

# Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday 27 April 2017 at City Hall, Bradford

Commenced      10.00 am  
Concluded        10.50 am

**Present – Councillors**

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

Apologies: Councillor Barker

**Councillor Warburton in the Chair**

**79. DISCLOSURES OF INTEREST**

In the interests of openness and transparency, Councillor Griffiths disclosed, in respect of the application for Land at Simpsons Green, Apperley Bridge, Bradford (Minute 83), that he had objected to the original application (14/00255/MAF) in his capacity as a Ward Councillor but noted that this was an entirely separate application.

In the interests of transparency, Councillor Brown disclosed, in respect of the application for Bridgehouse Mills, Haworth (Minute 85) that due to him being a Ward Councillor he had previously had communication with one of the companies based in the building in respect of various community initiatives in the area. The matter was before the Committee now purely for noting.

In the interests of transparency, Councillors Brown, Ellis, Griffiths, Abid Hussain, Wainwright, Warburton and Watson disclosed, in respect of the item relating to Greenholme Mills, Iron Row, Burley in Wharfedale (Minute 85), that they had been Members of the Committee when this application had been considered previously. The matter was before the Committee now purely for noting.



In the interests of transparency, Councillors Ellis, Griffiths, Abid Hussain, Wainwright, Warburton and Watson disclosed, in respect of the item relating to Bridgehouse Mills, Haworth (Minute 85), that they had been Members of the Committee when this application had been considered previously. The matter was before the Committee now purely for noting.

In the interests of transparency, Councillors Brown, Ellis, Griffiths, Abid Hussain, Wainwright, Warburton and Watson disclosed, in respect of the item relating to Land at Trafalgar Street, Bradford (Minute 84), that they had been Members of the Committee when this application had been considered previously. They stated that they would approach the issue with an open mind and consider all the relevant material planning issues before making a decision.

In the interests of transparency, Councillors Brown, Abid Hussain, Wainwright and Warburton disclosed, in respect of the item relating to Land at Simpsons Green, Apperley Bridge, Bradford (Minute 83), that they had been Members of the Committee when this application or associated applications had been considered previously. They stated that they would approach the issue with an open mind and consider all the relevant material planning issues before making a decision.

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

***ACTION: City Solicitor***

**80. MINUTES**

**Resolved –**

**That the minutes of the meetings held on 15 December 2016, 12 January 2017 and 9 February 2017 be signed as a correct record.**

***ACTION: City Solicitor***

**81. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

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

***NO ACTION***

**82. MEMBERSHIP OF SUB-COMMITTEES**

No resolution was passed on this item.

***NO ACTION***



**83. LAND AT SIMPSONS GREEN, APPERLEY ROAD, APPERLEY BRIDGE, BRADFORD**

Previous references: Minutes 36 (2014/15) and 12 (2016/17)

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “AJ”**) in relation to a planning application, submitted under the provisions of Section 73 of the Town and Country Planning Act 1990, in respect of a residential development of 267 dwellings and integral public open space, with associated access, parking and landscaping on land at Simpsons Green, Apperley Bridge, Bradford -16/07708/VOC. The scheme had originally been granted planning permission on 17 December 2014 (14/00255/MAF).

The report explained that the application was for a minor material amendment to the previously approved development through a variation of Condition 2 to substitute revised drawings showing changes to retaining walls, boundary treatments, levels, layout and house designs. The changes related in part to a change in house design/layout for 63 units, which were now proposed to be developed by a different house builder, and in part to the retrospective regularisation of changes to site retaining walls/ ground levels.

The Assistant Director responded to questions from Members as follows:

- The type and size of the initial landscaping stock to be provided as part of the development would be controlled. However, how and when shrubs/trees within the private curtilages might be removed or replaced in the future could not be controlled.
- A 1.8 metre close board fence would be provided along the rear boundary and this would be conveyed to the owners of the new properties. They would be able to change this in the future if they so wished but it was considered unlikely that it would be replaced with anything that would provide less screening.
- He tabled the relevant plans and explained the situation in respect of 155 Apperley Road and adjacent properties in particular. The new dwelling to existing dwelling position and the house type were unchanged. The height of the retaining structure was now in accordance with what had been approved originally but it was placed nearer to the boundary. Screening would be provided.

