

## Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 28 September 2017 at the Banqueting Hall - City Hall, Bradford

Commenced	10.05 am
Site Visit	11.20 am – 12.40 pm
Adjourned	12.55 pm
Reconvened	1.15 pm
Concluded	2.30 pm

### Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Brown Rickard	Warburton Wainwright Amran Watson	Griffiths

Observers: Councillor Brendan Stubbs (Minute 35) and Councillor David Ward (Minute 34)

### Councillor Warburton in the Chair

#### 30. DISCLOSURES OF INTEREST

In the interests of transparency, Councillors Brown, Griffiths, Wainwright, Warburton and Watson disclosed, in respect of the item relating to Arthur Street, Bradford (Minute 35), 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.

***ACTION: City Solicitor***

#### 31. MINUTES

Resolved –

That the minutes of the meeting held on 25 May and 22 June 2017 be signed as a correct record.

### 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

**Resolved –**

**That Councillor Senior replace Councillor Townend as a Member of the Social Services Appeals Panel.**

***ACTION: City Solicitor***

### 34. POPLARS PARK ROAD, BRADFORD

The Assistant Director - Planning, Transportation and Highways presented **Document “S”** in relation to a full planning application for the construction of a residential development of 145 dwellings and associated works on land at Poplars Park Road, Bradford – 17/04666/MAF. He reported that the site sloped to the south towards a woodland area and was of differing levels. There was a mix of house types and planting in the area. Members were informed that the site was included in the Bolton Woods Masterplan and was a key site for the regeneration of the District. A number of representations and additional objections had been received and the issues raised were covered in the report. The Assistant Director - Planning, Transportation and Highways confirmed that the site was located in a zone that did not benefit from the Community Infrastructure Levy (CIL) and affordable housing would not be provided as part of the scheme, however, overage monies would be placed in an enhancement fund and this could be utilised for affordable housing. He explained that 145 dwellings were required for the development to be viable and it would be dependant upon funding from the Leeds City Region Enterprise Partnership. In conclusion the application was recommended for approval, subject to the conditions as set out in the report and also subject to five additional conditions.

In response to Members' queries, the Assistant Director - Planning, Transportation and Highways confirmed that:

- The woodland area to be lost would equate to approximately a quarter of the trees on the site, however, it was difficult to surmise as it would be a slice of trees due to the sloping site. Trees would be replanted to replace those lost.
- It was a nil CIL zone and the Council was a shareholder of the Enterprise Partnership, so could not enter into a Section 106 Agreement. A Supplemental Agreement to the Development Agreement had been established and the Council would retain control of where the funds were allocated.
- The Supplemental Agreement required information to be provided to detail the monies made and this would be verified by other parties.
- Usually a developer would buy land with constraints of CIL or a Section 106 Agreement, however, this site was extremely challenging in respect of viability. The Enterprise Partnership received reports on an annual basis

and the focus was about developing a sustainable community. Any profits would be placed in the regeneration fund and it was the Board's decision as to how the money was spent. The Council's representative on the Board had 51% of the share.

- The Supplemental Agreement covered the costs in detail and the Council had to be informed of any monies that were placed in the Overage Fund.
- The approved application would affect the woodland.
- There would be a large attenuation tank, however, a number of issues raised by the Council's drainage officer had not yet been addressed.
- The three year expiration notice was a default condition and if this was not required on the application then it would have to be made very clear, as the grant funding to mitigate the impact in relation to the loss of trees would be at risk and if the development was not progressed it would not be implemented.
- The funding of the scheme was a material factor along with other planning considerations.
- Usually the developer would pay the landowner for the site and the amount paid had to be an acceptable figure, however, this application was different as a regeneration company was releasing the land for development.
- The grant was approximately £3.6 million.

An objector was present at the meeting and raised the following concerns:

- She lived on Poplars Park Road and was representing a community group.
- Local residents met regularly.
- The need for more homes was understood, but certain issues required consideration.
- The last phase of housing took a while to sell.
- The main concern was that it was a residential area with no through traffic.
- If the access from Poplars Park Road to Stanley Road was opened, it could become a short cut from Kings Road to the main road.
- There would be highways safety issues.
- There were no recreational facilities and the local children played on the road.
- Traffic would pass by the primary school.
- A pedestrian and cycle path should be used to connect the two sites and not a through road.
- Access and egress to the site was difficult at peak school times.
- It was a hilly site and during icy conditions people parked their vehicles on the main road, which caused issues.
- The area attracted residents due to open space but this would be lost.
- The proposal to build a supermarket was acceptable but a public house would not be viable and the area would be better used for a play area.
- There would be an issue with school places, if a new school was not built.

