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# Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (BRADFORD) to be held on 20 July 2016

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## Summary Statement - Part Two

#### Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(16)
Decisions made by the Secretary of State - Allowed	(1)
Decisions made by the Secretary of State - Dismissed	(4)

Julian Jackson Assistant Director (Planning, Transportation and Highways)

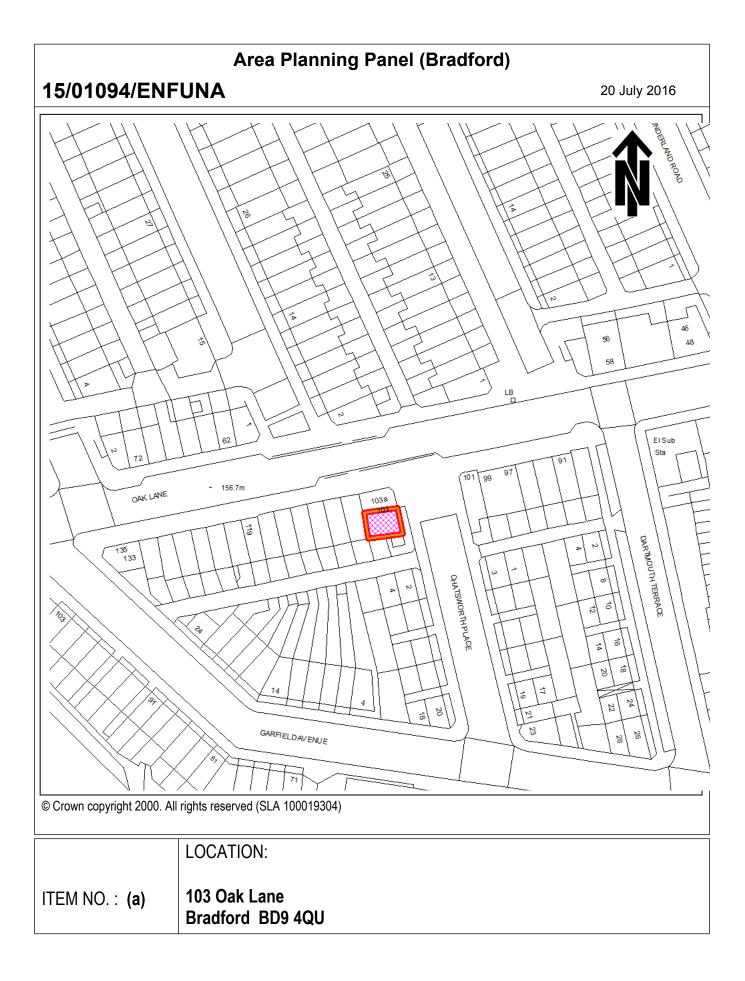
**Portfolio:** Regeneration, Planning & Transport

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**Overview & Scrutiny Committee Area:** Regeneration and Economy





Item Number: (a) Ward: MANNINGHAM Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 15/01094/ENFUNA

Site Location: 103 Oak Lane, Bradford, BD9 4QU.

**Breach of Planning Control:** 

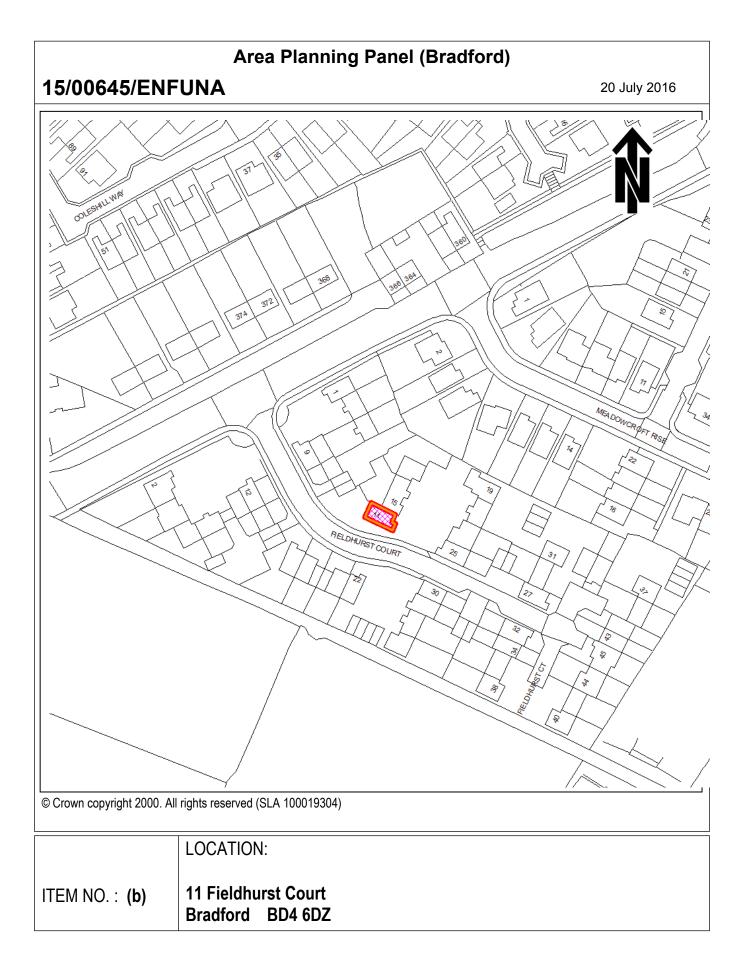
Unauthorised extractor unit.

#### **Circumstances:**

In October 2015 it was noted that an extractor unit has been installed to the side elevation of the property, for which the Council had no record of planning permission having been granted. The property stands within a designated Conservation Area.

The owner of the property was requested to take action to rectify the breach of planning control, however no action has been taken to date.

On 27 April 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised extractor unit is detrimental to visual amenity by virtue of its design and appearance, contrary to Policies BH7, D1, D10, UDP3 and UR3 of the adopted Replacement Unitary Development Plan.



