

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday 9 March 2017 at City Hall, Bradford

Commenced 10.00 am
Concluded 11.00 am

Present – Councillors

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

Councillor Warburton in the Chair

69. DISCLOSURES OF INTEREST

There were no disclosures of interest in matters under consideration.

70. MINUTES

Resolved –

That the minutes of the meetings held on 29 September and 6 October 2016 be signed as a correct record.

71. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

72. MEMBERSHIP OF SUB-COMMITTEES

No resolution was passed on this item.

NO ACTION



73. LAND AT ARTHUR STREET, IDLE, BRADFORD

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “A1”**) in relation to a full planning application for the construction of a residential development of 41 dwellings including infrastructure, landscape, access and all associated external works on land at Arthur Street, Bradford – 16/08854/MAF.

The Assistant Director reported that:

- The Council’s Trees Officer considered that a commuted sum of £48,540 would be required to compensate for the loss of the protected trees. This figure had been calculated using the CAVAT (Capital Asset Value for Amenity Trees) method which was a nationally recognised system that took account of the age and size of each tree, its amenity value and its anticipated lifespan. The figure did not include the costs of planting the new trees.
- The applicant had made an offer of £5,000 due to viability issues.
- Although New Homes Bonus monies might be used to make up the shortfall in terms of recreation and education infrastructure contributions it could not be used for replacement trees.
- Condition 2 in his report should refer to a 6 metre protected strip width, associated with the sewers that traversed the site, rather than 3.

He responded to questions from Members as follows:

- The applicant could be requested to provide trees within the gardens of the dwellings on the site but the Local Planning Authority would not have any control over their retention.
 - If the trees were not removed it would mean that it would not be possible to develop a large part of the site and the scheme would therefore become unviable.
 - There were no concerns in respect of access for emergency vehicles.
 - Four parking spaces were proposed to be included for residents of Arthur Street and there was some off-street parking available.
 - There were no proposals to restrict speed on Arthur Street; it was not considered that the access would lend itself to excessive speeds.
 - The existing residential dwelling on the site would be demolished.
 - The scheme was under the threshold of number of units for a formal traffic impact assessment to be required.
 - The calculations for the proposed development indicated one journey in or out every three minutes during the a.m. peak. The total number of trips per day would be similar to that generated by the existing commercial uses on the site and there was not considered to be a cause for concern..
 - It was accepted that if inconsiderate parking took place then this could cause problems with access but anyone causing an obstruction would be liable to prosecution.
 - Conditions were proposed to address any potential contamination of the site.
-
- No guarantees had been given by the Government in respect of the continued

availability of New Homes Bonus although it was understood that a commitment had been given to a further three years.

An objector to the application put forward the following concerns:

- In the early morning and the evening the area was extremely congested with parked cars. What time had the photograph shown to Members been taken?
- It was questioned who would have right of way on the access road?
- If a child was walking along the access road and got hit by a car whose fault would this be?
- Four parking places were to be provided but there were more than four houses on the right hand side of the road and most had two vehicles.
- The street was full of traffic particularly in the mornings and evenings.
- It was understood that removable bollards were to be placed in the 'snicket' to the side of his property on Abbotside Close to facilitate access for emergency vehicles but it was only 2.8 metres wide. Also the level of his property was six feet below that of the snicket, what guarantee was there that vehicles would not fall into his property?
- There were existing problems with anti-social behaviour and speeding vehicles at the bottom of Abbotside Close. Children were unable to play outside in safety.
- There were proposed to be 41 additional houses accessed via Arthur Street which meant at least 80 vehicles. Many would be trying to leave at the same time, for example to undertake the school run.
- There was a traffic island on Bradford Road adjacent to the junction with Arthur Street and this junction would be chaotic.
- If any new trees were planted in the vicinity it was believed that they would be vandalised.

The Assistant Director responded to the points raised and additional questions:

- The photograph of the access road had been taken at 2.00 pm.
 - The trees would not necessarily be planted in the immediate vicinity.
 - The access road within the site would be narrower than the existing carriageway on Arthur Street, it was defined as a 'Type 3b' shared surface highway with no defined footpath. This layout had been demonstrated to work effectively elsewhere and cars would give way to pedestrians. If this was a through route this would be more of a cause for concern but it was a short cul-de-sac.
 - The link through to Abbotside Close was not intended to be for emergency access but was classed as a pedestrian link.
 - Many households did have two cars but all these vehicles would not leave and/or return at the same time. There were recognised peak periods and these had been considered and an assessment undertaken of whether the network could cope.
 - The traffic island was already in situ and this development would not lead to any traffic movements that did not already take place. It was not believed that this would cause any problems.
-
- No direct consultation had been undertaken with respect to refuse collection

but the scheme included a full size turning head which would allow large vehicles to access the development in forward gear, turn and then leave in forward gear. It was suspected that currently these vehicles would have to reverse out of the road so this scheme would remove that necessity.

- The Highways Engineer would have assessed the access onto the main road to ensure that it was safe. The number of additional vehicles in this case was not a cause for concern.

In reply to questions from Members, the agents explained that:

- In respect of the limited offer in relation to mitigation for the loss of the protected trees; a viability appraisal of the scheme had been carried out and submitted to the Local Planning Authority as part of the application.
- The scheme would confer a number of social advantages; it would provide a level of affordable housing significantly above the normal requirement and would change the nature of the site (from commercial/industrial to residential). Financially there was very little room for manoeuvre with the scheme.
- The opinions expressed by the Trees Officer were taken on board but the scheme would suffer if a significantly higher level of contributions was required.
- There was a need for this sort of housing to be provided in this area; the scheme was being undertaken in partnership with a local Housing Association and included grant funding from the Homes and Communities Agency (HCA).
- All the necessary surveys had been undertaken and supported the application.
- The HCA grant was to support the provision of social housing across this site and was time limited. It was purely a capital grant towards construction works and did not include any provision for infrastructure contributions.
- Some car parking was to be provided for existing residents and there was also some parking to the rear of the existing properties.

The Assistant Director confirmed that an ecological assessment had been submitted with the application and a preliminary Bat Roost Assessment would be required to be undertaken prior to demolition of the existing buildings. If bats were found the work would be carried out under licence.

Members expressed the following views:

- The £5,000 offered (in respect of the loss of the protected trees) was unacceptable.
- New housing was needed but there were highway safety concerns with this proposal.
- There was a pinch point within the highway and a significant amount of on-street parking which could be increased by the loss of informal parking space.
- The financial circumstances and the lack of contributions towards education and recreation infrastructure was of significant concern.
- The figure in relation to the replacement of the protected trees had been calculated on a logical basis and the offer was not sufficient. If the scheme was not viable then it was not viable.

Further to which it was:

Resolved –

That the application be refused for the following reasons:

- (i) The proposed development would, by reason of the restricted width of the entrance to the site from Arthur Street, give rise to serious highway safety implications being detrimental to the free flow of traffic and pedestrian safety. It would therefore be contrary to Policies UR3, D1 and TM19A of the Replacement Unitary Development Plan.**
- (ii) The proposed development would create increased pressure on the existing local educational and recreational infrastructure and no mitigation measures have been offered. It would therefore be contrary to Policies CF2 and OS5 of the Replacement Unitary Development Plan.**
- (iii) The proposed development would lead to the loss of a significant number of protected trees, without adequate compensatory provision, to the detriment of visual amenity. It would therefore be contrary to Policies NE4 and NE5 of the Replacement Unitary Development Plan.**

***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.

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER