

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 4 August 2016 at Committee Room 1 - City Hall, Bradford

Commenced Concluded

10.00 am 1.00 pm

Present - Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown Ellis	Abid Hussain Wainwright	Griffiths
	Warburton Watson	

Observers: Councillor Dominic Fear (Minute 26)

Apologies: Councillor Gerry Barker

Councillor Warburton in the Chair

22. DISCLOSURES OF INTEREST

Councillor Brown disclosed that he knew certain interested parties associated with the application relating to Land at Trafalgar Street, Bradford (Minute 28). To avoid any question of conflict of interest he therefore withdrew from the meeting during the consideration of this item in accordance with the requirements of the Members' Code of Conduct (Part 4A of the Constitution) and the Members' Planning Code of Conduct (Part 4B of the Constitution).

In the interests of transparency, Councillor Griffiths disclosed, in respect of the item relating to Land at Harrogate Road, Bradford (Minute 26) that he had been involved, in his a capacity as a Ward Councillor, with the outline application for this site. However this was a separate application and he had not adopted any position on it nor made any representations in respect of it.

In the interests of transparency, Councillor Ellis disclosed that he was a member of the Yorkshire Regional Flood and Coastal Committee and the West Yorkshire Combined Authority.

In the interests of transparency, Members of the Committee disclosed, that they had received communications from interested parties in respect of the items





relating to Land at Harrogate Road, Bradford (Minute 26) and Land at Mayfield Road, Ilkley (Minute 27) but had not responded to them nor discussed the matter with anyone concerned.

23. MINUTES

Resolved -

That the minutes of the meeting held on 10 March 2016 be signed as a correct record.

24. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

25. MEMBERSHIP OF SUB-COMMITTEES

Resolved -

That Councillor Shabbir replace Councillor M Slater as an Alternate Member of the Area Planning Panel (Keighley and Shipley).

ACTION: City Solicitor

26. LAND AT HARROGATE ROAD, BRADFORD

Previous reference: Minute 22 (2015/16)

The Assistant Director – Planning, Transportation and Highways presented a report (**Document "N"**) in relation to a reserved matters application seeking approval for details of appearance, landscaping, layout and scale in respect of the residential development of land to the east of Harrogate Road/north of Carr Bottom Road, Greengates, Bradford – 16/02834/MAR.

The report reminded Members that the Committee had resolved to grant outline planning permission for the development including approval for the means of access, on 23 July 2015 (Application No. 14/05285/MAO) subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a number of planning obligations.

It also explained that the proposed number of dwellings had been reduced by 25 and the development would now provide 105 units. As a consequence, the application also included a proposal to reduce the level of on-site affordable housing provision from 20 units to 16 and sought an amendment to the Section 106 legal agreement in this regard.

The Assistant Director responded to questions from Members:





- The full details of the emergency access had not yet been submitted; various design solutions were possible and a relevant condition had been included on the outline planning permission (Condition 14).
- It was believed that Carr Beck was not a main river.
- A concept drainage strategy had been submitted and it was understood that pumping would be required. Details in relation to the treatment of foul water would be submitted at a later date. The amount of water permitted to be discharged from the site, how this was controlled and where responsibility rested were detailed issues but the principle of drainage of the site was considered feasible and in accordance with sustainable drainage techniques. A detailed scheme would be designed and submitted for approval by the relevant authorities in due course.
- The narrow strip of land alongside the boundary with the adjacent church was to be seeded and the existing vegetation maintained and enhanced.

A Ward Councillor addressed the Committee:

