

Minutes of a meeting of the Area Planning Panel (Bradford) held on Wednesday, 6 February 2019 in Committee Room 1 - City Hall, Bradford

Commenced 10.00 am
Concluded 12.50 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Wainwright Amran Watson Azam	Barker Whitaker	R Ahmed

Observers: Councillor Nussrat Mohammed (Minute 27(d)) and Councillor Mohammad Shabbir (Minute 27(d))

Apologies: Councillor S Hussain

Councillor Wainwright in the Chair

24. DISCLOSURES OF INTEREST

The following disclosures of interest were received in the interest of clarity:

Councillor Amran disclosed that in relation to Land to rear of 19 and 21 Ashfield Avenue, Bradford (Minute 27(d)) the application was within his Ward, however, he had not discussed any of the matters now before the Panel for determination with any interested parties.

Councillors Amran, Azam and Ahmed disclosed that they knew a number of people associated with some of the applications but they had not discussed any of the matters now before the Panel for determination with any interested parties.

Councillor Wainwright disclosed that he had been present at the meeting when a previous application in relation to Former site of the Junction Hotel, Leeds Road, Bradford (Minute 27(c)) had been considered, however, he undertook to approach the issue with an open mind and to consider all the relevant issues before making a decision.

ACTION: *City Solicitor*

25. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

26. PUBLIC QUESTION TIME

There were no questions submitted by the public.

27. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

The Strategic Director, Place presented **Document “I”**. Plans and photographs were displayed in respect of each application and representations summarised.

(a) 46 Dawnay Road, Bradford

Little Horton

A householder application for the conversion of the roof from a hipped roof to a gable with the addition of dormer windows to the front and rear of No 46 Dawnay Road, Bradford - 18/05034/HOU

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He reported that the proposal could be carried out under permitted development rights and there were other dormers on the area, however, it had been presented for consideration as the applicant was an officer of the Council.

Resolved –

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

Action: Strategic Director, Place

(b) 62 Glenrose Drive, Bradford

Great Horton

A full planning application for the construction of a single detached dwelling within the vacant garden area to the rear and demolition of the existing detached garage and the addition of a front porch at 62 Glenrose Drive, Bradford - 18/04096/FUL

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application proposed the construction of a dwelling within the northwest corner of the rear garden area of the host property. The existing garage would be demolished, the driveway extended and two parking spaces for the current house would be provided at the front. The materials to be used would be similar and the proposal would not impact on the character of the area, result in a loss of outlook and create over dominance or over shadowing. A number of representations in objection had been submitted and the issues were covered in the officer’s report. The Strategic Director, Place confirmed that the vast majority of the site was within Flood Zone 1, however, a small section was in Flood Zone 2. He reported that a flood risk assessment had been completed and a number of mitigation measures and

conditions had been proposed. The application was then recommended for approval, subject to the conditions as set out in the report.

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

- The proposal would be harmful to the character and appearance of the area.
- The development would be against Council Policy and the Replacement Unitary Development Plan.
- The property would infringe on privacy and block views.
- The site was part of a green field and used as a play area.
- The proposal could cause potential flooding of neighbouring gardens.
- Neighbouring properties would be at risk.
- There was a large stream that joined Bradford Beck at the rear.
- The development would set a precedent.
- The applicant did not live at number 62 and was not being respectful towards neighbours.
- Residents were against the development.
- The construction would cause noise and disturbance.
- The application should be rejected.

In response to some of the comments made, the Strategic Director, Place confirmed that the distance between the main wall and the boundary would be 15 metres and the property would sit directly north, so it would not overshadow other houses. Members were informed that the existing driveway would be enlarged and continue through to serve the proposed dwelling.

