

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 4 October 2018 in City Hall, Bradford

Commenced 10.00 am
Concluded 12.00 pm

Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
M Pollard	Warburton Amran Wainwright Watson	Griffiths

Apologies: Councillor Russell Brown and Councillor Simon Cooke

Councillor Warburton in the Chair

47. DISCLOSURES OF INTEREST

In the interests of transparency, Councillors Wainwright and Warburton disclosed, in relation to the item concerning Unit 2, Prologis Park, Newhall Way, Bradford (Minute 51), that they had been Members of the Committee when the planning application for the existing building (14/05041/MAR) had been determined in 2015. They undertook to approach the current application with an open mind and to consider all the relevant material planning issues before making a decision.

In the interests of transparency, Councillor Griffiths disclosed, in relation to the item concerning Land to the South East of 55 Westfield Lane, Idle, Bradford (Minute 50), that the site was within his ward but he had not discussed the application with anyone nor expressed an opinion.

ACTION: City Solicitor

48. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

NO ACTION

49. MEMBERSHIP OF SUB-COMMITTEES

No resolution was passed on this item.

NO ACTION

50. LAND TO THE SOUTH EAST OF 55 WESTFIELD LANE, IDLE, BRADFORD

The Assistant Director, Planning, Transportation and Highways presented a report (**Document “Y”**) which related to a full planning application for the construction of 26 residential dwellings on land to the south east of 55 Westfield Lane, Idle, Bradford - 18/02325/MAF. A range of plans and photographs were displayed.

He reported on the substance and detail of three further representations received, in objection to the application, following the publication of his technical report; one from a resident of 16 Back Lane and two from the residents of 18 Back Lane in addition to the objections received from them during the consultation period. The representations also included a number of measures that the residents of No. 18 considered would improve the impact upon these two properties. The issues raised included; overbearing, overshadowing, loss of light, loss of privacy and concerns in relation to drainage, contamination levels, increased traffic, noise and disturbance, and the impact due to the difference in land levels, the density of the adjacent plots and the separation distances.

In response to the issues raised, he corrected an error in the report in respect of the fourth paragraph of the section relating to residential amenity which should refer to the relationship between Plot 24 and 18 Back Lane (rather than 10 Back Lane) and said that:

- The separation distance from the gable end of plot 24 to the rear elevation of 18 Back Lane was 12 metres. The occupiers of 18 Back Lane had claimed that this figure was incorrect as it should be measured to the end of the extension to the back of their property, which they said equated to 8 metres. A distance of 8 metres was still considered acceptable to a blank wall gable elevation.
- The applicant’s representative may wish to comment on the suggestion for a landscaped area along the boundary with these properties.

He also explained that the strip of undeveloped land adjoining the site (which had been included within the original allocated site and was in different ownership) had not been included in this application as it would not permit an increase in the number of dwellings and would have no beneficial impact on the scheme.

The following information was provided in response to Members’ questions:

- It was estimated that the likely volume of additional traffic would be 18 vehicle movements per hour in the morning peak on Westfield Lane in both directions, This equated to less than one additional vehicle every three minutes and was considered to be easily incorporated into the daily flow of traffic.

- No problems had been indicated in relation to the road junctions.
- There had been three slight car accidents recorded on Wrose Road and this was not a cause for concern.
- No plans to indicate any overshadowing had been submitted. (He indicated the path of the sun on the displayed plan). It was accepted that there may be some impact on these properties.

A Member queried the Highways Department's response to information contained in the RUDP (Replacement Unitary Development Plan) which stated that "development of the site cannot take place unless substantial improvements to Westfield Lane and its junction with Town Lane are undertaken". It was explained that the National Planning Policy Framework stated that the highway impact needed to be considered 'severe' for measures to be requested and he did not consider this to be the case. He also highlighted general highway improvements which had been implemented in the area and pointed out that standards had changed since the RUDP was written.

