

Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 20 September 2023 in Council Chamber - City Hall, Bradford

Commenced 10.05 am
Concluded 12.40 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT	GREEN
A Hussain Amran Hayden Lal	Glentworth	Stubbs	Whitaker

Apologies: Councillor Sabiya Khan and Councillor Celia Hickson

Councillor A Hussain in the Chair

7. DISCLOSURES OF INTEREST

No disclosures of interest were received.

8. MINUTES

Resolved –

That the minutes of the meeting held on 26th July 2023 be held as a correct record

9. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

10. PUBLIC QUESTION TIME

No public questions were submitted.

11. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

The report of the Strategic Director, Place (**Document “C”**) was presented to the Committee in respect of a planning applications detailed below.

A. 15 Enfield Drive, Bradford Great Horton

This was a planning application to construct a single store rear extension with disabled facilities on the ground floor at the address above.

The house was a semi-detached dwelling with a brick and pebble dash exterior along with a detached garage and good-sized rear garden sitting in a residential street, alongside similar properties.

Officers provided both photographs and site diagrams indicating the design, scale and layout of the proposed extension that Officers were satisfied did not impact on neighbour’s amenity. The application had not received any representations either for or against and they recommended approval subject to the conditions as specified in the technical report.

There were no questions or comments from Members on this application.

Resolved –

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

B. Half Way House, 619 Huddersfield Road, Bradford Wyke

This was an outline application seeking approval for the demolition of a previous public house known as the Half Way House in order to accommodate a mechanical/vehicle servicing premises with a storage unit at the above location.

Officers presented the principle of the development including the demolition of the pub and provided a site map that included the proposed position of the new construction. The site was located on a busy main road and was set among mainly residential properties and a day nursery just to the south.

The application had been re-advertised due to receipt by Planners of and amended plan and received over 100 representations. 98 representations were as objectors, 1 was neutral and 1 supported the plan. The amendment related to the removal of a proposal for a carwash facility. A summary of the objections was included in the report for Members information – no comment was received in the 1 letter of support.

Following consultations, proposed noise nuisance mitigation measures were deemed satisfactory and the removal of the carwash satisfied the Highways team, subject to appropriate conditions.

With the amendments and conditions, Officers were minded to approve the application.

An objector attended the meeting and addressed the Committee to make the following points and provide some information on the impact as a neighbour.

- Concerns about the impact on privacy as deemed that it would overlook and overshadow the resident's property
- It would be out of character with the rest of the area
- It would contribute to traffic issues
- The site sits on a bus route
- There is a school nearby
- Difficult junctions – deemed as not safe
- Noise as a result of business activity
- Noise during demolition
- The demolition of the pub would take away a community asset that was over 100 years old
- There were 4 other garages within 1.5 miles so this type of business was not needed

Officers responded to the objector's representation and stated that the application under consideration was an 'outline application' only so was not fixed, traffic had been considered and weighed against the use of the site as it had been previously, under the NPPF it was not considered to be a community asset and only Historic England could determine its heritage value.

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

A Member asked if any jobs would be created and whether they would be new or if the business was simply re-locating. In addition, there was some concern relating to the proposed site layout and the question was asked whether the reserved matters application would come back to the Committee. Officers advised that they had no information regarding job creation and it was within the gift of Members to consider the final reserved matters element.

In relation to privacy and noise concerns, Members asked if the applicant would work closely with residents and what guarantees and/or conditions could be included. Officers advised that acoustic fencing etc would form part reserved matters as material considerations and they would work with the developers to achieve an acceptable scheme.

There was a brief discussion regarding conditions and limitations and why they should be included as there was concern relating to some activities that may be undertaken once the site was open and their impact, especially on the nearby Nursery.

A Member commented on the vagueness of the business intention which was a difficult judgement as it would appear that the application had already been determined. Officers advised that the principle of how the site would be used was what was being considered and they could refuse if they were not happy but the information available was sufficient for an outline application. An explanation of the definition of an outline application was explained in that it only needed to be basic. To alleviate doubt, Members could refuse based on insufficient

information, but the reason had to be specific. Applications were assessed against policies and the appearance could change. Reserved matters applications could come back for determination by the Panel. Officers further advised that objectors would receive notification when a decision was made and when the reserved matters application was to come back for determination. They would be notified if they objected to the reserved matters application.