Item Number: (b) Ward: TONG Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 15/00645/ENFUNA

Site Location: 11 Fieldhurst Court Bradford BD4 6DZ

#### **Breach of Planning Control:**

Unauthorised fencing and gates

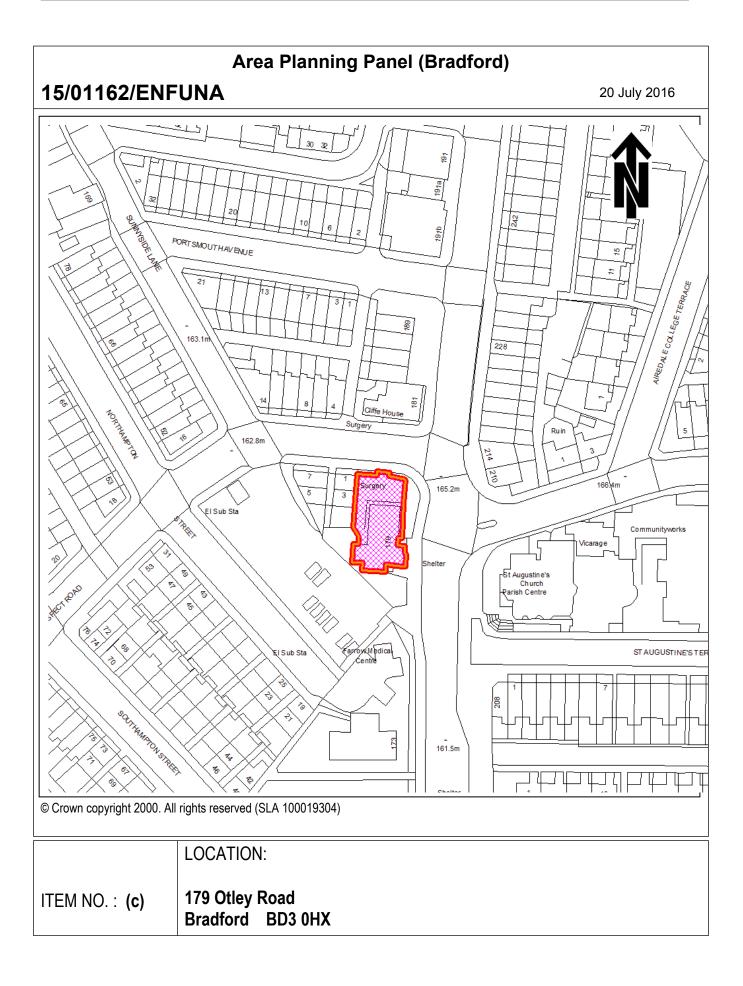
#### **Circumstances:**

In June 2015 the Local Planning Authority received an enquiry regarding the erection of timber fencing at the property.

An inspection showed that timber fencing and gates had been erected along the side boundary of the property, for which the Local Planning Authority had no record of planning permission having been granted.

The owner/occupier of the property was subsequently requested to take action to rectify the breach of planning control.

No action has been taken and on 2<sup>nd</sup> June 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised fencing and gates are detrimental to visual amenity and highway safety by virtue of their height and appearance, contrary to Policies UDP3, TM2, D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.



Item Number: (c) Ward: BOWLING AND BARKEREND Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 15/01162/ENFUNA

Site Location: 179 Otley Road Bradford BD3 0HX

#### Breach of Planning Control:

Unauthorised siting of a static caravan

#### **Circumstances:**

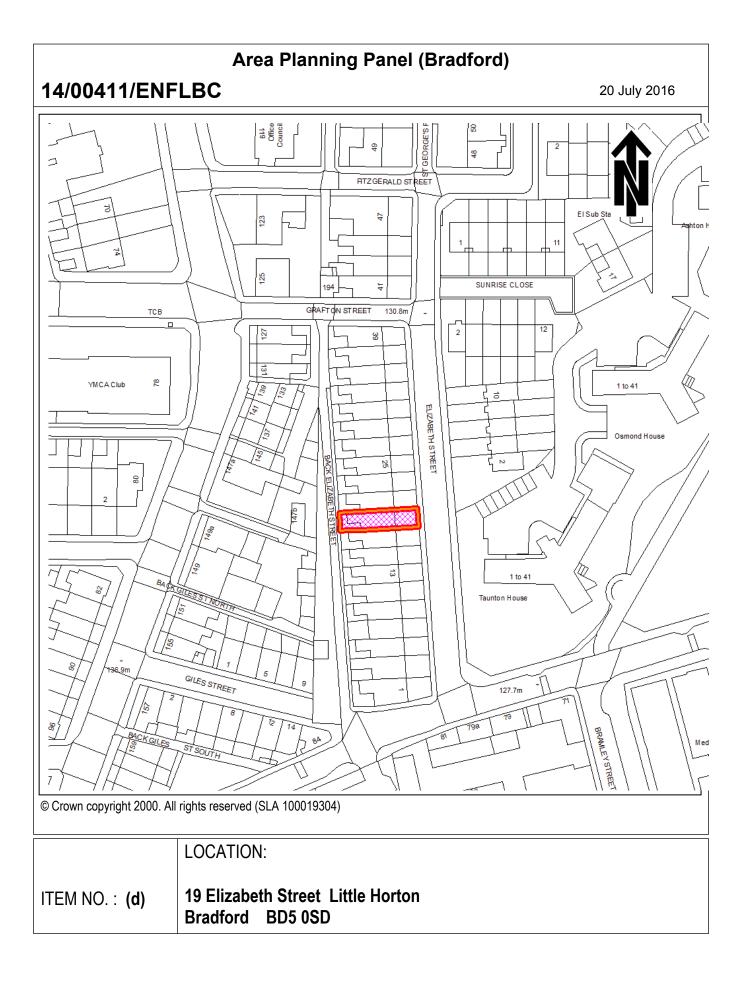
In November 2015 the Local Planning Authority received an enquiry regarding the siting of a caravan at the property.

An inspection showed that a static caravan had been sited on land within the curtilage of the property, for which the Council had no record of planning permission having been granted.

The owner/occupier of the property has been requested to take action to rectify the breach of planning control, however no action has been taken to date.

The unauthorised caravan remains in place and on 22<sup>nd</sup> June 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised caravan is detrimental to residential and visual amenity by virtue of its position and appearance, contrary to Policies D1, D10 and UR3 of the Council's adopted Replacement Unitary Development Plan.



Item Number: (d) Ward: CITY Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 14/00411/ENFLBC