The Strategic Director, Place clarified that the land was not allocated for any purpose and the orientation of the property would ensure that the main windows faced away from other houses. In relation to flooding issues, it was confirmed that no concerns had been raised and a condition had been placed on the application in respect of the matter, however, it could be amended to require the submission of a suitable drainage scheme.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place’s technical report and subject to the amendment of condition 7 as follows:

- 7. Before any drainage works take place details of a scheme for foul and surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be fully implemented prior to the use being established on site.**

Reason: To ensure proper drainage of the site and to accord with Policies EN7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Action: Strategic Director, Place

**(c) Former Site of the Junction Hotel, Leeds Road, Bradford Moor
Bradford**

An outline application for the construction of two retail units with six apartments above at the site of the former Junction Hotel, Leeds Road, Bradford. The application seeks consideration of the access, appearance, layout and scale of the development but reserves the landscaping of the site for later approval - 18/01150/OUT

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the outline application proposed the construction of two retail units and six apartments on the site of the former Junction Hotel. In 2017 a similar application had been refused on highways and design grounds, however, the scale of the proposed building had now been reduced and had a hipped roof design. The flats would be accessed at either side of the building. The Strategic Director, Place stated that the application now overcame the previous reasons for refusal and recommended it for approval, subject to the conditions as set out in the report.

In response to queries, Members were informed that:

- Parking had not been provided on the previous applications, as the access had been inadequate, however, an improved entry point had now been proposed along with ten commercial and six residential parking spaces.
- No boundary treatments had been proposed as yet.
- The proposed parking provision satisfied Council requirements.
- The plans detailed three doors that accessed two commercial units.
- The plans detailed a fence and if there was a right of way across the land this would be a private civil matter. The access had previously been located close to the junction on Gain Lane, but it had now been moved further away. Any extensions to the building would require planning permission. The proposal was currently considered as acceptable.
- The rear service road could be accessed further down Leeds Road.
- The existing access was closer to the junction than that proposed.
- Windows would be in the rear of the building and the distance between properties would be sufficient. There would not be any windows in the side of the proposed building.
- A flat roofed building had been proposed originally.
- A building of the proposed scale could be accommodated on the site.
- The units would be Class A1 retail.
- Leeds Road was busy, but there was sufficient space for vehicles at the rear.

Objectors were present at the meeting and stated that:

- It was not acceptable to block the access to the back street.
- Originally there had been three access points to the back street.
- The access was a right of way for residents and emergency services and if the street was blocked so was the access.

- Basements in the residential properties had flooded.
- The application approved in 2014 had proposed two retail units.
- It was believed that the developer would sell the site on for a profit.
- There were three doors to the retail units and it was believed that the large one would be split into two.
- The pub had been demolished without permission.
- Gain Lane was a very busy road.
- Morrisons' headquarters had generated a huge amount of traffic in the area and it was difficult to access the road.
- The proposal would be an overuse of the site.
- The application should be refused.
- An agreement had been made with the brewery and residents were allowed to park in the ten spaces.

The Strategic Director, Place replied to further questions and confirmed that the flats would be a mixture of one and two bedroom properties. In relation to resident parking, he noted that there were laybys on the main road and parking to the front of the terraced properties. Members were informed that if the application was granted it contained conditions in relation to parking and any covenants or agreements on the land would be a civil matter that could be pursued privately. The granting of planning permission would not remove any rights of way and the access would not be an issue on Leeds Road. The Strategic Director, Place explained that the floor plan showed two units and there were permitted development rights that covered retail properties. The principle of retail development in the area had been accepted and a condition could be placed on the application to stop the division of the units. The access through the car park was a private matter and the lane to the rear of the terraced properties was unadopted. The residents would have to provide proof if they believed that there was a public right of way.

Members then raised additional questions and the Strategic Director, Place clarified that:

- Usually 1.5 parking spaces per dwelling were requested, however, when flats were located in good public transport areas parking did not have to be provided, therefore, one space per dwelling would be adequate.
- The site was not in a local centre.
- There was recessed parking to the front of the terraced properties and provision to the rear.
- It was not known how service vehicles accessed the back street, but they would be able to enter and exit the retail area.
- The application approved in 2014 had lapsed and it had not included any residential accommodation.

During the discussion a number of Members raised concerns in relation to the access being located near to a busy road junction, insufficient parking provision, the design and the proposal for residential flats above retail units. The Strategic Director, Place explained that the access would be improved and there had not been any accidents recorded in the vicinity. He reiterated that the guidelines stated that overall 1.5 parking spaces on average should be provided per dwelling, however, if apartments were located in a sustainable location, parking

spaces were not always necessary. The application proposed six spaces and this would be acceptable.

