

Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday 9 March 2016 at City Hall, Bradford

Commenced 1000
Concluded 1130

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Rickard	Amran	Reid
Whiteley	Ferriby	
	Lee	
	Wainwright	

Observer: Councillor Walls (Minute 37(d))

Councillor Lee in the Chair

34. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

35. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

36. PUBLIC QUESTIONS

There were no questions submitted by the public.



37. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

The Strategic Director, Regeneration presented **Document “O”** and **“P”**. Plans and photographs were displayed and/or tabled in respect of each application and representations summarised.

(a) **3 Yew Tree Grove, Bradford**

Toller

This is a full planning application for the construction of single story extension to side and rear with front and rear dormer windows to 3 Yew Tree Grove, Bradford - 15/06366/HOU

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the applicant was a relative of a Council officer and proposed the construction of single storey extensions and dormer windows. The occupier of the adjacent property had objected to the proposal due to the impact on the front window, however, the proposed extension cleared the 25 degree line and the dormers complied with Council policy. It was noted that the rear dormer could be constructed under permitted development rights. The application was then recommended for approval subject to the conditions as set out in the report.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration’s technical report.

ACTION: Strategic Director, Regeneration

(b) **Acre Mills, Acre Lane, Wibsey, Bradford**

Wibsey

An application seeking to vary condition 5 on planning approval referenced 96/00016/COU which limited deliveries to between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 14:00 Saturdays. The current proposal is to allow deliveries from 07:00 Monday to Friday with all the other hours remaining the same. The site is the base of Yaadgaar Sweets bakery at Acre Mill, Acre Lane, Wibsey, Bradford - 15/07556/VOC

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application proposed the variation to condition 5 on the approved permission and would permit deliveries from 0700 Monday to Friday. Members were informed that the applicant had originally requested that deliveries commenced from 0630. The business was located on Acre Lane, which was in a poor condition, and was a well established site. It was noted that a number of objections had been received from residents in relation to the application and complaints had been submitted to the Council’s Environmental Health Unit in respect of the breach of the original delivery hours. The Strategic Director, Regeneration sympathised that the business needed earlier deliveries and recommended the application for approval.

The Strategic Director, Regeneration responded to a Members’ question and confirmed that enforcement action could and was being taken against the breach of the original delivery hours. He stated that officers would monitor the hours of operation and would serve a notice if they were breached.

Resolved –

That the application to vary condition 5 on planning application 96/00016/COU be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration’s technical report.

ACTION: Strategic Director, Regeneration(c) **Avalon, Apperley Lane, Rawdon, Leeds****Idle & Thackley**

A full planning application for the demolition of the existing dwelling house and construction of replacement building to house six two-bedroom apartments at Avalon, Apperley Lane, Bradford - 15/06717/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application proposed the demolition of the existing large dormer bungalow and the construction of a building to house six apartments. The site was gated and contained protected trees that formed an important part of the amenity in the area. It was noted that two previous applications had been refused on the grounds of highway safety, therefore, improvements to the site access had been submitted and the required visibility splays would be created for a 30 mph road. The Strategic Director reported that the number of additional vehicle movements would not amount to more than 20 per day and the National Planning Policy Framework (NPPF) stated that an application could not be refused on grounds of highway safety if it was not severe and could be overcome. He confirmed that the latest proposal addressed the issues previously raised and the application could therefore be supported, subject to the access improvements. Members were informed that the trees with the highest amenity value would be retained and protected. There was a conservation area located to the north and a listed building faced onto the site, therefore, an assessment of the scheme’s impact had been undertaken. It was noted that the existing building had a limited value and did little to enhance the setting. The proposed development would be larger but would be constructed from quality materials and its effect on the listed building would not be sufficiently severe as to warrant a refusal. The application was then recommended for approval subject to the conditions as set out in the report.