- Having bits and pieces of open/green space created a number of problems. In many cases no-one knew who owned them or who was responsible for maintaining them. Members were urged to consider the distribution of open space across the site; the proposals were currently haphazard and did not serve much purpose.
- There was a lack of a real buffer to Carr Bottom Road. This was considered to be an important issue as one of the original concerns with development of the site had been the prevention of access to/from Carr Bottom Road. It was considered that the proposed layout would lead to people parking on Carr Bottom Road and then cutting across this strip of land to walk to their homes; this was a real concern for local residents.
- It was believed that the outline permission had included a condition to require the retention of the trees along Harrogate Road or for them to be replaced. This had been to preserve the visual amenity of this frontage but the same requirement did not appear to be included on this application.
- The trees on Carr Bottom Road were outside the 'redline' boundary of the application but there was a concern because they were not included on the submitted plans or illustrations; they would soften the appearance of the development.
- It was proposed that the taller buildings would be placed on the highest part of
 the site; they would dominate the view and the skyline and would overshadow
 other properties. The skyline could be seen from within the Conservation Area
 at the bottom of the valley. There was a significant difference in the levels of
 the land and the design was not considered to be sensitive to this.
- The proposed reduction in the numbers of affordable housing units was of concern.
- Carr Bottom Road had flooded on Boxing Day 2015; a number of houses had been affected as had the sewer at the bottom of Harrogate Road.
- This site was upstream of the problems and putting more water into the system was a concern.





The Assistant Director explained that:

- The Woodland Trust had required that a buffer be provided to the adjacent woodland. If this open space was located elsewhere it was considered that it would compromise the efficient use of the land. There were also a number of reasons for it being located in the proposed position including good connectivity and it being well overlooked. The open space on the boundary to the south west, provided a break in the setting to the church. It could be specified that windows were included on the elevations facing this piece of land to improve natural surveillance although this was not believed to be a major concern as it was already generally well over looked.
- In terms of the buffer to Carr Bottom Road, this was proposed to be planted with fairly dense shrubbery with a knee-high fence and a stone wall; this would provide a fairly substantial treatment and whilst it would be possible to park and go across it to access the site it was not considered that this would be likely in practice particularly as there was sufficient parking provision within the site.
- The tree retention plan indicated the trees that would be lost on Harrogate Road. The applicant would have to get permission to remove any trees that were not in their ownership. It had been accepted that some would need to be removed in order to allow the wall to be rebuilt. Some additional planting would also take place through out the site.
- The three storey buildings would be interspersed throughout the site. There were other such properties in the area and it was not considered that they would dominate the views or the skyline but would introduce some variation.
- A quota of 15% affordable housing provision had been approved at the outline application stage and the numbers of units now proposed reflected the drop in the total number of dwellings to be provided on the site. Previously 130 dwellings had been approved whereas this application proposed 105.
- The flooding risk had been assessed and a concept drainage scheme submitted. Sufficient attenuation would be provided to ensure that no more than current run-off rates were discharged from the site.

In response to a further question from a Committee Member he confirmed that the development was authorised by the outline planning permission so the conditions placed on that permission (specifically Conditions 5, 6 and 7 in relation to drainage) would still apply.

Representatives of the objectors put forward the following issues for consideration referring to a number of photographs/plans to illustrate their points:

- Harrogate Road was a main transport corridor and there was concern about loss of the trees. A condition on the outline application had said that they would have to be moved or replaced with trees of equal maturity; this was not indicated on the plans.
- There had been a lack of consultation in respect of the location of the green space(s). The strip to the western boundary of the site adjacent to Harrogate Road was a dead end strip; it was questioned how this would be used for recreational purposes.





- A playground was shown to the right hand side of the plan but existing local residents would have to travel though the new estate to use it; it would not benefit anyone and none of the local residents thought it was good idea to locate it there.
- There were concerns that these areas of open space would attract anti-social behaviour.
- The bottom of the map showed hundreds of terraced houses fronting directly onto the street with no parking; these residents would lose the amenity offered by this site. This was considered to be 'town cramming'.
- An alternative preferred proposal for the provision of open/green space was illustrated; it was considered that this would benefit all residents including those on Carr Bottom Road and would provide more of a 'village green' with good natural surveillance. This amendment would only require the relocation of three houses. It would also open up access to the adjacent woodland.
- The Council and the Ward Councillors had achieved some improvements in the design and it was hoped that the communication with residents would continue.

A representative of the local Member of Parliament stated that he opposed all development without the provision of supportive infrastructure. 150 residents had signed a petition in respect of these proposals and this should be given due consideration.

The Assistant Director responded as follows:

- The trees along Harrogate Road were still subject to the conditions attached to the outline planning permission and provision for replacement planting was included within the related Section 106 legal agreement. Some planting was proposed on the site. The planting of street trees was potentially unviable but the Council's Landscape Team were looking into the options and would provide appropriate advice. The Chair of the Committee could be consulted on the detail before the relevant conditions was discharged.
- In terms of the location of the play area it was accepted that the site could be developed in a number of different ways but this was the proposal put forward by the applicant and the role of the Local Planning Authority (LPA) was to consider whether these proposals were acceptable. Access to the play area would require a walk through a residential estate but this would not be unpleasant and the play area would also be open to existing residents. In addition it was proposed that a sum be paid towards the improvement of other local recreational facilities.

The applicants' representative spoke in support of the application:

- The open space would be managed by a company paid for by the residents of the new estate.
- The principle of development and the access arrangements had already been approved.
- This proposal was one of a number of ways in which this site could be developed; it was believed that this design offered the delivery of an efficient,





- viable and deliverable scheme providing 100+ new homes and a number of associated benefits to the local community.
- The amount of affordable housing had been reduced in proportion to the number of properties to be provided overall.
- The layout provided a design with a mix of traditional and modern styles in accordance with the market demand, it also reflected the local demand and vernacular.
- The applicants had worked with the officers of the LPA, the public and consultees and had tried to resolve all the issues that had arisen where this was possible. Pre-application consultation had taken place. As a result of the public consultation the three storey properties alongside Carr Bottom Road had been removed and a memorial bench included in the plans.
- The scheme was in accordance with the local development plan and all the issues raised by statutory consultees had been resolved.
- There was a wish to deliver a high quality development on this site; the scheme was viable and the developer was ready to commence work.

He gave the following response to questions from Members:

- This was the first time that he had been aware of the suggestion about the location of the play area. There had been public consultations about the proposals throughout the process.
- No guarantees could be given but the applicant's view was that the scheme was viable and could be started almost immediately. It was believed that the Section 106 Legal Agreement would progress as agreed.

The Assistant Director responded to further questions:

- The woodland buffer strip and the provision of an equipped play area were subject to separate conditions and both had been requirements of the outline permission.
- An equipped play area had been specified but this could be designed in a number of ways.
- The applicant had chosen the position of the play area; if it was moved this
 may entail redesigning the whole scheme. A green space was needed
 adjacent to the woodland and this had been considered to be the best
 location.

Members made the following comments:

- There was a concern that narrow strips of land such as the one adjacent to Harrogate Road could become neglected and unpleasant. This strip was preserving the least important frontage.
- The Committee was able to make recommendations on amendments it considered may be appropriate if it wished to do so.
- In general the scheme was acceptable but it would be preferable if the two
 properties were moved as suggested and the siting of the play area changed.
 It was considered that this matter could be left in the hands of the planning
 officers after consultation with the Ward Councillors and residents and through





the Chair.

- The ideas put forward by the residents were sensible. Although it may mean that adjustments would be necessary the relocation of two houses and the play area was not considered to be a major change and should be considered.
- The relocation of the play area as suggested would be more accessible.
- The proposal from the residents needed to be properly considered.
- Perhaps the provision of 'softer', more naturalistic equipment could be considered or the provision of a 'trim trail'; it would be helpful if the applicants discussed the matter with local residents.

The City Solicitor advised that the Committee had to consider the application before it; the options in the circumstances would therefore be to defer the matter to a future meeting or to delegate authority to the Assistant Director to determine the application after trying to resolve the issues raised; this could be done in consultation with the Chair.

It was further commented that the matter should be deferred and delegated to officers with a view to achieving the amendments suggested. If this did not prove possible the decision should lie with the Assistant Director, in consultation with the Chair.

