

Minutes of a meeting of the Regulatory and Appeals Committee held on Monday 15 May 2017 at City Hall, Bradford

Commenced 10.00 am
Concluded 2.45 pm

Present – Councillors

CONSERVATIVE	LABOUR
Barker Brown	Wainwright Warbuton Watson

Observers: Councillor Fear (Minute 92)

Apologies: Councillors Abid Hussain and Griffiths

Councillor Warburton in the Chair

87. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

88. MINUTES

Resolved –

That the minutes of the meetings held on 9 March 2017 be signed as a correct record.

89. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

90. MILNER FIELD FARM, PRIMROSE LANE, GILSTEAD



Planning application for the development of an Innovation Centre (sui generis use) on the site of Milner Field Farm, Primrose Lane, Gilstead – 15/05538/MAF.

The Committee noted the withdrawal of this application by the applicant.

ACTION: Assistant Director - Planning, Transportation and Highways

91. SITE OF THE FORMER AVENEL CLUB, WHITBURN WAY, BRADFORD

A report was submitted by the Assistant Director - Planning, Transportation and Highways (**Document “AO”**) in relation to a full planning application for a residential development of 23 dwellings, 8 two bed and 15 four bed, on the site of the former Avenel Club, Whitburn Way, Bradford – 16/09318/MAF.

Members commented that scheme was much improved on the plans that had been refused previously.

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 commuted sum of £57,066 towards the enhancement of the educational infrastructure at secondary school level, to be used at Parkside School,**
 - (ii) The payment of a commuted sum of £21,334 towards the enhancement of recreational facilities in the vicinity of the site, to be used for the provision and/or enhancement of the existing facilities and infrastructure at Ley Top Rec or Ladyhill Park,**
 - (iii) The provision of up to 20% of the units on site as affordable housing, to be transferred to a Registered Provider,**

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.

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



92. SPORTS GROUND, HARROGATE ROAD, BRADFORD

The Assistant Director - Planning, Transportation and Highways submitted a report (**Document “AP”**) in respect of a planning application for the erection of 45 dwellings with associated access works at the former Crag Road United Football Ground, Harrogate Road, Bradford – 16/09142/MAF.

The Assistant Director answered questions from Members:

- The land concerned was in private ownership.
- Although the national flood mapping indicated that part of the site was within Flood Zone 3 the mapping was not accurate; it had been assessed locally and was not at risk.
- The most significant flood risk at this location was from the River Aire. This site had not flooded during the floods of December 2015 although surrounding streets had done so. On that occasion national river level records had indicated levels 1½ metres higher than they had ever been previously. The lowest house on the proposed site would be set 1½ metres higher than the highest recorded level. The Flood Risk Assessment indicated that there was no risk from the River Aire or Carr Beck.
- There was currently one useable pitch at Harrogate Road Playing Fields and this would be increased to three. There was a shortage of ten pitches in the locality.
- A local hub would be developed by Eccleshill United Football Club including changing facilities. There would be a clause in any agreement to ensure that they were made available for use by other clubs. The timescale was dependent upon the Community Asset Transfer process which was currently ongoing.
- There was only one principle means of access but this was acceptable for the scale of development proposed. A secondary pedestrian access facilitating access to the canal towpath would also be available.
- The sight lines were satisfactory, the bus shelter was to be relocated.

A Ward Councillor raised the following issues:

- Conditions would be necessary in respect of the hours of operation for construction; a number of residential properties were located close to the site. It was suggested that the permitted start time should be after 08.30 particularly at the weekend.
- There had been a significant amount of development already in this area. Vehicles associated with developments had parked on residential streets which had caused problems, including access being blocked. Local people were keen to avoid this happening again.
- The policy justification for the loss of a pitch on this site was that two additional pitches would be created on the site in Eccleshill. However no additional space would actually be created. In June 2015 Bradford East Area Committee had allocated funding for works to the drainage at the Eccleshill site. It was questioned whether this was the same work?



- In response to a question at a full Council meeting in January 2017 the Portfolio Holder had confirmed that the two pitches were to be brought back into use this meant that the current application actually represented a reduction from three to two pitches which was contrary to policy.
- Overshadowing was a concern for existing properties whose habitable room windows faced the site and would have three storey development with windows opposite. Residents were keen to get some guarantee that their rooms would not be overlooked.

The Assistant Director confirmed that some funding had already been allocated for the playing pitch drainage works at Eccleshill. One of the pitches, which was unusable, required significant investment due to a collapse of mains drainage and the others required works to the surface drainage. The allocated funding was base budget and the Section 106 monies would be added to this to undertake the necessary works to bring all the pitches back into use. He pointed out that the pitches at Crag Road had not been used for five years; they were not in Council ownership so the Authority had no influence over their use.

