

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday 1 September 2016 at City Hall, Bradford

Commenced 10.00 am
Concluded 12.10 pm

Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown Ellis	Abid Hussain Wainwright Warburton	Griffiths

Apologies: Councillors Barker and Lee

Councillor Warburton in the Chair

30. DISCLOSURES OF INTEREST

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

In the interests of transparency, Councillor Griffiths disclosed that the site at 407 Little Horton Lane (Minute 36) was close to his place of employment and the site to the rear of 589 Leeds Road, Thackley (Minute 37) was in his ward but he had had no involvement with either of the applications.

31. MINUTES

Resolved –

That the minutes of the meeting held on 28 April 2016 be signed as a correct record.

ACTION: City Solicitor

32. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



33. MEMBERSHIP OF SUB-COMMITTEES

No resolution was passed on this item.

NO ACTION

34. LAND TO THE SOUTH OF WELBURN, BRADFORD ROAD, BURLEY-IN-WHARFEDALE

The Assistant Director – Planning, Transportation and Highways submitted a report (**Document “S”**) in relation to a planning application for the construction of 14 dwellings, with a new access road and associated works, on land to the south of Welburn, Bradford Road, Burley in Wharfedale – 16/05635/MAF.

In presenting the report the Assistant Director explained that the allocation as ‘Safeguarded Land’ meant that it had been identified in the Replacement Unitary Redevelopment Plan (RUDP) as being reserved to meet long term development needs.

He responded to questions from Members as follows:

- One of the Ward Councillors had objected and the comments made were listed within his technical report.
- In terms of flooding and surface water; it was known that water did pool in the road nearby and that a number of gardens were reported to be wet.
- In terms of separation of Burley from Menston; beyond the former railway line there was a tract of open countryside. The guidance on Green Belt boundaries recommended that a strong defensible edge was defined, the RUDP Inspector had considered that the former railway line achieved this.
- He referred to the Drainage Strategy Plan which proposed that surface water flows from the development would be attenuated and piped off site via an existing highway drain under the A65 and into the beck to the south of the development site. Two existing drains would be blocked up or diverted.

Objectors were present at the meeting and the following points were put forward:

- Residents, Ward Councillors and the local Member of Parliament were very concerned about the proposal.
- It was considered that the development did not conform with the spirit of the National Planning Policy Framework (NPPF) and the ‘golden thread’ running through it in respect of the presumption in favour of sustainable development, or local consultations.
- The officer’s report ran to 24 pages and had been issued during the holiday season (in August) which had been disadvantageous to objectors.
- In terms of bio-diversity, previous comments on this issue had not been taken into account but were still relevant.
- A walk along the proposed Wharfedale Greenway to discuss its details was



- due to take place the following Saturday but had not been mentioned.
- It had been said that the drainage details had been verbally agreed in principle; these were considered to be ‘weaselly words’ and the devil was in the detail. The A65 was a major trunk road that flooded every year and flooding also regularly affected residents’ gardens.
 - It was considered that the Highways Engineer had been dismissive of concerns; there was no evidence to support the contention that any accidents were due to poor driver judgement. There had been two fatalities in 2012.
 - Development of the site had not been approved previously.
 - In 2001 Bradford Council had said that this site should remain in the Green Belt; the RUDP Inspector had said that it should be deleted and allocated as safeguarded for the reasons that there was no readily available access and insufficient visibility splays. The increase in traffic on the A65 since that time made these reasons even more pertinent.
 - There was another road 80 yards from the proposed access (Endor Crescent) which would create issues and a potential increase in accidents.
 - Very little had been done to alleviate concerns about flooding which could also cause hazardous driving conditions.
 - Yorkshire Water had stated that there was insufficient capacity in the public sewer network.
 - A verbal agreement that the works *should* alleviate problems was not considered good enough.