Resolved –

- 1. That the application be approved subject to the conditions as set out in the Strategic Director, Place’s technical report with the addition of the condition set out below.**

C13. Notwithstanding the provisions of Part 3 to Schedule 2 of the Town and Country Planning General Permitted Development Order (England) Order 2015, or any subsequent amendments or equivalent legislation, the premises hereby approved shall only be used for purposes of a mechanics/vehicle servicing repair shop and ancillary storage (“the authorised use”) and no vehicle body spray painting or other purpose, outside of the authorised use shall be carried out including any other use that may be permitted by any of the Classes of permitted development described within Part 3 of the Order.

Reason: In order that the Local Planning Authority retains control over future changes of use with specific consideration of neighbouring residential amenity and to accord with policy DS5 of the Core Strategy Development Plan Document.

- 2. That the subsequent application for approval of reserved matters is referred to the Area Planning Panel in liaison with the Chair of the Area Planning Panel for a decision.**

C. 40 Pentland Avenue, Bradford Clayton and Fairweather Green

This was a householder application for a part single and first floor extension, front and rear dormers, an increase in the height of eaves, an increase in ridge height plus a new porch and gates at the above address.

The property was a two-storey semi-detached property constructed from brick and render with a tiled roof. The house sat on a corner plot in a residential area with properties of a similar age and design. The application only received one representation from a Ward Councillor who requested that the application be determined by the Panel if Officers were minded to refuse.

Officers presented the application including site photos and plans and provided details relating to their recommendation to refuse to grant permission due in part to the increase in height of both the main and previously extended roof.

The applicant attended the meeting and addressed the Panel with the following information.

- The request for gates related to a previous theft of one of their 2 cars
- The house sat on a corner plot and pedestrians had previously been

- knocked down
- The main reason for the application was for the increase in the height of the eaves
- The property was characteristic of the area
- Existing roof heights in the same street already differed
- The increase was on 30cm and the applicant did not believe it would be noticeable

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

Members asked why the work was being carried out and the applicant advised that it was to make room for elderly relatives to move in due to deteriorating health problems. The internal floors were to be lowered to create extra headroom.

The applicant was asked if it was possible to extend to the side and he responded to say that the property was already extended so there were limitations due to the previous works.

A member asked why the extra height was needed (in view of the floors being lower) and the applicant advised that it would be needed to accommodate roof trusses, whilst allowing enough headroom.

A member asked whether Occupational health were aware of the situation and was advised that a lounge would be created on the ground floor, the relatives were still mobile but it could be used as a bedroom.

Officers were asked about regulations relating to dormer windows and Members referred to photographs presented showing differing residences and asked why it was so essential to maintain uniformity. Officers advised that properties were staggered due to the gradient of the street and the property sat on a prominent corner plot.

A member asked whether the external treatments on the dormers was a reason to refuse permission and was advised that it would sit above the height of the roof they would not be compliant with permitted development rights. There was a brief discussion referring to other properties with similar additions and a Member stated that the application under consideration was for this property in this street only and did not feel it would be intrusive.

Officers advised that building regulations would determine the issue of internal heights etc. and that there was no opposition to dormer windows but the issue was around the increased roof height and the eaves to accommodate it, in addition the existing extension would no longer be subservient. If the dormers did not exceed the height of the roof there would be no issue. This type of application would normally be determined by Planning Officers and was not compliant with SPD and would be against guidance applied elsewhere.

Members directly addressed the applicant about the necessity for the increase in roof height and the implications if all internal floors had to be lowered as it would not be viable to do making the project much larger and more costly.

Members asked about the grounds on which Ward Councillor could request an application to be heard by the Planning Panel and whether it would impact on future decisions. Officers advised that they could not foresee what would happen but it gave the impression that decisions were inconsistent and the expectation existed to apply planning policies.

