held on 22 March 2023 be held 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. APPLICATIONS FOR APPROVAL OR REFUSAL

1. 110 Leventhorpe Lane, Bradford, BD8 0EG

**Thornton and
Allerton**

This application was submitted by a householder seeking planning permission for a double storey front, side and rear extension as well as an increase in height of the roof and both front and rear dormers to be added at the address above. The report submitted by Officers detailed the relevant guidance and legislation as well as a site history of previous planning requests as well as the consultations undertaken as part of the process. There were no representations received either in favour of or against the proposal.

The dwelling was a detached property, built of stone and render. It had a two-storey bay window on one side with a front and side extension already added, which included a garage. To the front was a hard surfaced parking area. Access to the rear was via a gate that led into a rear garden that was also hard surfaced. At the far end of the garden was a single storey, domestic outbuilding.

Officers presented the details of the application including site drawings and photographs of the existing building to provide additional information for Members. The application had been brought to the Panel in the interests of transparency and was recommended for approval.

Following the presentation by Planning Officers, Members were given the opportunity to comment and ask questions. The only question asked was in relation to access to the rear from the front. Officers clarified that there would be no access on one side and potential for pedestrian access on the other.

There were no further questions or comments on this application.

Resolved –

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

2. British Queen, 207 Huddersfield Road, Bradford

Wyke

The application was submitted for a change of use from that of a public house with a first floor flat to a dwelling with a loft conversion and dormer windows. Members were asked to note that the application was being considered by the Panel for the purposes of transparency.

The building in question was formerly used as a public house and was a

detached, stone built property with external space both at the front and rear of the site. The report submitted included details of all relevant guidance and legislation and noted that directly relevant planning history was applicable.

Officers provided site plans plus a number of photographs of the property with details of the immediate surrounding area that included types of property and their use.

The application received 2 representations objecting to the development, the details of which were summarised in the report. Details of relevant consultations were also included for Member's information. Whilst Officers recommended that the application be approved, permission would be granted subject to the removal of permitted development rights in order to manage any future changes or additions as the property sits on a main route into Bradford and had a significant public presence due to its location.

Following the presentation by Officers, Members were then given the opportunity to comment and ask questions. The only comment related to one of the objections regarding internal features which may not be preserved as part of the changes. Officers confirmed that internal features would not be subject to statutory protection.

Resolved –

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

3. New Mill House, Summerville Road, Bradford

City

The application was submitted for a change of use of a retail warehouse to a restaurant along with the installation of an extraction system to the rear of the premises. The premises were a part of a larger listed mill complex in proximity to residential streets and a university campus. The report submitted included details of previous planning applications as well as representations received for the application under consideration. A Ward Councillor had requested that the application be determined by the Planning Panel if Officers were minded to refuse permission. The proposal had attracted 13 objections and 7 representations in support and the reasons for both were summarised in the report for Member's information.

It was also noted for clarification and correctness that the Ward and applicant details indicated in the report were incorrectly stated as the development site was actually in the City Ward and not Toller as the report indicated. Officers also informed Members that there was some enforcement action underway relating to some windows installed without permission to the front of the building. These would, however be replaced with acceptable windows as part of the proposed works.

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

A Member asked about whether there was an internal lift as the floor plans showed stairs only. The access to the ground floor was also questioned as there did not appear to be level access.

Questions were asked about the number of 'covers', operating hours and parking as there was no off-road parking indicated. Members were concerned about potential traffic problems due to the restaurant being busy in the daytime. Officers confirmed that there was on-street parking in the vicinity, but due to the nature of the business, it would likely be busier in the evenings which would be outside the normal operating hours of other businesses close by.

The question of toilet facilities on the ground floor was raised and whether alterations were made by the current or previous owners as the plans were not clear in relation to access and facilities and could these be added as conditions of approval. Officers advised that building regulations applied to matters such as DDA compliant access and facilities and that the application was being considered under planning regulations/policy. Alterations may be deemed necessary in order for a certificate to be issued that complies with building regulations. The issue of ownership was not deemed a factor when alterations were made and were not carried out with relevant permission that they were aware of.

A Member asked about where bins would be stored and how they would be emptied. The submitted site plan indicated that these would be kept at the rear of the building but it was now clear how they could be accessed.