The Assistant Director said that:

- In terms of bio-diversity the site was separate from the Greenway and related trees.
- He was confident that the development would not impinge upon trees on the Greenway but a condition was proposed to protect them. The measures to protect the trees would be subject to approval by the Council’s Trees Officer.
- In terms of previous refusals of planning permission; the site had been in the Green Belt but this had changed when the RUDP had been adopted (in 2005) as the Inspector had recommended that it be released. The Inspector had stated that there was no readily available access point but it was not known what information he had before him at the time of this decision. The Council’s Highways Engineers had looked at the new proposals and discussed them at length; it was considered that it was possible to achieve an acceptable access with appropriate visibility that met current design standards.
- It was known that the public sewer network could not accept surface water from the site and this was why provision would be put in place to take this water off site to Moss Brook.
- It was not considered that the proposed junction would be subject to any more risk than any other junction; it had been designed in accordance with the latest guidelines and would achieve the necessary visibility requirements. It was considered that this junction could have accommodated access for a greater number of units than proposed by this application. No formal Transport Assessment had been required for the scheme as it was only for 14 units.



- It was believed that the new drainage system would probably alleviate existing problems with the flooding of gardens and would certainly not make the situation worse. There was currently no drainage to this site.

The applicant's agent made the following comments:

- He had visited the site and reviewed the representations made.
- There was well established policy support for this use of the site. This was not Green Belt land but 'safeguarded'.
- The former railway line formed a defensible boundary to the Green Belt.
- Many 'safeguarded' sites had now been brought forward for development.
- Local policy was underpinned by Paragraph 47 of the NPPF in respect of the need for the Council to identify a five year supply of housing land. Bradford Council was in default, having only 2.3 years supply.
- The applicant had responded positively to advice from all relevant officers including on the issue of achieving appropriate yield from the site; this had led to the previous application for ten units being withdrawn.
- In terms of the access the Council had adopted the Leeds Street Design Guide and this proposal did comply.
- He had personally exited Endor Crescent twice in the early evening and had experienced no problems.
- Residents did not have to be dependent upon private cars; the A65 was a bus route.
- Plots 3,4 and 5 achieved more than the required minimum separation distances to existing dwellings.
- The relationships with the trees along the railway line had been carefully planned.
- Wildlife would not be prejudiced by this development.
- This scheme would not make flooding worse; the applicant was proposing to do work over and above what was necessary to serve the development.
- Conditions 9 and 10 would provide safeguards.
- Provision would be made for a link to the Greenway/Cycleway.
- Rather than prejudice it, the development would provide a financial contribution to support the development of the Greenway
- The proposed Section 106 contributions were accepted subject to suitable trigger points for payment.
- The Assistant Director's technical report was clear and found all aspects of the proposal to be acceptable.

Members commented:

- Good and sufficient grounds had to be given for refusal of an application.
- The principle of the provision of housing on this site had been established by the RUDP Inspector some considerable time ago.
- Bradford Council was now the Lead Local Flood Authority and its officers were satisfied with the proposals.



- It was not known why the RUDP Inspector had made the comments he had about access to the site but the recommendation before the Committee was that it met the appropriate guidelines.

Resolved –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.
- (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 £67,436 for the purpose of educational infrastructure improvements; £29,428 for primary level to be used at Burley & Woodhead CE, Burley Oaks and Menston Primary Schools and £38,008 for secondary level to be used at Ilkley Grammar School.
 - (ii) The payment of a contribution of £14,856 for the provision or enhancement of existing recreational facilities and/or infrastructure at Menston Recreation Ground or Grange Park, Burley in Wharfedale,
 - (iii) The payment of a contribution of £10,500 towards the implementation of measures to mitigate recreational pressure on the South Pennine Moors Special Protection Area (SPA)/ Special Area of Conservation (SCA) to be directed, in the first instance, towards the development of a section of the Wharfedale Greenway and Cycleway,

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*

35. LAND AT 407 LITTLE HORTON LANE, BRADFORD

A report was presented by the Assistant Director – Planning, Transportation and Highways (**Document “T”**) in relation to an application for the construction of 14 dwellings on land at 407 Little Horton Lane, Bradford – 15/06447/MAF.

