

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday 5 April 2018 at City Hall, Bradford

Commenced	10.20 am
Adjourned	12.30 pm
Reconvened	1.40 pm
Concluded	4.45 pm

Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown Miller	Amran Lee Warburton	Griffiths

Observers: Councillors Bacon (Minute 77), Ferriby (Minute 80), Poulsen (Minute 77), and B M Smith (Minute 79)

Apologies: Councillors Rickard and Watson

Councillor Warburton in the Chair

73. DISCLOSURES OF INTEREST

Councillor Warburton disclosed an interest in respect of the item relating to Land to the South of Woodlands CE Primary School (Minute 80) as he had objected to a development in an adjoining Local Authority that was linked with this application. He therefore withdrew from the meeting during the consideration of this item in accordance with the provisions of Part 4B of the Constitution (Members and Officer Planning Code of Conduct).

Councillor Lee disclosed that she had been made aware that allegations had been made in respect of her sitting as a Member of the Committee in relation to the application concerning Land at Goose Cote Lane, Keighley (Minute 77). She strongly refuted any such allegations and stated that she would consider the application with an open mind and on its merits. Any such allegations should be addressed to her directly so that they could be referred to her legal adviser.

In the interests of transparency, Councillors Amran and Brown disclosed that they had been in receipt of communication from several parties in relation to the application concerning Land at Goose Cote Lane, Keighley (Minute 77). They had not entered into dialogue with these individuals nor expressed an opinion and stated that they would consider the application with an open mind and on its merits.

In the interests of transparency, Councillor Miller disclosed that, having lived in this area for a lengthy period, he may know people associated with any of the applications but he had not discussed any of the applications now before the Committee for determination with any interested parties and would consider all applications on their merits.

During the meeting, and in the interests of transparency, Councillor Lee disclosed in relation to the application concerning Land to the South of Woodlands CE Primary School (Minute 80), that she was a Governor of a Catholic School and thus had contact with the Diocese but had not discussed this application with anyone.

ACTION: City Solicitor

74. MINUTES

Resolved –

That the minutes of the meeting held on 11 January 2018 be signed as a correct record.

ACTION: City Solicitor

75. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

NO ACTION

76. MEMBERSHIP OF SUB-COMMITTEES

Resolved -

- (1) That Councillor M Pollard replace Councillor Miller as a Member of the Area Planning Panel (Keighley and Shipley).**
- (2) That Councillor Brown replace Councillor M Pollard as an Alternate Member of the Area Planning Panel (Keighley and Shipley).**
- (3) That Councillor Lee replace Councillor Wainwright as a Member of the Area Planning Panel (Bradford) and as Deputy Chair and Councillor Wainwright replace Councillor Lee as an Alternate Member.**

ACTION: Interim City Solicitor

77. LAND TO THE SOUTH OF GOOSE COTE LANE, KEIGHLEY

The Assistant Director - Planning, Transportation and Highways presented a

report (**Document “AM”**) in respect of an outline planning application for residential development (with all matters of detail reserved except access) of 100 market dwellings, 30 affordable sheltered dwellings and associated infrastructure and landscaping works on land to the south of Goose Cote Lane, Keighley – 18/00214/MAO. A range of plans and photographs were displayed.

The Assistant Director explained that, further to negotiation with the applicant, the objection made by Highway Development Control, and thus the fifth proposed reason for refusal, had now been withdrawn. The applicant had agreed to fund the necessary works to address the highway issues.

He reported on the receipt of a number of further representations, since the publication of his technical report, including an objection from a Shipley Ward Councillor. There had now been a total of 185 objections to the proposed development and 8 representations expressing support.

He also reported on the substance of correspondence from the applicant’s agent, which raised issues in relation to the very special circumstances that he considered applied in this case and the proposed reasons for refusal. The Assistant Director responded to those issues as follows:

- The contribution to the housing land supply in the district with a particular emphasis on affordable housing/specialist housing for older people was acknowledged but the need for additional housing had not been accepted as a very special reason to justify development in the Green Belt in the past and could set a precedent. Housing need and the provision of housing for older people could be met by other sites in and around the area. It was not appropriate to approve development on a piecemeal basis outside the Allocations Development Plan Document (DPD) process and the associated Green Belt Review, which would allow all sites to be considered objectively and scored according to a number of criteria including sustainability. This site would meet the basic criteria in terms of sustainability but unless considered alongside all available sites the Local Planning Authority could not be sure that it was taking the best opportunity to permit development of sites in an appropriate and timely manner. There were other sites in the area that were better connected.
- The Allocations DPD was progressing but not to a point whereby it could be afforded any weight in determining applications. The inclusion of this site in the Strategic Housing Land Availability Assessment (SHLAA) was not relevant; the purpose of this document was to provide background information to inform the Core Strategy.
- This was not an ‘infill’ site as two thirds of the boundary abutted open countryside.
- It was accepted that the scheme may well be deliverable but no assessment had been submitted to confirm this assertion and this was not, in any case, a reason to override the Green Belt allocation.
- The officer assessment had been that the development would harm the character of the landscape. It was accepted that the applicant had taken on board the comments made and tried to respond to the issues but the Landscape Architect’s view remained that the development would cause harm and have a detrimental impact.
- Tourism was a relevant issue for consideration, as set out in the Core