The Chair proposed that a condition to ensure the retail units were not subdivided was placed on the application and suggested that the developer be asked to consult with residents in relation to ownership issues and the use of the retail parking spaces when the units were not in use. The City Solicitor confirmed that the granting of planning permission would not override any legal rights that existed.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place's technical report and subject to the following additional condition:

- (i) **Notwithstanding the provisions of Section 55(2)(a) of the Town & Country Planning Act 1990 (or subsequent equivalent legislation) there shall be no internal subdivision of the larger retail unit hereby permitted without the express written permission of the Local Planning Authority.**

Reason: To ensure the Council retains sufficient control over future changes to this building which may be harmful to neighbour's amenities and to highway safety and to comply with Policies DS4, DS5 and TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

And that the following footnote be placed on the application:

The applicants are advised to check that the development hereby approved lies wholly within the land within their control as the granting of planning permission does not override the need to obtain the consent of any neighbouring land owners affected by the development. The developer is also advised by Members of the Area Planning Panel (Bradford) to consult with local residents in regards to allowing residents to use the approved car parking area outside of times the approved retail units are in use.

Action: Strategic Director, Place

- (d) **Land to Rear of 19 & 21 Ashfield Avenue, Bradford, Heaton**

An outline application for the construction of four residential dwellings on land to the rear of 19 and 21 Ashfield Avenue, Bradford. The application seeks approval for the access, layout and scale of the development and retains the appearance and landscaping for later approval - 18/02740/OUT

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He explained that the application was outline for the construction of four dwellings on a steep site that contained a tree which was protected. Access to the land would be between number 19 and 21 Ashfield

Avenue, with 21 being the most affected property, via a private drive with a bin store adjacent to a neighbour's drive. Members noted that there was sufficient distance between the existing and proposed houses, which would be located away from the protected tree. The Strategic Director, Place stated that since the publication of the report additional representations had been received from a Ward Councillor and local residents that raised issues in relation to air quality. He confirmed that a condition requiring the installation of electric vehicle charging points could be added to the application. In relation to emergency service vehicles, Members were informed that properties had to be within 45 metres of the vehicle to be within the hosing distance. The application was then recommended for approval, subject to the conditions as set out in the report.

In response to Members' queries, the Strategic Director, Place explained that:

- There was no requirement for separate footways as long as an appropriate width would be available. The access would not be public.
- The scheme complied with current guidelines for parking.
- The sight lines at the entrance were acceptable.
- The proposed footnote referred to the need for surveys to be undertaken if wildlife was found and protected species were covered within other legislation if they were found.
- A Tree Preservation Order (TPO) had been created for the whole site but had not been ratified and only one tree had been covered by a TPO. Concerns had been raised in relation to the effect on the tree, however, the location of the proposed dwellings had been moved. The tree would not be affected and would be adequately protected.
- If trees were worthy of protection, the TPO would have been approved and only one tree had been protected on the site.
- The site was not allocated for any particular use nor protected and suitable for residential development.
- The suitability of the proposed access was considered, not the ownership, however, it would be a private drive and owned by the four proposed properties
- The proposed access was acceptable and safe.

An objector was present at the meeting and made the following comments:

- The site was a local green space.
- The proposal would be an overdevelopment of a land locked site.
- The development contravened Council policies.
- The street scene would be affected.
- The visibility splays at the access would be obstructed.
- A 3 metre access would be too narrow for fire engines and a turning circle would not be provided.
- Noise pollution had increased and the Council had been ordered by the Department of Environment, Food and Rural Affairs to decrease pollution.
- The access road was adjacent to a bedroom in his property.
- A previous application had been refused in 2017.
- His garden would be affected.
- The car parking provision had been moved closer to his property.
- The space enhanced the area, had mature trees and wildlife habitats.

- All the trees had been protected by a TPO, but it had not been renewed and only one had remained as protected.
- The refusal in 2017 had been based on the TPO tree.
- The site had a steep incline and the proposed properties would be overbearing on the existing houses.
- The parking provision was insufficient, as only six spaces would be provided for four houses.
- The site was prone to standing water in heavy rainfall.
- The application should be refused.

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

- The site was not an allocated green space or protected.
- It was anticipated that the bin storage area would be only be used over night and the next day until collection.
- The Environmental Health Unit had considered the proposal to be acceptable.
- Air quality had been considered and a condition in relation to electric vehicle charging points could be added to the application if required.
- It was accepted that the development would introduce some additional noise, however, it was not believed that the increase would be significant to warrant refusal of the application and other powers existed that could address such issues.
- There was a need for housing in the District.
- Adequate distance would be retained between boundaries and windows of the existing and proposed properties.
- There would be some increase in overlooking, but it would not be significant.