The Assistant Director - Planning, Transportation and Highways clarified that:

- The Council did not have an influence on the housing market.
- The scheme would contribute to the District's housing supply.
- There was a specific reference to through traffic in the report.

- The intention had always been to open Poplars Park Road and it had never meant to be a cul de sac.
- The Council was undertaking work on Kings Road to alleviate any issues.
- It was not believed that the opening of the road would be detrimental.
- The suggested additional conditions proposed traffic regulation orders (TROs).
- The impact of traffic at peak school hours had been studied.
- The loss of woodland was unfortunate, but the scheme required the construction of 145 dwellings.
- Whilst infrastructure would be needed, it was not part of the application for consideration.

In response to a Member's query regarding the infrastructure, the Assistant Director - Planning, Transportation and Highways explained that if the application had been a standalone scheme then it would have been liable for CIL, however, there would be other schemes submitted that were recommended for approval that would also not attract CIL. He stated that the Council could only spend money on projects identified through the Regulation 123 list, which included schools. It was not the role of individual applicants to put forward suggestions and as the site was within the Masterplan area, there would be proposals.

A Ward Councillor was present at the meeting and stated that:

- The report acknowledged the concerns not addressed and the compromise made.
- The residential issues were acknowledged.
- The Ecology survey should be considered in detail.
- The Council's Highways Department had anticipated a through road 20 years ago, however, at that point the land had been a working quarry.
- The application should be considered as back to back development.
- Poplars Park Road should not be made a through road to Stanley Road.
- The schools in the area were full.
- It had been proposed that the intake for Poplars Farm Primary School could be increased.
- It was a narrow road with issues, which would be exacerbated when more houses were built and extra pupils attended the school.
- When would a detailed highways report be available?
- Kings Road was congested at school times.
- A through road would reduce the value of the houses.
- The house values would increase if the development was classed as a back to back phase.
- Nothing was added to the value of the scheme by making it a through road.
- A through road would be detrimental to residents and future residents.

The Assistant Director - Planning, Transportation and Highways confirmed that traffic movements in the area had been monitored and the installation of traffic calming measures would be considered. Members noted that there had always been the intention for a through road in order to accommodate the extra traffic from the new developments and the improvements to Kings Road had been undertaken in connection with the previous application for the construction of 149 houses. The traffic calming measures on Poplars Farm Road would be revised

and extended through to Stanley Road, which would discourage people using the road as a rat run.

The applicant's agent was present at the meeting and commented that:

- The approval was welcomed.
- The development was acceptable and would provide 145 needed new homes.
- Work would hopefully commence on the site in early 2018.
- The scheme was part of the Bolton Woods Masterplan.
- The wider Masterplan included new schools, facilities and homes.
- The design and layout of the houses had been dictated by the steep site.
- A wooded area would be retained and more trees would be planted.
- Comments from residents had been addressed.
- Traffic calming measures would be installed.
- The Regeneration Fund identified how the development would be delivered.
- It was a high quality proposal.
- The application had been thoroughly assessed.

In response to Members' questions, the applicant's agent reported that:

- The through road would provide access to the development via either direction and the Masterplan allowed for movement through the whole area. The traffic calming measures would deal with any issues in relation to a 'rat run' and there would be ease of access for residents.
- The topography of the site was difficult and it was deemed that certain drainage measures would not work, however, detailed consideration would be undertaken to ensure the site was sufficiently drained.
- There may be a cycle link through to Canal Road. The grass and green land areas may also be linked.
- The additional tree planting would be in the street scene and on key roads. The trees would be spread across the site.
- The developer had looked as delivering houses to the west of the site, but there were issues. The red line boundary had been drawn more tightly and this had resulted in some of the woodland areas being used. There may be scope to landscape some areas instead of using the land for housing.

Following a site visit, Members raised a number of concerns and were informed that:

- The calor gas operator had been relocated, however, there was an existing consent that a certain number of containers could be stored at the location.
- The Masterplan had been agreed in 2015 and provided a wider picture. The quarry site was subject to two applications for 700 houses, which would have major implications, however, nothing had been decided. The access to the quarry site would be from Poplars Park Road and the quarry developer would have to take this into consideration. Any application would be dependant on whether the junctions could cope with the extra traffic and conditions regarding traffic calming measures would be placed on the application.

- The Canal Road Urban Village Masterplan Project would be responsible for the replanted trees.

During the discussion a Member raised concerns in relation to the loss of trees and Poplars Park Road becoming a through road. Another Member echoed the sentiments regarding the trees and requested that indigenous species were replanted. It was also requested that the appropriate Area Committee considered the implications of Poplars Park Road becoming a through road.