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

- The application was a minor material amendment to change sixty one of the previously approved house types to that preferred by the current developer.
- Local residents had been consulted on the proposals.
- The application also sought to regularise the boundary treatments.
- The applicant had worked with the Local Planning Authority and local residents to try and provide an improved solution to the issues.



- The rear gardens of the new properties would now be terraced and it had been possible to move and reduce the height of some of the retaining features.
- Additional landscaping along the southern boundary of the site would be agreed with officers.
- It should be possible to a covenant in the deeds for each plot to ensure that the landscaping was maintained in the future.
- Where possible the relationships of new to existing properties in terms of distance and height had been improved upon, subject to the technical constraints and the topography of the site.
- All the retaining features along the southern boundary would be screened from view.

In response to Members' questions he said that:

- Meetings had taken place with approximately fifteen local residents. As a result it had become apparent that there was a need to review the proposed retaining features. This issue had been addressed by terracing the rear gardens of the new properties and by providing screening of the retaining features for existing residents. The finished floor levels of the new houses would be as previously approved but some of the ridge heights had been reduced.
- The applicant had taken over this part of the site from the previous developer. The necessary amendments to the ground works had been considered as part of a package alongside the required amendments to alter the house types.

Members welcomed the efforts made by the applicant to consult with local residents and to work with planning officers. The suggestion that a covenant be placed on the relevant deeds to protect the landscaping and amenity in the future was considered to be appropriate.

#### **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 authority be delegated to the Assistant Director - Planning, Transportation and Highways, in consultation with the City Solicitor, to enter into a Deed of Variation of the original legal obligation under Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 attached to Planning Permission 14/00255/MAF to retain all the obligations as follows:**
  - (i) Payment of a commuted sum of £1,926,006 towards the highway improvement scheme at the New Line/Harrogate Road junction in lieu of affordable housing provision, with any monies not required for the works to the junction being directed back to the provision of affordable housing within the**



- Idle and Thackley Ward as the first priority and Bradford North Constituency as the second priority.
- (ii) Payment of a commuted sum of £21,000 to be used for improvements of the existing playing pitches in the nearby locality.
  - (iii) On-site provision of recreation equipment in the area to be designated as Public Open Space. The equipment to be maintained in perpetuity by the management company responsible for the open spaces on the site (see (v) below) and the detail of the type and location of the equipment to be approved in writing by the Local Planning Authority.
  - (iv) Payment of a commuted sum of £1,058,840 for educational infrastructure improvements within the Idle and Thackley Ward or adjoining wards; £462,054 towards primary facilities and £596,786 towards secondary facilities. (To be paid in four equal instalments at the following triggers: 25% on the occupation of the 50th unit, second instalment on the occupation of the 100th unit, third instalment on occupation of 150 units with the remainder paid on the occupation of the 200th unit.)
  - (v) A management plan agreement for the management of all communal areas on the site which shall include long term design objectives, management responsibilities and maintenance schedules for all the areas in addition to including biodiversity enhancements. The Public Open Spaces to be provided prior to occupation of the 50th unit and to remain open and free from any built form in perpetuity.
  - (vi) Payment of a commuted sum of £134,000 for transport infrastructure improvements and/or initiatives to support modal shift in the locality such as; upgrades to the Bridleway and the Public Rights of Way network. £20,000 of these monies to be put towards the upgrading of bus stops 17179 and 17178.
  - (vii) Payment of a commuted sum of £15,000 to fund a mid/post development assessment and consultation exercise and any highway improvements considered necessary on Apperley Road and neighbouring roads, with consideration being given to the introduction of a road closure/one way system and resident's permit parking.
  - (viii) Payment of a commuted sum of £5,000 to fund a Resident's Permit Parking Scheme, if identified as necessary by the mid/post development assessment and consultation exercise. The scheme to be agreed with the Council.
  - (ix) Highway works, to include:
    - (a) A contribution of £1,926,006 towards the planned improvements to the New Line/Harrogate Road junction.
    - (b) A contribution of £14,000 for Traffic Regulation Orders and a Speed Hump Order to implement waiting restrictions to the protect visibility splays at the junction and for the relocation of the existing speed humps on Apperley Road.
    - (c) The provision of an Emergency Access, along with a shared