Site Location: 19 Elizabeth Street Bradford BD5 0SD

#### **Breach of Planning Control:**

Unauthorised single storey rear extensions

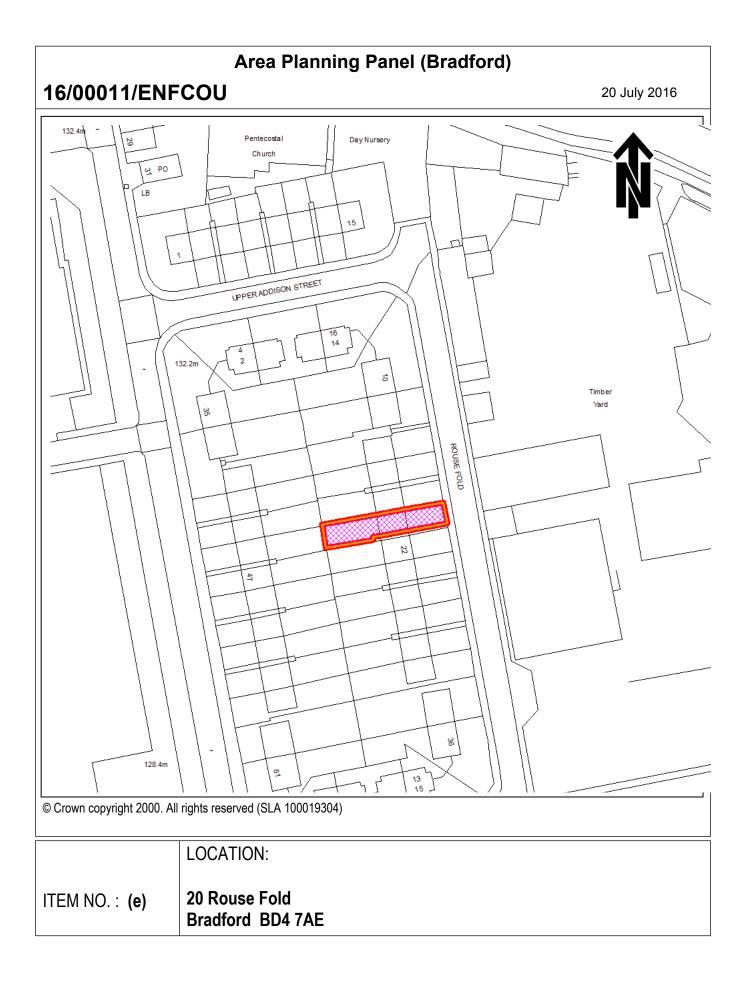
#### **Circumstances:**

In May 2014 the Local Planning Authority received an enquiry regarding extensions to the property, which is a Grade II Listed Building.

An inspection was made and it was noted that two single storey rear extensions had been built, for which the Local Planning Authority had no record of Listed Building Consent or planning permission having been granted.

Listed Building Consent and planning applications were subsequently refused by the Council in June 2015. No appeals were made against the Council's decisions.

Whilst Listed Building Consent and planning permission was granted by the Council in November 2015 for replacement rear extensions, the unauthorised rear extensions remain in place. On 22<sup>nd</sup> June 2016 the Planning Manager (Enforcement & Trees) authorised the issue of a Listed Building Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised single storey rear extensions are inappropriate to the Listed Building, contrary to Policies BH4, D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.



Item Number: (e) Ward: BOWLING AND BARKEREND Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 16/00011/ENFCOU

**Site Location:** 20 Rouse Fold, Bradford, BD4 7AE.

#### **Breach of Planning Control:**

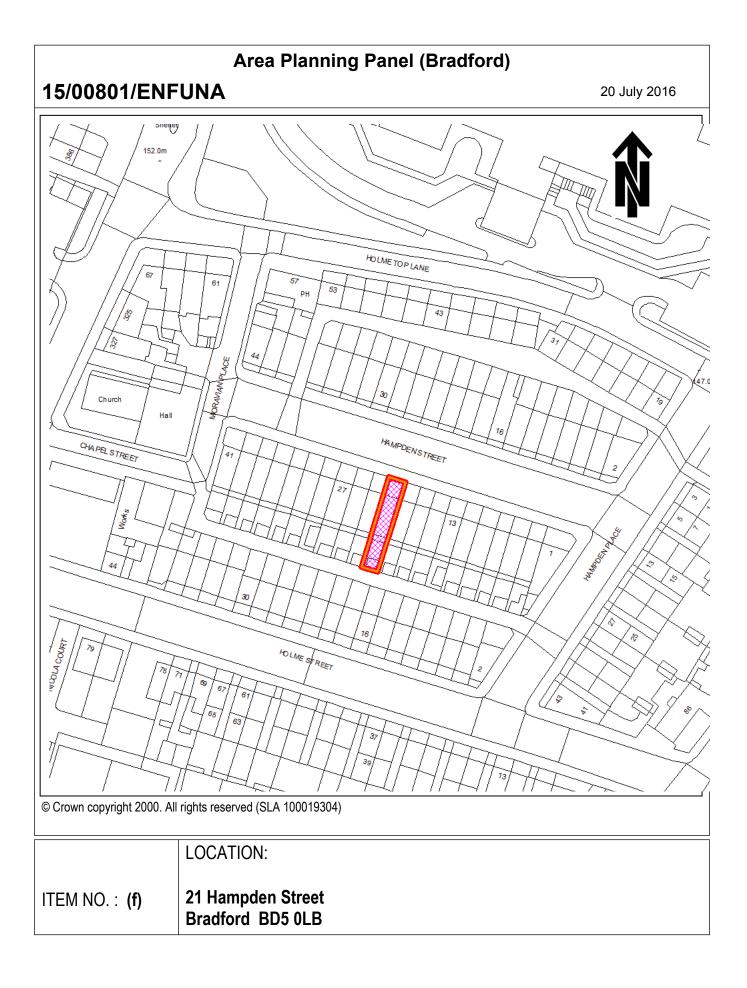
Unauthorised vehicle repairs and storage.

#### **Circumstances:**

In January 2016 the Local Planning Authority received enquiries regarding the use of the property and adjacent highway for vehicle repairs and storage.

The owner/occupier of the property has been requested to cease the unauthorised vehicle repairs and storage activity, however the unauthorised use is continuing.

On 17 May 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised vehicle repairs and storage use of the property is detrimental to residential amenity, contrary to Policies D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.



Item Number: (f) Ward: LITTLE HORTON Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 15/00801/ENFUNA

## Site Location:

21 Hampden Street, Bradford, BD5 0LB.

#### **Breach of Planning Control:**

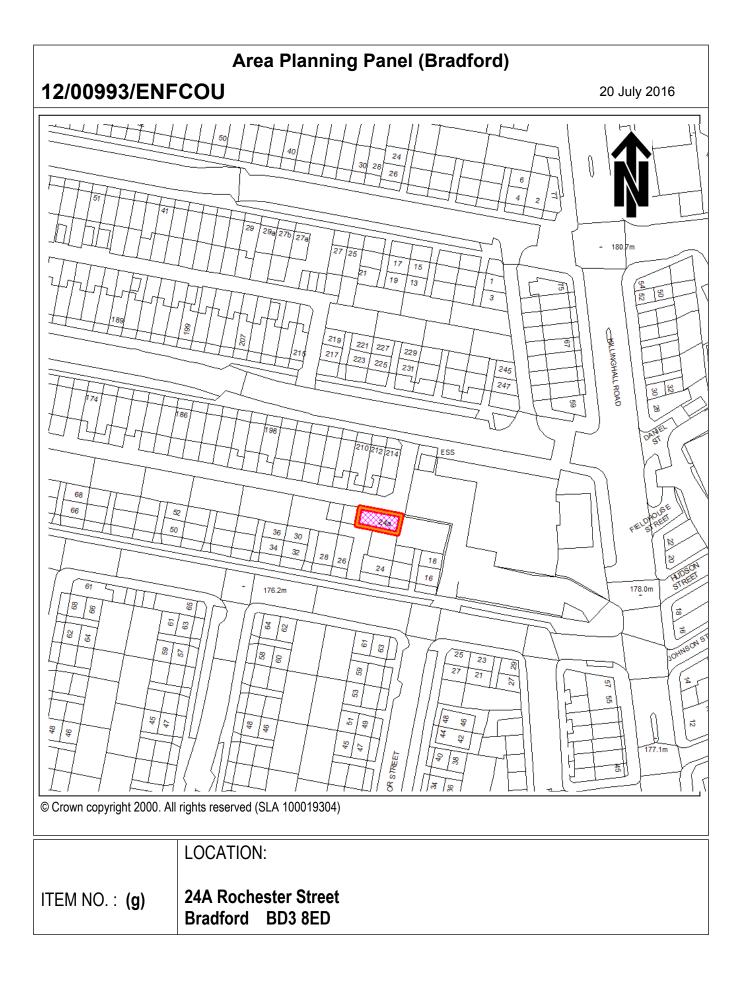
Construction of rear extension.

