

Minutes of a meeting of the Regulatory and Appeals Committee adjourned on Thursday 8 March and reconvened on Wednesday 28 March 2018 at City Hall, Bradford

8/3/18	Commenced	10.00 am
8/3/18	Adjourned	10.05 am
28/3/18	Reconvened	10.10 am
28/3/18	Concluded	2.15 pm

Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Ellis Miller	Warburton Lee Amran Watson	Griffiths

Observers: Councillor Jamil (Minute 70) and Councillor I Khan (Minute 70)

Apologies: Councillor Brown and Councillor Rickard

Councillor Warburton in the Chair

65. DISCLOSURES OF INTEREST

The following disclosures of interest were received in the interest of clarity:

Councillor Amran disclosed that the item relating to Ashwell Farm, Ashwell Road, Heaton, Bradford (Minute 72) was within his Ward and he knew a number of people associated with the application but he had not discussed the matter now before the Panel for determination with any interested parties.

Councillor Ellis disclosed that he was a member of the Yorkshire Regional Flood and Coastal Committee and the Airedale Drainage Commissioners, who had objected to the application concerning Land North of Royd Ings Avenue, Keighley (Minute 71), however, he had not been party to the discussion regarding the objection.

Councillor Lee disclosed that she had been present at a meeting held a number of years ago regarding the regeneration of Keighley when the item concerning Land to the North of Royd Ings Avenue, Keighley (Minute 71) had been discussed, however, she was not aware of the applicant and had not discussed the matter now before the Panel for determination with any interested parties.

Councillor Miller disclosed that he may know people associated with any of the applications but he had not discussed any of the matters now before the Panel for determination with any interested parties.

Councillors Amran, Ellis, Griffiths and Warburton disclosed that they had been present at the meeting held on 2 December 2017 when the application concerning Land to the North of Royd Ings Avenue, Keighley (Minute 71) had previously been considered. They undertook to approach the issue with an open mind and to consider all the relevant material planning issues before making a decision.

ACTION: *City Solicitor*

66. MINUTES

Resolved –

That the minutes of the meeting held on 7 December 2017 be signed as a correct record.

67. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

68. MEMBERSHIP OF SUB-COMMITTEES

Resolved –

That Councillor Stubbs replace Councillor Stelling as a full Member of the Area Planning Panel (Bradford).

ACTION: *City Solicitor*

69. CAR PARK, GRAMMAR SCHOOL STREET, BRADFORD

The Assistant Director - Planning, Transportation and Highways submitted a report (**Document “AI”**) in relation to an application for 166 one and two bed flats, with a retail/professional services/food & drink, non-residential institution/assembly or leisure use at ground floor level, and 21 basement parking spaces on land at Grammar School Street, Bradford - 16/03564/MAF.

The Assistant Director - Planning, Transportation and Highways informed Members that the development would consist of 166 flats with a retail or commercial use element on a two level site, which was in a prominent position at the top end of the City Centre. He reported that access to the site was via Grammar School Street, which was an unadopted road that was used for on-street parking and the entrance to Carlton House would remain unhindered. The

Committee noted the variety of constructions in the vicinity and the proposed scheme would have a contemporary design on seven levels. The development would have two buildings, the larger would face onto Hamm Strasse and the smaller onto Grammar School Street. Lengthy discussions had been undertaken and the proposal had been subject to external Design Review due to the site's location. In conclusion the scale and massing had been considered appropriate and the design and appearance was acceptable in the location in order to preserve the character of the conservation area. The Assistant Director - Planning, Transportation and Highways confirmed that there had not been any objections to the application, however, a representation had been submitted in relation to the access of the adjoining building. He explained that a one-way system would be introduced and Grammar School Street would be brought up to an adoptable standard. The access to Carlton House would remain unhindered and be improved. The site was located in a nil CIL zone and, therefore, not viable for affordable housing. The application was then recommended for approval subject to the conditions as set out in the report and also subject to an additional condition in relation to the upgrading of Grammar School Street.