The Assistant Director responded to questions from Members, as follows:



- Each property would have a driveway. The Development Plan recommended the provision of an average of 1.5 parking spaces per unit across a development so this met that requirement. In addition, the site was considered to be very sustainable as it was close to a good public transport route, the hospital and local shops. Some on-street parking was also available on Parkinson Street.
- The properties would have basements which would primarily be for storage purposes.
- This was a low risk area in terms of flooding. Yorkshire Water had commented in respect of the use of sustainable drainage techniques. Details for how drainage would be addressed, including any discharge of water from the site, would have to be submitted for approval. Any potential flooding issues would be addressed at this point.
- The basements would have to be constructed to prevent water ingress; this was a matter for Building Control. The basements were not habitable rooms and had no windows. If a homeowner wished to convert them to a habitable room in future they would have to make an application under Building Regulations.
- The local Community Council had raised concerns in respect of traffic generation and overshadowing.

An objector put forward the following concerns:

- This was not a disused building, people were living there.
- The proposal was for a three storey development.
- There was no footway on one side of Parkinson Street.
- Parking was required. There were four businesses located in one building at the end of the road and people associated with these businesses parked on Parkinson Street. This affected residents' access.
- This development would increase the problems for existing residents and would decrease the number of parking spaces available.
- Parkinson Street was very narrow and there were already problems with access. Stowell Mill Street was also narrow.
- This was a very busy area and was used as a 'rat-run'. It was dangerous for children.
- When it rained it caused standing water in residents' gardens; it was believed that water would go into the proposed basements. Drainage was insufficient.
- The new three storey properties would stop daylight reaching the existing dwellings on Parkinson Street.

The Assistant Director responded with the following information:

- Parkinson Street would be widened.
- The development would generate only a low level of vehicle movement and it was considered that it would not cause congestion.
- There would be more than one point of access to the site.
- There would be sufficient parking provided for the needs of the development.



Any issues with the existing businesses and parking were a separate matter to this application.

- The highway improvements would mitigate the effect of any increase in traffic.
- Conditions would be imposed in respect of the control of drainage and a Construction Plan would be required
- There was an extant permission for residential development of this site.
- The height of the proposed properties would not be significantly different to existing properties. It was not considered that any overshadowing would have an undue detrimental impact; adequate separation distances would be achieved and the majority of the residential properties were to the east of the site.

In response to further questions from Members he confirmed that;

- Parkinson Street was to be widened to 5.5 metres and a footway would be created.
- If the present building was occupied and this use was unauthorised then enforcement action could be considered but it seemed unlikely that it would be considered expedient to pursue in the circumstances of this case.
- The applicant was required to serve notice on the freeholder and any tenants.
- This issue did not prevent the Committee making a decision on the application.

The City Solicitor confirmed that the Committee was able to make a decision on the principle of development and the planning officers would have to check that the notices had been correctly served prior to issuing a decision.

The Assistant Director explained that a 'Certificate A' had been submitted with the application and this declared that the applicant owned all the land concerned. No mention was made of any tenants, however this was not a material planning consideration.

The applicant's agent made the following comments in support of the application:

- The applicant was the sole owner of all the land.
- A previous application for the same number of units had been approved and was still extant.
- The scheme had been revised to provide a more affordable development as the previous design had been very modern and would have been too costly to build.
- The site was located within a residential area. There was a lack of suitable housing in the area and there was a need for large family homes with a lot of habitable space.
- The applicant's aim was to give something back to the community.
- The applicant had worked closely with officers to revise the scheme.
- There was space within each plot for two medium-sized cars to park off street.
- The road would be widened and a footway provided.
- The separation distances to existing properties had been clearly demonstrated; 17 metres was achieved at the closest point, widening to 18/19



- metres.
- The site had accommodated back to back houses with basements in the past so the engineering works would have to be undertaken to that depth anyway.
 - The applicant was not present at the meeting so he was unable to answer the question about whether people were living in the existing building on the site.