#### **Circumstances:**

It was brought to the attention of the Local Planning Authority that the occupier of the above property had constructed a new rear extension for which planning permission was required and had not been obtained. A retrospective planning application for the extension was refused and appeal dismissed however the owner has failed to take any further action.

The unauthorised extension due to its excessive depth is considered to cause harm to the outlook from and be overbearing of habitable room windows of the adjoining properties and is overbearing of the rear private amenity area of those properties to the detriment of the living conditions of the neighbouring occupants contrary to the Councils Householder Supplement Planning Document, Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan and national policy set out in the National Planning Policy Framework.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 20 April 2016.



Item Number: (g) Ward: BRADFORD MOOR Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 12/00993/ENFCOU

Site Location: 24a Rochester Street Bradford BD3 8ED

#### Breach of Planning Control:

Unauthorised vehicle repairs use

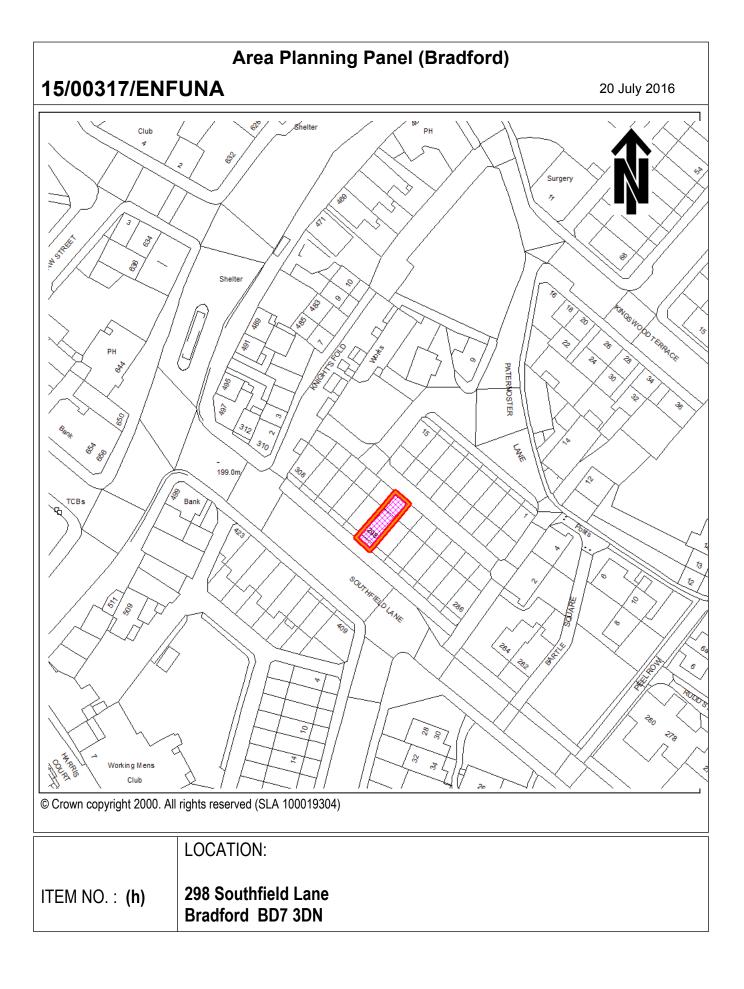
#### **Circumstances:**

In November 2012 the Local Planning Authority received an enquiry regarding the use of the property for vehicle repairs.

Whilst the property has historically been used for business purposes, planning permission has not been granted for any vehicle repairs use.

The owner of the property has been requested to take action to rectify the breach of planning control, however no action has been taken.

On 20<sup>th</sup> June 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised vehicle repairs use of the property is detrimental to residential amenity, contrary to Policies D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.



Item Number: (h) Ward: GREAT HORTON Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 15/00317/ENFUNA

Site Location: 298 Southfield Lane, Bradford, BD7 3DN

#### **Breach of Planning Control:**

Construction of rear extension

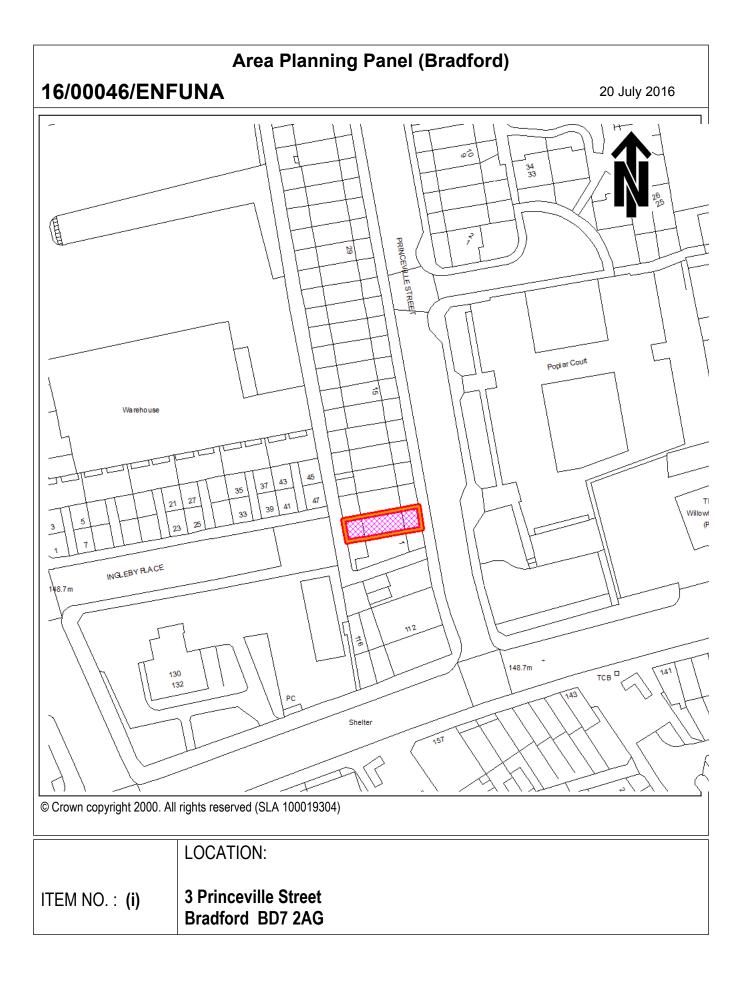
#### **Circumstances:**

It was brought to the attention of the Local Planning Authority a new extension had been constructed at the above property for which planning permission was required but had not been sought.