An objector was present at the meeting. Photos, which he had submitted prior to the meeting, were circulated. He raised the following concerns:

- He lived at 18 Back Lane and the footprint of his home on the drawings was incorrect as it gave separation distances from his home prior to its extension this meant that more of his living space was exposed to the proposed development.
- He lived a few metres away from Westfield Lane which was a busy road often used by drivers as a rat run from Wrose to Idle.
- He saw and heard the daily traffic on Westfield Lane.
- The bend on Westfield Lane was extremely dangerous for pedestrians and drivers.
- He considered the estimated increase in traffic on Westfield Lane to be grossly underestimated for the 26 additional homes.
- Four bedroom homes were very likely to have more than one vehicle and there were also the vehicles of visitors, deliveries and construction workers to take into account.
- An application for a development on the site had been rejected in 2003 as Westfield Lane had been considered inadequate for the proposal. The traffic on Westfield Lane was now much worse than in 2003.
- He had undertaken research and considered there should be a minimum separation distance of 12.5 metres from his home to the gable end of plot 24 if the land was level. The officer's report stated that the distance was 12 metres. The proposed houses would be at an elevated level in comparison to his home and it was considered that they should be treated as three storey dwellings when separation distances were calculated.
- The gable end roof should be amended to a hipped design.
- Plot 24 of the proposed development would obscure the view from his home, block sunlight and cause overlooking and should be removed or moved six to eight metres further away from his home to overcome this issue.
- The impact on highway safety, the separation distances and loss of sunlight had not been properly considered.

The Assistant Director stated that:

- The guidance in the Householder Supplementary Planning Document suggested a separation distance of nine metres from a main elevation to a gable end. He therefore considered that 12 metres was still an acceptable separation distance from the rear elevation of 18 Back Lane to the gable end of plot 24.
- The proposal put forward by an objector for a landscape buffer would result in the loss of some garden space for plots 24 to 26 but would alleviate some of their concerns. If Members wished, he could consult with the applicant on this matter.
- The additional traffic was estimated using an industry standard database for calculating traffic movements. It had estimated that there would be approximately 12 movements out of the site and six in in the peak a.m hour.. It was acknowledged that Westfield Lane was a busy route but the additional traffic was not a cause for concern and it was not considered that highway safety would be compromised as a result.

In response to a Member's question, he explained that the 2003 application, which the objector had referred to, was an outline application and reiterated that the standards differed from that time.

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

- The officer's report was comprehensive and had no objections had been raised by statutory bodies.
- His organisation always appointed their own Highway Consultant and worked closely with the local authority's officers.
- In 2003 the RUDP had required residential sites to achieve a density of 30 dwellings per hectare but this was only 25.
- The separation distances proposed were compliant with policy and guidelines.
- He was happy to consider a landscape buffer but would be hesitant to transfer land to the residents of 16 and 18 Back Lane. That area would be transferred to a Registered Social Landlord and they would have a maintenance regime in place.
- This was a good residential site and the proposed scheme was sustainable.

A Member commented that, whilst the separation distances were in excess of the policy requirement, he considered that they failed in meeting the requirements of Policy DS5 of the Core Strategy which stated that "development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents."

In response to a Member's question, the City Solicitor stated that whilst a condition could be included to ensure an agreement in relation to the maintenance of the proposed landscaping strip, it would be difficult to specify a particular height.

A Member commented that he did not consider fair weighting was being given to the RUDP in all instances by officers and he was unable to support the

application due to highway safety concerns on Westfield Lane.

Resolved -

- (1) That the Assistant Director - Planning, Transportation and Highways be instructed to consult the applicant in respect of the inclusion of a landscaped buffer strip along the joint boundary with 16 and 18 Back Lane and that the applicant be requested to submit appropriate details to the Local Planning Authority.
- (2) That the Committee is minded to approve the application and that authority be delegated to the Assistant Director - Planning, Transportation and Highways (in consultation with the Chair) to grant planning permission, for the reasons and subject to the conditions set out in his technical report, together with an additional condition to secure the implementation and future maintenance of the landscaped buffer strip as set out in (1) above.
- (3) 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 for securing the heads of terms as may be agreed in consultation with the City Solicitor, to secure the provision of five affordable housing units on site. The legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the City Solicitor) considers appropriate.

***ACTION: Assistant Director - Planning, Transportation and Highways
City Solicitor***

51. UNIT 2, PROLOGIS PARK, NEWHALL WAY, BRADFORD

The Assistant Director - Planning, Transportation and Highways submitted a report (**Document “Z”**) relating to the construction of a warehouse extension at Unit 2, ProLogis Park, Newhall Way, Bradford- 18/02325/MAF

Resolved -

That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways’ technical report.

