

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

Commenced 10.00 am  
Concluded 11.50 am

### Present – Councillors

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

Apologies: Councillor Celia Hickson

### Councillor A Hussain in the Chair

#### 13. DISCLOSURES OF INTEREST

In the interests of transparency, the Chair declared a commercial relationship to the agent representing application number 23/01698/FUL – Item 1, Document “E” and recused himself from the meeting for the duration of this item.

***To be actioned by: Director of Legal and Governance***

#### 14. MINUTES

##### **Resolved –**

1. That the minutes for the meeting on 20 September 2023 be held as a correct record.
2. That Planning Panel meeting minutes for the meeting held on 22 March 2023 (minute number 24, page 5, item B, paragraph 5, last bullet point) be amended from ‘with’ to read ‘without’

AND (page 5, paragraph 6) - ‘The neighbour from the property next door to the site also attended the meeting and addressed the panel and made the following points:’ be amended to read ‘the neighbour from the property **opposite** the site also attended the meeting and addressed the panel and made the following points’.

**To be Actioned by: Director of Legal and Governance**

**15. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

No requests to view documents were received.

**16. PUBLIC QUESTION TIME**

No public questions were received.

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

**A. 1 Hyde Street, Bradford**

**Idle and Thackley**

The application submitted to the Panel requested full planning permission for the construction of a detached dwelling on land north of the above address.

The Strategic Director, Place' technical report (**Document "E"**) contained details of the relevant policies, legislation, consultations and publicity in relation to the application which was circulated and published prior to the meeting. A full site description and drawings were presented to the Panel showing dimensions and photographs of the site taken from a number of angles and views. The application had received 20 representations including one from a Ward Councillor in objection to the proposal who, in turn requested that it was brought to the Planning Panel for determination.

A summary of the representations received was also included in the report for Members' information.

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

A member noted that there were no objections from Highways and Drainage as the road concerned was unadopted whether extra conditions could be added to protect neighbours or would these matters be for residents to agree on. Officers advised that the site boundary was in the middle of the carriageway and all relevant landowners would have to agree as this was not something that could be included as a Planning condition.

In relation to drainage, specifically water run off as drainage was poor, the report stated that this would not adversely affect the local drainage system, despite the loss of soak away from the existing garden. Officers acknowledged that the garden would provide better options for drainage but directed members to a condition (condition 2 on page 9 of the report) in the report to address the matter within the site. They also stated that there was no responsibility for pre-existing issues outside of the boundary as part of the application.

A Member who stated that they used the lane on the site map indicated and said it was used by local primary school children as part of the route to and from a nearby school. He asked if it would be possible to add a condition to control working operations, deliveries and movement of heavy equipment at the times when children would likely be walking through. Officers advised that restrictions could be added to minimise these but could not reasonably restrict the afternoon end times or deliveries as this would not be reasonable or enforceable.

A Member asked whether a hedgerow within the boundary was protected and had any value attributed to it and was advised that it was not formally protected and part of it would be removed when the off-street parking was created.

The property boundary was raised as the road was unadopted and there was a question of whether mitigation was possible to avoid future conflicts as a result of parking tensions and to protect the green lane. Officers acknowledged that parking issues can cause conflict, but off-road parking was included in the scheme so this was beyond their remit.

Two objectors attended the meeting and addressed the Planning Panel with a number of concerns. These are summarised below.

- The condition of the road was already of concern with potholes and in a general state of disrepair and it was feared it would deteriorate further
- The street was already full of parked cars throughout the day and night
- The development would still reduce on-street parking further
- The street already serves in excess of the number of properties in planning guidelines, so capacity is saturated
- Parking and HGV movement concerns
- The new development would be overbearing and reduce daylight
- Objectors disputed the Planning Officers calculations in relation to the 25% rule and the 20-metre distance rule, thus making the development a detrimental addition
- Impact on neighbours' health and wellbeing
- The obscure glass proposed in some windows could impede on neighbouring property if they were switched to clear and/or windows that open
- The impact on habitat as the garden on which the house would sit had mature shrubs and trees that would be lost
- The impact on wildlife had been minimised in the Planning Officers' report
- The proposed bat boxes were seen as a token gesture
- A nearby property had installed a sump water pump in their cellar due to flooding, indicating that a problem already existed
- Objectors also informed the Panel that due to existing drainage/flooding issues, Yorkshire Water were often in the area working

Officers were given the opportunity to address the issues raised by the objectors and indicated that all matters were covered in the report submitted.

A Ward Councillor was also present at the meeting and addressed the Panel. A summary of the points raised is below.