As a result letters were sent to the owner of the property requesting action be taken to attempt to rectify the breach of planning control. To date no application has been submitted for consideration and a site inspection confirms that the extension remains in situ.

The extension is detrimental to the visual amenity of the existing property and wider surrounding Great Horton Conservation Area contrary to the Councils Householder Supplement Planning Document, Policies UDP3, BH7, UR3 and D1 of the Replacement Unitary Development Plan and national policy set out in the National Planning Policy Framework.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 20 April 2016.



Item Number: (i) Ward: CITY Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 16/00046/ENFUNA

**Site Location:** 3 Princeville Street, Bradford, BD7 2AG.

#### **Breach of Planning Control:**

Unauthorised porch extension.

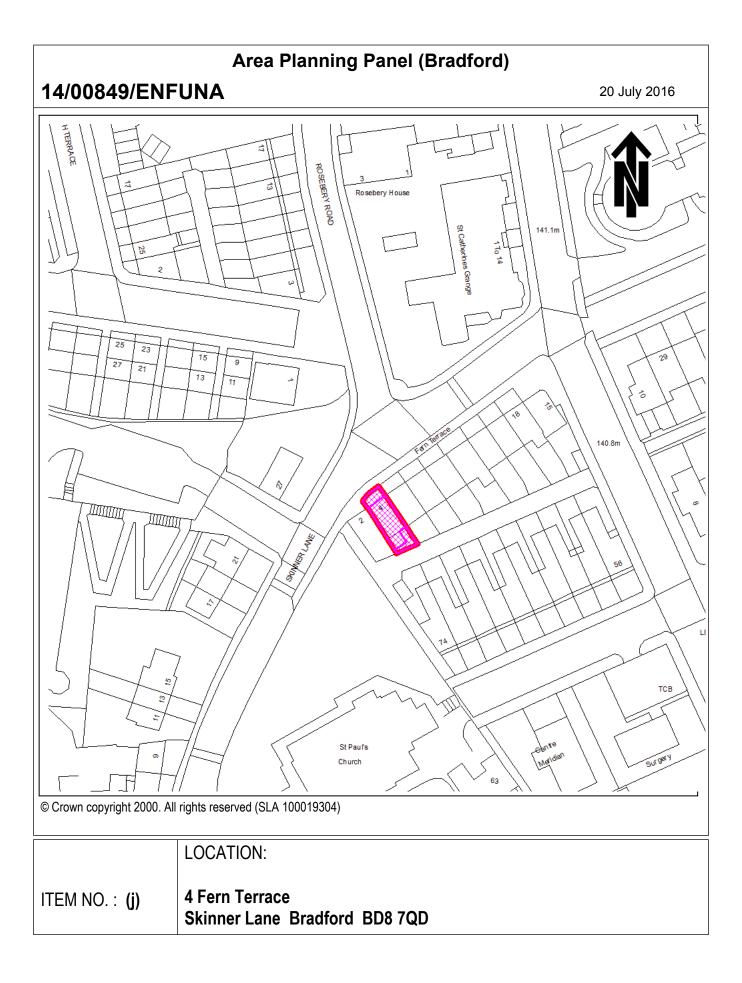
#### **Circumstances:**

In January 2016 the Local Planning Authority received an enquiry regarding a porch extension to the property.

An inspection was made and it was noted that a front porch extension had been built, for which planning permission had not been granted.

The owner/occupier of the property has been requested to take action to rectify the breach of planning control. A retrospective planning application for the porch extension was submitted to the Council, reference 16/01440/HOU, however the application could not be considered due to the fee not being paid within the given timescale.

The unauthorised porch extension remains in place and on 27 April 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised porch extension is detrimental to visual amenity by virtue of its design and appearance, contrary to Policies D1, UR3 and UDP3 of the Council's adopted Replacement Unitary Development Plan and the Council's adopted Householder Supplementary Planning Document.



Item Number: (j) Ward: MANNINGHAM Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 14/00849/ENFUNA

**Site Location:** 4 Fern Terrace, Skinner Lane, Bradford, BD8 8QD.

#### **Breach of Planning Control:**

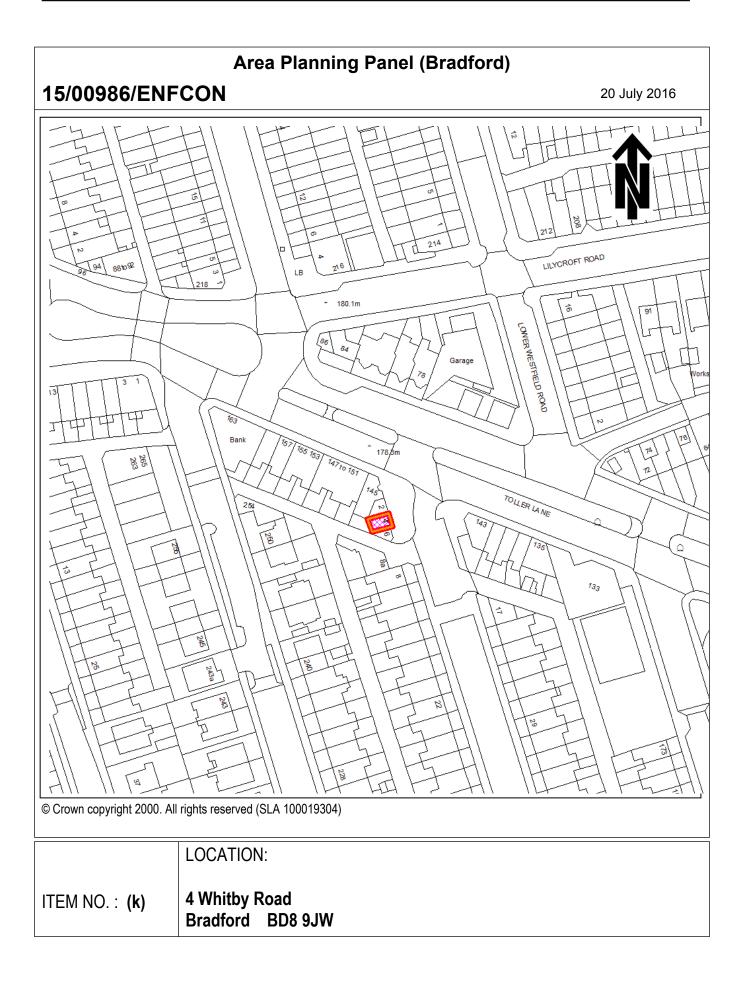
Construction of breeze block boundary wall atop an existing stone boundary wall.

