

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday 19 July 2018 at City Hall, Bradford

Commenced	10.20 am
Adjourned	1.35 pm
Reconvened	2.20 pm
Concluded	5.10 pm

Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Cooke M Pollard	Amran S Hussain Wainwright Warburton	R Ahmed

Observers: Councillors; Engel (Minutes 19 and 20), Ferriby (Minute 18), Johnson (Minute 18) and Thirkill (Minutes 19 and 20)

Apologies: Councillors Brown, Griffiths and Watson

Councillor Warburton in the Chair

14. DISCLOSURES OF INTEREST

Councillors Wainwright and Warburton disclosed an interest in respect of the item relating to Land to the South of Woodlands CE Primary School (Minute 18) as they had objected to a development located within an adjoining Local Authority area that was linked with this application. They 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).

In the interests of transparency, Councillor Cooke disclosed that he had been in receipt of communication from several parties in relation to the applications concerning Land to the East of Brunswick Road, Bradford (Minute 22) and Land to the East of Keighley Road/North of Harden Road, Harden (Minute 24). He had not entered into dialogue with these individuals nor expressed an opinion and stated that he would consider each of the applications with an open mind and on their merits.

ACTION: *City Solicitor*

15. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

NO ACTION

16. MEMBERSHIP OF SUB-COMMITTEES

Resolved –

That the appointment of Non-Voting Co-opted Members to the Corporate Parenting Panel for the 2018/19 municipal year be confirmed as set out below:

- **Inspector Kevin Taylor – West Yorkshire Police**
- **Yasmin Umarji – Education**
- **Sue Thompson – Bradford District Clinical Commissioning Group**
- **Chair of the Children in Care Council**

ACTION: *City Solicitor*

17. ELECTION OF CHAIR

In the absence of both the Chair and the Deputy Chair, the meeting was asked to elect a Chair for the consideration of the following item of business.

Resolved –

That Councillor Shabir Hussain be elected Chair for the item relating to Land to the South of Woodlands CE Primary School, Mill Carr Hill Road, Bradford.

ACTION: *City Solicitor*

Councillor Shabir Hussain in the Chair

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

Previous reference: Minute 80 (2017/18)

Members were reminded that, at the meeting of the Committee held on 5 April 2018, consideration had been given 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 Metropolitan District for the redevelopment of a former waste water treatment works off Cliff Hollins Lane to provide employment uses Classes B1(C), B2 and B8) on land to the south of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw, Bradford – 16/06146/MAO. Plans and photographs were displayed.

At that meeting it had been 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.”

The Assistant Director - Planning, Transportation and Highways therefore submitted **Document “I”** which included information on the discussions that had taken place since that point, which had included dialogue in respect of the potential use of an alternative site (as preferred by the school and the Diocese). The applicants had stated that the landowner of this site was not willing to sell the necessary land and that they considered that the original site was safer as the alternative access point would be closer to the bend in the road. They had also noted that, if the Committee was not satisfied with the proposal as submitted, they could proceed with the linked development without the school car park provision. The Assistant Director also pointed out that any proposal to provide the facility on an alternative site would require the submission of a new planning application.

A Councillor from an adjoining ward spoke briefly to put forward the following points:

- The Committee was only able to make a decision on this element of the larger development scheme; the linked application (located within the adjoining Local Authority area) had already been approved.
- Traffic Regulation Orders were proposed to prevent on-street parking in the vicinity of the school.
- The matter had been deferred at the last meeting so that the issues could be further discussed.
- The reasons for the school’s preferred option were understood.
- Consideration had to be given to the children’s safety.
- After taking all the issues into account, it was considered that the scheme should be approved subject to the upgrading of the pedestrian crossing to a ‘pelican’ crossing, a contribution towards on going maintenance costs and a review being undertaken of the point of access.

A Ward Councillor said that:

- The Ward Councillors recognised that the main development was located in the adjoining local authority area, but the school was within the Tong Ward.
- There would be significantly reduced on-street parking as a result of this application, which would lead to problems.
- It was appreciated that the school preferred an alternative site but a car park was needed.
- It was considered that the entrance should be moved nearer to Cliff Hollins Lane and it was requested that this be given due consideration.

A local resident showed a short video to illustrate his concerns in respect of the impact on his garden and issues with flooding. He said that:

- His property and two others had not been indicated on the plans.
- His garden would be below the level of the car park. He was concerned that the surface water would run off through his garden.
- A neighbour was already having to pump water out of their cellar.
- There would be an impact on the local community from this development, not just the school.
- There was concern about the environmental impact of an increase in HGVs using Mill Carr Hill Road.
- It was considered that a full, independent road safety audit should be undertaken.
- The change of priorities would impact upon Mill Carr Hill Road. Traffic would queue back as far as Woodlands School and parents would be unable to exit the car park.
- It was questioned where local residents would park.
- He was concerned about the information presented at Committee meetings; there was no longer a roundabout and this was not a brownfield site; 50% was in the Green Belt.

The Assistant Director explained that:

- Conditions were proposed to secure measures to deal with surface water drainage, implementation of the measures required by the Flood Risk Assessment and foul and surface water management. These would ensure that surface water run-off was less than current greenfield run-off rates. The National Planning Policy Framework (NPPF) required that development should not make a situation worse.
- Any increase in HGV movements would not be associated with this car park development.
- All plans were subject to numerous road safety audits to ensure that they were fit for purpose and that they would not cause any unacceptable risks.
- Drainage schemes were now expected to be able to deal with a 1 in 30 years excessive storm event.
- This area was not identified as a flood zone by the Environment Agency. Flood zones were generally near to watercourses. It was accepted that, in times of excessive rain, many areas that were not designated flood zones did flood. The installation of a surface water drainage system on the site would limit the flow and could improve the situation.
- Any drainage proposals would have to be submitted for consideration by the Council's Drainage Officers and Yorkshire Water.