Strategy, and it was considered that the process would be flawed if the view of the Keighley and Worth Valley Railway (KWVR) was not taken into account in this case, notwithstanding that it was not a statutory consultee.

- Any mitigation measures undertaken would not provide any ecological benefits that could not be achieved on other sites.
- Land stability was a relevant issue for consideration by the Local Planning Authority, as established by Core Strategy Policy EN8. The assessment submitted by the applicant stated that approximately 1.6 hectares in the centre of the site was indicated to comprise mass movement/slip material and suggested that some areas of the site were subject to ground instability. It was therefore considered that there was a need for a full ground investigation survey. It was possible that there may be a need for substantial retaining structures and that the amount and layout of the development on the site may be affected by land stability issues; this information was therefore required at the stage of outline permission.
- In terms of archaeological implications; the West Yorkshire Archaeological Advisory Service (WYAAS) had stated that this site was of particularly significant interest and had asked for a full evaluation.

He responded to questions from Members:

- If the application was to be approved then it was considered that a Section 106 legal obligation would be required in order to secure the 30 affordable housing units (described as affordable sheltered dwellings)
- The submitted layout was indicative at this point with just the points of access proposed to be established.
- The process for the Allocations DPD would draw from existing databases of sites which would then be visited and scored on criteria including environmental value and sustainability. This site was listed in the SHLAA but the SHLAA was not a policy document.
- WYAAS only became involved in sites where there was a strong potential interest. The Service became aware of applications through the planning application consultation process and it would also be consulted on the Allocations DPD.
- Two entrances were proposed with an indication that one would serve 100 dwellings and one 30. The entrance for the 30 units would be just above the bend near to the listed building; this access road would not be adopted but would be deemed to be a private access. The entrance for the 100 dwellings would have to be fully adoptable.
- The access/egress near to the bend was considered acceptable in this case; it would serve a limited number of units and the visibility was satisfactory.
- It would be acceptable to have just one point of access for 130 units.
- It was not clear from the application what the nature of the 30 units was; the agent may be able to provide some clarification.

A representative of objectors spoke in opposition to the application:

- The applicant company was not registered at Companies House. It was questioned whether the Council had undertaken due diligence.
- The applicant must have known the site was allocated as Green Belt at the time of purchase.

- The key purpose of this site was as Green Belt; it was a very precious amenity providing breathing space between urban areas for all to enjoy.
- The National Planning Policy Framework (NPPF) prohibited development on Green Belt unless there were very special circumstances; it was considered that none had been demonstrated in this case. The arguments put forward were not site specific.
- This was a mixed pasture area.
- The planning officer's report clearly set out the impact on views.
- The Worth Way was used by a large number of people.
- The Worth Way and the Keighley and Worth Valley Railway were important attractions with significant numbers of visitors.
- Damems Station was very popular with tourists as it was the smallest in Britain; it was located only 300 metres away.
- The site supported a lot of wildlife including deer and different species of bird. This development would cause irreparable damage to the area; the Council's Landscape Architect shared this view.
- This was not an 'infill' development nor was it a linear form of development. It would extend 200 metres into the Green Belt and would be a real eyesore.

A Ward Councillor from the adjoining ward (which abutted the site boundary) spoke against the proposed development:

- The depth of feeling about this proposal was obvious; she had been contacted by over 80 households about the application.
- There were five sites within the SHLAA in Keighley that could accept a development of this size; one of which was not in the Green Belt, was nearer to the Town Centre and had better transport links. This development was inappropriate.
- The Allocations DPD was a collaborative process and had not yet progressed to decision stage.
- The SHLAA just indicated what sites might be used, it was not for developers to pick out sites but was a matter for the Local Authority.
- This development would be detrimental to the local community; schools and surgeries were oversubscribed.
- There were concerns in respect of drainage and highway issues.
- It was a two mile walk to the Town Centre and there was only one bus an hour.
- In terms of the proposed affordable housing it should be noted that purchase of a static caravan required a specialist loan.
- It was not believed that very special circumstances existed to change the Green Belt boundary; this must be protected.