- Drainage – the new building would increase surface water drainage and this

would likely get worse

- He queried whether the guidelines and legislation around surface drainage and ground water were still fit for purpose in light of ongoing climate change
- Parking difficulties
- Possible further home extensions
- Stated that Planning enforcement were under workload pressure and noted his concern that compliance could not be maintained/monitored
- The development site was on a domestic garden, the removal of which impacted on habitat as the area contained large, mature shrubs and trees and included a wild area
- The inclusion of bat boxes was not adequate mitigation
- The development would overlook neighbouring properties, as noted in the Planning report the comment 'that's the way it is in the area' was quoted and he stated that the rules should still apply
- The road affected was unadopted so why was it reasonable to allow heavy usage. The previous application for the site had been approved and this one should not be automatic as objectors were not able to be represented and share their concerns. A request to re-consider was made in view of habitat, flooding and traffic

The agent for the applicant was also present at the meeting and addressed the Panel with the following points.

He acknowledged the representations made and stated that points 8, 10 and 14 relating to loss of the garden for future occupants, loss of view and the ownership of half of the rear lane were not planning considerations.

Points 2 and 11 relating to digging up for new drainage and disruption and noise from construction traffic would only be temporary and short term.

In relation to the rule regarding 25% angle, he again confirmed that the windows to the east and north elevations would be fixed and fitted with obscure glass.

The trees and hedges could be kept along with new bird and bat boxes. The application design was compliant with EN2 or the core strategy policies relating to biodiversity and geodiversity with an appropriate design and use of materials. The overhead communications cables could be relocated and the previous planning approval had lapsed. There would need to have been significant changes in planning regulations to justify a refusal and all conditions proposed by Planning were acceptable and understood. He also stated that a later start to the working day would not be an issue.

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

- Concern about flooding
- A Member queried that since the original application was approved climate change and flooding were more relevant whether the legislation used was still sufficient and had these been further explored since. The Legal Officer present stated that these were technical matters and due regard should be given to the views of experts. Officers further advised that recent climate

change was accounted for.

- Members sought assurances that any information and or images presented were up to date. Officers advised that they were intended to provide a snapshot and not to lead or influence Members in any way.
- A Member commented that the loss of the garden was detrimental but was not sufficient to refuse as it did not meet current tests, however he remained reluctant to support approval. He also added that he would like the inclusion of a condition to control operating hours
- A Member asked about the flooding problems and where they were addressed in the technical report and also asked why there was a condition proposed for details of a drainage scheme if there were no concerns. If flood risk was deemed not substantial, how could a professional assessment be made. Officers advised that there was no requirement to show drainage schemes up front and that resolving flooding issues beyond the boundary of the development were not the responsibility of the applicant.

### **Resolved –**

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

**10. That work does not commence on site until after 9am due to pedestrian use of the adjacent lane.**

#### **1. Builders Yard adjacent to 9 Back Heights Road, Thornton, Bradford Thornton and Allerton**

This was a full application that sought permission for the demolition of commercial buildings, construction of a detached dwelling and associated works at the above location. The report provided details of the site's history and current structures. It also listed the relevant site history in relation to planning applications.

The application was advertised in accordance with usual procedures and have received 8 representations objecting to the proposal. A summary of reasons was provided for Member information. As part of their presentation, Officers explained the four main key differences relating to the application under consideration in contrast to a previous application in 2016. These consisted of a change in green belt planning policy in 2018, design, highways considerations and sustainability. Previous schemes were deemed too large and not in keeping. Members were provided with site plans and photographs showing the application site and immediate surrounding roads and properties.

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 if it would be possible to retain the trees on site as these would provide shielding. Officers advised that landscaping was addressed in conditions 3 and 4 in their report. They also stated that the trees did not meet the requirements to be given a TPO.

A member raised the issue of residential amenity and what it meant for this application. Officers referred Members to a photograph of a window in the side elevation of an adjacent property which was close to the boundary. The neighbours' boundary fencing already impacted the visual amenity from this window, so it was not deemed to have a harmful effect.

**Resolved –**

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

**3. 122 Bradford Road, Clayton, Bradford**

**Clayton and Fairweather Green**

Extension to side, hip to gable roof with front and rear dormers to existing dwelling. Construction of 3 No dwellings in the side garden with extended dropped kerb on Crestville Road at the above site.

**No resolution was passed on this item as the application was withdrawn prior to the meeting.**

**4. 89 Tong Lane, Bradford**

**Tong**

The application under consideration sought permission for the demolition of an existing rear extension and side conservatory along with the construction of a 2-storey extension to the rear and single storey extension to the side. The application also included the replacement of a cesspit with a new septic plant with soakaway and a new access drive to the above address.