The Headteacher of the school made the following comments:

- There was a need for assurance that the car park was large enough to cope with demand in order to ensure the safety of the children.
- No updated plans had been received that addressed the concerns raised in respect of various issues including gating, security and the surface treatment.
- The location of the pedestrian crossing had not been reviewed. There were concerns about speeding traffic being unable to stop in time.
- Vehicles did speed along this road; she was well aware of the prevailing conditions on a day to day basis.

- It was not considered to be adequate to predict highway conditions just using calculations done on a computer rather than an on site assessment.
- The proposed car park was too small and some parents would be unable to park, this should be taken into account.
- An additional 20 spaces were needed.
- The zebra crossing should be upgraded to a pelican and re-sited.
- Separate access points should be provided for the field and the car park.
- There were outstanding concerns in relation to lighting, maintenance, security, level access, drainage, financial impact, signage, road markings and CCTV.
- The Council had to take responsibility for the children from the Bradford district who attended this school.

The Assistant Director responded with the following information:

- Condition 15 required the completion of a legal agreement to secure off-site highway works to install a raised plateau or zebra crossing on Mill Carr Hill Road. This could be amended to specify a pelican crossing if this was considered to be more suitable.
- The application was in outline and the details of the fencing, gates and lighting and the position of the access would be determined at the reserved matters stage.
- The proposed conditions relating to lighting and the installation of gates across the access addressed some of the issues raised.
- Funding for future maintenance was outside the remit of the planning system; this would be a matter for the school to agree with the developer; it was recognised that this could be a burden for the school if not addressed.
- All the details in respect of the access and pedestrian crossing would be designed to ensure the best possible safety conditions.

He also responded to questions from Members:

- The detailed layout of the car park was still to be determined but the indicative plan showed approximately 33 to 36 spaces.
- The school would determine how it was run and maintained and whether staff would be able to use it.
- The trees indicated on the plan were new rather than existing.
- There would a slope down towards the centre of the car park; the access arrangements would be designed at reserved matters stage and his officers would ensure that the gradient was acceptable.
- Yorkshire Water had stated that both 900mm and 600mm sewers crossed the site; the site would need to be surveyed and the developer would have to ensure that these were not damaged. The development as proposed would not require any significant foundations and it was not believed that these would be a major constraint.

The Headteacher explained that the school had its own car park that held 6 cars and there were 4 teachers. The proposed car park was considered to be 20 spaces short in terms of accommodating parents.

A representative of the Diocesan Trust made the following comments:

- The Trust appreciated the meeting that had taken place with the developers. This had meant that it had been possible for their concerns in respect of location and road safety to be considered. The Trust had been able to explain the impact of the development and the proposed parking restrictions and to discuss the pros and cons of locating the car park on the opposite side of the road.
- Safety was the prime concern.
- The developers had subsequently said that the original proposal was the best that they could do.
- The information obtained by the Diocese suggested that there had not been any negotiation undertaken with the landowner of the site adjacent to the school.
- It was considered that the alternative site provided a safer solution. However, it was recognised that off street parking provision was needed and in the circumstances the Trust therefore had to advise that the offer of the developer should be accepted subject to a request that the zebra crossing be upgraded to a pelican.
- Concern remained that the related legalities had not yet been discussed.

The applicant's agent addressed the Committee:

- After the application had first been considered by the Committee in April they had met with the school's representatives and had agreed to look at the alternatives to the proposal.
- The access point for the alternative site was not considered to be suitable as it was closer to the bend in the road. The advice from the Highway's Department was that this would not be considered safe. The advantage in children not having to cross the road was acknowledged but there would be a higher risk of collision.
- It was therefore considered that the original scheme was the better option; it had been subject to safety checks and the details that remained to be resolved could be done through the reserved matters process and secured by a legal agreement.

Members made the following comments:

- This site was within the Green Belt where development was only permitted in very special circumstances; it was conceded that these did apply in this case although the situation whereby the proposed end user did not want to use the new facility was considered somewhat bizarre.
- There was a need for off street parking provision and although there were issues with this scheme there were no reasons to refuse planning permission. Assurances had been given in respect of the drainage issues and there were clearly very special circumstances.
- The developers did not have to provide this car park for the other element of the larger scheme to go ahead. If it was not approved the school may be left without any provision.
- The pedestrian crossing should be changed from a zebra to a pelican.
- These circumstances had arisen due to the decision of a neighbouring Local Authority which had put the Committee in a difficult position.

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 subject to the amendment of Conditions 3 and 15 as set out below:

3. Reserved Matters

Before any development is begun plans showing the:

- i) access;
- ii) appearance;
- iii) landscaping (*including boundary treatments*);
- iv) layout;
- v) and scale

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

15. Section 278 Agreement

Notwithstanding the details submitted, within 3 months of the development hereby permitted commencing on site, the Applicant shall enter into an Agreement with the Local Planning Authority under Section 278 of the Highways Act to secure the off-site highway improvements in the form of a *pelican crossing* on Mill Carr Hill Road.

Reason: In the interests of highway safety and to accord with policies TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.

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

Councillor Warburton in the Chair

19. LAND AT HOLTS LANE, BRADFORD

Previous reference: Minute 47 (2017/18)

The Assistant Director - Planning, Transportation and Highways submitted a report (**Document G**) in relation to a full application for the substitution of 76 dwellings, approved under reference 17/05251/MAF, together with the construction of an additional dwelling (making 100 in total) and associated works on land at Holts Lane, Bradford - 18/01540/MAF. Plans and photographs were displayed.

The Chair said that he had received a request for a site visit to be made; however, in light of all the information presented, the benefit of this was not clear and substantial and he did not consider it to be necessary in this case. He noted that he had made independent visits to the site on both occasions that applications had been considered by the Committee.

