

Minutes of a meeting of the Area Planning Panel (Bradford) held on Thursday, 17 October 2019 in Committee Room 1 - City Hall, Bradford

Commenced	10.00 am
Concluded	1.00 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
S Hussain Wainwright Amran Watson	Sullivan Whitaker	R Ahmed

Observers: Councillors K Hussain (minutes 22c and d)

Councillor S Hussain in the Chair

18. DISCLOSURES OF INTEREST

The following disclosures of interest were received at the commencement of the meeting:

- (i) Councillor Amran disclosed an interest in the item relating to Toller Lane, Bradford (Minute 22e) as the property was owned by a family member. Accordingly, he left the room during the discussion and voting on the matter.
- (ii) In the interests of clarity, Councillor Ahmed disclosed an interest in the item relating to 31 Woodhall Road, Bradford (minute 22d) as he was acquainted with the applicant.

During the course of discussion on the item relating to 2 Markfield Avenue, Bradford (minute 22b), Councillor Watson disclosed in the interests of clarity that the application site was within her ward but that she had had no previous involvement with the application.

Action: City Solicitor

19. MINUTES

Resolved –

That the minutes of the meeting held on 10 September 2019 be signed as a correct record.

20. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

21. PUBLIC QUESTION TIME

There were no questions submitted by the public.

22. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

The Strategic Director, Place presented **Document “G”**. Plans and photographs were displayed in respect of each application and a summary was provided of the representations that had been received for each application.

(a) **11 Briarwood Drive, Bradford** Wibsey

Full planning application for the construction of a four bedroom dwelling attached to the existing house at 11 Briarwood Drive, Bradford, BD6 1RT – 19/03145/FUL

The Strategic Director highlighted the location in respect of this application, noting in particular the location of the windows to the next door property and the width of the street. The Panel was advised that the applicant had agreed to reinstate the correct line of the footpath which ran down the side of the proposed property boundary. The Strategic Director advised that there would be two parking spaces for each dwelling and that the style of the proposed property mimicked the style of the existing property. He did not consider the proposed property to be over-dominant and noted that it followed the contours of the area.

A member queried whether the requirement to reinstate the footpath would be the subject of a condition and was advised that it was included in proposed condition (8) but that it could be reinforced by being made the subject of a separate condition.

An objector was present at the meeting and raised the following issues:-

- He considered that the conditions of approval contained errors in respect of the approved plans referred to.
- The proposal still did not show separate drains.
- He considered that the updated plan did not show the proposed upper floor.
- As the next door neighbour, his view would be of a three storey blank wall.
- He was concerned that the footings for the new property would extend onto the footpath.
- The level of traffic in the street increased significantly in the evening and at weekends and would be exacerbated by the addition of another property

in the street.

- He considered that the size of the proposed property was much higher than his property and was larger than the property at 11 Briarwood Drive.
- He considered that the footpath would be very enclosed by the addition of the property.
- He was concerned at the effect of this application on any future plans to extend his property.

The Strategic Director undertook to ensure that the correct plans were referred to in any resolution made; he also noted that there was a proposed condition in respect of drainage and stated that the proposed property had the same upper floor layout as had always been proposed; that other residents in the street had converted their loft spaces and that the proposal for two parking spaces per dwelling was in excess of required provision for parking in a development of this type.

The applicant also attended the meeting and spoke in support of his application. He explained that he had previously planned to build a larger property on this site but, as a result of consultations with local councillors and residents, he had amended his plans to those now presented. He stressed his willingness to speak to any concerned neighbour and considered that the new property would mean the footway was less likely to attract anti-social behaviour. He advised that he had consulted with Yorkshire Water in respect of drainage and with highways officers in respect of parking. He understood his neighbour's concerns but considered that the proposed property was suitable for the site and would enhance the area.

The objector noted that he had delivered photographs of the site to the planning department on the previous day but was advised that they had not been received by the presenting officers.

The Principal Engineer, Highways was present at the meeting and confirmed that the proposed provision of two parking spaces per dwelling was within the Council's guidelines.

Resolved –

(1) That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Place's technical report

(2) That condition 2 be revised to read:

That the development hereby approved shall only be carried out in accordance with the approved plans listed below:

Proposed Elevations 959-015A received 29 August 2019

Proposed Site Plan 959-012B received 27 September 2019

Proposed Floor Plans 959-014 received 23 July 2019

Proposed Floor Plans 959-013A received 29 August 2019

Existing Site Plan 959-011A received 29 August 2019

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted

(3) That an additional condition be imposed relating to the boundary treatments to read:

Before occupation of the dwelling hereby permitted the boundary treatments denoted on drawing number 959-012B shall be erected in the positions shown and retained thereafter.

Reason: In the interests of visual amenity and to reinstate the historical line of the right of way in compliance with policies DS1 and DS3 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

(b)2 Markfield Avenue, Bradford

Wyke

Outline application for residential development of two dwellings in the garden of 2 Markfield Avenue, Wyke requesting consideration of access and scale. Appearance, layout and landscaping are reserved for future approval – 19/03402/OUT.