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

- The residential flats would have a balcony.
- The link between the two buildings would be at an upper level and there would be two points of access with a bridge across.
- The retail element would be double level with residential units above. Conditions in relation to noise attenuation had been placed on the application.
- The applicant had contended that the scheme would not be viable with affordable housing and this had not been challenged. The Council had taken into account the negative land value and the inability to obtain obligations. The New Homes Bonus would be available for the 166 units, however, assurances could not be given that the scheme would still be operative, though the properties would be subject to Council Tax.

An objector was present at the meeting and stated that he represented the business that was located in Carlton House. He informed Members that they were in support of the proposed development, however, they wished to maintain their right of access.

The applicant's agent was present at the meeting and made the following comments:

- The site had been a void in the urban fabric for many years.
- The Grammar School had burnt down in 1987.
- 21 years later an application had been submitted for flats, however, the financial crash had occurred.
- 10 years later this new scheme had been proposed.
- It had been ensured that the design was appropriate to the setting, as it was close to Penny Bank which was a listed building.
- Positive feedback had been received from the Design Review.
- It was not surprising that the provision of obligations would not be viable.
- Contributions would not be sought for affordable housing.

- The proposal provided an opportunity to bring the site back into use.
- The scheme would provide a worthwhile contribution to the District's housing stock.
- All the conditions and the proposed addition were acceptable.

A Member questioned the applicant's agent whether the access to Carlton House could be assured and this was confirmed.

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 and subject to the following additional condition:

- (i) **Prior to commencement of development a scheme for the upgrading of Grammar School Street to adoptable standards including reconstruction, drainage and street lighting; a one-way circulation system and waiting restrictions shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme to be completed within 12 months of the commencement of development.**

Reason: In the interests of highway safety.

Action: Assistant Director - Planning, Transportation and Highways

70. FLOCKTON HOUSE, FLOCKTON ROAD, BRADFORD

The report of the Assistant Director - Planning, Transportation and Highways (**Document "AL**) considered a reserved matters application for 30 dwellings (Outline permission reference: 14/04045/MAO), concerning appearance, landscaping, layout and scale, on the site of Flockton House, Flockton Road, Bradford -17/06960/MAR.

The Assistant Director - Planning, Transportation and Highways reported that the proposal was a reserved matters application for the consideration of appearance, landscaping, layout and scale of 30 dwellings previously approved under outline permission. He explained that following the publication of the report a number of consultation responses had been received. The Council's Drainage Team had requested that the scheme be subject to the conditions, which were already covered on the outline planning permission and the Council's Conservation Team had recommended conditions in respect of windows, boundary treatments and gable end materials due to the location of the site next to Bolling Hall, which was a listed building. Members were informed that Council offices had previously occupied the site, the building had been demolished and it was now a vacant site. Access had previously been approved in 2015 as part of the outline planning permission and 30 dwellings had been proposed. The Assistant Director - Planning, Transportation and Highways confirmed that the Council was the applicant and the parking provision met the requirements of the Council's policy. He stated that the site had formerly been used as offices, with a car park and any vehicle overspill had parked on the road. The Council's Highways Department

had not objected to the proposal and the point of access had been approved at the outline planning stage and was not for consideration with this application. The impact of social housing was also not a planning consideration. The application was then recommended for approval, subject to the conditions as set out in the report and three additional conditions requested by the Council's Conservation Team.

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

- If another developer purchased the site and wanted to change the plans they would have to submit an application in order to amend the house types.
- The construction and retention of the wall would be covered by a condition.
- The windows would be recessed to reflect those on Bolling Hall.

An objector was present at the meeting and made the following points:

- He lived on Brompton Avenue and objected to the access to the site being on this road.
- Flockton Road would provide a more suitable access as it was wider than Brompton Avenue.
- Other streets in the area were used as a rat run by Heavy Goods Vehicles (HGVs) from Wakefield Road.
- The affordable housing provision should be part rented and part owned, not all rented.