**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, subject to the following additional conditions:**

- (i) Prior to the commencement of development full details of a Traffic Regulation Order and any other associated Orders deemed necessary by the Highway Authority shall be submitted to agreed and in writing by the Local Planning Authority.**

**Reason: In the interests of highway safety and to accord with Policy TR2 and Appendix 4 of the Core Strategy.**

- (ii) Prior to the commencement of development full details and specifications of the works associated with traffic calming on Poplars Park Road shall be submitted to and approved in writing by the Local Highway Authority. The development shall not be occupied until these works have been completed to the satisfaction of the Local Planning Authority.**

**Reason: In the interests of highway safety and to accord with Policy TR2 and Appendix 4 of the Core Strategy.**

- (iii) Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with details to be approved in writing and completed to a constructional specification approved in writing by the Local Planning Authority.**

- (iv) Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.**

- (v) Before any part of the development is brought into use, details of the works associated with Poplars Park Road i.e. provision of footways; provision of street lighting; and upgrade of**

carriageway shall be submitted to and approved in writing by Highways. The works shall then be completed in accordance with the approved specifications and to a timescale agreed with Highways.

And also be subject to the amendment of Condition 5 as set out below:

The development shall not be begun nor any works carried out on the development site until a detailed tree planting scheme, including appropriate indigenous species, has been submitted to and approved in writing by the Local Planning Authority.

In the first planting season following the completion of the development or as otherwise specified by the Local Planning Authority the trees shall be planted in accordance with the approved tree planting scheme.

Any trees becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

No other tree shall be removed from the site except with the written consent of the Local Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

Reason: For the maintenance of tree cover and in the interests of visual amenity and to accord Policies DS2 of the Core Strategy.

- (2) That a report be submitted to Bradford East Area Committee that details the implications of Poplars Park Road becoming a through road and any traffic calming measures that could be implemented.

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

**35. ARTHUR STREET, BRADFORD**

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “T”**) in respect of a full planning application for the construction of a residential development scheme including infrastructure, landscape, access and all associated external works on land at Arthur Street, Bradford – 17/04224/MAF. He informed Members that the scheme proposed the construction of 41 dwellings, consisting of 19 that would be placed on the open market and 22 to be socially rented. A previous application had been refused in March 2017 on the grounds of restricted access to the site, no education or recreation contribution and the loss of trees. The new application retained access

to the site via Arthur Street and provided a contribution of £25,000 as a compensatory payment for the loss of protected trees on the site. It was noted that the sum calculated to allow replacement planting equated to £48,540, however, the Council's Economic Development Unit had accepted the offer. The Assistant Director - Planning, Transportation and Highways confirmed that the junction of Arthur Street and Bradford Road achieved the visibility standard in both directions, but the width of the access was the issue and one of the reasons for the previous refusal. He stated that ideally the Council would want a full width road, however, the applicant had confirmed that the road and pathways would be made up to the Council's adopted standards. It was acknowledged that wheelie bins placed on the road and pathway outside houses on Arthur Street caused issues. In order to try and alleviate some of the problems the applicant had proposed to create four formal parking spaces for the terraced housing occupants and two vehicles would be able to pass safely on the road within the site. The Assistant Director - Planning, Transportation and Highways stated that site had previously been used as a scrap yard and the existing buildings would be demolished. There were no concerns in relation to the layout or design of the houses and the parking provision adhered to the Council's standards. He then recommended the application for approval, subject to the completion of a Section 106 Agreement to secure the affordable housing provision and the compensatory payment for the loss of the trees and that discussions be undertaken with Ward Councillors regarding a replanting scheme.

In response to Members' questions, the Assistant Director - Planning, Transportation and Highways reported that:

- The width of the access was the same as the previous application.
- No Traffic Regulation Orders (TROs) had been proposed.
- The 4 parking spaces had been proposed for the use by the residents of the six terraced properties at the bottom of Arthur Street. There would still be on-street parking, but the proposal would move parked vehicles away from a pinch point.
- There were no TROs on the road at the moment.
- Refuse collection would not alter, except the vehicle would have to travel further down the site.
- The Council's Economic Development Unit had concurred that the contribution of £25,000 was correct.
- The Council's Education and Sport and Leisure Teams had been consulted, but they could not request contributions. Departments would need to keep a note of the contributions that they had lost and place a request for Community Infrastructure Levy (CIL) money when it was divided.