Further to a query from a Member, the Assistant Director indicated the location of

Falls Farm and 8-10 Harry Lane on the plans and their relationship with the nearest new dwellings. He then responded to questions from Members:

- The Council's requirements in respect of parking provision were the same for a 4 bed property as a 3 bed property.
- Garages would have to be of a minimum size and it would be preferable, from the point of view of the Highways Department, for them to be retained as such and not converted to additional accommodation without permission. A condition could be imposed to secure this should Members consider that this was appropriate.
- The Police Architectural Liaison Officer had commented on all aspects of the development; some of these issues were within the planning remit, such as boundary treatments, but a number of the issues, for example security measures, would be addressed under Building Regulations and a number were a matter for the developer to consider.
- The application was for 100 dwellings in total.
- Registered Social Housing Providers preferred their housing units to be grouped as this made the management of them more straightforward. From a planning perspective, consideration was given to the visual impact and the overall street scene, regardless of the proposed end use. In this case the proposed terraced dwellings were considered acceptable in terms of materials, design and layout. If the applicant was required to disperse the affordable housing units more widely across the development this would necessitate a redrafting of the plans. (The City Solicitor noted that Members had to consider the acceptability of the plans now before them).

Two of the Ward Councillors were in attendance at the meeting and made the following comments:

- The following item, in relation to land to the rear of Delph Terrace (which was also associated with application reference 17/05251/MAF), had a significant bearing on this application.
- A condition had been imposed on the original application (considered by the Committee at its meeting on 7 December 2017) in respect of permission being required for the conversion of garages.
- The application should be refused.
- The site layout was detrimental in a number of respects. The number of dwellings may only have increased by one but it was questioned where this would stop.
- Larger properties with additional bedrooms would mean more children and more traffic.
- Although purchasers of the new properties would be aware of the proximity of their dwelling to others and take this into account in their decision, what about the occupiers of existing properties? The existing community would have new houses placed a few feet away from their homes on land that had been fields for the previous 50 years.
- The Police required changes to be made to the layout.
- It was considered that the original application had been flawed. Bradford needed new homes but this was not the right location.
- The increase in the number of 4 bed properties altered the layout and would impact on the local community.

- There were already issues arising with the construction works; residents felt that the contractors did what they wanted when they wanted, this included generators being in constant use, litter, obstruction of roads and anti social behaviour.
- One of the local residents was a criminal law barrister who vehemently disagreed with the dismissal of the recommendations made by the police in respect of security issues.
- There were issues concerning inclusion and social isolation arising from the siting of the affordable housing. She was aware of groups of 3 or 4 social housing units located alongside private owners and private landlords and the Registered Providers were able to operate these effectively.
- The affordable housing that was needed was not small 2 bedroom units but accessible homes for people with disabilities and family properties such as those built by Manningham Housing. Affordable homes were only a bonus for the Council if they met the actual need.
- It was believed that if the current proposals (in terms of size, layout and number of houses) had been submitted originally and the Local Authority had been aware of the intention to tear up a Green Belt field then planning permission may not have been granted. The approach taken to the planning process was considered to be both disingenuous and disrespectful.

The Assistant Director responded to the issues raised and commented as follows:

- The affordable housing units had been grouped together in the same corner of the site in the scheme previously granted planning permission.
- There was a need in the district for 2 bed starter homes as well as larger 3 and 4 bed properties.
- Twenty 2 bed houses had been secured as part of the original planning permission and this could not be changed. The Council's 20% requirement had been met.
- Asbestos had been found on the site and it had been suggested to the developer that this should be removed immediately; it was understood that a Ward Councillor had requested that this be left until these applications had been determined. A relevant condition was proposed in relation to the treatment of unexpected contamination.
- There were also conditions in relation to drainage details.
- This had been an allocated 'safeguarded' site and had planning permission for 99 houses; the application had been fully considered and approved.
- Separation distances had been considered and judged to be acceptable.
- There had been an increase of 1 unit. It would not be possible to fit many more, if any, units onto the site but, if such a proposal was made, the situation would have to be reassessed.
- It was considered that the development would still provide a good mix of units. Core Strategy Policy HO8 required this.
- In respect of places at local schools, prior to the introduction of the Community Infrastructure Levy (CIL) scheme a contribution towards education facilities would have been secured under a Section 106 Legal Obligation. This site, however, was subject to CIL which meant that monies went into a central pot and the Council made a decision on where this should be spent.
- The developer had been approached in respect of the use of the generators and the other issues raised by existing residents.

He also replied to additional questions from Members:

- The site was not Green Belt; it had been allocated as 'safeguarded' land.
- Secure by Design issues were covered by 'Approved Document Q' and Building Regulations.
- The previous application had included permitted hours of construction and Environmental Health had the power to address any concerns in respect of noise.
- Condition 6 on this application required the submission of a Construction Plan but a separate condition to limit hours could be imposed if Members considered this to be necessary.

A local resident raised the following concerns;

- Her property was in close proximity to Plot 100.
- There was a dining area in the conservatory that would be directly overlooked by the new properties and the garden would be overshadowed.
- The level of the land rose towards the southern end of the site.
- The distance between the properties was 15 metres, but the recommended distance was 22 metres on level ground. It was considered that the difference in levels in this case warranted an additional 5 to 6 metres in distance.
- This situation was considered to be a serious error; they would feel like they were in a goldfish bowl. The new development faced directly onto four windows and some French doors.

The Assistant Director pointed out that:

- There was a public footpath around the boundary of the site which already permitted views into existing rear gardens.
- The siting had been approved as part of the previous application; the separation distances and location were the same and were considered to be acceptable.

He responded to further Members' questions by showing a plan of the rear elevation on screen and explained that:

- In the past the minimum separation distance had been 21 metres between habitable rooms but this had been reduced to a minimum of 14 metres, although there was no specific written policy within the Core Strategy or the RUDP (Replacement Unitary Development Plan). The basis for this was permitted development rights.
- These relationships were as previously agreed; the only change to the layout (from the application approved in December) related to the turning circle.
- The land to the south west was also a safeguarded site and although there were no applications/permissions it was expected that there could be in the future; the land to the north was Green Belt at this point in time.

Members made the following comments:

- He would not have knowingly agreed to allow new housing to look down onto another property as described.
- Each application had to be dealt with on its own merits and it did appear that the objectors had a compelling case.
- It was not seen how an increase from 99 units to 100 could be objected to. It came down to whether the way in which the scheme had been amended caused significant problems. Although the concerns of the local resident were acknowledged nothing had changed and the Committee could not change what had already been approved.
- The layout was untidy and was not considered to represent good urban design but this was too flimsy a reason to refuse the application.
- The concept of affordable housing provision was to facilitate integration, not as proposed by this development.
- The Committee could not undo what had been done previously. The creation of the earth mound should have been factored into the previous decision. Both applications should be looked at together.