In response to some of the comments made, the Assistant Director - Planning, Transportation and Highways confirmed that the access to the site had been agreed at the outline planning stage and the Council's Highways Department had not been asked to comment on an alternative entrance. He stated that the direct access from driveways onto Brompton Avenue and Flockton Road was acceptable and those roads would not be any less safe than others. With regard to the type of housing, Members were informed that this was dependant upon the demand in the area, there were various types of affordable housing and it had been identified that there was a need for rentable homes.

Members posed further questions and were informed that:

- Weight restrictions could be placed on the road if the use was an impact of the development. If there was a safety concern for residents, a restriction could be attempted to be promoted.
- The access had been approved as part of the outline planning permission and the only way it could be changed was if it was not proper. The application could not be refused on the grounds of access.
- If the access was moved, it would create further issues.
- The applicant had previously confirmed that the access was safe and acceptable and it was not included in the application for consideration. No queries had been raised in relation to the safety of the access.

A Ward Councillor was present at the meeting and stated that the access to the site should be taken from Flockton Road, as it was wider and the majority of houses in the vicinity were owner occupied. He noted that it had taken two years for the reserved matters application to be submitted and then proceeded to read out a statement from local residents, which included the following points:

- It had been believed that the development would be privately owned houses.
- Why were rented properties being built next to a listed building?
- Policy DS1 stated that good design came first.
- The preservation of the listed building and setting should be considered.
- The design and setting was bland and unimaginative.
- The proposal was out of place in the area and did not enhance the listed building.
- The application should be refused.
- The proposed layout was poor.
- Only one access had been used for Flockton House.
- The pathway would have to be used to access the proposed houses.
- The existing houses opposite the entrance would be overlooked.
- The layout would be harmful to the amenity of Brompton Avenue residents.
- Rented houses would change the existing community.
- The area would benefit from privately owned houses.
- A petition had been submitted.
- The density of 47 dwellings per hectare on a small site would be overdevelopment.

In response to some of the comments made, the Assistant Director - Planning, Transportation and Highways confirmed that:

- The access issues had been covered.
- The Council's Conservation Team had stated that the development would not impact on the listed building, however, the materials used would need to be of the highest quality and additional conditions had been requested to cover the issue.
- Flockton House used to occupy the majority of the site.
- The houses had gardens, which would break up the view and Bolling Hall would be visible through the site.
- The houses would be two storey semi-detached properties and in keeping with others in the area.
- The need for affordable housing was not being considered, just the design of the properties.
- The layout was acceptable with the Council's Highways Department.
- Flockton House had been accessed via Brompton Avenue.

Additional queries were then raised in respect of the parking provision and the density. The Assistant Director - Planning, Transportation and Highways explained that the scheme met the requirement of two parking spaces per dwelling and indicated that a higher density was encouraged in sustainable location sites, therefore, the density was acceptable.

Another Ward Councillor was present at the meeting and addressed the Panel stating that:

- Representations and a petition had been previously submitted.
- The layout and entrance to the site had raised concerns.
- Brompton Avenue was a highly populated narrow street.
- Residents' vehicles caused congestion on Brompton Avenue.
- The development would be an unfair burden on residents.
- There were parking issues in the area.
- The scheme raised community safety implications due to the entrance on Brompton Avenue and the increase in traffic.
- Car headlights would shine into the houses opposite the site entrance.
- There was only one point of access.
- Blind corners could be created, which was dangerous for pedestrians.
- The development would have a detrimental affect on the amenity of the area.
- The density was overdevelopment.
- An alternative access was required in the interest of safety.
- The application should be refused.

The Assistant Director - Planning, Transportation and Highways replied that the number of units proposed was not excessive and acknowledged that there would be an increase in noise and vehicle movements, however, it would not be significant or detrimental to residents. He confirmed that the front boundary treatments of the properties on Brompton Avenue and Flockton Road would be less than a metre high. Houses were often located opposite access roads and the existing properties were located at a higher level. Vehicle movements would be infrequent, therefore, it could not be justified as a reason to refuse the application.