In response to the Chair’s query, the Strategic Director, Regeneration confirmed that the driveway served another property to the rear and the walls would be relocated in order to achieve the required visibility splays.

Objectors were present at the meeting and raised the following concerns:

- The property matched a neighbouring house.
- Apperley Lane was a heavily trafficked road and the usage was increasing.
- Cars parked on the road, which was dangerous.
- The speed limit was 30 mph but this was not adhered to.
- Vehicles belonging to the property on the opposite side of the lane parked half on the pavement and road.
- The proposal could result in twelve vehicles requiring parking, but only six spaces would be provided.
- The improved entrance would not be beneficial.
- The report stated that between forty and fifty vehicle trips per day would be generated, however, twenty trips took place when there were only two properties.

- Accidents could potentially increase.
- Use of the access would be intensified.
- Visibility would not be improved.
- The report did not state where vehicles would have to be positioned at the access in order to have visibility.
- The site was on the edge of the Little London conservation area.
- The flats would affect the view from the listed building.
- The Council's Conservation officer had indicated that the proposed new build was weak.
- The Council's Planning and Conservation officers disagreed over the proposal.

In response to some of the comments made, the Strategic Director, Regeneration clarified that:

- The Council's parking policy standard required 1.5 spaces per dwelling.
- The increase in traffic generation would be modest and the road could cope.
- The access would be expanded by 4 foot and would be wider than a traditional estate access.
- The speed limit was 30 mph, however, speeds could be in excess of the limit.
- 90 metre visibility splays would be provided.
- The increase in visibility and width of the access would ensure that the entrance would be capable of supporting the proposal.

Members then raised concerns and were informed that:

- The installation of double yellow lines had not been raised as a concern in respect of the proposed dwelling.
- The wall at the entrance would be moved in order to provide visibility in excess of 90 metres.
- The wall the right of the access would be lowered below 900 mm and the wall to the left would be moved.
- The off-set between the existing and the proposed property would ensure that there was not any direct overlooking.
- The current property was 8.5 metres high and the new building would be slightly higher.
- A traffic survey had not been undertaken as it was not a major application.
- The proposal was not significantly larger than the existing building to create overdominance or close enough to overbear the property at the rear and it did not have a considerable effect on amenity.
- The height increase would be 1.5 metres and the volume of the property would increase, though the roof design would be similar.
- Before double yellow lines could be installed, the impact of the development on the highway had to be considered and if needed, a Traffic Regulation Order would be required. Further investigations then had to be undertaken prior to the proposal being submitted to the Area Committee for a decision.
- The proposed development would move closer to the listed building to the North by approximately 3 metres. It would occupy the existing footprint, however, the volume would increase.
- The proposal would appear to be closer to the listed building.
- There would be a perception that the development would be nearer and more dominant to the property at the rear.

- Parked vehicles could cause issues but visibility was still possible.

The applicant's agent was present at the meeting and commented that:

- All material considerations had been undertaken.
- It was a sustainable location.
- The Council did not have a 5 year housing supply.
- Previous applications had been refused in relation to highway safety and trees.
- All the issues had been considered.
- The access would be widened to allow two vehicles to pass.
- The additional traffic would not be substantial.
- He was aware of the objections and all the concerns had been addressed.
- Both Leeds and Bradford Council's Highways Departments were satisfied with the proposal.
- The protected trees would remain and would be guarded during the construction period.
- There was a perceived impact on the Little London conservation area and the listed building, however, the existing building did not have any merit.
- It would be unreasonable to refuse the application as it did not pose any significant impact on the listed building or conservation area.
- The materials would be sympathetic to the area.
- The proposed residential apartments would provide much needed housing.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration's technical report.