In respect of the question about due diligence, the Assistant Director explained that the Local Planning Authority had received a valid planning application with a certificate of land ownership. It was understood that this was a new company formed to submit this application.

He also stated that the SHLAA included a range of sites in and around Keighley some of which were in the Green Belt; this was an evidence base document to indicate the land potentially available to meet housing need, it was not a policy document.

A Ward Councillor put forward the following arguments in opposition to the proposals:

- The majority of the residential properties directly affected by this proposal were situated within the adjacent ward. Residents from both wards had objected to the proposed development.
- The main issue of concern was the Green Belt allocation. The NPPF stated that there had to be very special circumstances or development was deemed inappropriate.
- This scheme would harm the Green Belt with no mitigation provided.
- This was not an 'infill' site but was an open area with no adjacent development to three sides.
- The site had only changed into scrubland since being purchased by the applicant.
- It was considered that there was no shortage of sites that could accommodate 130 properties; there were five within the SHLAA that would not involve the use of Green Belt.
- Goose Cote Lane was narrow and was used as a rat-run; additional traffic would cause congestion and access issues.
- It was a two mile walk to Keighley and there was only one bus an hour.
- The site was adjacent to the Keighley and Worth Valley Railway; there would be an impact on openness and a potential impact on tourism; the KWVR had objected.
- The site was adjacent to a Grade II listed property and the development would affect its semi rural setting.
- The site had significant archaeological potential.
- The area was known as 'Bogthorn' and there were issues with surface water. Developments in the vicinity had experienced problems and the development of this land could exacerbate these issues.
- The local primary school was full in most year groups and the local secondary school had no room to expand.
- The applicant had said that the 30 units were to be affordable homes; it was not considered that static caravans were suitable for young families.
- The development would have a detrimental impact on the local community and the Committee was asked to take into account all the comments made.

The Assistant Director answered further questions from Members:

- The Lead Local Flood Authority was aware of the nature of this area and potential issues with springs. It had no objections to the proposals for dealing with surface water. If the site was developed a positive drainage system would control the surface water.
- This site did not have any different issues in terms of drainage to any others in Keighley; it was a steep site but a positive scheme would control surface water and could improve drainage in the locality.

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

- In terms of the affordable housing provision the concept was of facilitating downsizing in retirement age to a static caravan. Such schemes allowed the

release of capital for older people and were becoming more common in the UK. This application was in outline and the provision could be secured by Section 106 planning obligation.

- If the Housing Department wanted the affordable units to be in a different form the applicant would be open to discussion.
- He had worked with archaeological services for over 10 years on various developments and considered that what had been suggested was fairly standard. He was not aware of any developments that had been delayed up because of this requirement. If outline permission was granted a geo-technical survey would be undertaken.
- The SHLAA was based on sites with planning permission; those where development had started; or those sites previously allocated. Keighley was expected to provide 4,500 homes by 2030.
- The Green Belt was so tightly drawn that it was considered inevitable that some development sites would be within it. The Allocations DPD could take a number of years to finalise. The Council could consider the development of sites such as this with affordable housing. This site was viable and deliverable.
- A Phase 1 assessment had been undertaken in terms of land stability. Environmental Health had not objected to the proposals and a standard Phase 2 condition requiring a more intrusive survey could be imposed. Soil nailing techniques had been used on other sites.
- The application addressed all the issues in respect of heritage, education and flooding impact.
- The impact on tourism had only arisen from the KWVR's comments and was not considered to be a material planning reason. A Landscape and Visual Impact Assessment (LVIA) had been provided. Further comments on this issue had not been included in the officer's report. The reason for refusal on this ground had not originated from the Landscape Officer but from the KWVR. No objections had been made by statutory consultees. It was considered that the issue came down to the opinion of officers and the impact on the Green Belt.
- The LVIA had concluded that the development was acceptable. The Landscape Architect had said that the methodology used in the production of this document was acceptable.
- It was believed that very special circumstances had been demonstrated by the contribution to housing supply, the provision of affordable housing for older people and inclusion in the Allocations DPD.
- There were bus stops on Goose Cote Lane and the site was within walking distance of facilities. The development would be beneficial to the local economy; it was instantly deliverable. There would be a need to release Green Belt land to meet housing need.

