

Minutes of a meeting of the District Planning Panel held on Wednesday, 27 January 2021 in Remote

Commenced 10.00 am
Concluded 12.35 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP	Observers: Councillor Green Minute
Amran Godwin S Hussain Watson	Barker Riaz	R Ahmed	

e 11 (b), Councillor Shaheen Minute 11 (d) and Councillor Warburton Minute 11.

Councillor S Hussain in the Chair

7. DISCLOSURES OF INTEREST

- (a) In the interest of transparency Councillor Godwin disclosed an interest in Minute 11 (a) as the application was within his Ward, however, he had not disclosed any of the matters now before the Panel for determination with any interested parties.
- (b) In the interest of transparency Councillor Watson disclosed an interest in Minute 11 (c) as the application was within her Ward, however, she had not disclosed any of the matters now before the Panel for determination with any interested parties.

Action: City Solicitor

8. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

9. PUBLIC QUESTION TIME

There were no questions submitted by the public.

10. CHAIRS OPENING REMARKS

The Chair paid tribute to the valuable work of Councillor Ellis and Councillor Abid Hussain who had recently passed away and would be sadly missed by all. A minute silence was held in commemoration.

11. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

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

(a) 2 Exley Drive, Keighley

Keighley West

Construction of a two storey extension and a new two storey dwelling to the side of the existing house, with parking to the rear at 2 Exley Drive, Keighley, - 20/04286/FUL.

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He provided an appraisal of the application and informed Members that the application site was the side garden of 2 Exley Drive; this was a two-storey house faced in render with a hipped roof and located on the end of terrace of 5 houses. The terrace faced onto a short and narrow cul de sac. A similar row of 5 houses in the other side of the street. There was a turning head at the end of the cul de sac with pedestrian routes running off to the west and north. The garden was on a corner plot, being visible from Exley Drive and Exley Avenue but at present the garden was screened by tall hedging. A timber fence and gate enclosed the rear garden. The existing house had parking spaces at the rear accessed via a dropped kerb off Exley Avenue. Pedestrian access was from Exley Drive which led to the front entrance of the existing house. The land was unallocated on the Replacement Unitary Development Plan Proposals Map but it was situated in a densely populated residential setting.

The objector attended the meeting and made the following comments:

- Most families who lived in a 3 bedroom house would have more than one car. This meant that the second car on the first property would have to park on the road side on Exley Avenue which was already overcrowded with cars from the local surgery which was directly in front of the development. Due to the roll out of the Covid Jobs this would only get worse.
- The second new build home had its parking at the rear which possessed a problem in the way the drive was designed because it led out at a diagonal on to the busy footpath which ran down the back of the houses. This was not shown in the drawing and could only be seen by a site visit. With the fence staying the same height on the footpath and the cars reversing out it could easily end in someone getting knocked down on the path. A previous planning application was turned down due to parking being an issue.
- The new roof line on the new build home was not in keeping with all the houses on both sides of the street and would look out of place.
- The hedge down the side of the property would be taken out and replaced

by a low wall. This was a mature hedge had been there for at least 80 years. This would be a great loss to the local wildlife and also for water drainage. It would be replaced by a wall and leave the new house imposing on the area and would leave the two large window at the side extension over looking the doctors and other properties.

- Exley Drive was a very narrow road and was only a car width across. Exley Avenue was also narrow and with cars parked on one side of the road from the doctors and people living on the street - it made any delivery's difficult. The refuse vehicle came at 7am in the morning and have to reverse up the road so that they could empty the bins. This meant that any deliveries for building materials and equipment would have to be undertaken on Exley Avenue and would block both roads. This would cut access for about 60 residents in the local houses. Many of these resident being the elderly, families and young couples. Concerned about where the building materials would be stored.
- There was a secondary School, primary school, Doctors and 2 chemists within yards of this development and Exley Drive, Exley Avenue and the road down the side of the doctors were all used as a snicket to get to these places. It was already a dangerous experience crossing these roads, adding in extra Cars and delivery lorries, diggers etc. would be a concern.
- The electricity from 4 Exley Drive joins through to 2 Exley Drive and leads into the garden which on the plans would be dug down for the new build. This would mean all the major pipework's and utilities that run in the garden of 2 Exley Drive would have to be moved. This would be a major job and could leave us without electricity with young children for weeks.
- This project is going to be undertaken as a self build by the applicant. This could mean that the project could take years to build and would have a massive impact on the whole local area.
- There were lots of new build houses on the market.