ACTION: Strategic Director, Regeneration

(d) **53 Shibden Head Lane, Queensbury, Bradford**

Queensbury

A full planning application for the construction of a detached dwelling and garage at land at 53 Shibden Head Lane, Queensbury, Bradford - 15/07331/FUL

The Strategic Director, Regeneration gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the application was for the construction of a single dwelling and garage in Green Belt land that was accessed via a narrow track, which caused issues for vehicles. It was noted that a number of planning applications had been submitted in the past and that the scheme proposed a substantial dwelling and garage that was inappropriate in the Green Belt. Members were informed that a number of concessions had been put forward, which were, that the access road would be improved; the existing planning permission on the site would not be carried out and no further developments would be undertaken. The Strategic Director, Regeneration explained that it had been considered that none of the concessions outweighed the impact on the Green Belt. He stated that the improvements to the access road could be undertaken without planning permission and it was not clear if the previous approval was still extant. The application was then recommended for refusal due to the inappropriateness and harm to the Green Belt.

In response to a Member's queries, the Strategic Director, Regeneration confirmed that the application granted in 2007 had been renewed in 2010 and amended in 2013, however, the permission would have now expired and no documentation had been found to state that it was still live. He stated that if it was still extant, a legal agreement would be required, however, this would not be sufficient to prevent harm to the Green Belt. It was noted that the proposal was of a similar size and massing to that approved in 2013.

A Ward Councillor was present at the meeting and stated that:

- It was the site of a former brewery.
- The classification of the land had been altered and the owners had not been consulted.
- The impact had been assessed by people that lived in the area and they supported the application.
- Heavy Goods Vehicles owned by Yorkshire Water used the lane.
- The lane had already been improved.
- The access would be enhanced to make it less dangerous.
- Local people were in favour of the application.
- The applicant was sacrificing the construction of two other properties.
- The Council was to build on 30 acres of green land in Queensbury, therefore, this application was inconsequential.
- If special circumstances were submitted they were never classed as adequate.
- The proposal was for a modest dwelling that would sit well in the area.

In response to some of the comments made, the Strategic Director, Regeneration clarified that the access road was unadopted and the site had changed to Green Belt in the 1980s. He stated that it was a protected area and the proposal was not an acceptable development.

The applicant's agent was present at the meeting and made the following points:

- The site was located in the Green Belt, however, the land had not been allocated before and it had previously been brownfield.
- The proposed dwelling would be sited on the site of a former brewery.
- Consultation regarding the allocation of the site had not been undertaken.
- Special circumstances existed.
- Brewery Lane was unadopted and narrow and was used by Heavy Goods Vehicles (HGVs) and pedestrians.
- The access was difficult and Yorkshire Water vehicles had to reverse down the lane.
- The applicant owned 190 metres of the road and had proposed that 170 metres would be widened and a layby installed.
- Yorkshire Water and a nearby farmer were in support of the scheme.
- The lane had been built to service the sewage works, however, they were no longer used.
- The Council's Highways Department had acknowledged the benefits to highway safety.
- There was an extant planning permission for a property 123 metres square and the proposal was 121 metres square.
- A condition regarding the widening of the road and in relation to the boundary wall could be placed on the application.

- A Section 106 Agreement could be offered to cover issues raised.
- The application sought the replacement of one house for another.
- No objections had been received.
- A petition in support of the proposal had been submitted.
- Unique circumstances were involved.
- There would be a 10 metre change to the location of the proposed house.
- The scheme would not become a precedent.

In response to Members' queries, the Strategic Director, Regeneration clarified that there was no public access to the site and it had become Green Belt in 1992.

During the discussion a Member acknowledged that the site was within the Green Belt but indicated that he had sympathy with the application, as it provided housing, improved the access road and enhanced the community. In response the Interim City Solicitor stated that unless there were very special circumstances an application in the Green Belt was not appropriate. He accepted that some improvements would be made to the lane but noted that there may or may not be extant planning permission on the site, therefore, it was not clear as to whether a unilateral undertaking could be carried out. The Panel would have to decide as to whether they believed that the widening of the road and the non-undertaking of the extant planning permission would constitute very special circumstances.