Further to which it was

Resolved –

- (1) **That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report together with additional conditions relating to:**
 - (i) **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the integral garages within the dwelling(s) hereby permitted shall remain available for the purposes of garaging and no subsequent alterations to convert these garages to primary residential accommodation addition shall be carried out without the express written permission of the Local Planning Authority,**
 - (ii) **Permitted hours of construction to be 0730 - 1800 Monday to Friday and 0800 – 1300 on Saturday only.**
- (2) **That authority be delegated to the Assistant Director - Planning, Transportation and Highways (in consultation with the Interim City Solicitor) to enter into a Deed of Variation in respect of the original Section 106 legal obligation attached to Planning Permission 17/05251/MAF to secure the on-site affordable housing provision of 20 dwellings.**

ACTION: Assistant Director - Planning, Transportation and Highways

20. LAND TO THE REAR OF DELPH TERRACE, HOLTS LANE, BRADFORD

Previous reference: Minute 47 (2017/18)

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “H”**) in relation to a full application for off-site enabling works for a neighbouring residential development (planning permission reference 17/05251/MAF) on land to the rear of Delph Terrace, Holts Lane, Bradford – 18/01745/MAF. Plans and photographs were displayed.

The works included a drainage compound comprising a concrete base, two kiosks above ground and 6 manholes/inspection chambers set into the surface, a 1.5 metre high retaining wall in stone, a fence around the compound and a grasscrete road to serve it. It also included the provision of an embankment along the western boundary of the site.

The Assistant Director explained that the developer had applied for planning permission so that they could undertake these works (associated with drainage for the adjacent housing development). If Yorkshire Water were to undertake this work it would be classed as permitted development, planning permission would not be required and the Local Planning Authority would have no control over issues such as the use of grasscrete and the finish used for the kiosk and the fencing; which may mean that the visual impact was greater. The earth mound did require planning permission; it would be grassed and would help to hide a significant part of the retaining wall associated with the adjacent development, it was considered that this would be beneficial in terms of visual impact.

The Chair said that he had received a request for a site visit to be made; he considered that the information presented was sufficient and that the benefit of a visit was neither clear nor substantial and was not necessary in this case. He noted that he had made an independent visit to the site prior to the application being considered by the Committee.

In response to a question, the Assistant Director said that if Members considered that the fencing was not sufficient to screen the development then additional landscaping could be required.

A Ward Councillor made the following comments:

- ‘Keep Clayton Green’ had submitted photographs to illustrate the encroachment into the Green Belt and the impact on the local community.
- It was considered that information given to the Committee previously, in respect of the embankment and the drainage works being located below ground and being permitted development, had been wrong and Members had been misled.
- These proposals should have been included within the original scheme.
- The site was within the Green Belt and the National Planning Policy Framework (NPPF) stated that development was only permitted in very special circumstances; this was not very special circumstances nor was it permitted development.
- The development would mean the introduction of grasscrete across the bridleway and for the full length of the field.
- Equipment (two kiosks) would be located above ground.

- It was queried what size was allowed under permitted development rights. Yorkshire Water had stated that the size permitted was not greater than 29 cubic metres; this proposal was 447 cubic metres. Clarification was needed about this and the rules in respect of the use of the Green Belt.
- The NPPF gave Local Authorities a duty to protect the Green Belt and to ensure that substantial weight was given to potential harm.
- In May 2018 a planning application, for a dog walking compound, adjacent to this site and using the same access as this proposal, had been rejected on the grounds that would affect openness, cause noise and disturbance and affect highway safety.
- This proposal could not be approved. It would have an impact on neighbouring properties in terms of noise and would be intrusive and harmful. The nearest property was only 15 feet away; this was a peaceful area.
- The development would cause significant harm and damage to the Green Belt and have an adverse impact on the community; it should be refused and an alternative resolution found.

The Assistant Director responded to the points raised, and additional questions, as follows:

- It had been explained at the last Committee that the works were permitted development because Yorkshire Water were going to undertake them. The applicants had then decided that they preferred to do this work themselves hence the submission of this planning application.
- Schedule 2 Part 13 Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 covered development on behalf of sewerage undertakers consisting of ‘...the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation...’ as long as it did not exceed 29 cubic metres in capacity.
- In this case each kiosk would be 1.9 metres in height, 1 metre in depth and 2.75 metres in width equalling 5.225 cubic metres; significantly below 29 cubic metres.
- The 447 cubic metres referred to included the whole compound. The wall and fence came under the definition of ‘... any other development in, on, over or under their operational land...’ which was also classed as permitted development.
- In respect of impact on the Green Belt; policy did allow development that would not have an impact; the earth mound would change the contours of the land but would not impact on the openness of the Green Belt.
- The fence would be 1.99 metres in height and the kiosks 1.9 metres. These were fairly small structures and the finish and colour could be controlled by condition. The use of grasscrete for the access road would minimise the impact. Overall it was not considered that the development would impact on the Green Belt.
- Some earth had been moved from the adjacent field, associated with the residential development on that site. Permitted development rights allowed the temporary storage of material but the developer had been asked to stop work until this application was determined and had done so. The mound as it currently existed would need to be levelled out. Whether the work that had taken place would be deemed to be retrospective was a matter of interpretation.

The City Solicitor clarified that Class B development involving the installation of a station or house did not include the size of the compound so this could be larger than proposed; nothing in the Order referred to the size of the compound. Class B Section (f) referred to any development other than provision of a building, thus the fence, wall and access road, which were in association with the kiosks which were under the 29 cubic metres.