During the discussion, the Chair queried whether a Traffic Regulation Order (TRO) restricting the weight would be feasible on Brompton Avenue. The Assistant Director - Planning, Transportation and Highways confirmed that a condition had been placed on the application in respect of TROs along the site frontage. The Interim City Solicitor clarified that a condition could be requested, however, it would only be valid if enforceable and best endeavours to implement the TRO were applied. If the Area Committee refused the TRO, the condition would not be binding. The Assistant Director - Planning, Transportation and Highways stated that construction traffic could be taken into consideration, though the applicant would need to be asked whether the development would create HGV use. Any TRO for weight restriction would have to be considered as a whole for the area.

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 and subject to the following additional conditions:

- (i) Notwithstanding the details submitted, within 3 months of the development hereby permitted commencing on site, plans shall be submitted to and approved in writing by the Local Planning Authority showing all window frames contained within the proposed dwellings to be recessed by at least 100mm. The development shall be carried out in full accordance with the approved details.

Reason: In the interests of the character and visual amenity of the area, to protect the setting of the adjacent heritage asset to accord with policies DS1 and EN3 of the Core Strategy.

- (ii) Notwithstanding the details submitted the proposed wall running along the western boundary shall be constructed on natural stone. Within 3 months of the development commencing on site arrangements shall be made with the Local Planning Authority for the inspection of the materials to be used in the construction of the boundary wall. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: In the interests of the character and visual amenity of the area, to protect the setting of the adjacent heritage asset to accord with policies DS1 and EN3 of the Core Strategy.

- (iii) Notwithstanding the details submitted the gable ends of plots 16, 17, and, 30 facing onto Bolling Hall shall be constructed on natural stone. Within 3 months of the development commencing on site arrangements shall be made with the Local Planning Authority for the inspection of the materials to be used in the construction of these dwellings. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: In the interests of the character and visual amenity of the area, to protect the setting of the adjacent heritage asset to accord with policies DS1 and EN3 of the Core Strategy.

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

71. LAND TO THE NORTH OF ROYD INGS AVENUE (BETWEEN THE A629 AND THE RIVER AIRE), KEIGHLEY

The Assistant Director - Planning, Transportation and Highways presented a report (**Document "AJ"**) in relation to a full planning application for the extension of Keighley Industrial Park through the formation of eight structures housing nine commercial units (B8 and B2 uses), with associated car parking, highways connection, drainage and landscaping, on land to the north of Royd Ings Avenue, Keighley – 17/05255/MAF.

The Assistant Director - Planning, Transportation and Highways reminded Members that the application had been deferred from the meeting held on 7

December 2017 in order to allow the applicant an opportunity to submit further information and full determination of the proposal was now required. He explained that the application was for the construction of nine commercial units with associated car parking on a site that was within a flood zone area, the Green Belt and partly designated as a wildlife area. It was noted that access would be gained through the existing industrial development and this was at a higher level than the proposed site. The officer's report detailed the reasons for deferral and the Assistant Director - Planning, Transportation and Highways confirmed that the application had been re-advertised as it was subject to amendments. As a consequence further objections had been received and many were from people that had previously submitted representations. Members were informed that the Council's Rights of Way Team had initially raised concerns, however, the footpaths could be amended and this was no longer a reason for refusal. The site was located in designated Green Belt and was subject to national and local planning policies, therefore, the Committee would need to conclude that there were very special circumstances to warrant approval of the scheme. The applicant's case indicated that there was a shortage of employment units in the area and the proposal would meet the demand. The Assistant Director - Planning, Transportation and Highways reported that the site had been designated as employment but this had been removed on the advice of the Environment Agency in light of flood zone mapping that had been undertaken during the early 2000s. He explained that it was a flood risk site and was meant to flood in order to relieve pressure. In relation to the sequential approach, the site covered 10 hectares, which would provide a third of the future employment area for Airedale and assessments had been undertaken in order to identify the likely need for extra employment sites in the area. The Council had looked at sites and acknowledged that 10 hectares was a substantial area, however, it needed to consider the entire District and there were two sites approved for residential and employment use in Silsden. The applicant had disagreed with the Council stating that there was a need for units in the Keighley area.