The Strategic Director reminded members that this application had previously been refused as a result of concerns about the proximity of a sewer to the development. He confirmed that, since then, confirmation had been received from Yorkshire Water that the sewer would not be damaged and presented plans showing the line of both the sewer and the watercourse.

He advised the Panel that an area of land adjacent the site had unclear ownership but confirmed that this did not affect the application site. He also stated that two parking spaces per dwelling were proposed.

A representation from a ward councillor had been received in objection to the application and was read out in full. The reasons for the objection were:-

- Concerns about access and egress as the area was close to a commercial development and was, therefore, very busy.
- A request that a full traffic survey be undertaken.
- Concerns about drainage and sewerage, including concerns about the culvert on the site.

In response, the Strategic Director stated that, as issues of access and egress would be very similar to the situation currently, there was no concern in respect of highway safety and a traffic survey was not necessary. He also reiterated that concerns about drainage and sewerage had now been resolved. He advised that there was little risk of flooding as the water course was on the opposite side of the site to the sewer and that the drainage officer had been consulted and had reported no concerns.

An objector was present at the meeting and concurred with the concerns expressed by the ward councillor. He also advised that planning permission had recently been given for parking restrictions and traffic calming measures which he did not consider had been sufficiently taken into account. He

considered that the proposed development was far too large for the site and that it was not conducive to traffic movement on the street, which was very busy as a result of local business use.

The applicant and his agent were also in attendance and the agent noted that this new application dealt in full with all the Panel's previous concerns. He thanked the planning officers for their assistance in dealing with all the professional information required for this application.

The Chair recalled that he had previously expressed concerns about water on the site and had requested the additional reassurances. Now that they were in place, he was content with the application.

Another member disagreed, stating that he still had concerns about drainage and that he considered the proposed development to be too large for the site.

Other colleagues noted that this application had been refused previously only on concerns around drainage and, as those had been resolved, there were now no grounds for refusal.

The Strategic Director stressed that extensive consultation had taken place with Yorkshire Water and that the latest comments received from that organisation showed that the application was now acceptable. He also advised caution in respect of adding further objections at this stage, as the application had now been considered several times.

A member queried whether the new parking and traffic calming would have a detrimental effect on traffic movement in the area. She was advised that two additional properties in this area would represent less than the expected daily variation in traffic flow and that, as off road parking would be provided in an ordinary residential street, the Principal Engineer, Highways had no concerns.

Resolved –

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

Action: Strategic Director, Place

(c)138 Listerhills Road, Bradford

City

Full application for the conversion of upper floors of an existing retail unit into an eight bed House of Multiple Occupation (HMO) at 138 Listerhills Road – 19/01444/FUL

The Strategic Director, Place reported that the retail unit was located among mainly industrial premises and that, although the proposal was for three off street parking spaces, the limitations of the site meant that only one car could practicably use the parking area. He also reported that on street parking was problematic as parking restrictions were in force and the area was very busy. His principal concern in respect of this application was that of highway safety

in a very busy area.

A member queried the number of parking spaces that would be required to satisfy those concerns and how it compared to nearby student accommodation. He was advised that four spaces would be required and that there was no similarity in planning terms between this application and student accommodation.

The applicants and their agent were in attendance and the agent spoke in support of the application, stressing that this was a highly sustainable development aimed at students and young professionals and reminding the Panel that, as the retail use for the building remained in force, the requirement for parking spaces was not a major consideration. The premises could reopen for retail use without any additional requirements which would immediately cause additional on-street parking in the locality, this meant that the effect of residential use was negligible.

She also advised that residential use of the unit would improve the area and provide passive surveillance.

The Principal Engineer, Highways advised that he considered the minimum requirement for parking for the proposed use would be four spaces and that the existing spaces would be taken up by the retail use. Although some flexibility could be used to reduce the number of spaces required, the location of the building on a very busy corner meant that he could not support the application.

Members questioned officers to ascertain that the principal concern in respect of this application was the lack of parking in a busy area and were advised that this was the case. They considered the proposed use very carefully, stating that it represented a good use of a building in need of regeneration but accepting that parking was a difficult issue. They also remarked that other local businesses had no off street parking and considered whether it was proportionate to refuse this application when it was in a very similar position.

On balance, members considered that the benefits of the proposed use in providing affordable housing to a burgeoning local population and regeneration of an unused building outweighed officer concerns about parking.

Resolved –

That the application be approved for the following reasons :

The site is in need of regeneration and there is a shortage of housing in the District. As this application will address both those issues, it is considered that its benefits outweigh its failure to meet the parking policies set out in page 24 of the Strategic Director's technical report.

Action: Strategic Director, Place

(d)31 Woodhall Road, Bradford

Bradford Moor

Retrospective application for a single storey side extension to 31 Woodhall Road, Bradford – 19/03585.