The site consisted of 1 of a pair of semi-detached houses within the Tong Valley Landscape Character Area in an open area of green land and farmlands constructed of stone with stone slate roof tiles.

The report previously circulated contained site planning history as well as a summary of representations received. The application was advertised in the usual way and all fourteen representations were in favour of approval. Officers presented details of the proposal including photographs of the existing dwelling. The main considerations related to its location within the green belt and the fact that the increase in size would exceed the 30% limit usually adhered to.

There was a discussion in relation to the accuracy of calculations in reaching this conclusion as the applicants presented evidence in the form of site maps which were not the same as used by Planning Officers when considering structures previously located on the site. This gave rise to an increase in the volume of the property to 56% depending on which site map was the correct one to use as a benchmark.

Their concerns related to the impact on openness being lost as there would be

visibility from the highway. Officers also objected to the size of the windows proposed in the application and judged them to be visually intrusive.

The agent for the applicant was present and addressed the Panel members to further clarify the issue with the publication of the differing site maps used to calculate the appropriate property volumes as the version they had used presented a 35% increase in volume rather than the 56% assessed by Planning Officers. He further stated that despite submitting site maps, these had not been considered. The proposal would deliver a more sustainable property as it was not energy efficient in its current, leaky state. The development would include new insulated external walls, triple glazing, under floor heating and an air source heat pump as well as re-utilising stone from within the property as part of the construction.

The adjoining neighbour was also present at the meeting and addressed the Panel to demonstrate his support for the proposal stating that he had been included in the scope and design and was informed when any changes were proposed. It would not impact his property or amenity, was in keeping with the rest of the village and stated that the applicants had tried to do everything correctly, evidenced with facts. The rear of the property faced open fields and there would be no impact on anyone at all. He also made some personal observations that the applicants were longer term residents who were actively involved with the village community.

A Ward Councillor was present at the meeting to support the applicants and addressed the Panel stating that he had requested the application be determined by the Panel for 2 reasons which were that the development was in the green belt and the harm to the character of the property. He then stated that he had campaigned to keep spaces open and prevent urban sprawl, but the application had no impact on openness. He then referred to previous developments, including Tong Garden Centre and Jacknell Farm, which saw a former farm building being approved for the addition of a swimming pool. These were both considerably larger than the application under consideration.

This application constituted a reasonable exception as it was a modest extension and would not be particularly visible from the road and it was in keeping with some previous developments in the area. He also asked Members to consider the environmental impact as the home would be future-proofed and the applicants had tried to do the right thing and reduce their carbon footprint and discretion should be applied to the green belt rules.

Planning Officers were then given the opportunity to respond to the points raised and acknowledged the discrepancies and noted the lack of details of size and use of some structures previously within the property boundary. The limit of 30% mass increase was a guide but the visual element of the proposal was distinct.

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

A Member noted that the side extension was not set back and there was a discussion relating to the outbuildings on the applicants' map and the map used by Planning when calculating the area of the property.

The application would provide a new layout with only fields to the rear and the main issue Officers still had was the corner, as they considered it disproportionate and presented visual harm.

A member asked if Officers had discussed how it could be more acceptable with the applicants and was advised that there had been a lot of communications between them. They stated that the issues were site specific as it had been assessed on its own merits. Another main issue was the size of the proposed rear windows. Officers were asked why and whether the property was in a conservation area. Officers stated that the issue was the impact on green belt but that the property was not in a conservation area.

A Member asked if there were any family circumstances which would also mitigate for the applicants.

Members then had a brief discussion regarding the merits of permitting or refusing the application as their views differed in terms of the impact. A Member did comment on the commendable conduct of the applicants and that the circumstances justified permitting the application and the scale was not in breach.

Other comments were:

- Not deemed as excessive
- Extension should not be disproportionate to the host dwelling
- 30% rule was LA guidance
- No significant departure from host property design
- Design was a subjective matter

**Resolved –**

**That the application be approved.**

**Reason**

**Members determined that the proposed extension was not a disproportionate addition to the original building and did not, therefore, represent inappropriate development in the green belt.**

**'The design of the extension was acceptable and replaced existing additions to the dwelling. The screening caused by the hedge to the front of the site and the limited visibility of the rear elevation mean that the proposed extension would not be particularly prominent and would not harm the appearance of the dwelling or its contribution to the amenity of the wider area.**

## **18. MISCELLANEOUS ITEMS**

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

**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.**

***To be actioned by - 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