Resolved -

- (1) That the applicant be requested to consider amending the layout of the development in terms of the siting and design of the play area and the public open space, informed by the views expressed by the Ward Councillors and local residents at the meeting, and to submit their response to the Local Planning Authority. Thereafter, that authority be delegated to the Assistant Director Planning, Transportation and Highways to grant the application for Reserved Matters Approval (further to consultation with the Chair) for the reasons and subject to the conditions set out in his technical report.
- (2) That authority be delegated to the Assistant Director Planning, Transportation and Highways to enter into a Deed of Variation of the original Section 106 legal obligation attached to Planning Permission 14/05285/MAO to amend the affordable housing obligation as shown below whilst retaining all the other obligations:

On-site affordable housing provision of 16 units.

ACTION: Assistant Director – Planning, Transportation and Highways City Solicitor

27. LAND AT MAYFIELD ROAD, ILKLEY

A report was submitted by the Assistant Director – Planning, Transportation and Highways (**Document "O"**) in relation to a full planning application for the construction of 44 retirement living apartments, 56 assisted living units, a 77





bedroom care home, a $2896m^2$ office building, two extensions to Spooner Industries Ltd totalling $1520m^2$ and a children's nursery of $376m^2$ together with associated parking and landscaping works on land at Mayfield Road and Railway Road, Ilkley - 15/07583/MAF.

The Assistant Director reported on the substance of a further representation from one of the Ward Councillors raising objections to the development. He also reported on a response from one of the consultees, that had been received further to the publication of his technical report, and which proposed the inclusion of two additional conditions should Members be minded to approve the application. He also tabled a further document (**Document "R"**) which set out amended conditions to replace those set out in his written report.

He responded to Members' questions with the following information:

- In terms of traffic impact, each site was considered on its merits; in this case there was an extant permission for a supermarket development on this site and the current proposed use would generate significantly less traffic than that.
- This was a new application; consultation had been undertaken twice on the scheme due to the receipt of amended plans.
- The different elements of the scheme had been designed as separate entities and each had a specific set of conditions.
- He was satisfied that, further to discussion with the applicant and a number of amendments having been made, there was sufficient parking provision on-site for all the proposed uses. A Traffic Regulation Order would be implemented to restrict parking on Mayfield Road. It was also noted that the site was in a very sustainable location next to the railway station and near to the town centre.

An objector to the application put forward the following concerns:

- She had lived in Ilkley for 35 years. Objectors were not convinced that there was evidence of a need for more flats for the elderly or a care home.
- In the last census the population had stood at 15,000, 20% of whom were retired (which was above the national average of 13.5%). This equated to 3,000 people. If 1000 of these people were over the age of 85 of whom, nationally, 15% went into care this meant that there would be 160 in the area. Provision in the area currently was 411 care home beds and 385 apartments with care.
- There were indications of a lessening of demand, a number of such facilities had closed and a number were for sale.
- Home Care Services in this area were excellent and there were a number of agencies supporting people to remain in their own homes. A significantly high proportion of people were able to die in a place of their choosing which was usually their own home.
- There was a need for a vibrant local community and development should be encouraged in order to enhance the local community.
- Ilkley needed to find space for 1000 new homes. A large site near the town





- centre was ideal for family homes. Other sites were in the Green Belt with more distant transport links.
- There was already a heavy skew towards the elderly in the town. Young people wanted to settle here but there was a lack of affordable housing.
- The Civic Society and the Parish Council had raised issues in respect of affordable housing and parking.
- There was already over provision of nursery facilities.
- It was considered that the scheme as proposed would waste a valuable site.
- A review of parking in the town was currently being undertaken and the results
 of this should be awaited, as should the conclusions in respect of the Local
 Plan.

The Assistant Director responded:

- Evidence had been submitted with the application in respect of market need.
- Government policy was to provide support for an ageing population.
- This development should release housing in the area for others.
- The application included a sum of money to be used towards the provision of affordable housing in the town.
- Parking was a recurring issue in Ilkley. The potential for the provision of additional parking had been discussed with Metro.
- The 100 units would count towards the 1000 units for llkley proposed by the Core Strategy.
- The additional conditions put forward by Network Rail had been discussed and agreed with the applicant. These proposals had already been included within the plans.