In response to the comments made by the objector the Planning Officer reported that due to the size of the parking space at the front of the property it could accommodate 2 cars; the proposal met the required standard for car parking; the driveway access could be created without permission; the hedge was sufficient to allow views into Exley Drive; there were properties in the area that did have smooth render and did not require planning permission; there was no extra overlooking – the proposed dwelling was set at a lower level and met the required standard; this property was no different to others that were located close to a road; It was considered that the proposal would not cause significant detrimental impact on the residential amenities of either existing or future occupants and is in accordance with policies Policy DS5 of the Core Strategy and the NPPF.

In response to Members comments it was reported that there was sufficient space on the property for the storage of construction materials; no drainage issues had been raised from the Council's Drainage Team - the Council's Drainage Team stated that the development should be drained via a separate system within the site boundary and full details of foul and surface water were required to be approved in writing. The proposed scheme was considered acceptable in term of drainage subject to imposition of this standard condition.

The applicant attended the meeting made the following comments:

- Personally invested in this development; owned 2 Exley Drive for about 13 years and subject to the approval of Planning Permission would occupy the new dwelling upon completion. This in turn would release the extended existing dwelling for another occupancy. This was a self build project from concept to completion.
- The development would secure an additional residential dwelling to a high standard of design and construction in a highly accessible, sustainable location. The site was in close proximity to schools, medical services, shops and public transport.
- The proposal was consistent with national and local Planning objectives which sought to significantly boost the supply of homes in the country. The Bradford Core Strategy emphasised that housing delivery was one of the key issues facing the District.
- The development could easily be accommodated within the large garden area of the existing dwelling. This again was supported by Planning policy, which sought to make efficient use of the development of land.
- The development had been carefully designed so that it's scale, form and appearance complemented the existing house and neighbouring dwellings. The external materials of the new and extended dwelling would match the existing house. The existing hipped roof form would be maintained and the new dwelling followed the natural topography of the land and was stepped down, providing a subservient appearance to the existing house.
- Prior to submission, 3 industry professionals of differing backgrounds critically assessed the design proposal. 2 Ward Councillors were invited to consider the proposals subsequent to that. Keighley Town Council had no objection and recommended it for approval.
- The vast majority of objection/representation issues had been addressed in the initial Planning Application submission.
- 60% of objectors lived outside the 5 residencies notified by the Planning Officer of the Planning Application and the 18 residencies of the pre application courtesy and awareness letter, inviting local residents to comment prior to submission. Only 4 had made contact.
- Have tried to work collaboratively with the Planning Officer during the course of the Planning Application process. No modifications were required to the extension of the existing dwelling or the new dwelling.
- The proposed off-street vehicle parking was a mirror image of the existing provision of 1 Exley Drive in relation to the proximity to the junction of

Exley Drive with Exley Avenue.

- The Planning Officer was supportive of the amended 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 (Document “C”)

Action: Strategic Director, Place

(b) Former site of Wiltex House, Odsal Road, Bradford Wibsey

A flexible permission was sought for the recently constructed hot food takeaway and drive thru at the Former Wiltex House, Odsal Road, Bradford.– 20/04893/FUL. It was proposed to operate the premises as (i) a doughnut shop with drive-through facility (Class E) or (ii) a restaurant/hot food takeaway with drive-through facility (Class Sui Generis). The application also included proposals to amend the existing drive thru serving the adjacent KFC restaurant and takeaway creating an extra order point – 20/04893/FUL.

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He provided an appraisal of the application and informed Members that the site was located at the junction of Odsal Road and Halifax Road, adjacent to the Odsal Top roundabout. It currently accommodated a KFC drive-through restaurant, and a newly built outlet subject of this application (Dunkin Donuts). The KFC sat towards the eastern part of the site, and its associated drive thru access and parking areas. The Dunkin Donuts sat to the west of the shared access and also had a drive thru and some additional parking. The site sat in a slightly elevated position above the adjacent roads and there were residential properties along the northwest and southwest boundaries, and a public footpath along the northwest boundary.

