

Minutes of a meeting of the Regulatory and Appeals Committee held on Wednesday 22 August 2018 at City Hall, Bradford

Commenced	10.05 am
Adjourned	1.00 pm
Reconvened	1.35 pm
Concluded	3.20 pm

Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Cooke M Pollard	Wainwright Warburton	R Ahmed

Observers: Councillor Stubbs (Minutes 35 and 36)

Apologies: Councillors; Amran, Brown, Griffiths and Watson

Councillor Warburton in the Chair

30. DISCLOSURES OF INTEREST

In the interests of transparency, Councillor Warburton disclosed, in relation to the item concerning Lockwood Farm, 3 Spen View Lane, Bradford (Minute 33) that he was acquainted with a number of people living in the area due to his family having lived in the area, in the past, for a considerable period of time. He had not discussed the application with anyone or expressed a view.

In the interests of transparency, Councillor Wainwright disclosed, in relation to the item concerning Lockwood Farm, 3 Spen View Lane, Bradford (Minute 33) that he was a Ward Councillor and was thus acquainted with a number of people living in this area and the local Member of Parliament. He had been clear with constituents that he was unable to discuss or pass comment on the proposals and had not expressed a view.

During the meeting, in the interests of transparency, and further to mention of the Bradford South Area Committee during the consideration of the item concerning Lockwood Farm, 3 Spen View Lane, Bradford (Minute 33), Councillors Wainwright and Warburton noted that they were members of that Committee.

ACTION: *City Solicitor*

31. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

NO ACTION

32. MEMBERSHIP OF SUB-COMMITTEES

No resolution was passed on this item.

NO ACTION

33. LOCKWOOD FARM, 3 SPEN VIEW LANE, BRADFORD

The Assistant Director – Planning, Transportation and Highways submitted a report (**Document “Q”**) in respect of a full application for a residential development comprising 113 dwellings on land at Lockwood Farm, 3 Spen View Lane, Bradford – 17/06074/MAF. Plans and photographs were displayed and/or tabled.

He reported on the substance of additional correspondence received since the publication of his technical report, which suggested that the content of the report was inaccurate. A specific example of this, as stated by the objector, related to what other land in the locality was for sale or had been changed from Green Belt to safeguarded, or was land with potential to be built on. The response had been that no sites had been changed from Green Belt to safeguarded land and this could not be done without the preparation of the new Allocations Development Plan Document that was currently being prepared but would not be adopted for a number of years. The objector had referred to a planning application for another site, approximately 1/3 of a mile from this site, but an objection to the principle of development had been received from Sport England and it was not an allocated housing site so at the present time it was not available for housing. The Assistant Director explained that, in effect, the answer to the question were limitless as anyone could submit an application to develop any piece of open land at any time. He was satisfied that the report was not inaccurate.

In response to questions from Members he explained that:

- The proposed traffic calming measures would be fully funded by the developer. The Council’s Traffic Department had assessed the proposals and suggested amendments but the detail would be submitted to the relevant Area Committee for determination.
- The forecast of additional vehicular movements in the a.m. peak was 94; 28 into the site and 66 out split across the two points of access. In the p.m. peak the figures were 63 in (an average of 1 per minute) and 40 out. These figures had been considered in terms of the capacity of the local roads and junctions, which were not near to their maximum, and the accident record, which did not suggest any deficiencies in the network. He was satisfied that the highway network would function post-development.
- Education provision was a material planning consideration as it was part of essential infrastructure. Developer’s contributions towards infrastructure, including education, were now determined by the Community Infrastructure Levy (CIL) scheme which was designed to take account of the viability of

development and to consider infrastructure needs strategically across the whole district. This site was within an area where the required contribution was zero but developments in other areas would contribute to a central pot of funding that would be allocated by the Council according to need. It was accepted that this development would generate additional children but the Council had an obligation to provide school places for the children in the district.

- A turning head was to be provided (the position of which was indicated on the displayed plan) and the majority of the length of Spen View Lane was to be widened.
- It was always a possibility that a developer could approach the Local Planning Authority about viability and reductions in Section 106 contributions at a later stage (particularly when an application was submitted by a landowner rather than a developer). In light of the amount of interest from local residents in this case any such request would probably be submitted to this Committee for consideration and it would have to be supported by a Viability Appraisal that would be assessed on behalf of the Council.
- The highway works proposed as part of this application were necessary for the development to proceed.