The Assistant Director explained that:

- the normal affordable housing requirement for this area would be 20% so the provision suggested by the agent would only exceed this by 4 units.
- WYAAS had been clear that there was significant potential archaeological interest in the site and that; subject to the findings of the required archaeological assessment it may recommend refusal or amendment on archaeological grounds; this was why the assessment was needed prior to determination.

- The SHLAA was purely an evidential document and inclusion of a site within it carried no weight.
- There was a need for new housing but there were a number of available sites and without a comparative assessment it could not be determined where development was most appropriate and the implications for the Green Belt.
- It was not considered to be unusual or onerous to require the submission of a proper assessment in respect of ground stability prior to determination.
- The conclusions in terms of the impact on tourism and landscape were based on the relevant policies not the views of an individual consultee.

Members expressed the following views:

- There were a number of concerns with the proposals; the apparent segregated area for the affordable units; the access near to a bad bend; and the use of Green Belt land. One access point would be preferable.
- The concept of an American style 'trailer park' and/or the use of these units as affordable housing provision was not acceptable.
- The site was within the Green Belt and it was not accepted that very special circumstances had been proven.
- The need for new housing applied to all sites within the Green Belt. The allocation process should be completed first so that the use of these sites was done in a planned rather than an ad hoc manner. The officer's recommendations were supported.
- The proposed access point, near to the bend, was unacceptable, particularly if this was the entrance for the housing for older people.
- Proper dwellings would be more appropriate for older people. There was a lack of bungalows for this age range.
- There would be a need to use Green Belt land at some point due to the demands being placed on the Local Authority to facilitate new housing development.
- This site used to be grazing land but had deteriorated.
- There were potential issues with land stability.
- There were already issues with lack of places at the local school.
- No very special circumstances over and above any other site in the area had been put forward. Land stability was a significant concern and the position in respect of the 30 additional units was unclear. The proposed access close to the bend was not acceptable and a single point of access with a more diverse spread of the units would be more acceptable; segregation was unacceptable and there was a need for the provision of proper affordable housing.

The Assistant Director noted that the layout was purely indicative at this point; if the application proceeded to Reserved Matters stage a detailed layout would be submitted and officers would require an integrated layout. He was not aware of static caravans having been accepted as affordable housing previously. In addition affordable housing would usually be 'pepperpotted' throughout a site rather than concentrated in one location.

Resolved –

That the application be refused for the reasons set out in the Assistant Director - Planning, Transportation and Highways' technical report with the

exception of Reason 5.

ACTION: Assistant Director - Planning, Transportation and Highways

78. IVY HOUSE CARE HOME, HOLLIN WOOD CLOSE, SHIPLEY

The Assistant Director - Planning, Transportation and Highways submitted a report (**Document “AN”**) in relation to a full planning application for the change of use of an existing disused care home to 14 one and two bedroom apartments at Ivy House Nursing Home, 6 Hollin Wood Close, Shipley – 17/06421/MAF. A range of plans and photographs were displayed.

The Assistant Director reported on an objection from one of the Ward Councillors received further to the publication of his written report. He explained that:

- The hedge on the boundary was, in the main, to be retained.
- A condition in respect of the provision of electric vehicle charging points was also proposed.
- The Local Planning Authority did not have a policy in respect of the provision of solar heating panels.

The applicant’s agent made the following comments:

- The scheme involved the re-use of a vacant building in a very sustainable location.
- The development met the relevant policy requirements. It would make a positive contribution to the district’s housing stock and offer different options to meet local need.
- The existing extension would be removed to facilitate a better layout and additional car parking.
- The concerns in respect of potential overlooking had been addressed.
- It was considered that this scheme would result in a reduction in the number of associated vehicle movements in comparison with the previous use.
- The applicant had a Green Energy Strategy and, in principle, would be willing to consider the implementation of such measures in consultation with the planning officers although it was understood that it would be difficult to fit solar panels to the roof in this instance.
- All the proposed conditions were acceptable.

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

79. LAND OFF ASHLANDS ROAD, ILKLEY

A report was submitted by the Assistant Director - Planning, Transportation and Highways (**Document “AO”**) in respect of an outline planning application, with all

matters reserved other than access, for the construction of 14 dwellings and a veterinary surgery on land off Ashlands Road, Ilkley – 16/04629/MAO. A range of plans and photographs were displayed.

The Assistant Director explained that the Environment Agency had now formally withdrawn its objection to the application but had recommended the inclusion of an additional condition in respect of measures to reduce flooding risk. He also reported the receipt of an additional objection which addressed similar issues to those already raised.

He replied to Members' questions:

- Access from Leeds Road would be maintained as a footpath only access to nearby allotments and to provide a walking route to the top part of the development.
- The plan appeared to indicate the provision of 26 parking spaces for the veterinary practice.