An objector was present at the meeting and raised the following issues:

- Access was the main concern.
- Trees, access and amenity were issues.
- Which school would the children attend?
- He lived on Arthur Street.
- A parked car had stopped the refuse collection vehicle from accessing the street, so the bins had not been emptied for a month.
- Many residents had two vehicles.



- Vehicles had to use the footpath to pass parked cars.
- Children used the footpath, so how would vehicles pass.
- Children played on the road as it was quiet.
- Wheelie bins were always outside houses.
- The access issues would never change.
- The tree offer had improved on the last application.
- The school situation had not changed.
- If the access route was altered there wouldn't be any objections.
- Arthur Street was not a suitable access route for 41 properties.

In light of a comment made, the Assistant Director – Planning, Transportation and Highways explained that the CIL was applicable now and it was the Council's responsibility to resolve education matters from CIL funds. The access issues were acknowledged and Members were informed that Traffic Regulation Orders could be considered, however, residents could submit objections. Other traffic calming measures could be installed and alternative parking could be provided for the dwellings at the end of Arthur Street.

In response to further questions from Members, the Assistant Director – Planning, Transportation and Highways confirmed that:

- It was acknowledged that the access road was narrow and that vehicles would be parked on Arthur Street.
- Two parking spaces per dwelling would be provided.
- Existing residents parking may be able to be accommodated on the site.

In response to a Member's question, the objector stated that the developers had not contacted the local residents.

A Ward Councillor was present at the meeting and commented that:

- Established trees would be lost.
- It would cost more money and time to replant similar trees.
- The road was not adequate for the proposal.
- The residents would be greatly inconvenienced and the developer would not make any money from the site.
- The scheme would have a huge impact on the local residents and contributions would not be received for education and recreation purposes.
- He had supported other developments within the Ward and had not just objected to the scheme on principle.
- Why build houses down a road that was not suitable?
- The development would be inappropriate.
- Suitable access would be required to the site.
- The development should be safe and sustainable in order to meet resident's future needs.
- Ward Councillors would like to be involved in discussions if the Panel was minded to approve the application.

In response to a Member's query regarding schools in the vicinity, the Ward Councillor reported that the primary schools were over subscribed and some

residents had to take their children to schools that were a substantial distance from their home.

The applicant's agent was present at the meeting and informed the Panel that:

- No objections had ever been received from the Council's Highways Department.
- Traffic Regulation Orders (TROs) would be welcomed.
- Consideration could be given to increasing the provision of parking spaces from four to six.
- A contractor and Incommunities were involved in the development.
- The scheme could be delivered.
- 54% of the units would be affordable housing.
- 30% of the units would be two bedroom properties.
- Incommunities would vet all the tenants.
- A contribution of £25,000 would be provided for trees and it would normally be 20%.
- The margin would be 5 to 5.5%
- A Section 106 Agreement would be entered into in relation to the contribution of £25,000.

In response to a Member's queries, the applicant's agent clarified that Incommunities had taken the lead in relation to the consultation process and he could not comment on the matter.

In light of questions regarding the viability of the scheme, the Assistant Director – Planning, Transportation and Highways explained that the Council would consider the possibility of the proposals and consult an expert. He stated that a trawl of the area would be undertaken and new houses usually cost 15% more than existing properties, however, only comparable prices in the area could be taken into account. The cost to the developer was increasing in relation to the price of houses in Bradford, whereas the majority of other areas remained at a constant price.

During the discussion Members expressed concerns in regard to highway safety issues and indicated that the application had not changed from the previous refusal.

**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 and the insufficient replacement parking provision for existing residents, give rise to serious highway safety implications thereby being detrimental to the free flow of traffic and pedestrian safety and would therefore be contrary to Policies TR2, DS4 and DS5 of the Local Plan for Bradford.**
- (ii) **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 and would therefore be**

contrary to Policy EN5 of the Local Plan for Bradford.

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

**36. EXTENSION OF LOCAL DEVELOPMENT ORDER I AND II IN THE CITY CENTRE**

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “U”**) which explained that in 2014 the Council adopted two Local Development Orders (LDO) that covered parts of the City Centre, which granted specified types of development. The first allowed businesses in selected streets between the Broadway Shopping Centre and City Park to change the use of their premises and the second permitted the creation of up to nine residential units in the upper floors of buildings in certain parts of the City Centre. The LDOs were adopted by the Council on 21 September 2014 for three years and it was recommended that the orders be renewed for a further three years.

**Resolved –**

**That following the consultation period, Local Development Order 1 and 2 be extended for a further period of three years, if no significant responses are made against these Orders and in consultation with the Portfolio Holder and the Chair of Regulatory and Appeals Committee.**

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

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