In response to a Member's query regarding the TPO, the Strategic Director, Place reiterated that a TPO had been created for the whole site, however, it had lapsed and now only one tree was protected. He added that there was no requirement or policy in respect of the provision of sufficient green spaces.

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

- Residents had undertaken due diligence when purchasing their properties and had not expected a development on the land.
- The proposal had created anxiety for the residents.
- Noise would be an issue.
- Resident's opinions had not been taken into consideration.
- Vehicles would pass a resident's bedroom window.
- The access should be located at the other side of the site.
- The site was elevated and all the proposed houses would be able to see into the garden of number 21 Ashfield Avenue.
- Access and safety were issues.
- Stating that the development would be within the range for a fire hose was not adequate.
- It was not known why the TPO had not been ratified.
- Concerns had been raised in relation to the conservation of the protected

tree on the site.

Another Ward Councillor was present at the meeting and made the following points:

- Meetings had taken place with Ward Councillors and local residents.
- She had visited the site and had concerns.
- The proposed access and bin storage area were not suitable.
- The chimney breast of number 21 decreased the access width.
- The amended scheme would have a poor outlook for residents and new occupiers.
- The previous reasons for refusal had not been adequately addressed.
- The site was on a steep hill and there was a great deal of rubbish on the land.
- How would the drainage system work?
- Water flowed onto the garden of number 21 when it rained.
- Who owned the kerb in front of the proposed bin storage area?

In response to the latter queries, the Strategic Director, Place replied that the ownership of the kerb would be a private matter and the applicant would have to comply with a condition on the application.

Members posed further questions and were informed that:

- Storage for eight bins had been indicated, which was sufficient as it would be a collection area only.
- The bin area was within the boundary of the application and land ownership was not a planning matter.
- There was sufficient space to serve the access to the site.

The Strategic Director, Place explained that visibility splays were used for adopted roads and private drives were different as the guidelines were less. He reported that the width required for private access was 3.7 metres and could be reduced to 3.1 metres, however, 3.6 metres was available. Visibility splays had to be clear of obstruction at a particular height and fire engines had to be able to get to within 45 metres of a property. The area for the bins was a collection area and not storage, so it would not obstruct the highway. In conclusion the Strategic Director, Place stated that, on balance, the proposal met the requirements.

The applicant was present at the meeting and reported that:

- All the issues had been discussed with the planning officer.
- He had worked hard to resolve all the issues over the year.
- It was not a greenfield site and had previously been a plant nursery.
- He owned the site and number 21 Ashfield Avenue.
- He could not maintain the site.
- He had offered the site to the Council previously for housing.
- No statutory objections had been submitted.
- He owned all the land and the wall to number 19.
- It would be a private drive with low walls.
- It was an outline application.

- The application should be supported.

In response to queries from Members, the applicant confirmed that he had considered providing the access from Aireville Avenue, but it was a steep site and there would be less housing. With regard to the drainage, he stated that a new drain would be installed along the private drive if it was proved to be necessary. The Strategic Director, Place added that the Council's Drainage Department were satisfied with the proposal subject to the condition placed on the application.

During the discussion a number of Members raised concerns in relation to the loss of land used by the local community, flooding, drainage, noise nuisance, the protected tree, the bin area and the narrow access to the site. A Member requested that further investigations were carried out with regard to ground water emergence and was informed that a condition had been placed on the application that required the details of the drainage schemes to be submitted to the Council. Another indicated that he did not believe that all the concerns had been eliminated and was not satisfied with the proposal.

The City Solicitor addressed the Panel and explained that they had a duty to consider the application in accordance with the Development Plan. All the matters had been resolved and the development was acceptable to officers. He stated that significant reasons to refuse the application would be required, as costs could be awarded if the decision was appealed and it could not be justified.

Resolved –

That the application be refused for the following reason:

The proposed development occurs to the rear of other properties in a virtually landlocked situation, the new activities principally relate to vehicular movements and parking manoeuvres which will lead to an increase in noise and disturbance in a relatively tranquil environment which would be contrary to the aims of policy DS5 of the Local Plan for Bradford.