A representative of the objectors put forward the following concerns:

- He was speaking on behalf of local residents including from both Brookhouse Gardens and Waterloo Crescent.
- One of the points made in the Flood Risk Assessment had been that the site was not subject to flooding so it was questioned why the Environment Agency had insisted that the site levels should be raised.
- The surface water outfall had initially been shown as going down Parkin Lane to a culvert at Carr Beck. Further to concerns being raised with the Council's Senior Drainage Officer he had determined that this proposal was unacceptable and that surface water should be directed to the river. However it had now been deemed acceptable for it to go to Carr Beck. Residents had been told that this was due to the logistical difficulties of crossing Harrogate Road. There was a private land owner who could have been approached to avoid this problem but this had not happened.
- Residents considered that there was a risk of flooding.
- In terms of foul water drainage; the Flood Risk Assessment and Yorkshire Water had initially stated that foul water should go into the 375mm sewer in Harrogate Road but the plans showed a connection to the much smaller sewer in Parkin Lane; an easier and cheaper option. It was believed that this would increase the risk of flooding to No. 2 Brookhouse Gardens which had already been flooded with foul sewage on a number of occasions. Yorkshire Water had now said that they were not concerned about which sewer was used.

In response, the Assistant Director explained that:

- Current national policy guidance required a calculation of the extreme flood event of 1 in 100 years plus 600mm to establish the lowest floor levels. The developer had adhered to this guidance and the floor levels in this case would be 1.1 to 1.2 metres higher than the 1 in 100 year level. The site itself would not be raised, this measurement applied to the floor levels of the buildings and was an extra precaution.



- He had met with residents and the applicant to discuss surface water run-off. The original proposal had been to connect to Carr Beck but the culvert was in a dip so this had been deemed unacceptable. The developer had investigated the possibility of using the River Aire but this option had not been available to them due to the need for third party land. Going across Harrogate Road would also be a costly process. Further consideration had therefore been given to the use of Carr Beck but at a different point nearer to the site; this would not increase flood risk. The water coming off the site would be restricted to greenfield run-off rate of 7.7. litres per second per hectare; it was considered that this would actually reduce the risk of flooding in extreme conditions. The water would be stored in tanks and Yorkshire Water had been consulted and given agreement in principle to the plans.
- Initially Yorkshire Water had said that foul water should be discharged to the sewer in Harrogate Road. As the design had progressed to the detailed stage Yorkshire Water had agreed that the sewer in Parkin Lane was adequate to deal with the needs of the development. This lay within their remit and responsibility and the Council had to accept their advice.

He also said, in reply to a Member's questions, that there had been a problem with a local pumping station in December 2015 and some of the residents of Brookhouse Gardens and Parkin Lane had reported problems with drains backing up. Yorkshire Water had no objections to the proposals and had stated that the relevant sewerage systems had adequate capacity.

The applicant's agent made the following comments:

- The applicant was working with the local authority to deliver much needed housing.
- This area was sustainable having a recently built train station near by.
- The development would provide a mix of family housing and smaller units.
- The site was in private ownership and had not been used since 2011.
- A contribution would be made towards funding drainage improvements for two playing pitches which were currently unusable thus improving such facilities in the area.
- Having met with the residents of Brookhouse Gardens their concerns were understood but the site had not flooded in December 2015, a detailed drainage scheme had been designed in consultation with specialists and the run-off rate would be restricted to 7 litres per second per hectare. Storage sufficient to accommodate 440 cubic metres of surface water would be provided on site.
- The development would not increase flood risk elsewhere. The scheme would improve the culvert at Carr Beck and it was possible that the current position would be improved. Changes had been made to the design in response to consultations.
- The development included measures to design out crime and met the Local Planning Authority's requirements in terms of distances. It was fully compliant with the relevant policies and included the provision of affordable housing.



Further to a question from a Member of the Committee she said that all the developer's sites had a Construction Method Statement and included a site compound and they would be happy to accept a Condition in respect of the need for a Construction Management Plan so that the Council could retain control over matters such as permitted hours of work. The developer aimed to achieve Considerate Constructor status on all its sites and was willing to provide telephone numbers for contact in case of problems arising.

Further to which it was

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 further to the amendment of Condition 7 to read as follows:

7. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;**
- ii) hours of construction work, including any works of demolition;**
- iii) hours of delivery of materials;**
- iv) location of site management offices and/or sales office;**
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;**
- vi) car parking areas for construction workers, sales staff, customers, *plant and site vehicles*;**
- vii) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;**
- viii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;**
- ix) temporary warning and direction signing on the approaches to the site**



The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan,

and Condition 9 to read as set out below:

9. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0830 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

- (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, relating to:
- (i) The payment of a commuted sum of £63,391 towards the enhancement of the educational infrastructure at primary level, to be used at Greengates, Holybrook, Our Lady & St Brendan's and Thorpe Primary Schools,
 - (ii) The payment of a commuted sum of £25,000 towards the enhancement of recreational facilities, to be used towards the redevelopment of Harrogate Road Playing Fields,
 - (iii) The provision of 9 affordable housing units on site,
 - (iv) The payment of a commuted sum of £30,000 for the provision of a bus shelter and a live bus information display at Bus Stop No. 18116 and a live bus information display at Bus Stop No. 18117,
 - (v) The payment of a commuted sum of £13,792 towards improvements to the culvert at Carr Beck,



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 applicant be required to enter into a legal agreement under Section 278 of the Highways Act 1980 in respect of:

The undertaking of off-site highway works on Harrogate Road to support the development, to include the relocation of the bus shelter, provision of bus clearway markings; construction of a parking lay-by; implementation of a Traffic Regulation Order; and the amendment of existing ghost hatched markings to provide a right hand turn lane.

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