#### **Circumstances:**

It was brought to the attention of the Local Planning Authority that a new breeze block unrendered wall had been constructed at the above property. Letters were sent to the owner of the property to advise of the breach and despite reminders no action has been taken and the walling remains in situ.

The unauthorised breeze block walling is detrimental to visual amenity within the St Pauls Conservation Area and is contrary to the Councils Householder Supplement Planning Document, Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan and national policy set out in the National Planning Policy Framework.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 20 April 2016.



Item Number: (k) Ward: TOLLER Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 15/00986/ENFCON

Site Location: 4 Whitby Road Bradford BD8 9JW

#### **Breach of Planning Control:**

Breach of condition 2 of planning permission 95/00435/COU

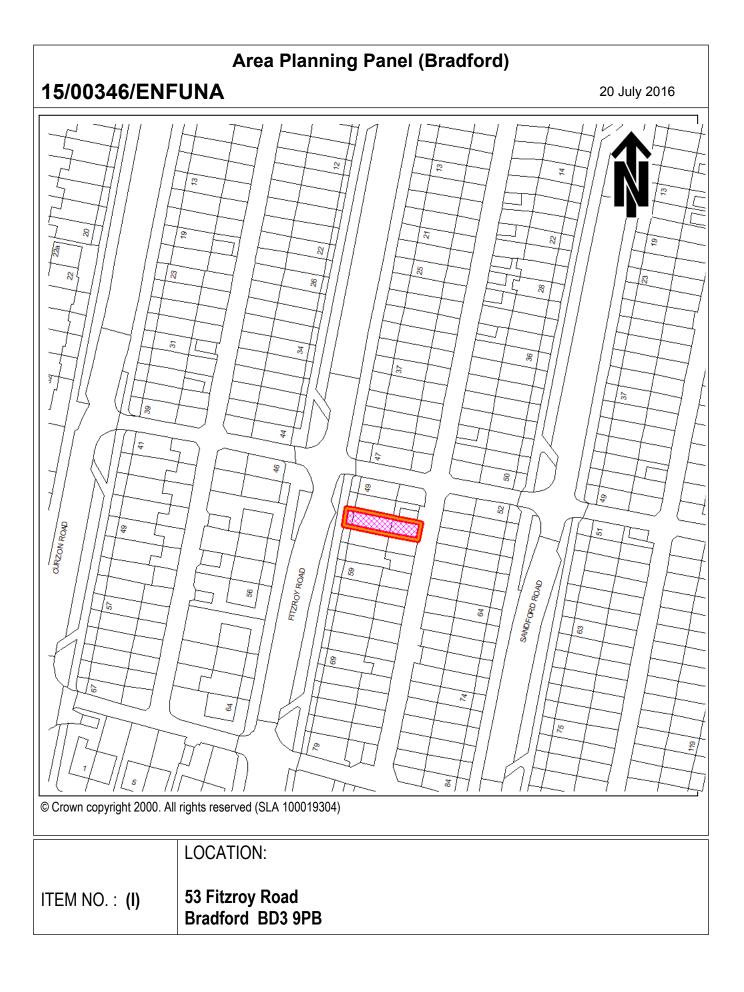
#### **Circumstances:**

In March 1995 the Council granted planning permission to use the property as a hot food takeaway. Condition 2 of the planning permission restricts the opening hours of the hot food take away to between 1130 and 2330 hours only.

Following a complaint regarding the breach of condition 2, the occupier of the property was requested to take steps to rectify the matter.

Planning application 15/06274/VOC to extend the opening hours of the hot food takeaway was refused by the Council in December 2015.

A further complaint has been received regarding the opening hours of the hot food takeaway and on 17<sup>th</sup> June 2016 the Planning Manager (Enforcement & Trees) authorised the issue of a Breach of Condition Notice. The Local Planning Authority considers it expedient to issue a Breach of Condition Notice to safeguard residential amenity.



Item Number: (I) Ward: BRADFORD MOOR Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 15/00346/ENFUNA

Site Location: 53 Fitzroy Road, Bradford, BD3 9PB.

#### **Breach of Planning Control:**

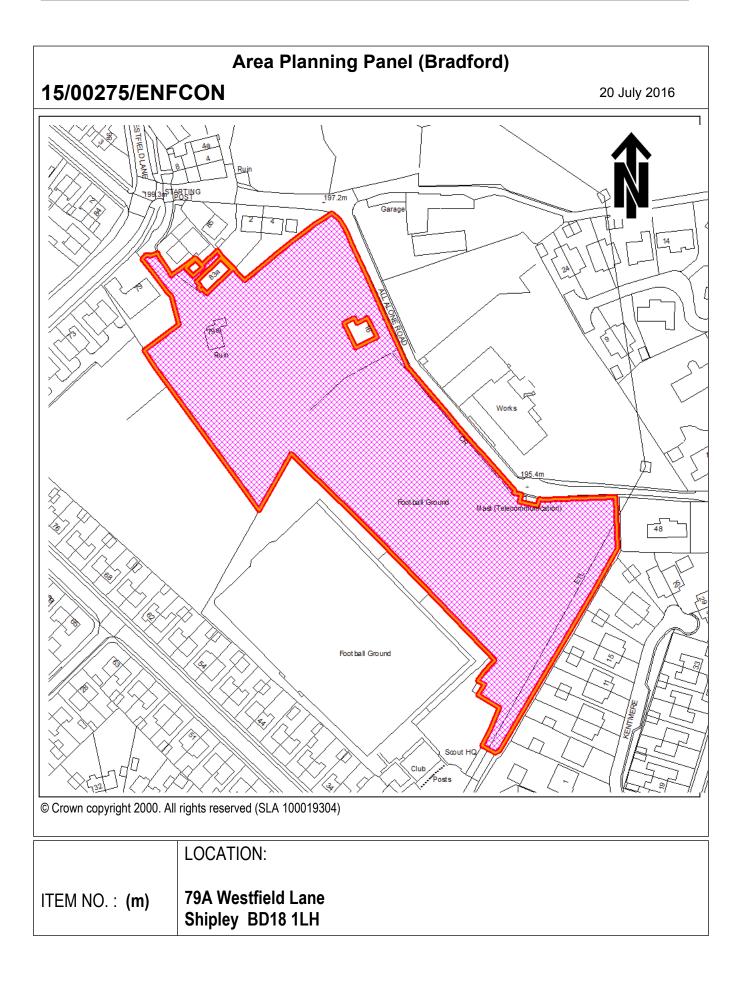
Unauthorised single storey front extension.