A Parish Councillor put forward the following concerns:

- The Committee had been told that if planning permission was not given the work could be done under permitted development rights but the objectors had sought advice and been told that what was proposed was not permitted development.
- This was Green Belt land and the visualisations showed the impact that the work would have; this included the installation of 2 metre high palisade fencing.
- This site had the same access route as the adjacent field. A Planning Inspector had refused permission for its use for the exercise of dogs.
- The Planning Inspector had said that the access/egress was not suitable.
- Residents were concerned about the footpath access, that had been closed previously without permission, and liability in relation to the earth mound which lifted the levels on the site including for Plot 100. If the retaining wall failed it was questioned who had long term responsibility.
- A number of protected species used the site including skylark and deer.
- These works were excessive and unnecessary.
- It was questioned why such significant attenuation/storage was required and why were normal drainage/sewerage works not suitable? The application should be refused and proper sewerage installed.
- There were no special circumstances to allow this in the Green Belt.
- The earth mound would increase levels and create overlooking.
- After work had started, asbestos had been found but residents had not been notified.

The Assistant Director responded:

- Further to the discovery of asbestos being reported to the Council the Planning Department had contacted the applicant and this had been confirmed. A Ward Councillor had been contacted in respect of removal and it had been suggested that it should be left until this application had been determined.
- The fence was covered within permitted development rights. A fence could be constructed up to 1 metre in height adjacent to a highway and 2 metres elsewhere without planning permission.
- Large HGVs would not use the access to the compound. Tankers would attend the site once or twice a year at most. Yorkshire Water would use vans to undertake their checks.
- The applicant had undertaken a Protected Species Survey in respect of the adjacent site and one could also be requested for this site. Any such creatures were protected so it would be a criminal offence if not treated properly.

- In respect of the questions raised about the attenuation tank; numerous objections had been received in respect of drainage issues related to the application for the residential development. The tank was to be provided to ensure that surface water run-off from the site was no worse than the situation pre-development; it would allow the discharge of surface water to be controlled.

The Ward Councillor clarified that, she had received a phone call from a neighbour of the site in respect of potential hazardous material being discovered. People had attended on-site in hazmat suits but had not let the neighbour know what it was. She had been contacted but was not experienced in such matters; it had been suggested that it be dealt with later.

A representative of the objectors said that:

- She was concerned about the Authority's interpretation of the statute in respect of permitted development rights. The planning officer had said that Schedule 2 Class B permitted this development because it was below 29 cubic metres. It was considered that this was a restricted interpretation. There was nothing within the statute in respect of whether this related to the whole compound. Case law suggested that it was the entire site.
- In respect of Section B general sub-section (f) relating to '...to any other development in, on, over or under their operational land'. Her understanding was that this land was owned by someone else and was not part of the building site and was not included in original application.
- This was a development by a leading UK house builder with a professional claim to be leaders in the field. Although not intended as personal criticism it was considered that this situation represented a glaring error and if the Committee had been aware of it in December a different decision could have been made.
- The Committee had to consider if there were special circumstances to allow this on Green Belt land and, if it accepted that there were, how did it fit with the statute? The answer being that it didn't.
- It was questioned why this had not been applied for previously.
- Members were urged to scrutinise this matter properly.
- This leading housebuilder was circumventing an error by now asking for permission for development in the Green Belt.
- No evidence had been put forward on how the statute had been interpreted.
- The decision should be approached with extra caution and permission either refused or the matter deferred to allow a legal interpretation of the statute.

The Assistant Director stated that:

- Class B was clear in that the volume related to the buildings not the compound. It referred to development involving the installation of a station or house exceeding 29 cubic metres in capacity. He considered the interpretation to be correct.
- The Order also covered any other development in, on, over or under operational land. These works were being undertaken on behalf of statutory undertakers. Operational land was that required to undertake these works. His understanding was that they fell within permitted development rights.

He also answered additional questions:

- The rules in respect of the installation of fences and the permitted height also applied in the Green Belt.
- His interpretation of the regulations were that if Yorkshire Water undertook the works it constituted permitted development if it was not Yorkshire Water then planning permission was required.
- If Yorkshire Water were undertaking the works then no permission would be required and the Local Planning Authority would have no control over what was done.
- These works had been shown on the plans submitted with the original application but were outside the red line boundary as it had been thought that the works were to be undertaken by Yorkshire Water.

The City Solicitor clarified that planning permission did not give someone permission to go on to a site if it was not in their ownership and this would have to be done through agreement. He noted that different regulations applied to the Utilities.

The applicant addressed the Committee in support of the application:

- The land would be surrounded on 3 sides by housing development.
- This issue had caused a delay in the developer's structural programme.
- Attempts had been made to deal with the site levels to reduce the retaining wall and at the point of the determination of the original application it had not been clear who would be undertaking the drainage works.
- The drainage compound would comprise two kiosks, six manholes and inspection chambers, fencing and an access track. It was still very small scale and minor development which could be undertaken as permitted development by Yorkshire Water.
- The developer wished to maintain control in respect of the detail and the timing of the work.
- If Yorkshire Water undertook the works then the Council would not have the opportunity to impose conditions. It was considered that this proposal was beneficial for the developer and local residents; it would be completed more quickly and using more sensitive materials; for example Yorkshire Water would use tarmac for the hard surfacing whereas the applicant proposed to use grasscrete.
- The engineering works resulting in the earth mound had meant a significant reduction in the retaining wall along the eastern boundary of the site; this was within the safeguarded site allocation not the Green Belt and was a much softer option in visual terms.
- There was no conflict with the purposes of the Green Belt set out in Paragraph 80 of the NPPF.
- Paragraph 90 of the NPPF said that such development was not inappropriate if it did not conflict with the purposes of including land in the Green Belt.
- This was a small scale development which would have a limited impact on the openness of the Green Belt and this was outweighed by the need for the works. The special circumstances were that the compound needed to be on lower lying land to facilitate the flow of water downwards.