Members commented that:

- Further to the clarification from officers he was satisfied that the Committee was in a position to make a decision.
- There was an extant permission for 14 units.
- This scheme was better than that previously approved.
- The condition of the site had been deteriorating for a number of years.
- The viability concerns in this case were accepted.
- The decision had to be taken on planning grounds; if people had to vacate the site before building took place this was a matter for the applicant.

Resolved –

- (1) **That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.**
- (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:**

Payment of all costs associated with the implementation of a Traffic Regulation Order(s) to reduce on-street parking on Stowell Mill Street, Park Lane and Little Horton Lane,

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***

36. LAND TO THE REAR OF 589 LEEDS ROAD, THACKLEY, BRADFORD

The report of the Assistant Director - Planning, Transportation and Highways (**Document “U”**) considered an outline application, with all matters reserved other than access, for the residential development of land to the rear of 589 Leeds Road, Thackley, Bradford – 16/00543/MAO.

In response to Members' questions the Assistant Director clarified that:



- It was anticipated that roughly half the total of the existing off-street parking would be lost.
- Details for the closure of the existing point of access would be required under the submission for reserved matters.
- If it was considered necessary, a condition could be imposed to require the removal of all the parking spaces adjacent to the highway due to the impact on the access visibility splay and potential conflict with pedestrians.

It was noted that the tabled plan excluded the land that would be necessary to form the new access to the site; amended plans would therefore need to be submitted.

The applicant's agent spoke in support of the application:

- This former public house had originally been purchased in 2013 and the owner had been told at that time that the site included the car park.
- A planning application had subsequently been submitted to change the use to residential.
- The owner had then been informed that the land to the rear was also included but not registered. This had now been done.
- There had been a neighbour dispute about land ownership and the applicant's car had been vandalised.
- Only a small number of flats overlooked this piece of land and the other properties were at a higher level than the site.
- It was proposed to use sustainable drainage techniques to deal with surface water.
- There was a sewer in the top corner of the site which could accommodate the needs of the development.

It was clarified that any conflict about the ownership of the land was not a material consideration to be taken into account when determining the application.

The Assistant Director responded to an additional question in respect of the local schools already being at capacity and it not being possible to extend them:

- The Education Department was consulted in respect of places at schools and had to specify where infrastructure contributions would be spent.
- In this case they had no immediate plans to expand the nearest school so had identified a number of possible schools where the money might be spent.
- The money would have to be spent on infrastructure projects.
- Constant dialogue was undertaken with schools about the potential for expansion and increasing the numbers of spaces available.

Members made the following comments:

- This appeared to be a good scheme.
- The application for Reserved Matters should be submitted to this Committee



- for consideration and to allow, in particular, the access/egress to be looked at.
- Subject to the receipt of amended plans the proposal was acceptable.

Resolved –

- (1) That, subject to the receipt of plans amended to include the land necessary to provide the new access to the site within the red line boundary, the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' 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 contribution of £42,815 for the purpose of educational infrastructure improvements; £18,686 for primary level to be used at Greengates, Idle CE, Parkland, St Anthony's Catholic, Thackley and Thorpe Primary Schools and £24,132 for secondary level to be used at Immanuel College and Titus Salt School.
 - (ii) The payment of a contribution of £14,048 for the enhancement of existing recreational facilities and/or infrastructure within Buck Wood,the legal planning obligation to contain such other ancillary provisions as the Strategic Director, Regeneration (after consultation with the City Solicitor) considers appropriate.
- (3) That the application for Reserved Matters be submitted to this Committee for determination.

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

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