#### **Circumstances:**

In April 2015 it was noted that a single storey front extension had been constructed at the property, for which the Council had no record of planning permission having been granted.

Retrospective planning applications for the front extension, references 15/03425/HOU and 16/00406/HOU, were refused by the Council and an appeal dismissed by The Planning Inspectorate. The owner of the property has been requested to rectify the breach of planning control, however the unauthorised front extension remains in place.

On 17 May 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised single storey front extension is detrimental to visual amenity by virtue of its position and size, contrary to Policies D1, UR3 and UDP3 of the Council's adopted Replacement Unitary Development Plan and the Council's adopted Householder Supplementary Planning Document.



Item Number: (m) Ward: WINDHILL AND WROSE Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 15/00275/ENFCON

**Site Location:** 79A Westfield Lane, Shipley

#### **Breach of Planning Control:**

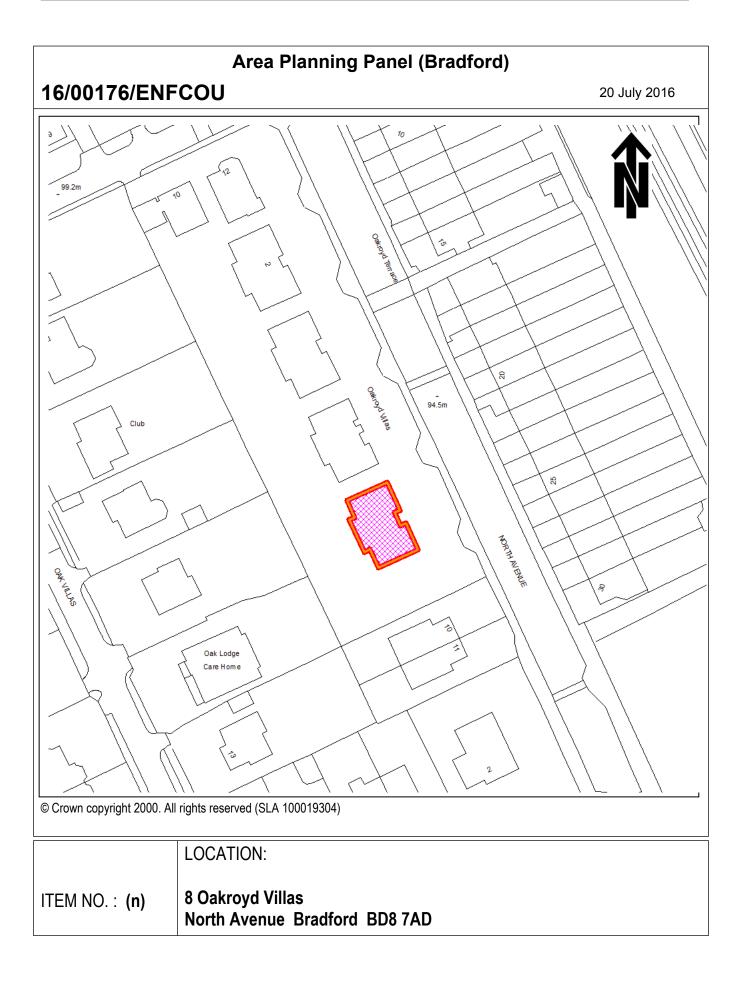
Breach of hours of construction/operations

#### **Circumstances:**

Operations have been taking place in the evenings, at weekends and Bank Holidays in breach of condition 13 which states:

Construction work pursuant to this planning permission, or the delivery of construction materials, or the removal of excavated materials shall only be carried out between the hours of 0.730 and 18.00 on Mondays to Fridays, 7.30 and 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed in writing by the Local Planning Authority.

A breach of condition notice was therefore authorised on 16<sup>th</sup> June 2016 by the Planning Manager (Enforcement and Trees)



Item Number: (n) Ward: MANNINGHAM Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 16/00176/ENFCOU

Site Location: 8 Oakroyd Villas, North Avenue, Bradford, BD8 7AD.

#### **Breach of Planning Control:**

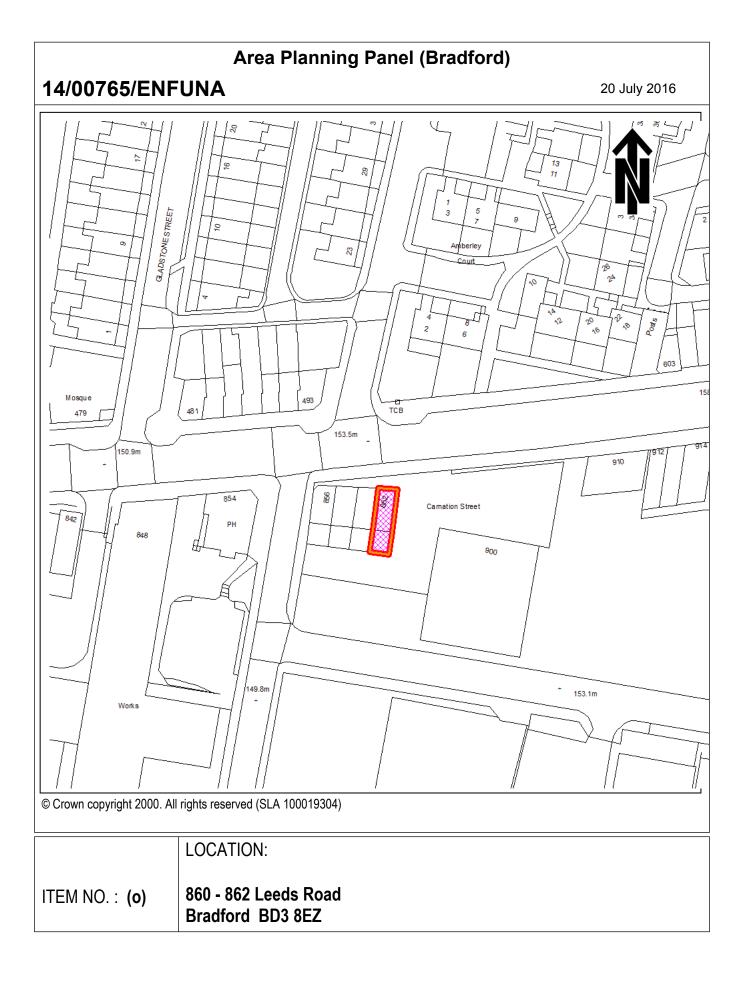
Unauthorised car wash use and outbuilding.