Members made the following comments:

- The developer had started significant preparatory earthworks on the housing site without an appropriate plan for enabling works in respect of drainage; the work was considered to be inappropriate because it entailed breaching the Green Belt.
- Planning permission had been granted for the housing development and it was clear that, as part of that, these works (related to drainage) were an expected development and were included in the permission granted in December 2017. This application recognised that the developer now wished to take control of works that would have otherwise been undertaken by a statutory undertaker. The reasons given in relation to the siting in the Green Belt and the compound needing to be at a lower lying point were understood. He was satisfied with the officers' explanation of what constituted permitted development. The fence was not part of the building and fences could be erected up to 2 metres in height without permission.
- It was considered that there was no alternative but to approve the drainage infrastructure.
- Given the situation, the reluctant conclusion was that planning permission should be granted but with a condition requiring additional planting/landscaping to provide better screening.
- This issue should have been considered in December (alongside the application for housing) but Yorkshire Water could undertake the work without any control by the Council such as the provision of additional screening.
- The Green Belt should be preserved. It appeared that the developer was trying to maximise the amount of housing by putting this in a different field.
- A Construction Plan and conditions covering permitted hours of work, wheel washing facilities, landscaping proposals and the undertaking of a Protected Species Survey should be submitted for approval by the Local Planning Authority prior to the work commencing.

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, together with further conditions in respect of:

- (i) **The submission of a Construction Plan, for approval in writing by the Local Planning Authority, and the implementation of this plan,**
- (ii) **Permitted hours of construction,**
- (iii) **Implementation of wheel washing measures, in accordance with details approved in writing by the Local Planning Authority,**
- (ii) **The submission of a detailed landscaping scheme, for approval in writing by the Local Planning Authority, prior to the commencement of the development, and the implementation of this scheme, and**
- (iii) **The submission of a Protected Species Survey report to the Local Planning Authority.**

ACTION: Assistant Director - Planning, Transportation and Highways

21. UNION MILLS, HARROGATE ROAD, BRADFORD

The Assistant Director - Planning, Transportation and Highways submitted a report (**Document “J”**) in respect of an application to vary two conditions (16 and 17) of planning permission 17/04007/MAF associated with a retail development at Union Mills, Harrogate Road, Bradford – 18/01622/VOC. Plans and photographs were displayed.

The report explained that:

- Condition 16 included restrictions on the hours of use of Units 1A and 1B on Sundays and the proposed variation would remove these restrictions as the units were below the size threshold for which hours of trading were limited under the Sunday Trade Act 1994.
- Condition 17 related to the permitted delivery and servicing hours for Unit 7 and the variation would bring this unit in line with the other units on this site.

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

22. LAND TO THE EAST OF 43 BRUNSWICK ROAD, BRADFORD

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “K”**) in respect of a full planning application for a residential development comprising 8 two bedroom flats and 2 studio flats, including parking, on land to the east of 43 Brunswick Road, Bradford – 17/05824/MAF. Plans and photographs were displayed.

The Assistant Director suggested that, if Members were minded to approve the application, an additional condition should be imposed in relation to the details and construction of the bin storage facility.

A local resident spoke in opposition to the proposal, on behalf of other residents:

- The need for sustainable housing was recognised but it was not considered that this development was sustainable.
- In the Assistant Director’s report, in response to concerns about highway safety, it was stated that there would be a small increase in vehicle movements. There were currently 13 houses on the cul-de-sac, the addition of 10 dwellings and associated cars was not a small increase; it would equate to a 76% increase in movements.
- On-street parking would be removed as a result of this scheme. The response to this was that Brunswick Road was an adopted highway with a turning head at the end of it. Whilst on-street parking took place there were no designated parking spaces. This turning circle was used for parking by the 13 terraced houses and visitors.
- There were residents with restricted mobility who needed parking outside their

- properties.
- Use of the turning circle for this development would have an adverse impact on existing residents.

Another objector also addressed the Committee:

- He lived on Brunswick Road and was speaking on behalf of many residents in the area, including elderly and disabled people.
- These properties had originally been homes for the elderly and those with reduced mobility.
- The site had planning permission for 3 houses. Whilst 3 detached properties was acceptable this application changed the proposal to 10 flats. This was the fourth application for this site.
- It was believed that the calculated increase in numbers of vehicles had been underestimated.
- Parking was a significant issue in the locality and co-operation between neighbours was the only reason why there weren't more arguments. It was foreseen that there would be a lot of problems if this went ahead.
- A fire engine had recently been unable to gain access due to parked vehicles.
- The Design and Access Statement was similar to that for the proposal for 3 detached houses, this was ridiculous.

The Assistant Director responded to the points and additional questions raised as set out below:

- The site was within a sustainable location close to Harrogate Road and public transport links. It was also close to local shops and services and the train station. Car ownership for flats was generally lower than for houses; it was considered that the parking provision for the development was sufficient and it would not lead to additional parking taking place on and around Brunswick Road.
- The turning head was available and this scheme required use for access. It was a turning head not parking space. It was a public highway with the right to pass and re-pass not to park.
- There was a process to implement designated on-street parking spaces for people with disabilities.
- There would be no additional strain placed on the highway network and the scheme accorded with the relevant standards and guidelines for parking. The additional trip generation had been calculated as 5 to 6 in the peak hour; it was considered that the additional movements would be unnoticeable.
- It was normal practice for the parking requirements for flats to be lower than for houses; a 2 bed unit would have 1 space or, in larger developments, 1.5 spaces.

A representative of the applicant spoke in support of the proposal:

- The proposals had been amended a number of times during the last 4 to 5 years.
- The applicant had amended the plans to respond to the issues raised by the Planning Department. Planning officers had been to visit the site and said that the plans were acceptable.
- The Highways Department had been involved and said that there were no real

- concerns.
- The turning head was not allocated for parking it was for use by everyone.
 - Anti-social behaviour and fly tipping had taken place in the area and it was anticipated that the development of this site would help to prevent this.
 - If there were problems with residents' parking then she was sure that the applicant would consider this.
 - The officer's recommendation was supported.

In response to further questions from Members, the Assistant Director said that:

- The application refused in 2017 had been orientated differently on the site and had had a poor outlook onto trees.
- The current proposal followed the path of the previous approval, albeit closer to the existing residential properties.
- The grounds for refusal in 2016 had not been related to parking.