A written representation from one of the Ward Councillors which raised concerns about the proposals was read to the Committee. It was noted that although public access was currently permitted to the site it was not allocated recreation land.

The Assistant Director said that:

- A mix of units was proposed to be provided; the indicative plan showed four 2 bed, four 3 bed and six 4 bed dwellings; this would be considered in detail at a later stage.
- Yorkshire Water had expressed reservations about the siting of residential development adjacent to the Waste Water Treatment Works. Environmental Health had not objected to the scheme and both objective and subjective assessments had been undertaken. Anecdotal evidence suggested that any problems were associated with tankers and were of a limited duration.

He also responded to further questions from Members:

- This was an outline application and the mix of units proposed would not be established by this permission. If there was a need to respond to a particular need in the area this would be considered and assessed against the relevant policy requirements. The Reserved Matters application could be submitted to this Committee if Members considered that this would be appropriate.
- The site was within Flood Zone 3 but the applicant's hydraulic modelling of Backstone Beck and the River Wharfe, including the land changes proposed, had indicated no increase in flood risk; swales were also to be provided.
- The footprint of the veterinary surgery was quite substantial. The Practice was currently accommodated in a Victorian building that was in fairly intensive use. In principle officers were satisfied with the proposed level of parking provision; this could be considered in more detail once the actual square meterage of the building was firmly established.

The agent commented that:

- The officer's report was comprehensive and well balanced.

- The proposals had been considered in detail by professional officers who recommended approval.
- The scheme had been developed over a number of years in consultation with the Local Planning Authority, the Environment Agency and consultees.
- All issues had been addressed and all the proposed conditions were accepted.
- Public consultation had been undertaken and there had been 49 representations in support and 16 in objection.
- The Environment Agency had now removed its objection; a lot of work had been undertaken in respect of flood risk.
- The use of the whole site for employment use was not considered to be viable and evidence to support this assertion had been provided to the Local Planning Authority.
- There was a need for new housing in this area and the 14 units comprised 'enabling development' for the new veterinary surgery, which would contribute to employment creation in the area.
- Community Infrastructure Levy (CIL) funding would be provided for local infrastructure which would be spent in accordance with the Council's '123' list.
- The mix of housing to be provided could be further discussed at Reserved Matters stage to ensure that it was appropriate to address the need in the area.
- This was a sustainable site.

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, together with an additional condition relating to:**

adherence to the approved Flood Risk Assessment by JOC Consultants Ltd, report number 15/018.01, revision 10, dated 26 March 2018; including the construction of the swales and raising to ensure that there is no temporary displacement of flood waters during the construction of the development, and the permitted finished ground levels,

with authority being delegated to the Assistant Director - Planning, Transportation and Highways to finalise the exact wording of the condition.

- (2) **That the Reserved Matters Application be submitted to this Committee for determination.**

ACTION: Assistant Director - Planning, Transportation and Highways

Councillor Lee in the Chair

80. **LAND TO THE SOUTH OF WOODLANDS CE PRIMARY SCHOOL, MILL CARR HILL ROAD, BRADFORD**

A report was presented by the Assistant Director - Planning, Transportation and Highways (**Document “AP”**) in relation to an outline planning application for the provision of a school car park for Woodlands CE Primary School (linked to an application within the Kirklees district for the redevelopment of a former waste water treatment works off Cliff Hollins Lane to provide employment uses) on land to the south of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw, Bradford – 16/06146/MAO. A range of plans and photographs were displayed.

The Assistant Director explained that the car park was a desirable mitigation measure associated with the application within the adjoining district for the redevelopment of a former waste water treatment works. He reported on the substance of an additional 75 objections received since the publication of his report, which included 60 copies of a standard letter and representations on behalf of the Governors of the Primary School and the Diocese of Leeds.

He responded to questions from Members, as follows:

- There would be parking provision for employees of the employment uses on the redeveloped site of the waste water treatment works.
- The description on the application stated that this would be a school car park and a condition could be imposed that it be solely for the use of the school. It was acknowledged, however, that this may be difficult to enforce and would be part of the management arrangements for the car park once in place.
- A condition was proposed requiring the installation of a gate to prevent unauthorised access and this could be closed outside school operating times.
- This provision was not key to the development of the waste water treatment works site which could go ahead regardless. If the application was granted but the school refused to accept the car park then the permission could just remain unimplemented. The land belonged to the developer.
- The school had objected to the application.
- The site was within the Green Belt and, if approved, the Reserved Matters application would have to deal with landscaping to mitigate the impact of the development.

