

## Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday 15 December 2016 at City Hall, Bradford

Commenced      10.05 am  
Concluded        11.15 am

### Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Barker Brown	Abid Hussain Lee Wainwright Warburton	Griffiths

Observer: Councillor Fear (Minute 56)

Apologies: Councillor Watson

### Councillor Warburton in the Chair

#### 52. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

#### 53. MINUTES

**Resolved –**

**That the minutes of the meetings held on 21 June and 14 July 2016 be signed as a correct record.**

***ACTION: City Solicitor***

#### 54. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



## 55. MEMBERSHIP OF SUB-COMMITTEES

Resolved –

**That Councillor Riaz replace Councillor M Pollard as a Member of the Area Planning Panel (Keighley and Shipley) and that Councillor M Pollard replace Councillor Riaz as an alternate.**

***ACTION: City Solicitor***

## 56. LAND AT 1023 HARROGATE ROAD, BRADFORD

The Assistant Director – Planning, Transportation and Highways presented a report (**Document “AC”**) in relation to a full planning application for the construction of a five-storey building containing 28 dwellings, together with an associated car park, landscaping and access, on land at 1023 Harrogate Road, Bradford – 16/02062/MAF.

The Assistant Director recommended that, if Members were minded to approve the application, an additional condition be imposed in respect of the provision of communal electric vehicle charging points.

In response to questions he also explained that:

- A full Flood Risk Assessment had been submitted for the scheme which would have included consideration of the history of the site in terms of flooding and its propensity to flood in the future. The water level in canals was regulated and there was no evidence that the site had flooded in December 2015. No concerns had been expressed by the Environment Agency or the Council’s drainage officers.
- Highway Development Control was mindful of the implications of recent and proposed developments in the vicinity when considering applications.
- Five objections had been received and the issues were detailed in his report.
- No photographs were available from the other side of the canal. The view of the site from Laburnum Place to the North was obstructed by shrubbery.
- The gradient of the access road was not a cause for concern in terms of highway safety, it levelled out towards the point of access onto Harrogate Road.
- The development was proposed to be built in artificial stone. The opposite side of the canal included a number of converted properties, a number of properties constructed in natural stone and the majority being of artificial stone.
- The properties on Laburnum Place were traditional, two storey, natural stone cottages. They were set at a considerably higher level than this site and were further away than the properties on the other side of the canal; in excess of 50 metres.

A Ward Councillor addressed the Committee:



- The main concern was the impact on the highway and the proposed access arrangements.
- If travelling north along Harrogate Road there was a dip in the road just before the bridge and this affected visibility for this site. It was believed that there would be insufficient time for a driver on the main road to stop if a vehicle pulled out from the access point, even if only travelling at 30 mph.
- The existing off-street parking alongside Harrogate Road was well used and local residents and local businesses had expressed concerns about its loss. There were no proposals to replace this parking, there was none available on Laburnum Place and there were two bus stops in close proximity.
- Residents situated across the canal were concerned about loss of privacy; there would be views from the new development into habitable rooms which all looked outwards (towards the canal). This was also a concern for residents of Laburnum Place.
- It was considered that the new building would not be in keeping with the character of the area. Currently the canal provided a break between old and new properties.
- The new development would be significantly higher than the buildings currently on this site .
- It was understood that the properties on Laburnum Place may be listed.
- There had been a significant amount of new development in this area and there was huge pressure on the local infrastructure. It was estimated that this constituted new 650 properties in the immediate area and residents were becoming jaded.

Members asked a number of further questions and the Assistant Director:

- Displayed a photograph of the current off street parking provision and explained that the proposed Traffic Regulation Order would only remove the parking to the right hand side of the access. He indicated the location of the shops further along the road.
- Said that there was no indication of any historical accident record for vehicles accessing/leaving the site. In considering the scheme account had been taken of the topography affecting visibility to the right of the access and he was satisfied with the 43 metre visibility splay that would be achieved. A Traffic Regulation Order would be implemented to restrict parking to the right to prevent visibility being obstructed.
- There were accepted policies in respect of distances between dwellings to protect privacy; the current permitted minimum was 17 metres. The properties on the other side of the canal had been built with habitable rooms overlooking the canal but this did not mean that they had a right to the view forever onward. A distance of 20 metres would be achieved by this scheme and he considered this distance to be adequate to protect existing residents' privacy. These dwellings currently overlooked a derelict industrial site.
- He had no record of properties on Laburnum Place being listed and it was not within the Conservation Area.



- There was a clear requirement on the Local Planning Authority to consider any impact on the Conservation Area and its setting and comments had been received from the Conservation Officer who had carefully assessed the proposals. Even if these properties had been listed he did not consider, in light of the distance from the site, that this development would have had an adverse impact on their character.
- The land between the application site and Laburnum Place was unallocated and there was no record of any applications for development on file.

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

- In terms of the highways issues; the original scheme had been amended to include more parking spaces and was now only one short of the recommended number. The access was the same as had been used for the site in the past but the gradient would be improved. Traffic Consultants had been employed to design an appropriate scheme.
- The relationship with adjacent properties met and exceeded the current distance standards of the Local Planning Authority.
- The height had been slightly increased in comparison with the scheme approved in 2008; this was due to new acoustic standards requiring the floor to ceiling distances to be increased.

Members commented as follows:

- This was a brownfield site. Development would tidy up the canal corridor.
- In terms of the impact of the building it was accepted that it fit with the development on the opposite side of the canal however it would mean the introduction of a very large, different building into the outlook of residents of Laburnum Place. Whilst it was acknowledged that there was no right to a view the visual impact was a concern.
- There was a considerable distance to the properties on Laburnum Place.
- Any unspent balance from the £7,000 to be provided for the relevant Traffic Regulation Order should be directed towards recreational facilities.

**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 together with an additional condition in respect of:**

**The submission of a scheme for the provision of communal electric vehicle charging points, for approval in writing by the Local Planning Authority. The development then to be carried out in accordance with the approved details.**

- (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 £13,000 for the provision or enhancement of existing recreational facilities and/or infrastructure at Apperley Road Playing Fields,
- (ii) The payment of a commuted sum of £7,000 to fund the amendment of the existing Traffic Regulation Order to the front of the site on Harrogate Road to remove the right to park on the footway, with any unspent balance from this sum being added to the contribution for recreational facilities as set out in (i) above,

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

**ACTION:**     *Strategic Director, Regeneration*  
                  *City Solicitor*

## 57.     **SECTION 106 PLANNING AGREEMENTS MONITORING REPORT**

The Assistant Director – Planning, Transportation and Highways presented the latest monitoring report in respect of Section 106 Agreements, giving details of those signed in the first six months of the financial year 2016/17 and the total income received since the appointment of the Planning Obligations Monitoring Officer (**Document “AD”**).

The Assistant Director informed the Committee that in the current year £877,000 of New Homes Bonus monies had been allocated for education and recreation infrastructure works (69% education/31% recreation) to address shortfalls in Section 106 funding. In reply to a question he explained that the £877,000 figure did not cover the entire shortfall and the percentage figure could be provided to Members after the meeting. Figures for each ward could also be provided if required.

**Resolved –**

**That Document “AD” 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

