

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday 8 February 2018 at City Hall, Bradford

Commenced 10.00 am
Concluded 11.50 am

Present – Councillors

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

Observers: Councillor Greenwood (Minute 62)

Councillor Warburton in the Chair

59. DISCLOSURES OF INTEREST

In the interests of transparency, Councillor Amran disclosed that he had been a Member of the Area Planning Panel (Keighley and Shipley) when the application concerning Land at Coppice Cottage, Wilsden (Minute 64) had been considered. He undertook to approach the issue with an open mind and to consider all the relevant material planning issues before making a decision.

60. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

61. MEMBERSHIP OF SUB-COMMITTEES

Resolved –

That Councillor Greenwood replace Councillor Bacon as a full Member of the Area Planning Panel (Keighley and Shipley).

ACTION: City Solicitor

62. LAND AT KINGS DRIVE, BOLTON HALL ROAD, BRADFORD

The Assistant Director - Planning, Transportation and Highways submitted a report (**Document “AF”**) in relation to an application for outline planning permission, with all matters reserved, for the construction of 23 residential units consisting of 17 houses and 6 bungalows, on land at Kings Drive, Bolton Hall Road, Bradford – 17/05355/MAO. A range of plans and photographs were displayed.

The Assistant Director reported on the substance of an additional representation, in objection to the proposals, received further to the publication of his written report.

He responded to questions from Members:

- The site was in private ownership.
- The existing watercourse on the site currently ran North to South from Kings Drive to the catchment of Bradford Beck. The Core Strategy indicated that unnecessary culverting would not be supported but it was accepted that there was a need for part of the watercourse to be culverted in this case; it would also be diverted to the western side of the site and would exit at the southern tip. These measures would mean that a greater length of the watercourse would be open than at present. The details of these works, which would include the creation of a wetland habitat area, would be the subject of a formal land drainage application at a later stage. This work could not be undertaken without the relevant consent and flood risk and ecology issues would be considered as part of this process. Conditions in respect of ecological issues were also proposed.
- He was unable to comment on other developments within the Windhill and Wrose Ward and the impact on the amount of open space in this locality but any planning application would be/would have been subject to the same policy tests as this one and the Recreation Section would have been consulted. This site was not currently used as recreation open space so there would be no net loss as a result of its development. The fact that the land was overgrown and unused was a consideration in this assessment.
- His understanding was that the site plan, as submitted, was correct and that the land was within the ownership of the applicant. Land ownership was a civil matter.

The Interim City Solicitor confirmed that the grant of planning permission enabled a development to be constructed but did not allow a developer to usurp any other person’s legal rights, such as those in terms of land ownership.

A representative of objectors to the application spoke in opposition to the proposals. She tabled photographs to illustrate her points:

- The land was in private ownership and was not used or maintained; this was being used to the landowner’s advantage.
- Open space could take a variety of forms such as woodland or natural areas of open space and provided valuable habitats.
- This site was within a local habitat network and was ideal for wildlife; it was different in nature to the adjoining area.
- There were 2605 dwellings currently proposed or with planning consent within North East Bradford including a very large development in Fagley. There was

a new railway station at Apperley Bridge with 447 houses in that area and a development at Cote Farm with a further 220. There were plans for an additional 700 dwellings along the Canal Road Corridor, only half a mile away. The traffic from these developments would impact upon this locality and it was considered that the Highway Survey should take this into account in addition to the 23 proposed for this site.

- The proposed density of the development was higher than permitted.
- Permission had been refused twice in the past for the development of this site.
- She had water under her house which came up through the foundations; this did not just occur when it rained. It was considered that the mention of Trap Sike was misleading; the issue was the water table in this area.
- There would be a flood risk for surrounding properties. The underlying ground was clay.
- Bradford Council was the Lead Local Flood Authority so anyone who experienced problems post-development would come back to the Council.

In response to a Member's question she said the water level under her house fluctuated; the field concerned backed onto her property and the water came up through the ground.