A representative of the Diocese of Leeds Board of Finance addressed the Committee:

- The Diocese was a Trustee of Woodlands CE Primary School and thus one of the stakeholders but had not been consulted by the developer in respect of these proposals; this was very disappointing.
- There were major concerns in respect of the safety of local residents, parents and children.
- The Diocese fully supported the Leadership Team and the Governors of the Primary School in their response to the proposals. Safety was the prime concern.
- There had been no communication from the developer in relation to a number of important issues such as security and safety.

A representative of the School raised the following concerns:

- The proposal was considered to be unacceptable; the School's views had not

- been given due consideration.
- The proposals would create a safety risk.
 - Existing congestion would be exacerbated and lead to hazardous conditions.
 - Insufficient spaces were proposed to be provided.
 - There were concerns about the impact of an increase in traffic on air quality.
 - It was believed that local residents would use the car park so spaces would not be available when needed.
 - There were strong concerns about the potential financial impact on the school through the need for maintenance, gritting, security, cleaning and in addressing anti-social behaviour.

A Ward Councillor expressed the following views:

- It appeared clear that this was a case where big business had made a decision with no regard for the school and the local community.
- The Committee was now in a difficult position due to the related application, within an adjoining district, having already been approved.
- Heavy Goods Vehicles would be passing the school; even if they were requested to travel via a different route satellite navigation systems often caused problems.
- It was considered that more information should be available in respect of highway issues and the detrimental impact around this site.
- The school should not be left with a financial burden as a result of these proposals.
- There were issues in respect of pedestrian and child safety.
- The determination of this application should be deferred and the implications of the decision made by Kirklees given further consideration.

In response to questions from Members, she said that the proposals needed to be carefully considered in terms of design, access and egress, the location of the crossing, footpath provision, signage and the potential long term financial impact on the school; very little information had been provided to either the school or the Diocese. The school would be in a better position to discuss the provision of a car park if the developers discussed this with them but the currently proposed location was far from ideal.

The Assistant Director explained that the application submitted to Kirklees had included a Traffic Impact Assessment which had recommended that it would be better to have the car park than to have no provision; Bradford Council's Highways Development Control agreed with that conclusion. Members needed to be mindful of what could be promoted through the planning application process.

The applicant's agent was in attendance at the meeting. In response to a Member's question he said that a public consultation exercise had been undertaken and his understanding was that a representative of the school had attended and also that his colleague had visited the school. The concerns expressed would be taken on board and he was happy to discuss the issues further with the school/Diocese. He also said that:

- The conclusions within the officer's report were endorsed, the proposal had been put forward in order to address the highway and pupil safety concerns

- that had been raised.
- The proposals had been subject to a detailed road safety audit and were considered to be safe.
 - Double yellow lines would be implemented in the vicinity and there would be limits on HGVs.
 - It was considered that the development would address the conflict between traffic and vulnerable road users and the Committee was asked to approve the application.

In response to a further question from a Member of the Committee, the Assistant Director said that there was no history of accidents on Mill Carr Hill Road and that the scheme would not have been recommended for approval if it had been considered that it would lead to a failure of the highway network.

Members expressed the following views:

- The majority of schools would be more than happy to have a dedicated car park, perhaps if the developer discussed the proposals with the school and the Diocese then an acceptable solution could be found. The car park needed to be in the right location and the school was best placed to comment in this regard.
- The site was within the Green Belt and the 'very special circumstances' were site specific. If the school did not want the car park it may be that the weight of the 'very special circumstances' became devalued. If outline planning permission was granted it was questioned whether this land could then be used for overspill parking for the related development. If it was approved it should be specified as being for school use only.
- The decision should be deferred to allow the parties to discuss the issues.

Resolved –

That consideration of the application be deferred for a period of 3 months from the date of this meeting and that the applicant be requested to consult Woodlands CE Primary School/Diocese of Leeds in respect of all the concerns raised in respect of the provision of the car park and pedestrian crossing as proposed; to include consideration of the possibilities for the use of an alternative site.

ACTION: Assistant Director - Planning, Transportation and Highways

Councillor Warburton in the Chair

81. LAND TO THE EAST OF KEIGHLEY ROAD, SILSDEN

The report of the Assistant Director - Planning, Transportation and Highways (**Document "AQ"**) considered a full planning application for the development of a new caravan and cabin park on Land between Silsden Beck and the River Aire to the East of Keighley Road, Silsden – 17/06814/MAF. A range of plans and photographs were displayed.