The applicant's agent addressed the Committee:

- The development was being undertaken in association with a number of partners.
- Permission had previously been granted for a retail store on the site.
- This was a large brownfield site in a central location.
- The development would allow the existing company on the adjoining site to extend their factory and increase car parking (by an additional 76 spaces) thus facilitating them remaining in this location.
- It would also provide two office units, a 77 bed care home and, towards the front of the site, a nursery for approximately 56 children.
- Enquiries had already been received from local operators about the development.
- The need for retirement and assisted living accommodation was recognised as critical by the Government.
- The provision of such units helped prevent significant under-occupancy of existing houses.
- It was accepted that there was a problem with parking in the area but this was an existing issue and would be a problem irrespective of this application.
- Sufficient parking would be provided on site for all the uses; the scheme had been endorsed by the Authority's highways officers.





- The company associated with the element of the scheme providing accommodation for the elderly was the leading provider of such facilities and had undertaken an extensive marketing process to identify the need. These units would allow local people to downsize via a number of different options and thus reduce the under-occupancy of family homes in the town.
- The forecast was for the proportion of those people in the 75+ age range to increase significantly by 2026. The Local Authority had a duty to meet their needs.
- Currently there were only enough specialist retirement units in England for 5% of the over 75 population.
- The scheme would be of a high quality and was well designed.
- The scheme would contribute 100 units towards the local housing supply.
- This was a sustainable brownfield site thus reducing pressure to build on the Green Belt.
- The development would assist a local employer.
- This was an accessible site close to local amenities.
- The scheme represented a significant investment.
- The applicants had worked closely with officers to develop an acceptable scheme.

In response to questions from Members, it was explained that the site had been vacant for a lengthy period, the application for a retail store had been submitted in 2009.

It was understood that three or four operators had expressed an interest in the care home element of the scheme.

Members made the following comments:

- There was an extant permission for a supermarket on the site but this was not a favoured option.
- The provision of additional space for the adjacent local business was to be welcomed; this was a very successful company that was an asset to llkley, the district and the country.
- The Nursing Home was acceptable.
- The remainder of the land comprised a relatively small brownfield site which would achieve 10% of the required housing supply for Ilkley, the alternative to which may be development in the Green Belt.
- New Homes Bonus would also be generated by the development.

Resolved -

- (1) That the application be approved for the reasons set out in the Assistant Director Planning, Transportation and Highway's technical report and subject to the conditions set out in Committee Document "R" together with two further conditions (relating to the entire site) as set out below:
 - (i) Notwithstanding the retaining wall proposals shown on





boundary treatment plan NE-2102-03-01-AC-040B full details of the boundary treatment (retaining wall) adjacent to the railway should be submitted to and agreed in writing with the Local Planning Authority in consultation with Network Rail prior to commencement of works on site. The approved details shall be implemented and retained whilst ever this development subsist.

Reason: To ensure the provision of a suitable boundary treatment between the development site and the railway line and its infrastructure.

(ii) A full connectivity survey to show the relationship between the railway and site drainage systems shall be submitted to and approved by the Local Planning Authority in conjunction with Network Rail prior to commencement of works on site. Any measures agreed as part of the connectivity survey shall be implemented in accordance with an approved timetable.

Reason: In order to clarify the relationship between the railway and site drainage systems and enable the development of an effective drainage strategy in accordance with the principles of the National Planning Policy Framework.

- (2) 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, in respect of:
 - (i) The payment of a contribution of £7,201.63 towards the provision of off-site recreational facilities and/or the enhancement of existing recreational facilities and associated infrastructure including, but not exclusive to, drainage works, footpath works and fencing at East Holmes Fields or Riverside Gardens.
 - (ii) The payment of a contribution of £28,000 for the purpose of upgrading the existing recreational facilities at Riverside Gardens, West View Park and two areas on Ilkley Moor; the boating lake and Ilkley Tarn, and their environs. The monies to be used to improve signage, walking routes and other amenities in order to provide pleasant alternatives to the wider moor itself,
 - (iii) The payment of a sum of £281,050.37 for the purpose of the provision of affordable housing in the Ilkley Ward. Any money which remains unspent after three years can then be spent within the Parliamentary Constituency of Keighley,
 - (iv) The payment of a sum of £10,000 for the provision and future maintenance of a bus shelter at Bus Stop No. 14149,
 - (v) The payment of the costs associated with the implementation





of a Traffic Regulation Order to restrict parking on Mayfield Road and Railway Road (approximately £12,000)

the legal planning obligation to contain such other ancillary provisions as the Strategic Director, Regeneration (after consultation with the City Solicitor) considers appropriate.