pedestrian/cycle link, between the site and Leeds Road,

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the City Solicitor) considers appropriate.

- (3) That the Assistant Director - Planning, Transportation and Highways include a footnote on the planning permission in respect of the imposition of a covenant on the plots along the southern boundary of the site which abut existing properties on Apperley Road to ensure the retention and maintenance of suitable landscaping treatments/screening along this boundary.

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

#### 84. LAND AT TRAFALGAR STREET, BRADFORD

Previous reference: Minute 28 (2016/17)

A report was submitted by the Assistant Director - Planning, Transportation and Highways (**Document "AK"**) 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 Trafalgar Street Car Park, Snowden Street, Bradford - 16/02316/MAO. The application was in outline form with details of the access and layout submitted for consideration at this stage

The report reminded Members that the application had originally been considered by the Committee on 4 August 2016 when it had resolved to grant permission subject to a Section 106 Legal Agreement covering a number of matters. However, the applicant had failed to complete the Legal Agreement within a reasonable period of time and in light of there being no indication that it would be completed imminently the application was now recommended for refusal.

The Assistant Director explained that, since the publication of his report, the applicant had indicated that he was keen to sign the Section 106 Agreement and if this was not done by the end of May then refusal of the application would be accepted.

He gave the following response to Members' questions:

Some of the proposed apartments would be for sale on the private market and a number were to be used in conjunction with the use as a wedding venue. A relevant restriction on their use was proposed to be included within the Section 106 Obligation.



Members considered that it would be reasonable to allow the applicant until the end of the following month to sign the obligation. Further to which it was:

**Resolved –**

- (1) That the decision taken on 4 August 2016 to approve the application for the reasons set out in the Assistant Director - Planning, Transportation and Highways' technical report (Document "P") and subject to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990 with the following heads of terms:
- (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,

be reaffirmed, subject to the legal obligation being completed, signed by the applicant and returned to the Council by no later than 31 May 2017.

- (2) That, if the legal obligation referred to in (1) above is not completed, signed by the applicant and returned to the Council by 31 May 2017, authority be delegated to the Assistant Director - Planning, Transportation and Highways to refuse the application for the reasons set out in Document "AK".

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



**85. GREENHOLME MILLS, BURLEY IN WHARFEDALE/BRIDGEHOUSE MILLS, HAWORTH**

A report was presented by the Assistant Director - Planning, Transportation and Highways (**Document “AL”**) which informed the Committee of the Secretary of State’s consultation responses further to the resolutions to approve the planning applications at Bridgehouse Mills, Haworth (15/07479/MAF) and Greenholme Mills, Burley in Wharfedale (15/03339/MAF) at the meeting held on 9 February 2017. Both applications had been referred due to them including proposals for development within the Green Belt. The Secretary of State was content for both applications to be determined by the Local Planning Authority.

**Resolved –**

**That Document “AL” be noted.**

***NO ACTION***

**86. PRIVATE HIRE AND HACKNEY CARRIAGES - NEW CONDITIONS**

The report of the Strategic Director, Place (**Document “AM”**) sought the approval of the Committee to implement new conditions for private hire driver/operator/proprietor licences and hackney carriage drivers and vehicle licences.

**This item was withdrawn from the Agenda.**

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