The Assistant Director reported the receipt of a further representation since the publication of his technical report. He also updated the Committee on the

substance of additional comments from the Urban Design Officer and Environmental Health.

In response to Members' questions, he said that the site was a restored landfill site and, if approval was to be granted, it would have to be subject to a full site investigation. Technical solutions would be available in order to permit the site to be used safely, however the feasibility of those solutions was not known.

The applicant spoke in support of the application:

- Section 9 of the National Planning Policy Framework (NPPF) stated that the Local Planning Authority should plan positively for outdoor recreation and improve damaged and derelict land.
- Caravanning and 'glamping' came within the definition of outdoor recreational activity.
- The development would bring about benefits for ecology and tourism.
- There were local footpaths and the site had fishing rights nearby.
- The landscape would be enhanced by additional planting.
- It had now been accepted that the site was within Flood Zone 2. Clarification of how this designation was reached had been requested but not received. Information had been provided to demonstrate that the site did not flood and would not flood. The site could be evacuated if there was a red alert.
- Access would be achieved via the same road as existing residential development and a local Cricket Club.
- The application met the Sequential Test. This was the only Flood Zone 2 area in the valley bottom between Keighley and Skipton.
- The tree planting would assist with drainage and would also have ecological benefits. A kilometre of hedgerow planting had been undertaken and stone walls rebuilt; more planting would be undertaken in future.
- In respect of Policies DS1 and DS2; Google Maps illustrated the improvements made to the site since it was acquired; it was not part of the urban sprawl but was rural in nature.
- The trees would enhance the area.
- It was an old landfill site/sewage works and had been a derelict site.
- The necessary distance and visibility splays could be achieved for the access/egress.

Further to a question from a Committee Member he confirmed that the units would be for holiday rentals not on a long term basis.

In response, the Assistant Director explained that:

- The issue of whether this use was appropriate in the Green Belt had been considered but existing case law did not support this conclusion.
- The site was within both Flood Zones 2 and 3. There had been a range of correspondence on this issue but the Local Planning Authority had to rely on the expert advice it was given and both the Lead Local Flood Authority and the Environment Agency had said that the proposal was not acceptable. Neither the Exception Test or the Sequential Test had been passed.
- The planting of willows was not necessarily considered to be an ecological enhancement as it comprised monoculture and the format of the planting was

not sympathetic to the area. The benefits were certainly not sufficient to counteract the harm to the Green Belt.

- The applicant had indicated a willingness to design an appropriate junction at the point of access but no plans had been provided to show how this might be achieved.
- The Landscape Architect's comments were set out in full in his report.

Members expressed agreement with the officer's recommendation.

Resolved –

That the application be refused for the reasons set out in the Assistant Director - Planning, Transportation and Highways' technical report.

ACTION: Assistant Director - Planning, Transportation and Highways

82. LAND AT THE FORMER RIVERSIDE WORKS, KEIGHLEY ROAD, SILSDEN

Previous reference: Minute 51 (2016/17)

A report was presented by the Assistant Director - Planning, Transportation and Highways (**Document "AR"**) in relation to an application for outline planning permission for the demolition of existing buildings and the construction of up to 142 dwellings on Land at the Former Riverside Works, Keighley Road, Silsden – 16/03804/MAO.

The Assistant Director reported on the substance of 5 additional representations received in objection to the application. He also explained that since the original resolution to grant outline planning permission in October 2016 a financial viability report had been submitted on behalf of the applicant which indicated that the development was not viable with the payment of CIL (Community Infrastructure Levy) and the affordable housing provision. An independent review of this report by valuers acting on behalf of the Council had concluded that the development was capable of contributing £348,439, together with the relevant CIL payment, and it was recommended that this be used for the provision of affordable housing within this or the adjacent wards.

In response to a Member's question he said that he understood that there was a proposal that the existing primary schools in Silsden may merge and that this would facilitate future expansion.

A Town Councillor tabled photographs to illustrate his points and outlined the following concerns:

- Significant flooding had occurred in December 2015 in the vicinity of this site.
- Neighbours had implemented measures to try and keep flood water out of their properties. The photographs showed the flooding and the land levels and how they dropped away from the site. It was considered that the development of housing on this site and the surrounding land would exacerbate the flooding issues.
- The proposals by the developer for 300mm floor levels would not be sufficient to protect new housing from flooding.

- The culvert had backed up resulting in damage to a concrete bridge and walling and causing flooding to the main Silsden road.
- It was questioned why a second culvert had not been installed; this issue had been raised previously.
- The issues with broken and blocked drains should be addressed.