ACTION: Assistant Director – Planning, Transportation and Highways City Solicitor

28. LAND AT TRAFALGAR STREET, BRADFORD

The Assistant Director – Planning, Transportation and Highways submitted a report (**Document "P"**) in respect of an outline application for the construction of a mixed-use development scheme comprising apartments and a wedding venue with conferencing facilities and associated car parking on land at Trafalgar Street Car Park, Snowden Street, Bradford – 16/02316/MAO.

The report explained that the proposal was in outline form with only details of the access and layout submitted for consideration at this stage.

The Assistant Director reported on the substance of a further objection received from an adjacent business and explained that the Education department had confirmed that the contribution towards education infrastructure improvements should be directed towards Poplars Farm Primary School at primary level and Oasis Academy Lister Park at secondary level.

In response to Members' questions he indicated the relative position of the site and the location of the business who had objected. He also said that:

- the apartments would not attract New Homes Bonus as they were associated with the wedding venue use and would be used on a temporary/short term basis, more like a hotel.
- A limit on the level of use of these units should be included within the heads of terms of the Section 106 legal agreement together with a tie-in to the wedding venue/conference use.
- Undercroft parking would be provided. The level of parking proposed was lower than would normally be required but given the location in/adjacent to the City Centre where the recommended level of provision was almost zero, this was considered acceptable.

The agent spoke briefly in support of the application explaining that the accommodation would be self serviced and by its nature would be for short term use only.

Members noted that:

• There was an extant permission for an 18 storey building on the site and there was no right to a view.





- This would provide full time accommodation on the fringe of the City Centre.
- It was hoped that the location of the venue would facilitate visitors taking advantage of the close proximity to transport links and leisure facilities and contributing to the vibrancy of the City Centre.

Resolved -

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director Planning, Transportation and Highway's technical report.
- (2) 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, in respect of:
 - (i) The payment of a commuted sum of £41,261 towards enhancing the recreational infrastructure at Thurnscoe Road Play Area and Lupton Street Play Area and a contribution towards delivery of Bradford Council's Playing Pitch Strategy in the area.
 - (ii) The payment of a commuted sum of £77,067 towards the enhancement of educational infrastructure; £33,629.40 for primary sector level to be used at Poplars Park Primary School and £43,437.60 for secondary sector level to be used at Oasis Academy Lister Park,
 - (iii) The provision of 25 affordable homes in the form of 19x1 bedroom apartments and 6x2 bedroom apartments,
 - (iv) Off-site highway works including the payment of the costs of amending the existing Traffic Regulation Order on Trafalgar Street (approximately £7,000 £8,000),
 - (v) The 63 self-serviced apartments to be used only on a short term basis in association with use of the wedding venue and conference facilities on-site and any change in the nature of the use of the self serviced apartments in the future to be subject to a planning application,

the legal planning obligation to contain such other ancillary provisions as the Strategic Director, Regeneration (after consultation with the City Solicitor) considers appropriate.

ACTION: Assistant Director – Planning, Transportation and Highways City Solicitor

29. ENFORCEMENT NOTICE - BRAITHWAITE EDGE QUARRY, BLACK HILL LANE, KEIGHLEY

Previous references: Minutes 9 (2014/15) and 38 (2015/16)





The report of the Assistant Director – Planning, Transportation and Highways (**Document "Q"**) provided information for Members in respect of the authorisation of enforcement action in relation to the unauthorised development of land at the Former Braithwaite Edge Quarry, Black Hill Lane, Keighley – 16/00325/ENFCON.

Resolved -

That the enforcement action being undertaken in respect of the unauthorised development of land at the Former Braithwaite Edge Quarry, Black Hill Lane, Keighley be noted.

NO ACTION

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