Action: Strategic Director, Place

28. MISCELLANEOUS ITEMS

The Strategic Director, Place presented **Document "J"** and the Panel noted the following:

REQUESTS FOR ENFORCEMENT/PROSECUTION ACTION

(a) Scrap Yard and Garage, Holroyd Hill, Bradford Wibsey

Breach of Planning Control: The unauthorised mixed use of land for the:

- The storage of motor vehicles, lorry backs and trailers, motor vehicle parts and tyres
- The dismantling of motor vehicles
- The repair of motor vehicles
- The storage of scrap metal
- The deposit of waste

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 3 January 2019

**(b) Former site of White Bear Inn , 1222 Leeds Road, Bradford Moor
Bradford**

Unauthorised hand car wash and valeting use and associated development works
- 15/00177/ENFCOU

On 27 December 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice in respect of the unauthorised use of the land.

(c) 507 Otley Road, Bradford Bolton & Undercliffe

Unauthorised externally mounted roller shutter - 17/00030/ENFUNA

On 2 January 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(d) 25 Buttermere Road, Bradford Bolton & Undercliffe

Unauthorised rear dormer window - 17/00528/ENFAPP

On 28 December 2018 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

(e) The 6 Acres, 119 Westgate Hill Street, Tong, Bradford Tong

Unauthorised use of land in connection with a wedding and event venue, public house and restaurant business - 17/01089/ENFCOU

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 10 December 2018.

(f) The 6 Acres, 119 Westgate Hill Street, Tong, Bradford Tong

Unauthorised operational development consisting of the formation of a raised development platform and two marquees - 17/00946/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 11 December 2018.

(g) Land East of 4 Bell Dean Road, Bradford Clayton & Fairweather Green

Untidy Land - 18/00305/ENFCOU

On 3 January 2019 the Planning Manager (Enforcement & Trees) authorised the issue of a Section 215 Notice.

(h) Land East of 12 Horsley Street, Bradford Wibsey

Unauthorised use of land for the storage of motor vehicles - 18/00326/ENFCOU

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 5 December 2018.

(i) 62 Brantwood Road, Bradford **Heaton**

Unauthorised Porches (canopy structure) to the front and rear of dwelling –
18/00433/ENFUNA

On 3 January 2019 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

DECISIONS MADE BY THE SECRETARY OF STATE

APPEALS ALLOWED

(j) 1 Reservoir Place, Glazier Road, Queensbury, Bradford **Queensbury**

Two storey side extension - Case No: 18/02548/HOU

Appeal Ref: 18/00100/APPHOU

(k) 1 Spindle Close, Bradford **Bowling & Barkerend**

Single storey side extension - Case No: 18/02572/HOU

Appeal Ref: 18/00107/APPHOU

(l) 59 Norman Lane, Bradford **Eccleshill**

Change of use of part of shop (A1) to coffee shop (A3) with new external window and fire exit - Case No: 18/01974/FUL

Appeal Ref: 18/00102/APPFL2

(m) 6 Rawson Place, Bradford **City**

Retention of existing shop front with amendments - Case No: 18/00392/LBC

Appeal Ref: 18/00114/APPLB2

APPEALS DISMISSED

(n) 257 Cemetery Road, Lidget Green, Bradford **Great Horton**

Re-submission of 18/00676/FUL Section 73a application for the construction of a detached dwelling (following previous approval of 12/02812/FUL for detached dwelling) including a new chimney, stone lintels to all front windows, replacement

dormer materials, replacement sash style windows to front, front window reveals, replacement front door, replacement gutters and fascia to front. - Case No: 18/01516/FUL

Appeal Ref: 18/00098/APPFL2

(o) 43 Buttermere Road, Bradford Bolton & Undercliffe

Appeal against Enforcement Notice - Case No: 17/00514/ENFAPP

Appeal Ref: 18/00121/APPENF

(p) 99 to 101 High Street, Wibsey, Bradford Wibsey

Installation of an illuminated 48-sheet advertising display on a gable wall - Case No: 18/02054/ADV

Appeal Ref: 18/00125/APPAD2

(q) Sikh Temple Gobind Marg, Bradford Bowling & Barkerend

Appeal against Enforcement Notice - Case No: 15/00351/ENFUNA

Appeal Ref: 18/00086/APPENF

Resolved –

That the decisions be noted.

Action: Strategic Director, Place

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Area Planning Panel (Bradford).

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