Concerns had been raised by the Council's Principle Drainage Engineer in relation to the operation of the site and the applicant had proposed to raise the buildings on stilts, as part of the site would flood. The scheme indicated that it would be resilient to flooding as water would be allowed to run underneath the buildings and the applicant would create additional flood areas to replace those that would be used for the stilts. The buildings would also be designed to be operational from raised platforms. Additional car parking facilities protected from flooding would be provided and the standards required could be achieved. Members were informed that the key issues related to the workability, proving that the site would flood in a particular way and if there were sufficient water storage areas on the site.

The Assistant Director - Planning, Transportation and Highways confirmed that considerable dialogue had been undertaken with the applicant in respect of air quality and as a result they had submitted a low emissions strategy. The Council's Environmental Health Team had noted that there would be some increases in the impact on air quality and there was a residential area nearby, which had a monitoring station, therefore, they believed that the proposal would be undesirable in the area. Members were informed that the Council usually sought to have mitigation measures placed on such applications via conditions and the submission of an air quality strategy would ordinarily be required.

In conclusion the application was recommended for refusal as per the reasons stated in the officer's report.

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

- The four sites quoted in the officer's report had not been assessed by the applicant, who had stated that there were no other sites of 10 hectares. The closest site in size was at Crossflatts.
- The sites quoted were similar in size and suggested by the Council's Policy Team, who had stated that the District as a whole should be considered.
- The site on Banklands Avenue East at Silsden was considerable, but constrained by the Silsden by-pass.
- The majority of representations had been submitted from the opposite side of the valley.
- Inappropriate development should not be built in the Green Belt and there was no suggestion that the proposal was appropriate. The applicant had stated that the very special circumstances were warranted by the need for employment use in Keighley.
- The applicant had indicated that they were not aware of other sites that could accommodate the development, however, there were others in the District and smaller ones in Keighley.
- The cornerstone of the National Planning Policy Framework was that planning should not stand in the way of prosperity. It was a very important and positive policy which indicated that planning permission should be granted on suitable sites, however, there were other policies that had to be considered in conjunction.
- The site had been allocated as employment, however, the Environment Agency had strongly objected to the classification due to the flood risk and on advice of the consultees the site had been removed from the allocation. The site had not been in the Replacement Unitary Development Plan when it had been adopted and had been placed in the Green Belt. The Council had sent documentation to the Secretary of State in respect of policies that required to be saved and those that did not. All the allocations, the Green Belt, land for employment and the policies that supported these allocations had been saved.
- It was the Council's policy that an Air Quality Strategy was submitted and mitigating measures were included in the application.

The Council's Senior Development Officer, Economy and Development Services informed Members that the service worked with companies that were looking to expand and many of them wanted to locate in Keighley. He explained that there was a requirement for additional employment space in Keighley and work was ongoing on sites in the area. There was also a need for approximately 30 hectares of land in Airedale. The timescale of the development would have to be considered along with the demand for space in the market. The Senior Development Officer stated that the scheme covered a large volume of space, however, he questioned whether the proposal submitted would provide for the need in the area.

The Council's Principle Drainage Engineer confirmed that there were two parts to the Exceptions Test and these should show substantial benefits to residential and flood risk areas. He informed Members that there were concerns as to how the site would flood if the development was undertaken and if it would be as depicted. When a large site was developed there was a restriction on the surplus surface water, however, the flood risk assessment detailed a large amount of water would need to be stored. In conclusion the Principle Drainage Engineer stated that there was insufficient evidence to support the reasoning that the issues could be overcome.