Resolved –

That the application be approved for the reasons and subject to the condition below.

R1 Members did not believe that the increase in the height of the eaves and ridge presented an incongruous and dominant feature to the host dwelling and side extension and did not relate poorly to the appearance of the existing house, adjoining property and the wider context of the street scene. The resultant blank wall would not be unduly obtrusive and the raised height of the side extension would not dominate the existing house.

R2. The form of the raised roof in combination with dormer windows would not dominate the existing roofline and did not harm the character setting of the existing house or the wider area.

C1. The dormer windows to be finished with the same materials as the existing roof.

D. Land at Park Lane, Little Horton, Bradford Little Horton

This application related to a piece of land at the above location and was submitted requesting permission to construct a three-storey building that would comprise of 2 retail units (class E use) and 5 apartments.

The site was located in a predominantly residential area close to the brow of a hill and situated on a steep slope.

Following publicity for the proposal, 29 representations were received objecting to the plan with 1 neutral response and 2 in support. The summary of reasons for objections were listed in the technical report submitted by Officers. The 2 representations supporting the development came from Ward Councillors who asked for the application to be determined by the Planning Panel if Officers recommended refusal.

Officers presented the application plan to Members showing site plans and drawings with photographs of the site indicating its position and proximity to neighbouring structures. Officers noted that it was unclear whether there was permission to use the car park situated at the rear of the plot for access as the information was not available.

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

- The site was vulnerable to flytipping
- the railway cottages were below the site so the gradient made them look small
- there was a need for residential properties to service health workers from the nearby hospital.
- Hospital workers and visitors were already using the nearby Lidl car park
- Customers at the new businesses would be primarily local
- Customers will walk to the shops
- The accommodation was aimed at single occupancy or couples
- A development that was due to be constructed did not go ahead, impacting on housing supply in the area
- Was not aware that anyone had objected locally
- the distance to the cottages next door differed to that submitted by Planning Officers
- All 3 Ward Councillors were in support of the application

In addition, a written statement from an objector was read out as they were unable to attend the meeting.

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

A Member asked about the 30 objectors and where were they from as the Ward Councillor did not believe them to be local. Whilst Officers could not share specifics, they confirmed that the objections were from local residents

A Member asked about the car park at the rear of the site and whether there was any agreement for access. Officers advised that there was no agreement that they were aware of and the car park was outside of the red line that showed the site boundary, the car park was associated with the residences at the rear only.

A Member asked how many bedrooms would be included in each apartment and was advised that they were all 1 bedroom.

There was a discussion relating to parking and how much was necessary to be suitable for the application under consideration and stated that as no uses were specified within the class requested, activities could change in the future, having the potential to be more problematic.

A Member had noticed a telegraph pole in one of the photographs shared with the Panel that did not appear on the site plan and asked if permission was needed to move it. Officers advised that separate permission would be required that was outside the remit of Planning and they were not aware of this being given.

Members also noticed from photographs that there were speed humps on the road adjacent to the site and asked if they would need to be moved if the front was used for parking. Officers advised that highways changes were also outside the remit of the application as the road was outside of the site boundary.

Members asked what measurement was used to assess the distance between the proposal and existing dwellings as 12 metres had been mentioned

previously. Officers advised that the measurement used was the 25% angle line and it was highly unlikely that the structure would comply. There was also the additional impact on the rear habitable spaces of the railway cottages next door.

The question of parking was again raised to ascertain the minimum that would be acceptable and whether the 25% angle rule would be met if the structure was not so high. Officers advised that it was usual to expect 1 parking space per 2 apartments and a minimum of 6 for the retail units. However, it was not possible to restrict who used the parking spaces as it was close to the hospital and was not guaranteed for the residents.

The proposal was deemed as over development and would need to be reduced as it was so different to neighbouring properties, the scale of reduction required had not been met.

Members did not see any justification to go against Officers recommendations.

Resolved –

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

Action: Strategic Director, Place

12. MISCELLANEOUS ITEMS

The report of the Strategic Director, Place (**Document “D”**) was submitted to the Committee to consider matters as set out in the report.

Resolved –

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