A Member also asked what the difference was between a previous application the one they were being asked to determine. Officers advised that the current proposal no longer included a takeaway.

The Agent for the applicant attended the meeting and addressed the Panel and advised that a lease agreement had been signed for parking but was not able to provide any further details. He stated that the bins would be moved up for emptying on collection day. He stated that parking had been agreed but it was located outside the 'red line' showing the area of the application site. Following a discussion regarding the logistics of moving the bins, Officers advised that if Members were not satisfied about the arrangements, they could refuse planning permission pending receipt of further information.

An objector also attended the meeting and stated that there was no sufficient infrastructure and no details relating to seating. He also stated that the bins were not accessible, that work had already been carried out without permission and that they were concerned that the operation would be bigger.

The Highways Officer was asked whether Officers had been to the site at a variety of times of the day and concerns were expressed about over-concentration of similar businesses, speeding. ASB and that the application under consideration was no different to the previous proposal.

Members again raised the parking issue, the lack of detail relating to how the bins would be serviced and concerns that due to past work being done without permission, their concerns regarding future compliance.

There was a brief discussion with the Highways Officer on how far commercial waste bins can be moved manually. Other businesses did not have dedicated parking and was on a first come, first served basis and he considered that, on balance the new restaurant would likely be busier when other businesses in the vicinity would be closed. Reducing speed was a factor in reducing accidents alongside other enforcement measures and Officers considered that the existing infrastructure would continue to function adequately.

A Member queried why the application had been presented again as it was the same as the previous but Officers clarified that it was different as the takeaway element had been removed and comments from Highways Officers were different.

Concerns were expressed by Members regarding the lack of sufficient details in relation to DDA compliant access but as these were part of building regulations rather than Planning, Officers advised that they could not exceed the boundary between Planning and Building Regulations and that any application would be required to meet the necessary standards in each process. Officers further stated that it was in the developer's interests to ensure compliance at every stage and was not for Planning Officers or Members to determine or seek to control what was subject to Building Regulations.

Members commented that more than 2 bins may be required and access to have them emptied was not clear. The operating times of the business were also raised again in relation to traffic and deliveries. Officers advised that Members could refuse the application due to insufficient information being provided but that the operating hours were standard for similar types of business. As the site was not within a residential environment, Officers did not see any issues with the operating hours or deliveries.

Members again raised the subject of seating which would be over 2 floors and asked that the provision and position of washrooms should be included as a condition to approve. Again, Officers stated that internal plans were subject to Building Regulations and not Planning.

Resolved –

That the application be refused due to the lack of adequate information relating to bin storage and servicing.

4. The Shoulder of Mutton, 589 Leeds Road, Thackley, Bradford Idle and Thackley

This was a full planning application for the construction of 9 dwellings on the site of the former public house at the above location.

The site comprised land that previously formed the car park and beer garden of The Shoulder of Mutton public house with overgrown grassland to the rear. The site was bound by residential properties to the south and west with retirement housing to the east. The site sat at an elevated position from the highway, sloping upwards in a southerly direction.

The report submitted included details of the site's planning history and the relevant consultations that were carried out as part of the application process. The proposal had attracted a number of representations which were all objecting to the application with the exception of 1. A summary of representations was included in the report for information. Officers also confirmed that 2 additional representations had been received after the report was published but no new points were made.

It was also noted that the target net bio-diversity gain would not be possible within the site and it was suggested that a financial contribution would be satisfactory towards enhancements within the area (either in the same or adjacent Wards) and would be secured via a S106 Legal agreement. Alongside the bio-diversity issues, the site had also been identified as being in a Coal Development High Risk Area which would require investigations to be carried out before any building work commenced.

Subject to conditions included in the report, the application was recommended for approval by Officers.

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

A Member queried the monies payable via the Section 106 agreement and sought assurance that the Ward in which the site was located would be prioritised as there were plenty of green spaces locally. Officers confirmed that instructions could be issued to spend within the Ward.

A Member raised concerns regarding sewer capacity and whether the existing system was attached to the former PH and also whether the site was all in single ownership.