In response to further questions, Members were informed that:

- The intention of the scheme was to have storage pipes under the access road to allow the flow of water across the site, however, this action still could not satisfy that the flood water would be mitigated.
- The pilot study in North Yorkshire was looking at water levels and the Council was considering the project on order to ascertain whether further measures could be introduced regarding flood levels, however, this would not take place for a number of years.
- The site had last flooded in 2003 and in order to assess a flood plain correctly it had to be done hydraulically.
- Flood mapping detailed a snapshot in time and Leeds City Council had been updating its River Aire model. In relation to planning, the Environment Agency undertook flood mapping on a yearly basis.
- On development of the site there would be a requirement to restrict the flow of water to 20-30 litres per second and concerns had been raised.

The applicant's agents were present at the meeting and stated that they had requested that additional information be circulated to the Committee prior to the meeting. Members expressed concern that they had not received information relevant to the application and requested that the matter be looked into.

The applicant's agents then made the following comments:

- A significant amount of information had been provided.
- The proposal would not create a displacement of water.
- There were a number of local flood alleviation schemes.
- The sequential test had been provided, as requested and Airedale was the relevant area of study.
- The flood risk could be suitably managed.
- The proposed car park would be above the flood level.
- It was a viable development and would provide employment for local people.
- The outstanding issues had been addressed.
- There was a lack of this type of development where there was a huge demand.
- Concerns had been addressed and the scheme would be delivered.
- Alternative sites in Airedale had not been identified.
- Airedale should be connected to the Northern Powerhouse.
- The application could fulfil the need of the area.

During the discussion a Member stated that jobs were needed in Keighley and it was hoped that the application was seen to have very special circumstances and approved. Another Member indicated that the site was located within the Green Belt and questioned whether the reasons could be classed as very special circumstances. The need for jobs was acknowledged, however, the whole of the District required employment and if it was stated that the provision of jobs was a very special circumstance then this would apply to any site. The justification should be specific to the site in question. The Member added that he did not believe that the flood risk had been resolved and the sequential test was immaterial, as the application proposed Green Belt development.

A Member reported that the location was a previous employment site and Keighley needed jobs. The special circumstances related to this and the fact that there were no other available sites of a comparable size in Airedale. The use of Euro 5 and 6 emission standard vehicles on the site should be encouraged in order to meet air quality requirements, solar panels had been suggested and a regular and recorded clean of the area should be undertaken. Keighley needed investment and apprenticeships had also been proposed. It was noted by another Member that the site was only partly in the Green Belt and if the Committee was minded to approve the application it would have to be referred to the Secretary of State.

In response the Assistant Director - Planning, Transportation and Highways explained that a statement of the very special circumstances and a list of specialist planning conditions would be required if the Committee were minded to recommend the application for approval. He suggested that the formation of the conditions be delegated to officers. Members requested that the Chair and Deputy Chair were involved in the process and the Assistant Director - Planning, Transportation and Highways agreed and added that the applicant should be consulted as well.

A Member requested assurances that the scheme would be progressed as soon as possible and the Assistant Director - Planning, Transportation and Highways confirmed that the Chair would be provided with regular updates. He added that as few as possible conditions would be placed on the application and, where ever possible, they would not include a pre-commencement clause.