The Assistant Director confirmed that:

- As this land was in private ownership, the owner could not be forced to allow it to be used for the benefit of the general public.
- Advice had been received from the Countryside and Rights of Way Service that the proposed mitigation measures were sufficient to ensure no adverse impact on the habitat network.
- In terms of the numbers of new dwellings in the area, the Core Strategy set significant targets for new dwellings across the district including 4400 for North East Bradford. Where a site was sustainable, such as this one, there was a presumption in favour of development.
- This application was below the level at which a formal Traffic Impact Assessment would be required. Schemes with planning consent were taken into account in assessing applications.
- A density of 30 dwellings per hectare was the minimum considered appropriate to ensure the efficient use of land; this was slightly higher and was not an issue of concern.
- Development was not permitted to increase flood risk. If the site was developed as proposed the new drainage system would allow the site to drain more effectively. The land fell from North to South.
- The 'clay map' referred to by the objector did not relate to permeability but provided a data set for structural engineers and developers when planning the construction of foundations. The areas indicated in light yellow were of negligible risk and the darker areas of low risk.
- The Surface Water Flood Risk Map was produced by national mapping and indicated where surface water would run; this showed Trap Sike to flow as expected. The Council's Drainage Officers would consider the issues when a detailed design was submitted at Reserved Matters stage and would ensure that flood risk would not be increased. He considered that there was a very good chance that, in this case, the situation would be improved.
- The scheme could not progress without a satisfactory flood/drainage plan.

Land Drainage Consent would also be required.

A Ward Councillor addressed the Committee:

- The drainage and flooding issues were a significant problem; there was water under existing houses. If the application was approved the detail should be submitted to the Committee for scrutiny.
- There were a number of live applications in the Windhill and Wrose area including 700 units on the former quarry site and the development of the Bolton Woods Urban Village. 1300 houses had already been granted permission. It was considered that the pressure being put on this area was unfair.
- The increase in traffic was an issue of concern and this development would add a further 60 vehicles. There was only one way in and one way out. There would be an impact on the signalised junction of Livingstone Road and Wrose Road and the quarry development would generate a massive amount of traffic.
- The proposed site entrance was located between two bungalows; the previous owner had obtained permission to construct another bungalow and the base could still be seen on site. It was not considered that this access was wide enough, particularly for emergency or service vehicles such as bin wagons and this was a serious concern.
- The application for the former quarry site had been delayed due to an issue relating to a bat survey but no such survey had been undertaken in respect of this application.
- No notifications had been seen on lampposts in the area.
- An application for residential development had been refused twice previously; it was considered that there was very little difference with this proposal.

The Assistant Director responded with the following comments:

- The main issue (in terms of drainage) was the existing water table and in considering the application there was a need to ensure that flood risk was not increased. Once developed the whole area would have significantly more efficient drainage systems and drainage of the site would be controlled. The level of the water table in and around the area should be reduced. The site was lower than Kings Drive so it would not be affected to a significant degree.
- The worst case trip generation scenario for the 23 units was 18 two way trips 14 out and 4 in during the peak hour which equated to approximately 1 every 3 to 4 minutes, this would have a negligible impact on the network
- The proposed entrance met the visibility requirements. The width of the access was indicated as being 5.5 metres; this could be as low as 4.8 metres for a true shared surface construction. It was accepted that larger vehicles, such as a bin wagon, may occasionally cross the centre line.
- The Council's Core Strategy had a target of 4400 new dwellings in North East Bradford and if an application was in a sustainable location and accorded with the relevant planning policies the presumption was in favour of development.
- In respect of a previous permission for a bungalow to be built at the point of access, there was evidence on the site of foundation works, which suggested that that permission was live and could be completed, but this was not an issue relevant to the determination of the current application.
- The Preliminary Ecological Appraisal had been assessed by officers and was

considered to be acceptable, together with conditions in respect of further survey work.