A Ward Councillor attended the meeting and made the following comments on behalf of residents:

- The business was already fully operational – opened a month ago.
- Reality of the operation and its impact on residents was now clear.
- The sound fencing had not been completed and residents were suffering inconvenience due to the premises not having the acoustic fencing completed.
- The illuminating sign had already been approved – was notified that the application was still under consideration but had been approved a day before and therefore could not object to it.
- The illuminating signs had a detrimental effect to residents on Elmfield.
- Some properties on Elmfield were suffering extra pollution and traffic noise.
- Officers photograph showed traffic coming to the drive thru was within a feet of residents back gardens.
- Larger vehicles could look over the fence into peoples properties.
- Notification to residents was not suitable - residents should have been informed before it was approved.

- A number of residents had been affected by this proposal – this Panel needed to give serious consideration of the impact to residents.
- Environmental Health Officers did not enter residents properties to ascertain the impact the proposal had.

In response to the above comments the Planning Officer reported that Environmental Health had not raised any concerns.

The Agent for the applicant attended the meeting and made the following comments:

- The previously permitted unit was now open and trading as a doughnut and coffee shop with a drive-through lane, under the DUNKIN' brand. This was a new brand to the United Kingdom and the client had been pleased to be able to bring the experience early to Bradford, as only the third such drive-through in Europe.
- This was a sign of confidence in the area, given the uncertainties in retail, now compounded by the effect of the pandemic. Drive-through facilities such as this were obviously safer to use in the short term and, being experience-based, less vulnerable in the longer term to the shift online. This meant that the 35 jobs created were resilient.
- In order to assist with this, the applicant was seeking the flexibility to change back to the previously permitted restaurant and hot food takeaway use without need of a further application. At the same time, details were being provided for clarity as to how the building was accessed and ventilated and how the site was laid out, drained, fenced and lit.
- The use to which the unit was now being put was less intensive than that permitted in 2018 and, in practice, did not include any on site cooking at all. In fact, all baking and finishing takes place at a new production facility in Lancashire, with deliveries being made every morning to ensure a supply of freshly-baked products.
- The additional customer door and omitted parking space outside it would, alone, be nonmaterial amendments. However, the opportunity had been taken to include them with the re-routing of the existing KFC drive-through lane and the addition of a further order point to provide a complete picture of the final site layout.
- This adapted the layout from that originally permitted to suit the final arrangement and in doing so should ease traffic flow and reduce queuing.
- We have been pleased to work with your officers to provide additional lengths of acoustic fence, which would also prevent any headlight glare to residents of Sutcliffe Place. We accept entirely the proposed condition to require details and installation of odour control should the unit ever revert to any hot food takeaway use.
- In summary, we respectfully request that members concur with the recommendation of their officers and grant permission subject to conditions.

Members sought clarification on issues relating to the completion of acoustic fencing and the Environmental Health Officer's assessment on the impact to

residents.

It was reported that residents could contact Environmental Health to address the concerns they had; the illuminating sign had its own permission and would not be affected by what was decided by the Panel today and was not part of this application.

Members sought clarification on the perimeter lights/illuminating signs and whether they could be turned off after the hours of operation.

The Agent confirmed that he would be willing to work with officers and residents in terms of switching certain (unnecessary) lights off after the hours of operation.

It was suggested that the application be delegated to Officers with an additional condition which would control the hours in which external lighting would be used and that the additional condition to be agreed following further discussions with the applicants and their representatives, residents and Ward Councillor.

Resolved –

That the application be delegated to Officers to grant planning permission for the reasons and subject to the conditions set out in the Strategic Director, Place’s technical report (Document “C”) and an additional condition which will control the hours in which external lighting will be used. The additional condition to be agreed following further discussions with the applicants, their representatives and Ward Councillors.

Action: Strategic Director, Place

(c) Land south of 4 to 16 Brick Row, Wyke, Bradford Wyke

Outline application for a residential development comprising one block of three dwellings and one block of two dwellings on land south of 4-16 Brick Row, Wyke. – 18/01850/OUT.

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He provided an appraisal of the application and informed Members that the site was an undeveloped area of land, covering approximately 0.47 hectares. It was located near the centre of Wyke and bounded by terrace housing on Brick Row and Temperance Field. The main access was from Towngate, via Brick Row, although there was a second, more winding access from Daisy Hill. There were a number of trees on the site, which was crossed by a public footpath at one end, as well as a wider, more made up path, which was also used by vehicles.