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, together with an additional condition in respect of:

The submission of details of bin storage arrangements for approval in writing by the Local Planning Authority.

ACTION: Assistant Director - Planning, Transportation and Highways

23. 100 HOLLINGWOOD LANE, BRADFORD

The report of the Assistant Director - Planning, Transportation and Highways (**Document "L"**) considered a full planning application for the construction of 14 self contained flats and ancillary staff/carer's accommodation and part demolition and conversion of an existing dwelling to form a 3 bed shared house at 100 Hollingwood Lane, Bradford – 18/01043/MAF. Plans and photographs were displayed.

In reply to a Member's question, the Assistant Director said that the windows to the rear elevation, facing the existing property, would serve habitable rooms apart from the top floor which was a corridor; the overall element of overlooking already existed.

The applicant's agent was in attendance.

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, together with an additional condition relating to:

the Applicant entering into an Agreement with the Local Planning Authority under Section 278 of the Highways Act to secure improvements to the street lighting on Heathfield Grove to bring it up to adoptable standard.

ACTION: Assistant Director - Planning, Transportation and Highways

24. LAND TO THE EAST OF KEIGHLEY ROAD/NORTH OF HARDEN ROAD, HARDEN

Previous reference: Minute 11 (2015/16)

A report was presented by the Assistant Director - Planning, Transportation and Highways (**Document “M”**) in relation to a reserved matters application for the construction of 28 dwellings, including consideration of access (other than at Keighley Road), appearance, landscaping, layout and scale, on land to the east of Keighley Road and to the north of Harden Road, Harden – 18/00158/MAR. Plans and photographs were displayed.

The report also explained that the outline application (15/01039/MAO) had been subject to a Section 106 Legal Obligation and a Deed of Variation was now requested on the grounds of financial viability.

The Assistant Director reported on the substance of additional representations received since the publication of his technical report, including one from the local Member of Parliament and one from a Councillor from an adjoining ward. He also said that, should the Committee be minded to approve the application, an additional obligation should be added to the Section 106 Legal Agreement in respect of the payment of a sum of £7,000 for the installation of the necessary Traffic Regulation Order (TRO) to protect the visibility splays at the point of access.

The Assistant Director outlined the following, further to questions:

- He indicated the new access arrangements for Mill House, confirming that the design specification included the access for this property and that the owners of Mill House had a legal right of access.
- The green space provision did not correspond exactly to that designated under the Replacement Unitary Development Plan (S/OS7.5). The amount of green space had been established under the outline planning permission. This had been slightly eroded by the addition of 3 new units but mitigation provided in other areas within the site. The retention of this space was secured by the Section 106.
- Viability appraisals included a developer's profit figure to the industry standard.
- In respect of any abnormalities affecting costs that could not have been picked up at earlier stage; he said that there was a strong need to retain open space to maintain the character of Harden and this meant that the development area was significantly diminished, the site was also on a steep slope. The agent may be able to explain why these issues had not been identified earlier.

A representative of the Parish Council made the following comments:

- The Parish Council had accepted the principle of development and had sought to provide positive criticism of the proposals. The efforts made by the planning officer were appreciated but there were still considered to be deficiencies in the scheme.
- The site was placed in a unique position in the centre of the village and adjacent to the St Ives Estate. The use of standardised house types would not relate to the local architecture and they were too close to the adjacent woodland.
- Some of the buildings were excessively tall. Three storey properties were not appropriate for this site. They should be replaced by two storey structures.
- The 'Gatesway' development had been intended to mimic mill buildings but this had not been successful and did not reflect the local architecture.
- The submitted photo montage was not considered to be accurate; the land levels rose more steeply than shown.
- It had been accepted that there would be damage to the local heritage assets; the listed cottages at Crowther Fold and the St Ives Estate. This damage had been deemed to be 'not substantial' but it was considered that it would lead to a poor relationship with clear overshadowing and the setting of these assets being compromised. The National Planning Policy Framework stated that the natural environment should be protected and enhanced.
- This scheme was not considered to be compatible with Policies DS2 and DS3.
- The development would lead to the loss of two cherry trees and these should be replaced on a like for like basis.
- The Section 106 obligations were always going to be a challenge for the developer but the agreement had been signed. The Financial Viability Appraisal (FVA) indicated that the development was not viable if this was honoured but this actually meant that it would not generate so much profit. It was believed that Members should have access to the FVA to be clear on this. Another developer in the area had paid circa £5,000 per house in contributions, this proposal equated to approximately £3,600 per house.
- The loss of the Section 106 infrastructure contributions was unacceptable, there was a need for affordable homes and education facilities in the area. This was not considered to be too much to ask, the developer had made £4.5 million pre-tax profit last year.

In response to a Member's query, the Assistant Director indicated the position of the three storey properties in relation to Keighley Road and Granic Mews. He also explained that:

- Additional information (which had included the photo montage and cross-sections) had been required from the developer to allow the impact of these units to be assessed.
- These properties were split level, located in the central part of the development and arranged in a natural progression up the hillside.
- The Conservation Officer had confirmed that the impact of the proposed development on the townscape was acceptable.

- It was difficult to draw parallels to Section 106 agreements for other developments. A detailed assessment of this site had been submitted and it had been concluded that the contributions could not be sustained due to abnormal costs and the impact of the unique character of this site/area. The costs had been validated by an independent assessment.
- Green space buffers were to be provided adjacent to the listed buildings and enhanced landscaping included to ensure a high quality development.
- Conditions were proposed in respect of the submission of a landscape and maintenance management plan and the Local Planning Authority would retain strong control over this element of the scheme. The footpath link was included within the plans.
- The judgement was balanced in terms of the benefits of delivering this scheme and the impact on the listed buildings; it was considered that there would be less than substantial harm to the listed buildings and, in his opinion, this was outweighed by the public benefits of the development.

A Councillor commented that the Section 106 contributions equated to approximately £3,000 per house. If houses couldn't be sold profitably in Harden it would be very difficult to do so anywhere else. Was the Council effectively subsidising the developers and was this the wrong signal to give to other developers?