Discussions ensued and Members noted that the footprint would be smaller than the previously approved scheme. Improvements would be made to the access road and a Section 106 Agreement would be beneficial. The Strategic Director, Regeneration informed the Panel that clarification would be required in relation to ownership and highways issues. The applicant's agent confirmed that it had been disclosed that all the land was within the applicant's ownership and any improvements would be made under a Section 106 Agreement.

Resolved –

That the application be referred to the Regulatory and Appeals Committee for determination as the site is located within the Green Belt and the Panel recommends that it be approved for the following reason:

Following careful consideration of the application, the Panel deemed that the potential harm to the Green Belt by reason of inappropriateness was outweighed by other considerations, namely the significant improvements to the highway and access and the non-implementation of extant planning permissions on the adjacent site and therefore complied with policy GB1 of the Replacement Unitary Development Plan and paragraph 89 of the National Planning Policy Framework.

And that the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism as may be agreed in consultation with the Interim City Solicitor, in respect of the aforementioned considerations and the legal planning obligation to contain such other ancillary provisions as the Strategic Director, Regeneration (after consultation with the City Solicitor) considers appropriate.

And that the application be subject to the following conditions:

- (i) The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.**

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

- (ii) Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.**

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

- (iii) Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 0828-411 and completed to a constructional specification approved in writing by the Local Planning Authority.**

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

- (iv) Notwithstanding any details shown on the approved plans, the development shall not begin until details of a scheme for separate foul and surface water drainage, including existing water courses, culverts, land drains and any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme so approved shall thereafter be implemented in full before the first occupation of the development.**

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

- (v) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent equivalent legislation) no further development shall be approved without prior written permission of the Local Planning Authority.**

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

- (vi) **The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.**

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

ACTION: Strategic Director, Regeneration

(f) Requests for Enforcement/Prosecution Action

- (i) **1-5 Greaves Street, Bradford** **Little Horton**

Unauthorised roller shutters - 14/01147/ENFUNA

On 14 January 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

- (ii) **1 Alvanley Court, Bradford** **Clayton & Fairweather Green**

Construction of a wall exceeding 1 metre in height adjacent the highway - 15/00630/ENFUNA

The Planning Manager (Enforcement and Trees) under delegated powers authorised enforcement action on 29 January 2016.

- (iii) **10 Speeton Grove, Bradford** **Royds**

Construction of front and rear dormer windows - 15/00238/ENFCON
The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 17 February 2016.

- (iv) **117 Harlow Road, Bradford** **Great Horton**

Construction of front and rear dormer windows - 15/00842/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 9 February 2016.

- (v) **117 Harlow Road, Bradford** **Great Horton**

Construction of rear extension, access steps and north boundary wall - 16/00078/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 9 February 2016.

(vi) **Land to Rear of 15 Birch Grove, Bradford** **Wibsey**

Two storey building - 14/00223/ENFUNA

The Planning Manager (Enforcement and Trees) under delegated powers authorised enforcement action on 19 November 2015.

(vii) **180 Toller Lane, Bradford** **Toller**

Construction of front extension - 14/00671/ENFUNA

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

(viii) **189 Undercliffe Street, Bradford** **Bowling & Barkerend**

Unauthorised two-storey rear extension and garage - 15/00616/ENFUNA

On 16 February 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(ix) **2 Carlisle Road, Bradford** **Manningham**

Unauthorised roller shutters - 15/01093/ENFUNA

On 19 January 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(x) **25 Raymond Drive, Bradford** **Wibsey**

Raised patio to the rear of the premises - 13/00293/ENFUNA

The Planning Manager (Enforcement and Trees) under delegated powers authorised enforcement action on 27 January 2016.

(xi) **29 Willow Street, Bradford** **Toller**

Construction of timber boundary fencing and gate - 14/00510/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 18 February 2016.

(xii) **31 Denbrook Crescent, Bradford** **Tong**

Construction of dwelling - 15/00319/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 27 January 2016.