The Planning Officer reported that information had come to light which meant that officers would now be recommending the application for refusal and not approval

as set out in the papers. A window in the side elevation of a neighbouring property which was thought to serve a non-habitable room actually served a bedroom which meant that windows and private gardens within the proposed development would likely overlook and be overlooked by this window. As a consequence the application was recommended for refusal for the following reason:

The proposed development would be likely to overlook and be overlooked at close quarters by a habitable room window in the side wall of 13 Worthing Head Close resulting in significant harm to the amenities of the occupants of No.13 and that of prospective occupants of the proposed dwellings. This would be contrary to Policy DS5 of the Core Strategy Development Plan Document.

The Ward Councillor attended the meeting and made the following comments which were based on the application being granted as he was not aware of the new information presented by the Planning Officer until today :

- This land over the years had numerous enquiries around building and its problems due to its location and local impact.
- The revised plan which included the new road layout would in many terms mean that this could be a good scheme for this land; However it had a number of unanswered questions which put the scheme in doubt.
- Firstly the letter from officers dated the 30th May 2018 which after a visit by a refuse collection vehicle, council officers and myself clearly showed that the proposed swept area for this and emergency vehicles was inadequate. The letter requested that a topographical Survey was undertaken so that full determination of the required swept area could be correctly addressed. Could not find a record of this and therefore felt that it would be unsafe on health and safety grounds to grant this application.
- Secondly the plans showed access/egress past no's 10 and 11 Brick Row into the cul de sac, Worthing Head Close.
This has a number of problems: (a) the plan showed that part of this access road ran across a portion of the driveway of a resident of Worthing Head Close: (b) not all the properties on Worthing Head Close had off street parking thus narrowing this already narrow road: (c) the Cul de sac Worthing Head Close ran into Worthing Head Road which itself was very narrow. On one side was a wall from the recreation ground and on the other many small cottages non of which had any off street parking, which made the road even more dangerous as when vehicles were parked it was very difficult for cars to pass never mind vans or trucks. This road also served a number of small sided roads many of which did not have off street parking. There had never been any form of access/egress from Brick Row into Worthing Head Close.
- Thirdly, I have grave concerns for safety with the existing single vehicle access from Brick Row into Towngate, the main thoroughfare through Wyke centre. This access/egress was narrow, unadopted and without any footpath. The businesses at either side of the access were fronted by a very narrow single footpath. As vehicles approach this I would be concerned that the splay onto Towngate did not provide enough distance to either for pedestrians or road users; this access point was on either side enclosed by businesses, it was by a crossing and a road junction (Wainman Street) which had a bus route on it turning from Towngate into

Wainman Street.

- Fourthly if there was a proposal for additional housing which had a clear effect on Brick Row, Temperance Field, and Daisy Hill, then I see nothing which would help support the local residents with regard to bringing Brick Row, or parts of Temperance Field and Daisy Hill up to adoptable standard.
- As members of the panel would have read there were many objections to this application, which would have a massive impact on this very restricted area.

In response to Members questions in relation to highway safety, the Planning Officer reported that initially, concerns were raised about adoptable standards, width of access, access for refuse vehicles and fire engines, point closures and a turning head. A revised site plan was subsequently received which overcame these highway concerns. Subject to conditions, the access is acceptable in terms of its effect on highway safety, including increased use of the existing junction of Towngate and Brick Row.

In addition to the two parking spaces per house, two extra spaces had been allocated for visitors. This would allow existing on-street parking on Brick Row to be retained, which in turn would not add to current congestion or blockage of drives. Given that sufficient parking spaces could be provided for each house, it was not considered that the development would generate excess traffic to the detriment of highway safety or hinder current parking, including on Daisy Hill, by adding substantially to existing on-street parking.

An objector to the proposal attended the meeting and made the following comments:

- The habitable window in the side wall of 13 Worthing Head Close was pointed out to officers in June 2018 -. The national guidelines were indicative to a minimum distance of 22m. However, Bradford Councils 'Householder Supplementary Planning Document 2012' stated a minimum of 17m between habitable windows and it unequivocally stated bedrooms were a habitable room. This was pointed out in an objection on June 17th, 2018.
- Photos were only taken by officers on Friday.
- The junction serving the development was sub standard.
- The plans were misleading. Why did the plan differ to the latest plan submitted by the agent?
- There were highway safety issues due to narrowness of the road.
- The applicant did not own all the land – a section of the land was owned by No 13 Worthing Head Close.
- The report submitted to the District Planning Panel was not a true representation of the situation.