The Assistant Director responded:

- Viability Assessments included a percentage figure for developer profit that was recognised as being necessary in order to secure funding and encourage development.
- The Council had adopted policies which set out the accepted flexibility in such cases.
- A financial assessment had been provided in respect of this development and reviewed by an independent source.
- Each site had particular characteristics that would vary; in this case there were significant abnormal costs associated with development.
- The end value of the houses would be factored into the calculations.

Objectors to the application were in attendance and addressed the Committee. Four photographs were circulated to illustrate the points being made:

- As the proprietor of a local, family owned, fish and chip business in close proximity to the site there were concerns about overshadowing and potential issues in respect of health and safety; there was a boundary hedge along the joint boundary which would attract flies and insects.
- Traffic and road management changes would affect where customers (and local residents) could park; the business relied on passing trade and if parking was restricted this would have an adverse impact.
- The need for housing was understood but there was also a need to be fair to the local community and not overshadow existing properties.
- He was a former planning officer and had lived in Harden for 25 years.
- There was great concern about the impact on the trees within the St Ives

Estate adjacent to the north east boundary of the site. This was a nationally important landscape and part of a heritage asset. The trees were very prominent and contributed greatly to the appearance and character of the area.

- The tabled photograph illustrated the height and bulk of the trees.
- The applicant estimated the trees were 20 metres in height but the measurements on the layout plan indicated the distances as being; Plot 25 - 4 to 5 metres, Plot 26 - 6 to 7 metres, Plot 27 - 11 metres, Plot 28 - 13 metres, Plot 24 - 14 metres and Plot 18 – 18 metres.
- The height, value and close proximity of the trees could best be appreciated on site.
- It was believed that the situation could result in pressure from new residents for the trees to be pruned or felled. If there was a potential risk to life and property it was difficult for Councils to resist such requests. He gave an example of another development where this had occurred, with trees subject to Tree Preservation Orders, despite careful design. This concern related particularly to the trees on the north east boundary near plots 24 – 28 but the report did not address this issue.
- The layout should be revised so no plot was nearer than the height of any tree on that boundary.
- The NPPF said that trees should be protected.
- Members were urged not to approve the application.

The Assistant Director explained that:

- The TRO was proposed in order to protect the visibility splays for the site access; it was not considered that it would have a significant impact.
- There was unrestricted parking opposite the fish and chip shop.
- The approval of a TRO had to go through a separate process and the detail would be subject to public consultation and consideration by the relevant Area Committee.

He also said that:

- The woodland was sited to the north of the site so it was not considered that there would be a problem in terms of overshadowing.
- This had been taken into account, as far as possible, in terms of the development layout and positioning of habitable room windows. The distances had been calculated to avoid a significant amount of additional pressure on the trees. (He indicated the position of Plot 28 on the plans in response to a Member's request).

The applicant's agent put forward the following information in response to the queries raised:

- It was considered that the planning officers had been very thorough in assessing the application.
- The applicant was a well known, high quality, local, family business.
- If permission was granted then a guarantee could be given that the development would be delivered; providing family homes for the district.
- The trees along the northern boundary were all outside the ownership of the

applicant and any works would have to be undertaken in consultation with the St Ives Estate. It was considered that the fears expressed about the impact on these trees was unwarranted. There had been significant improvements in separation distances in some cases and plots were sited outside the extent of the root protection zones.

- It was only when a scheme progressed to detailed design stage that issues affecting cost, and thus viability, become known. This site was very challenging due to the land levels, with retaining structures being required and split level buildings contoured to the land. The ground conditions and drainage were also complex; significant attenuation measures would be needed and the applicant had spent a considerable amount of time trying to design an effective drainage scheme.

Members commented that:

- A considerable amount of effort had been made to achieve a scheme that would work but it was not believed that this did so; there were concerns about the visual impact; the impact on the setting of the listed buildings; harm to trees and criticisms of the design. This site was in the centre of the village and it was considered that the scheme could be a lot better; the visual impact would be significant and there were too many elements that were not quite right.
- The issues around viability were understood but the main winners in this regard were the landowners.
- This development had escaped Community Infrastructure Levy. If it was not viable when not subject to CIL then was Council policy viable?
- There was concern about setting a precedent for other developers.
- It was surprising that a local, well known builder was coming before the Committee to be excused from infrastructure payments and that these issues had not been identified and considered beforehand.

Resolved –

That the application be refused for the following reasons:

- (i) The development would cause harm to the setting of the Grade II Listed Buildings at Crowther Fold and the registered historic landscape of the St Ives Estate and would therefore be contrary to Policies EN3 and SC9 of the Core Strategy.**
- (ii) The proposed three storey units would, by reason of their massing, have an adverse impact on the visual amenity of Harden Village and would therefore be contrary to Policies DS1 and DS3 of the Core Strategy.**
- (iii) The proximity of the proposed development to woodland adjacent to the Northern boundary of the site is likely to result in future pressure for the pruning and/or felling of trees to the detriment of visual amenity which would be contrary to Policies EN5, DS1 and DS3 of the Core Strategy.**

ACTION: Assistant Director - Planning, Transportation and Highways

25. LAND AT RYSHWORTH HALL, KEIGHLEY ROAD, BINGLEY

A report was submitted by the Assistant Director - Planning, Transportation and Highways in respect of an application for outline planning permission for a residential development of up to 10 dwellings on land to the west of the Grade II* Listed Ryshworth Hall, Keighley Road, Bingley (**Document "N"**) – 16/09490/MAO. Plans and photographs were displayed.

The proposal included the construction of 6 new build dwellings, the conversion of an existing building to create 3 new dwellings and the conversion of another existing building to form a single dwelling. Access was the only matter for consideration at this stage with details of layout, appearance, landscaping and scale being subject to a separate application for reserved matters in due course.

In response to a question about the issues raised by the Town Council relating to the Highways Officer's advice, the Assistant Director explained that there was a private agreement between the cricket club and the applicants in relation to parking and that the internal layout was not currently under consideration.

The applicant's agent was present at the meeting.

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