A Member asked about the condition relating to internal bird nest features and what they were and the coal mining legacy and when exploration would take place. Officers advised that the internal features would be included in accordance with the Ecology Plan received. Officers also advised that a condition was included for any remediation works/mitigation measures to be implemented before the development was brought into use to ensure the site was safe and stable.

Resolved –

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

5. 5 Park Drive, Bradford

Heaton

This application was submitted to the Panel at the request of a Ward Councillor should they be minded to refuse the proposal to build a 5 bedroom detached dwelling in the rear garden of 5 Park Drive. The application had previously been submitted earlier in the year and was re-submitted with the omission of a side extension and a rear single storey extension with a flat roof. Officers submitted their report which detailed all reasons why they were recommending refusal

including the location in a conservation area, subsequently protected trees on the site, less than substantial harm to a designated heritage asset, impact on neighbour's amenity and they assessed that the development represented substantial harm to the special character and appearance of the conservation as defined in the NPPF. They also explained the potential impact on existing and future residents.

Officers presented the application including photographs of the application site and immediate vicinity to give Members all the relevant information.

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

A Member asked about existing dwelling in gardens in the area. Officers identified the property the Member referred to and confirmed that it was not a new dwelling, but a conversion of an existing structure that may have been granted permission under previous regulations and there was no new development that they were aware of in the area.

In relation to the Tree Officers' report – A Member queried that the effect on the trees was deemed as at future risk and what distance would be considered safe. Officers stated that the trees were very close to the rear wall of the property and the protected area would be equivalent to the canopy spread. In addition, a slope in the garden would reduce outdoor space and would likely be removed as the garden would then be under the tree's canopy. The trees were protected as they were in a conservation area affording them the same protection as individual TPO's and notification would be required if any work was to be carried out on the trees.

A Member asked Officers if there was any design that would be considered acceptable to Planning and were advised by Officers that any proposal would need to enhance and preserve the area and they would welcome discussions and offer help to the applicant.

A member asked whether the applicant intended to plant more trees. Officers advised that there were trees on the plan submitted.

The Agent for the applicant was also present at the meeting and addressed the Panel. The family resided at the main residence and due to overcrowding, an extra residence was needed nearby so older family members could be cared for. He also stated that extra building had already been established and the applicant would be planting 8 native trees and the proposed development would be smaller than the host dwelling. He further stated that there would be no harm to neighbours' amenity and the property would still retain a large front garden with the new development set back and not visible from the street.

Cllr Nazir also attended the meeting and spoke on behalf of the applicant and reiterated the TPO on the trees and the additional planting that would be undertaken. He stated the need for additional accommodation for elderly relatives as it was a cultural practice for multiple generations to live together and as the property would be built in the garden, hoped that fears were allayed.

Councillor I Hussain also attended and spoke to support the applicant and made reference to some previous planning regulations relating to the definition of significant harm and requested that the Panel approve the application as it would complement its surroundings.

Officers were then given the opportunity to respond to the point made by the Agent and Councillors and stated again that the work carried out at a property nearby was re-purposing an existing structure and the tree planting could not be relied upon as they could be planted at any time and were not considered a gain. They reminded Members of the 4 reasons given in their report to refuse the application and urged Members to consider these.

Following representations by both parties, members were again afforded an opportunity to ask further questions arising from points made. The details of their questions and comments are as below.

A Member asked why Planning Officers considered the application represented substantial harm and was advised by the Legal Officer that this was a subjective judgement stating that development should enhance and preserve its environment.

A question was asked regarding tree planting and whether it could be included as a condition if permission was granted.

A Member queried the absence of a Conservation Officer and was advised that they did not usually attend.

Members were asked to remember that:

- the only benefit was private
- the application should be considered on its own merit
- the work at the nearby property was not new development and was simply replacing an existing structure and was not a large detached house
- reasons for Members to disagree with Officers needed to be clear

The Legal Officer offered advice saying that harm should be compared with public benefit and backed by policy. The personal circumstances formed a significant part of approval but were not a material consideration in Planning and only considered when a decision is evenly balanced and this application was not balanced. He also stated there was no significant difference to the previously refused application.

Again Members were given the opportunity to ask questions and comment and Officers were asked about the previous application submitted in February 2023 (same year) and advised that it was brought back at the request of the Ward Councillor if Officers were minded to refuse. The proposal was still a large dwelling in a back garden with the same issues as previously.