A representative of the Council's Pupil Planning Section was in attendance at the meeting. She explained that:

- The service was consulted, in respect of capacity in local schools, on all planning applications for residential development. In most instances, large developments would mean a significant increase in the number of children to be accommodated.
- The Department for Education guidelines said that it was reasonable for a primary child to travel up to 2 miles to school and a secondary age child to travel up to 3 miles. Officers looked at what places were available in the locality and if there wasn't sufficient capacity where others might be provided.
- In this case, the nearest primary level school (Woodlands) was at capacity. This school was an academy and was not controlled by the Council.
- In terms of secondary level education there was a school within a 3 mile radius of the site with sufficient spaces.
- When school places were allocated certain criteria were followed which included distance to the school from the home address. This meant that some children from this new development may be closer to Woodlands than children from areas that had traditionally attended this school and thus a ripple effect may be created whereby the children from further away would then be allocated a different school. Eight schools in this area had been looked at and there were sufficient places available to meet demand. It was noted that if a child moved to the area and there was no place available at the nearest school they would be allocated the next nearest school with a place available.
- Information was shared with adjoining local authorities in respect of places to ensure that there was sufficient local capacity, particularly if sites were close to a border, such as this one. If there were insufficient existing spaces in a particular area then the Council would do what it could to ensure that the shortfall was addressed.

In response to a question from a Member she said that:

- Academies, whilst not within the control of the Local Authority, still had to co-ordinate with it and abide by allocation criteria.
- The Education Department would work to place children in the nearest school with places. In terms of new developments there was time to plan for these additional pupils.
- Information was also received from the NHS to allow forecasts to be undertaken.
- Not all schools in the district were full in Reception this year.
- Where possible children from the same family were placed at the same school.
- If there was a need for additional places in the district the DfE could award basic needs funding.
- Expansion plans were already in place with two free schools due to open in 2019 accommodating 1200 additional children.

In response to a question about the highway impact in the direction of Boy Lane and Mill Carr Hill Road towards Woodlands (which included single track roads and a bridge across a disused railway line), the Assistant Director said that vehicle movements were less able to be accurately predicted the further away one moved from the site but the Traffic Assessment submitted with the application was satisfactory for the scale of the development. Responsibility for addressing any issues further afield could not be reasonably placed on the developer. He had looked at the accident record for the locality and no issues of concern had been identified. He considered that the highway improvement works proposed were relevant and appropriate for this development.

He also responded to further questions:

- In considering what could be required of a developer to address the potential impact of their development guidance was taken from case law on betterment. In respect of highways, the National Planning Policy Framework stated that a decision maker would have to conclude that the highway safety implications were severe to justify refusal of an application.
- The highway works proposed in this case were essential and the scheme would not have been supported without these being implemented.
- Restrictions on visibility around the junction of Spen View Lane with Boy Lane and Greenfield Lane and associated with the bend in the road and the bridge over the disused railway track had not been identified under the Transport Assessment and he undertook to double check this issue.
- The Core Strategy stated that affordable housing provision was 'up to' 20%; a specific number was not specified. This phrasing gave officers the flexibility to reduce the number of units but increase the percentage discount if a Registered Provider was unable to take all the units.
- The NPPF placed the onus on developers in respect of land contamination and stability. A condition was proposed in relation to the submission of a remediation strategy for contamination; this could include a specific reference to mining works, or a separate condition could be imposed. The Coal Authority did not have a record of the precise location for the mine shaft and having an identified zone made an allowance for this; all the houses would be built outside this zone. The Coal Authority had not requested a specific condition

but had required that the rock head be at a depth of 2 metres or less in this location.

- The records in respect of mine shafts and workings were not 100% accurate and this was one of the reasons why site investigation reports were undertaken.
- Building Control would also consult the Coal Authority.

A Member commented that there was a need for assurance that there was no risk of significant land subsidence in future so a specific condition would be preferable.

A representative of the objectors tabled a number of photos and detailed the following concerns:

- The report referred to the Human Rights Act and stated that the Council must ensure that all those affected by the proposal had their views taken into account. He was not satisfied that this was the case; it was considered that very few of the views expressed by the 136 objectors, including those of the local Member of Parliament and the petitioners, had had any effect on the proposals and appeared to have been disregarded.
- No Statement of Community Involvement had been submitted. There had been no engagement between the developer and the public.
- In terms of sustainability, this was clearly not achieved, particularly in terms of education. There would clearly be an increase in numbers and the Council had a responsibility to accommodate additional children but the application made no provision for this. CIL was not applicable to this development but the report stated that CIL funding could be used to extend local provision, this was misleading.
- No account had been taken of the planned development of 106 houses, off Shetcliffe Lane near to the school.
- Ofsted reports for a number of schools in the locality said that they required improvement. One of the reasons people chose to live in an area was the local schools; this did not bode well for this development. This proposal was unsustainable.
- It was clear to anyone living in the area that the roads were inadequate. There were four main access roads with dangerous bends and problems with obstructions from parking.
- The proposal was considered to be contrary to paragraph 109 of the NPPF; the tabled photographs illustrated the issues.
- The junctions of Bierley Lane, Spen View Lane and Greenfield Lane all had severe visibility issues which it was not possible to rectify.
- In respect of public transport the West Yorkshire Combined Authority had recommended the installation of a bus shelter and the provision of Metrocards at a cost of £70,000 but the officer's report dispensed with this without proper justification. There was no guarantee that electric vehicle charging points would be used; the requested provision should be reinstated.
- The plans conflicted with the requirements of paragraph 110 of the NPPF in relation to priority for pedestrians.
- The Coal Authority had asked for a condition to confirm the exact position and nature of the mine shaft/workings and the remedial action necessary.