(xiii) **387 Little Horton Lane, Bradford**

Little Horton

Breach of conditions 3 & 4 of planning permission 15/03358/FUL - 15/01239/ENFCON

On 20 January 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice (Breach of Condition).

(xiv) **58 Lynfield Drive, Bradford**

Heaton

Construction of two storey and single storey extension - 15/00190/ENFAPP

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

(xv) **61 Hollingwood Lane, Bradford**

Great Horton

Construction of dormer window - 15/00175/ENFAPP

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 9 February 2016.

(xvi) **9 Rydal Avenue, Bradford**

Heaton

Construction of dormer window to side elevation of the rear extension - 14/01131/ENFUNA

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

(xvii) **Croft Top, 8 Town Lane, Bradford**

Idle & Thackley

Unauthorised fence - 14/00975/ENFUNA

On 11 February 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(xviii) **Land adjacent to 90 Sunbridge Road, Bradford**

City

Unauthorised structures - 12/00478/ENFUNA

On 11 February 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(xix) **Land lying to the East of Wakefield Road
(Junction of Fenby Avenue), Bradford**

Bowling & Barkerend

Unauthorised development. Construction of three dwellings, boundary treatments, associated ground works and hard surfacing - 16/00032/ENFAPP

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

(xx) **Land lying to the East of Wakefield Road
(Junction of Fenby Avenue), Bradford**

Bowling & Barkerend

Construction of timber boundary fence to the boundary of Billingsley Terrace and A650 Wakefield Road - 16/00043/ENFUNA

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

(xxi) **Land at Sikh Temple, Gobind Marg, Bradford**

Bowling & Barkerend

Construction of rendered building with two metal containers and heat exchange units - 15/00351/ENFUNA

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

(xxii) **Superstore, 700 Great Horton Road, Bradford**

Great Horton

Non-compliance with planning condition - 15/00138/ENFCON

The Planning Manager (Enforcement and Trees) under delegated powers authorised enforcement action on 16 February 2016.

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration

(g) **Decisions made by the Secretary of State**

The Panel noted the following appeal decisions taken by the Secretary of State:

APPEAL ALLOWED

(i) **6 Crestville Close, Bradford**

Clayton & Fairweather Green

Construction of single storey rear extension of the following dimensions:-

Depth of extension from original rear wall: 6M

Maximum height of extension: 3.7M

Height to eaves of extension: 2.7M

Case No: 15/03136/PNH

Appeal Ref: 15/00130/APPNH1

APPEALS DISMISSED

(ii) **2 Northern Close, Bradford**

Royds

Appeal against Enforcement Notice - Case No: 13/00590/ENFCON

Appeal Ref: 15/00113/APPENF

(iii) **232 Whetley Lane, Bradford**

Manningham

Appeal against Enforcement Notice - Case No: 14/00591/ENFUNA

Appeal Ref: 15/00105/APPENF

(iv) **72 Ashbourne Way, Bradford**

Bolton & Undercliffe

Construction of single storey rear extension of the following dimensions:-

Depth of extension from original rear wall: 6.0m

Maximum height to extension: 2.7m

Height to eaves of extension: 2.66m

Case No: 15/03646/PNH

Appeal Ref: 15/00140/APPHOU

(v) **78 Oak Lane, Bradford**

Manningham

Appeal against Enforcement Notice - Case No: 13/00782/ENFUNA

Appeal Ref: 15/00108/APPENF

(vi) **Land at Wellfield Bar Farm, Brighouse and
Denholme Road, Queensbury**

Thornton & Allerton

Installation of a single wind turbine with a hub height of 23.80m and a tip height of 36.60m

- Case No: 14/04377/FUL

Appeal Ref: 15/00072/APPFL2

Resolved –

That the decisions be noted.

ACTION: Strategic Director, Regeneration

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Panel.

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