The Strategic Director advised that planning permission had been granted for a single storey extension to this property but that it had included the requirement for the extension to be off-set from the boundary. The extension was now in situ and did not incorporate the off-set element.

Members questioned the Strategic Director to ascertain whether the adjoining neighbour had objected to the current application and whether there had been two extensions to the rear of the subject property. They were advised that the neighbour had objected and that there had been a previous smaller extension which had been incorporated into the current extension.

The Strategic Director confirmed that his recommendation was to refuse the application on the basis of the issues of overshadowing and overbearing to the neighbouring property. He also confirmed that this would be the case even if no local resident had complained.

The applicant, his representative and a ward councillor all attended the meeting and spoke in support of the application, stressing that the difference between the permitted development and the current structure was so small that there was no impact on the neighbouring property. They requested that members make a site visit to examine the extension as the photographs presented did not show clearly the wall which would have to be moved to comply with the extant planning permission. They advised that there were no windows on that side of the extension so there was no question of overlooking and did not consider that significant harm was caused to the neighbour's amenity by the presence of the extension.

The objector was also present at the meeting and spoke in objection to the application, stressing that the extension had not been built in accordance with planning permission and asserting that it was being used as a separate dwelling from the main house. He stated that it had caused such issues of overshadowing that he had been required to take down trees to the rear of his property to restore light to the garden. He expressed concern at the lack of communication from the planning department and maintained that the extension was higher than had been permitted and that it was closer to his property than a party wall which had been removed.

He was advised that issues such as the party wall and a complaint in respect of guttering were civil matters. The Strategic Director apologised for correspondence not reaching the objector and undertook to look into the matter. He also advised that no account could be taken of the motivation for the application nor of concerns in respect of parking. The only consideration before members at this meeting was the retrospective application for the extension.

In response to further questions, the Strategic Director confirmed that the material issue to consider at this meeting was the difference between the

planning permission and the extension as constructed. He also confirmed that the height of the extension was no greater than that shown on the planning permission and that any concerns about the party wall that had been removed were a civil matter.

At this point the meeting was adjourned to undertake a site visit, following which members discussed the extension as it currently stood and the practical impact of refusing the application and requiring the wall of the extension nearest the neighbouring property to be moved by a very small distance. While appreciating the concerns of the objector and the reasons for the Strategic Director's recommendation to refuse, members considered that the effect of moving the wall would not be significant enough to refuse the application.

Resolved –

That the application be approved for the following reasons:

This development is considered acceptable on the basis of the negligible difference in its potential harm to neighbouring residential amenity compared to that already established under the extant permission (18/02697/HOU) granted for an extension on 14 August 2018. As such, the proposal will accord with policy DS5 of the Core Strategy Development Plan Document.

Action: Strategic Director, Place

(e) 72 Toller Lane, Bradford

Toller

Two storey side extension with office at ground floor and residential use on the first floor linked to the existing dwelling and dormer windows to the front and rear of 72 Toller Lane, Bradford – 19/03256/FUL.

Resolved –

That consideration of the application be deferred to a future meeting.

Action: Strategic Director, Place

23. MISCELLANEOUS ITEMS

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

Requests for Enforcement/Prosecution Action

(a) 2 Lawrence Drive, Bradford

Royds

Without planning permission, the construction of dormer windows on the rear roof plane without top opening windows and obscure glazing – 17/00932/ENFUNA.

The Planning Manager (Enforcement and Trees) authorised the issue of an enforcement notice on 30 July 2019.

(b) **20 Prospect Road, Bradford** Bowling and Barkerend

Unauthorised side dormer window – 19/00121/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issue of an enforcement notice on 12 September 2019.

(c) **24 Wellington Street, Queensbury, Bradford** Queensbury

Without planning permission, construction of detached garden building at the front of the property – 18/00621/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issue of an enforcement notice on 31 July 2019.

(d) **33 Brisbane Avenue, Bradford** Bolton and Undercliffe

Unauthorised front dormer window – 18/00170/ENFUNA

The Planning Manager (Enforcement and Trees) authorised the issue of an enforcement notice on 29 August 2019.

Decisions made by the Secretary of State – Allowed

(e) **12 Melbourne Place, Bradford** City

Appeal against enforcement notice – Appeal Ref 18/00110/APPENF

Decisions made by the Secretary of State – Dismissed

(f) **17-19 Richard Street, Bradford** Bowling and Barkerend

2 No 48 sheet freestanding digital advertising display units - Appeal Ref – 19/00076/APPAD2

(g) **School Cote Farm, Brow Lane, Holmfield** Queensbury

Change of use of agricultural building to three dwellings and associate building operations – Appeal Ref – 19/00077/APPPAR

(h) **The Lodge, Apperley Lane, Apperley Bridge** Idle and Thackley

Ground Floor Entrance Extension with First Floor Extension over Bungalow –
Appeal Ref – 19/00079/APPHOU

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