A Member asked about other developments in the area and was advised that it was not easy to search and considered what was put forward to do a comparison. There may be examples granted under previous policies. There

were none that were directly comparable under current legislation.

Again the subject of the protected trees was discussed as the Chair was still concerned about the future protection of them on site but was advised that a TPO would not protect them long term. He was also advised that the tree survey carried out by the applicant was not acceptable.

A majority of Members voted to approve against Officers recommendations.

Resolved –

That the application be approved for the following reasons and conditions:

Reason 1 – the proposed development was in keeping with host dwelling and does not present substantial harm to the character and appearance of the conservation area.

Reason 2 – Members felt that Officers did not demonstrate or prove future harm to the protected trees which are in a conservation area despite their proximity to the proposed scheme.

Reason 3 – Members considered the scheme is in keeping and will not over compete with or dominate the host dwelling.

Reason 4 – Members did not feel that that was significant detriment to residential amenity of the host dwelling due to the reduction in rear residential amenity space.

Condition 1 – samples of materials to be used to be submitted to Planning Officers for approval prior to commencement of construction

Condition 2 – the eight replacement trees to be as large or mature as possible to bring to and plant on site

6. 58 High Street, Queensbury

Queensbury

This application was submitted and was asking for permission to demolish a 19th century coach house that was derelict and for the construction of 2 off town houses at the address above. The coach house was situated at the rear of 58 High Street in a stone set yard and was attached to 52 High Street, a residential property. Access was via a narrow cobbled access road and also served a number of adjacent residences. Whilst not visible from the main high street, the property was considered to be part of an area of character but due to its state of disrepair, was considered to detract from this.

The report submitted included the relevant site history relating to planning and its relevance to the Council's adopted Supplementary Planning Document, for its relevance in considering the proposal.

The application received a considerable number of representations. Of these 28 opposed the plan whilst there were 43 representations in support (although 22 of

these did not provide reasons for support). A summary of these was included in the Officer's report for Member's information.

Amongst the list of consultations, it was also noted that there was an objection from Conservation stating that demolition was not the only option available and the proposed design did not maintain or enhance the conservation area. There were also no indications that the building was unsafe.

The report also included details of the type and style of dwellings proposed with no on-site parking or bin storage indicated.

Officers presented the application, including photos of the site and design drawings for Member's information.

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

A Member asked whether the owner of the front building was the same and queried parking provision. Officers advised that the same people owned both properties and the narrow access did not provide allocated parking as any potential parking was the means of access for neighbouring properties.

A member asked whether enforcement was an option to force the owner to renovate, repair or demolish the property and was advised that the owner had a duty of care and demolition would have to be the only option available. A dangerous state of repair was not a planning matter.

A Member also enquired if the building to the front was named or protected. Officers advised that the host building was a key listed building and the coach house was an integral part of it.

A Ward Councillor attended the meeting and addressed the Panel in opposition to the application and made the following points.

- The proposal represented an overdevelopment of the site
- It would be cramped
- No allocated parking
- Reference was made to the previous application for a restaurant and apartments that was approved
- The building is close to a busy highway
- No allocated parking for the restaurant
- Indiscriminate and problematic parking issues on the main high street on which parking was already in high demand
- The style, materials, glazing and cladding were not in keeping, with reference made to the Conservation Officer's statement.
- The proposed build would be larger than the existing coach house
- Encroachment on privacy

A neighbouring resident was also present at the meeting and addressed the Panel and made the following points in opposition to the application.

- Would be built up to their back wall
- Would be 6 inches from their back wall and bedroom windows
- Larger building giving rise to loss of light
- Access gained via the rear of Fountain Street
- Access has already been prevented
- Windows and cladding overlook their property
- Parking issues
- Overcrowded building
- Conservation – building should remain and be renovated. The roof is sagging but that's the only issue. Was built in the same year as the objector's house
- Proposed development would be overbearing

There were no questions or comments from Members. Members voted unanimously in support of Officers' recommendations.

Resolved –

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

Action: Strategic Director, Place

6. MISCELLANEOUS ITEMS

Resolved –

That the requests for Enforcement/Prosecution Action and the decisions 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).

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