In response to the comments made by the objector the Planning Officer accepted that the issue relating to the habitable windows should have been picked up earlier and apologised to the Ward Councillor and objectors for not informing them of the change in the recommendation to the proposal.

It was reported that in relation to concerns expressed about the widths of Worthing Head Close and Worthing Head Road and the passing of vehicles. The plans indicated that a new junction between Brick Row and Worthing Head Close would be formed for access, but it was not considered that any parking on these roads, if caused by the development, would be excessive, or cause more obstruction than at present for access to existing drives. Nor would the development cause significant danger for the householders of these roads and, although a new access would be formed, it was not considered that this would encourage crime.

A Member sought clarification on the options available to the applicant now that the proposal was up for refusal.

Resolved –

That the application be refused for the following reasons:

- (1) The proposed development would be likely to overlook and be overlooked at close quarters by a habitable room window in the side wall of 13 Worthing Head Close resulting in significant harm to the amenities of the occupants of No.13 and that of prospective occupants of the proposed dwellings. This would be contrary to Policy DS5 of the Core Strategy Development Plan Document.**
- (2) The surrounding road network is considered to be unsuitable to support the development and the proposed development will result in the intensification of use of nearby junctions and roads to the detriment of highway safety.**

Action: Strategic Director, Place

(d) 8 Heaton Park Drive, Bradford

Toller

A householder application seeking planning permission for the construction of a two storey side extension at 8 Heaton Park Drive, Bradford – 20/04229/HOU.

The Strategic Director, Place gave a presentation setting out the proposals and tabled plans detailing the layout. He provided an appraisal of the application and informed Members that Number 8 Heaton Park Drive was a detached property located on a residential street. It was finished largely in render with a red tile roof, it had a large porch feature to the front and attractive bay features at ground and first floor level. The property currently had a small projection to the site, and had previously been extended to the rear with a detached garage built along the boundary of number 10 that did not appear to benefit from any formal permission.

It was reported that the proposal was located along the boundary of the neighbour at number 10, who have offered support for the application. However, the local planning authority had a duty to assess the impact on these neighbours and the potential future occupants of this property, to ensure that no adverse harm arises from the proposed development. The front part of the extension was not considered to raise any issues for neighbours, however the rear part would tower

above the most useable private outdoor amenity areas at the rear of number 10, having an adverse overbearing impact on this space, that would impact on them being able to use it for outdoor recreation and enjoyment. There would also be some negative impact on light, which would further reduce the amenity of this neighbour and would have a detrimental impact upon them.

The Ward Councillor attended the meeting and spoke in support of the application and stated that the applicant had visual impairment (registered as partially sighted); the extension would allow family members to return home and support his needs rather than relying on statutory services and gave the applicant additional space to enhance his quality of life and also greater independence; the neighbour at No 10 had offered her support for the proposal.

Members sought clarification on the applicants medical condition to which the Legal Officer pointed out that the applicants medical condition should not be discussed in a public meeting.

The Legal Officer also reiterated the point made by the Planning Officer that although the occupant of No 10 had provided support for the proposal the local planning authority had a duty to assess the impact on potential future occupants of that property to ensure that no adverse harm arises from the proposed development.

Members could not understand how a two storey extension would benefit the applicant and his needs and noticed that the property had already been substantially extended at the rear.

Resolved –

That the application be refused for the reasons set out in the Strategic Director, Place’s technical report (Document “C”)

Action: Strategic Director, Place

12. MISCELLANEOUS ITEMS

The Panel was asked to consider other matters which were set out in **Document “D”** relating to miscellaneous items:

- (A-U) Request for Enforcement/Prosecution Action
- (V-W) Decisions made by the Secretary of State – Allowed
- (X-AB) Decisions made by the Secretary of State - Dismissed

Resolved –

That the requests for Enforcement/Prosecution Action and the decisions made by the Secretary of State as set out in Document “D” be noted.

Action: Strategic Director, Place

Chair

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

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