Resolved –

Members are minded that planning permission should be granted and referred to the Secretary of State, in coming to this conclusion Members consider there are very special circumstances that warrant the grant of “inappropriate development” in the Green Belt for the following reasons:

- (i) The site was previously allocated as an employment site and such allocation was principally removed because the site was at risk of flooding. The applicant has now demonstrated that the site can be developed without an increased risk of flooding.**
- (ii) Not all of the site is within the Green Belt and there is a proven need for employment land within the District that cannot be met.**

- (iii) **There is no recent evidence of flooding and works of flood alleviation are taking place further upstream.**
- (iv) **The applicant had demonstrated through a sequential test that there are no other suitable employment sites within the vicinity of Keighley to accommodate the proven need.**

And in addition to the above, before being referred to the Secretary of State, the Assistant Director, Planning, Transportation and Highways shall produce a list of relevant planning conditions in consultation with the applicant, and thereafter the Chair and Deputy Chair of the Committee, which shall include all appropriate conditions for a development of this scale and nature. These conditions shall include:

- (i) **The provision of maintenance of flood alleviation measures to ensure continued operation.**
- (ii) **The incorporation of all appropriate sustainable measures that will not preclude the commencement of development.**

ACTION: Assistant Director, Planning, Transportation and Highways

72. ASHWELL FARM, ASHWELL ROAD, HEATON, BRADFORD

A report was submitted by the Assistant Director - Planning, Transportation and Highways (**Document “AK”**) in respect of an application for the construction of 27 dwellings at Ashwell Farm, Ashwell Road, Heaton, Bradford - 17/06647/MAF.

The Assistant Director - Planning, Transportation and Highways explained that the proposal was to construct 27 houses on a site that could accommodate three storey houses due to the levels, with access from Ashwell Road. He confirmed that a number of representations had been received that raised concerns in relation to the additional traffic in the area, amongst others. The site had previously been allocated as Phase 2 housing and the Council supported the housing allocation. It was situated in an appropriate locality and would not harm residential amenity. Highway safety would not be compromised as visibility splays would be created at the access point and electric vehicle charging points had been recommended. Members were informed that full assessments had been undertaken. There were protected trees in the vicinity, but not on the site and a condition to protect the trees would be applicable during the construction period. A Phase 1 and 2 contamination study had been undertaken and a verification report would need to be submitted. Construction traffic would also be subject to a condition. The Assistant Director - Planning, Transportation and Highways reported that five affordable homes would be provided and then recommended that the application be approved, subject to the conditions as set out in the report and also subject to the completion of a Section 106 legal Agreement.

In response to a Member’s query, the Assistant Director - Planning, Transportation and Highways confirmed that the site was located in a nil CIL area,

however, money would be spent on mitigating measures across the District.

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

- Why had it taken nine years to get the certification correct?
- Why did the site description contain errors, as buildings had been removed?
- Had the protocols for missing buildings been followed?
- Officers had visited the site in relation to fly tipping.
- There was contaminated spoil along the North West boundary of the site.
- How did the removal of trees on the boundary improve the area?
- The decision made in 2012 not to prosecute the applicant should be revisited.

In response the Assistant Director - Planning, Transportation and Highways explained that the issue regarding certification related to a situation that had occurred with a previous planning permission, which had now expired. An area of land had been disputed as part of the signed certificate, however, it was not the role of the Committee to become involved in such matters. The applicant had then altered the area of the site at the reserve matters stage. It was noted that the proposed scheme did not go beyond the red line boundary. Members were informed that a full Phase 1 and 2 contamination study, which considered both the site in question and those adjoining, had been undertaken and assessed by the Council's Environmental Health Unit. The Assistant Director - Planning, Transportation and Highways stated that he was not aware of any protected trees that had been felled and a condition had been placed on the application in relation to tree protection.

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

- It was a comprehensive report.
- A great deal of work had been undertaken on the development.
- Much needed housing would be delivered on the site.
- It was a previous employment site in a sustainable location.
- Residential amenity would not be harmed.
- There would not be any technical difficulties to deliver the houses on the site.
- The applicant was happy to accept the Section 106 Agreement.

The Chair queried whether the provision of 1.5 spaces per dwelling included the integral garages and if permitted development rights had been removed from those houses with them in order to prevent the garage from becoming part of the property. In response the Assistant Director - Planning, Transportation and Highways confirmed that some of the dwellings did have integral garages, however, they all had two off street parking spaces and a condition had been placed on the application in relation to future development rights.

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