The Assistant Director responded with the following information:

- In terms of the Human Rights Act; the objections were set out in the technical report and were fully addressed within various sections throughout the report.
- The issues raised in respect of education infrastructure had been addressed earlier.
- There would be no CIL charge on these dwellings but any necessary expansion to schools could be done through an allocation from the central CIL pot.
- A separate condition in respect of the mine shaft/workings had already been suggested.
- The Metrocards would only cover a period of one year and were allocated to an individual rather than a property whereas the electric vehicle charging points would be a permanent fixture. Electric vehicles were increasing in popularity and it was the Planning Department's view that this provision was more sustainable in the longer term.
- In terms of the priority afforded to pedestrians and cyclists; a new footpath was to be created along the site frontage which would provide safer conditions than currently existed.
- The issues raised in respect of highway conditions were heard but he did not agree that there were safety concerns associated with this application.

Members discussed a request for a site visit and agreed that, in view of the information provided, this would not assist in their consideration of the application. A number of Members noted that they had visited the site independently or were very familiar with the area already.

In response to a request from a Member the Assistant Director displayed an aerial view of the site and the locality and indicated various points of interest. He also confirmed that:

- He was satisfied with the visibility at junctions in light of the relevant speeds and stopping distances.
- He agreed that it would be appropriate for a 'stop' sign to be provided at the junction of Spen View Lane rather than a 'give way' sign and this could be included within the Section 278 legal agreement.
- A condition was proposed in relation to boundary with the listed property at Lockwood Farm and the use of dry stone walling and he was satisfied that there would not be a detrimental impact on any other listed buildings. The Conservation Officer had not raised any concerns in relation to buildings off-site.

Members made the following comments:

- With a large development such as this it was always to be expected that there would be an impact on the local community and their concerns were understood. However, this was a safeguarded site for housing; the Council had accepted development of this site in principle some time ago and this could not be revisited.
- The Highways Development Control Officer had provided reassurance in that the highway works were critical in this case and the necessary work could be

undertaken, with the Area Committee considering the detailed design in due course.

- The junction of Spen View Lane was acceptable, but better signing and lining could be provided to reflect the change to a more urban area; the Traffic Engineers should give consideration to this.
- Conditions were necessary in relation to the mine shafts and remediation works to ensure that the site was safe and, subject to this, there was no reason to refuse the application.
- An additional condition should be included in respect of the removal of permitted development rights to ensure that garages were not converted to additional living accommodation without the benefit of planning permission.
- Some concerns remained in respect of the traffic conditions but there were a number of access/egress points.
- It would be nice if open land could be protected forever but this was a safeguarded site.
- It was disappointing that the applicant (or a representative) was not in attendance to answer Members' questions.
- There were still concerns about the impact on education infrastructure in the locality. A journey of 2 miles to school from this site was not straightforward; there was no bus from Bierley to Holmewood.
- It was understood that people did not like new houses but if an appeal was submitted it would be difficult to substantiate refusal.
- The Traffic Engineers would be asked to submit detailed proposals to the Area Committee for consideration.
- On balance he was minded to approve this application but it was considered that a strategic view was necessary in terms of the impact on infrastructure from the cumulative impact of developments in an area.
- Reservations remained in relation to the junction of Shetcliffe Lane and Bierley Lane, the roundabout, the narrow nature of the roads in the area and the situation in respect of primary school places.
- Core Strategy Policy DS1 related to design stated that decisions should take: (a) a holistic, collaborative approach to design putting the quality of the place first, it was uncertain what this meant, and (c) work with local communities and key stakeholders to develop shared visions for the future of their areas; there was no evidence to suggest this had been done, all the boxes had not been ticked in this case.
- There were many different styles of property in the area from different eras which could make it difficult to achieve a satisfactory design but there were no reasons to refuse the application.

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) Details of how the mine shaft on the site and the immediate surrounding area is to be treated to ensure that it is safe, to be submitted to the Local Planning Authority for submission to the Coal Authority for approval in writing and implementation**

and verification of the agreed works thereafter.