#### **Circumstances:**

In March 2016 the Local Planning Authority received enquiries regarding the operation of a car wash on land within the curtilage of the property, which stands within the St Pauls Conservation Area.

The owners of the property have been requested to cease the unauthorised car wash use and demolish an unauthorised concrete block structure which has been erected, however no action has been taken.

On 2 June 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised car wash use and outbuilding are detrimental to residential and visual amenity, contrary to Policies BH7, P7, D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.



Item Number: (o) Ward: BRADFORD MOOR Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 14/00765/ENFUNA

Site Location: 860-862 Leeds Road, Bradford, BD3 8EZ.

#### **Breach of Planning Control:**

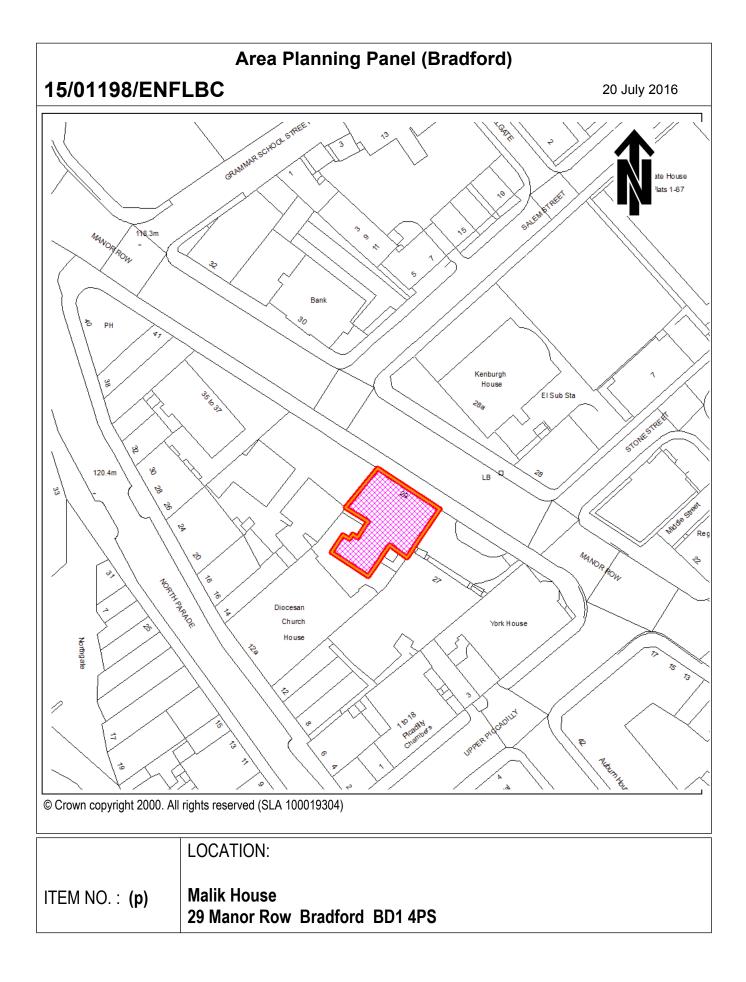
Unauthorised external cladding and extractor unit.

#### **Circumstances:**

In August 2014 it was noted that alterations had been made to the external appearance of the property, for which the Council had no record of planning permission having been granted.

The owner/occupier of the property was requested to take action to rectify the breach of planning control. A retrospective planning application, reference 15/00573/FUL, for the installation of external cladding and an extractor unit at the property was refused by the Council in April 2015. No appeal has been made against the Council's decision.

The unauthorised external cladding and extractor unit remain in place at the property and on 5 April 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action the unauthorised cladding and extractor unit are detrimental to visual amenity, contrary to Policies D1, D11, UR3 and UDP3 of the Council's adopted Replacement Unitary Development Plan.



Item Number: (p) Ward: CITY Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference: 15/01198/ENFLBC

Site Location: 29 Manor Row, Bradford, BD1 4PS.

#### **Breach of Planning Control:**

Display of advertisements without Listed Building Consent.

#### **Circumstances:**

In October 2015 it was noted that banner type advertisements were being displayed on the Listed Building, for which the Council had no record of consent having been granted.

The owner of the building has been requested to rectify the breach of planning control, however no action has been taken to date.

The unauthorised advertisements continue to be displayed and on 27 April 2016 the Planning Manager (Enforcement & Trees) authorised the issue of a Listed Building Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised advertisements are inappropriate to the Listed Building, contrary to Policy BH6 of the Council's adopted Replacement Unitary Development Plan.

# DECISIONS MADE BY THE SECRETARY OF STATE

# **Appeal Allowed**

ITEM No.	WARD	LOCATION
(q)	Bowling And Barkerend (ward 05)	130- 132 Paley Road Bradford West Yorkshire BD4 7EL
		Change of use of ground floor of No. 130 to merge with existing ground floor of No. 132 to form shop with front extension and dormer windows at second floor
		- Case No: 15/06161/FUL
		Appeal Ref: 16/00045/APPFL2

# **Appeals Dismissed**

ITEM No.	WARD	LOCATION
(r)	Toller (ward 24)	366 Girlington Road Bradford West Yorkshire BD8 9PA
		Change of use from shop (A1) to restaurant (A3) - Case No: 15/04216/FUL
		Appeal Ref: 16/00049/APPFL2
<b>X</b> = <b>7</b>	Bradford Moor (ward 06)	64 Gain Lane Bradford West Yorkshire BD3 7EA
		Construction of extension to form a self- contained annexe to be used as ancillary accommodation in conjunction with existing dwelling - Case No: 15/07882/HOU
		Appeal Ref: 16/00044/APPHOU

ITEM No.	WARD	LOCATION
(t)	Queensbury (ward 20)	Lawhill Farm Pit Lane Thornton Bradford West Yorkshire BD13 1NB
		Construction of detached dwelling within curtilage - Case No: 15/02755/FUL
		Appeal Ref: 16/00027/APPFL2
(u)	Little Horton (ward 18)	Site At Junction Of Manchester Road And Jacob Street Bradford West Yorkshire
		Replacement of existing 96-sheet advertisement unit with new internally illuminated LED 48-sheet advertising unit - Case No: 15/05872/ADV
		Appeal Ref: 16/00032/APPAD1

# **Appeals Upheld**

There are no Appeal Upheld Decisions to report this month

# Appeals Upheld (Enforcements Only)

There are no Appeal Upheld Decisions to report this month

## **Appeals Withdrawn**

There are no Appeal Withdrawn Decisions to report this month

## **Appeal Allowed in Part/Part Dismissed**

There are no Appeals Allowed in Part/Part Dismissed to report this month