ACTION: Assistant Director - Planning, Transportation and Highways

**52. PUBLIC SPACE PROTECTION ORDER FOR BRADFORD DISTRICT
RELATING TO ANTISOCIAL BEHAVIOUR ARISING FROM MISUSE OF
VEHICLES**

The Strategic Director, Place presented a report (**Document “AA”**) which

outlined proposals, and sought approval to begin the required public consultation exercise in relation to proposals to implement a Public Space Protection Order for the Bradford District relating to antisocial behaviour arising from the misuse of vehicles.

The report explained that, in March 2014, the Government had enacted new powers, contained in the Anti-Social Behaviour, Crime and Policing Act, relevant to tackling anti-social behaviour. Amongst other things, these powers allowed local authorities to implement Public Space Protection Orders (PSPOs) which could prohibit certain types of anti-social behaviour within an established area and make breaches subject to fixed penalties and prosecution before the Magistrates Court.

In response to Members' questions, the Strategic Director and City Solicitor stated that:

- Costs associated with the PSPO would be in relation to the consultation, officer time, legal costs and signage.
- The PSPO was a proposal at this stage and, following the consultation process, a report on the findings would be submitted to the Committee which would also outline options in relation to the implementation and extent of the PSPO for Members to make a final decision.
- Following the implementation of the Bradford City Centre PSPO, officers had some experience of the process.
- The PSPO was not proposed to tackle issues for which there were already enforcement powers in place, such as illegally parked vehicles.
- The proposed PSPO was to tackle antisocial behaviour arising from the misuse of vehicles only.
- The way in which enforcement would take place depended on feedback from the consultation process and could not be specified at this early stage.
- The PSPO would allow the process for seizing vehicles or proceeding to prosecution to be speeded up.
- There would be a joint approach by the Council and the police to resourcing and enforcement.

Members made the following comments:

- Pavement parking was banned by legislation in London which would also be a good way forward for the Bradford district.
- Reassurances were required that the benefits of imposing the PSPO would outweigh its cost and make a significant difference to peoples lives.

A Member spoke of the recent success of the Police's 'Operation Steerside' to crackdown on dangerous driving in Bradford and questioned whether the PSPO would be effective enough or be a good use of resources as there were already legal steps the Police could take to prosecute some antisocial behaviour arising from the misuse of vehicles.

In response, the City Solicitor and the Strategic Director stated that:

- As an example, a vehicle travelling at the appropriate speed but causing a noise nuisance would not be considered illegal and therefore would not be a

priority for the Police. However the PSPO would make it possible to address nuisance, as well as obstructions, caused by the misuse of vehicles which could be detrimental to the quality of life of people in the locality.

- The PSPO would allow flexibility for the Council in addressing, and being seen to address, this type of anti-social behaviour, in partnership with the Police, to try and achieve a step change in behaviour.

A number of Members expressed their support for carrying out the consultation process and looked forward to reviewing the feedback from it. The PSPO would give the Council additional powers to address this problem and would also act as a deterrent.

The Chair stated that the Portfolio Holder for Neighbourhoods and Community Safety had been unable to attend the meeting but had submitted a statement which was read out in which he expressed support for the implementation of a PSPO to address anti-social use of a vehicle which wouldn't otherwise fall under specific motoring laws.

The Chair welcomed the proposal and emphasised the need to work in partnership with the Police, other partners and the public to tackle the issue. He considered the PSPO could have a major impact on the district in conjunction with the work already taking place and that Bradford could become a flagship area on this issue. He expressed the hope that the PSPO would go some way to alleviate the nuisance caused to residents affected by the misuse of vehicles across the district.

A Member stated that, on balance, he considered it appropriate to undertake a public consultation on this matter but expressed reservations about its efficacy and the potential for successful prosecutions before the Magistrates Court.

A number of Members welcomed the proposal. Public feedback indicated that local people wished action to be taken on this issue.

Resolved –

- (1) **That the Strategic Director, Place be authorised to undertake the required (minimum 6 week) consultation exercise to implement a Public Space Protection Order for Bradford District relating to antisocial behaviour arising from the misuse of vehicles.**
- (2) **That further to the completion of the necessary consultation process, the proposed Order be submitted to this Committee for approval.**

ACTION: Strategic Director, Place

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.

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