Another Town Councillor questioned why the scheme had now become unviable as land values and house prices had risen since July 2017. Also why had the Section 106 legal obligation associated with the application not been signed? It appeared opportunistic and it was queried whether this would have happened had CIL not been introduced.

The Assistant Director explained that the outline planning application had been submitted by a development company; this was not unusual. This company had not intended to undertake the development of the site and had believed that the Section 106 contributions could be supported. A national house builder had become involved, further to the determination of the outline application, which had led to a more accurate assessment of costs being undertaken and it had been established that there were additional development costs above the level that would normally be the case and the level which was factored into CIL calculations. The Council's independent consultants had considered the viability issues and robustly challenged the submission.

In respect of drainage he explained that:

- A detailed strategy was being developed to improve the situation with Silsden Beck and to make it more resilient to flooding.
- It was likely that when the beck flooded in December 2015 the water had been forced in the wrong direction.
- The applicant had provided a hydraulic model of Silsden Beck and this had been approved by the Environment Agency, the site was agreed to be partly in Flood Zone 1 and part in Flood Zone 2.
- A Flood Risk Assessment, including appropriate mitigation measures, had been considered in the determination of the outline application.
- There were two relevant bespoke conditions (4 and 5) proposed to be imposed on this application. Condition 7 would also ensure future management of the system.

An objector made the following comments:

- With reference to the viability; the Council's Brownfield Register indicated the provision of between 139 and 169 dwellings on this site. It could therefore be anticipated that a future application would be made for an increase in the number of houses.
- This site was only suitable for 150 houses due to the access.
- The development would give the opportunity for the land to the rear to be developed.
- CIL should roughly equal the Section 106 contributions of £526,000 plus 20% affordable housing provision, this proposal fell short by £226,000.
- It had been proven that flooding occurred on the site.
- Flooding had been caused by works being undertaken on the site; an earth

- mound had been created, which adversely affected neighbours' property.
- Core Strategy Policy EN7 required the Council to manage flood risk proactively and stated that development would only be acceptable where it did not increase flood risk elsewhere; it was believed that this development could do so.
- A request had been made that the proceeds of the sale of the ransom strip should be ringfenced for Silsden.
- The local Neighbourhood Plan was at an advanced stage and a decision on this site should therefore be delayed.
- There was a need for £45 million for local infrastructure.
- All the drainage issues needed to be resolved at the earliest possible opportunity.
- The culvert constrained drainage and alternatives to the use of Silsden Beck should be explored.
- The original Section 106 obligations should be honoured.
- There should be a re-appraisal of all hazards on the site.
- Silsden needed investment into its infrastructure.

A local resident said that:

- He had lived in nearby cottages with no problems for a significant period of time but there were now issues with sewage backing up and flooding. He had been forced to get rid of his downstairs toilet.
- A mound of earth had been placed on the site which had contributed to the flooding of his property.
- It was considered that a holistic approach should be taken to the beck.

In response, the Assistant Director said that:

- The applicant had given the Local Planning Authority assurances that no drains had been diverted and the Lead Local Flood Authority did not believe that demolition works had been a contributory cause of the flooding.
- The Environment Agency had included the model for this site within its plans for works to Silsden Beck.
- There was no 'ransom strip' as such, the Council owned this strip of land and this was not an issue for consideration by this Committee.
- The land to the rear of this site was allocated for residential development and provision for a satisfactory access therefore had to be included within the current scheme.
- He was satisfied that the viability appraisal was robust. Independent consultants had also worked on the Council's CIL testing.
- The Environment Agency had made no further comment and had not objected.

Members' views were expressed as follows:

- Clear advice had been received from the experts.
- The area in the Green Belt was not to be developed.
- The Reserved Matters should be submitted to the Committee for determination.
- This was a brownfield site; the issues in respect of flooding in the area were

known and appreciated. A lot of work had been undertaken to Silsden Beck and it was also hoped that the work undertaken in North Yorkshire would help alleviate issues in the future.

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 Interim City Solicitor, in respect of:**
 - (i) Payment of a contribution of £348,439 for the provision of off-site affordable housing in Craven Ward, or an adjacent ward,**
 - (ii) The safeguarding of the land shown hatched in red on plan SIL-BWB-00-01-DR-TR-101 Rev P1, adjacent to the proposed junction with Keighley Road, to provide for any improvements to the junction which may be required in future to facilitate access beyond the current application site,**
 - (iii) Entering into an agreement under Section 278 of the Highways Act 1980 in respect of related off-site highway works,**

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

- (3) That the Reserved Matters Application be submitted to this Committee for determination.**

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.