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

- They had worked closely with the Local Planning Authority and the consultees to address any concerns in respect of the proposed development.
- This was an outline application with all matters reserved. An indicative layout had been included which showed that the development would be compliant in terms of density requirements and appropriate visibility splays could be achieved
- The approach in relation to Trap Sike had been agreed with all the relevant officers.
- Full public consultation would take place in respect of the Reserved Matters.
- The development could be constructed fairly quickly to help address the current undersupply of homes in the area.
- The applicant had owned the site for a number of years and had experienced problems with 'land grab' and vandalism of fencing.
- Six of the proposed dwellings would be bungalows for over 55s; this provision had been had been discussed with a local social housing provider.
- The objections were acknowledged but the plans met the relevant policy requirements in terms of distance and would achieve a density in excess of the minimum required. There would be a minimal impact on the highway network and the scheme would provide much needed housing, including some affordable units. The scheme represented a sustainable form of development.

Members made the following comments:

- There was no issue with the density.
- The provision of affordable housing was welcomed.
- The access appeared acceptable but the lack of a holistic approach was of concern; there had been a significant increase in the number of houses in the area.
- The loss of open space was also of concern. There was a strict policy in relation to development not leading to an overall loss of recreation and open space; there was a significant amount of new development in this area and it was considered that there was a chance that there would be a substantial loss of open space. A site being overgrown or unused was not believed to be relevant; it was still open space.
- This was privately owned land and thus would not be a loss of public open space but could be rich in terms of habitat provision.
- The drainage issues were of concern but assurances had been given that the development would not proceed unless the proposed arrangements were of a satisfactory standard.
- The effect on the highway network was the main concern, arising from the cumulative impact of development in the area.

Resolved –

That the application be refused for the following reason:

It is considered that the development would be detrimental to highway safety as a result of the cumulative effect of other developments in the area and the overall impact on the highway network and would therefore be contrary to Policy TR1 of the Local Plan for Bradford.

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

63. LEAVENTHORPE HALL, THORNTON ROAD, BRADFORD

A report was presented by the Assistant Director - Planning, Transportation and Highways (**Document “AG”**) in respect of two applications, as set out below, for development at Leventhorpe Hall, Thornton Road, Bradford:

- (i) A full planning application for the restoration of Leventhorpe Hall to form two dwellings, conversion of the North Barn to four apartments and the construction of 26 dwellings, with associated site works - 17/05079/MAF.
- (ii) An application for Listed Building Consent for restoration works to Grade II* listed Leventhorpe Hall and Grade II listed North Barn and the demolition of the remains of the Grade II listed East Barn – 15/05080/LBC.

A range of plans and photographs were displayed.

In response to a question from a Member of the Committee, the Assistant Director confirmed that a phasing plan had been agreed to ensure that the restoration works to the listed building were undertaken in the first phase of development.

The applicant's agent was in attendance.

- (i) 17/05079/MAF

Resolved -

That the application be referred to the Secretary of State for Housing, Communities and Local Government under the provisions of the Town and Country Planning (Consultation)(Direction) 2009 and, subject to him deciding not to call in the application for determination, it be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.

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

- (ii) 15/05080/LBC

Resolved -

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.

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

64. LAND AT COPPICE COTTAGE, LEE LANE, WILSDEN, BRADFORD

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “AH”**) in relation to a full application for the change of use of land for caravan storage at Coppice Cottage, Lee Lane, Wilsden, Bradford – 17/02284/FUL. A range of plans and photographs were displayed.

The report explained that the application had been considered by the Area Planning Panel (Keighley and Shipley) at its meeting held on 10 January 2018 when it was resolved:

‘That the Panel endorse the officer’s recommendation to grant planning permission and the application be referred to the Regulatory and Appeals Committee for final determination.’

Further to a question, the Assistant Director confirmed that the surfacing would be permeable hardcore and the site would be well screened.

Members commented that there was a clear need for this provision and that it would be a good use of the land, further to which it was

Resolved –

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.

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