- (ii) 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,

and the amendment of Condition 18 to include specific reference to Shetcliffe Lane, Spen View Lane and the junction of Spen View Lane and Boy Lane in respect of the Section 278 Agreement associated with highway improvements.

- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of

Up to 20% affordable housing provision, on site, to be transferred to a Registered Provider,

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

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

34. LAND AT HIGHGATE, QUEENSBURY, BRADFORD (WITH ACCESS TAKEN FROM WOODLANDS GROVE)

A report was presented by the Assistant Director - Planning, Transportation and Highways (**Document “R”**) in relation to an outline application, with all matters reserved, for the construction of 12 dwellings on land at Highgate, Queensbury, Bradford, with access proposed from Woodlands Grove – 18/01604/MAO. Plans and photographs were displayed and/or tabled.

The Assistant Director proposed that, if Members were minded to approve the application, two further conditions should be imposed in relation to the provision of protective measures for existing trees.

In response to questions from Members, he explained that:

- The indicative layout showed that refuse vehicles would be able to turn within the site. Although intermittent on-street parking did take place along

Woodlands Grove it tended to be staggered and it was considered that the access was achievable. Refuse vehicles already went down Woodlands Grove and parking was less prevalent during the day. A turning head had been required to facilitate servicing of the development.

- Appropriate measures would have to be taken in respect of construction traffic; a Dilapidation Survey could perhaps be undertaken so that there would be a record of any damage caused which could then be made good by the developer.
- The design would not prejudice the remaining part of the Phase 2 allocated housing site but any plans to develop this area in the future would have to be considered, on their merits, at that time. The Committee was just required to consider the proposal for 12 dwellings now before it.
- It was considered that the provision of charging points for electric vehicles was a better use of funding in the long term in terms of encouraging sustainable travel than the issue of 1 year Metrocards. The provision of both measures might be considered in locations that were not sustainable but this site was considered to be so and it would therefore be unreasonable to require both; in addition to which there was no specific planning policy to support this. The initiative for the introduction of electric vehicle charging points had started approximately 4 years ago arising from the adoption of a Low Emissions Strategy by the Council. The cost of this provision was actually higher than that of the 1 year Metrocards.
- The premise of the Community Infrastructure Levy (CIL) scheme was that contributions were made by developments with a higher commercial value and better viability. Funding for educational infrastructure implications in nil CIL areas would come from the central pot generated by other developments in the district. The Government Inspector had required the Local Planning Authority to place this locality within the nil CIL zone.

Members commented that:

- It was considered that the electric vehicle charging points would almost certainly be used and have a greater practical outcome than the Metrocard provisions and this meant a better impact in terms of sustainability.
- One of the local schools was currently being expanded.

Objectors were present at the meeting. They tabled a number of photographs and and put forward the following concerns:

- The proposal was to access the site via Woodlands Road and Woodlands Grove which were very narrow roads of approximately 5 metres in width.
- The majority of the properties had little or no off-street parking.
- There were currently 16 properties with 25 vehicles and residents relied on on-street parking.
- Two way traffic was not possible and vehicles often had to reverse along the road.
- Residents already had to walk on the highway due to the footway being obstructed.
- There were problems with access by refuse vehicles.
- The garages at the top were privately owned, not by local residents.
- The turn into Woodlands Grove was sharper than 90⁰ and cars often cut

- across the corner causing damage to the surface.
- The proposed development would add 12 properties with each having the potential to have two cars; this equated to an additional 40 vehicle movements plus visitors every day.
- In 1998 the Council itself had considered the access to be unsuitable.
- There were problems with the local drainage. Woodlands Road was on a slope and the junction of the three roads: Woodlands Road, Avenue and Grove was at the lowest point where water from all three was directed. It did not drain away quickly enough and flooded frequently. It also froze in winter.
- The bungalows on Woodlands Grove had been built on an embankment to prevent them flooding and the builder had stated that development could not take place on this field.
- The pooled/standing water was cloudy and had a foul odour; it was believed to be contaminated with water from the drains.
- It was recognised that this was an outline application but considered that this issue should be resolved prior to permission being granted. Members were asked to refuse the application and to require any future application to include effective proposals to deal with drainage and the disposal of foul water.

The Assistant Director said that:

- The Manual for Streets had updated the relevant design standards for highways and 4.8 metres was now the minimum quoted width, but this could be reduced to 4.1 metres in certain circumstances; this would still allow two cars to pass.
- It was accepted that there may not be a lot of room for a refuse vehicle to access but if there was an obstruction the fault lay with the driver of the parked vehicle.
- The road already functioned as highway albeit had to be navigated with care. The increase in vehicular movements as a result of the introduction of an additional 12 dwellings would not be noticeable on a day to day basis.
- All matters were reserved in respect of drainage. The Drainage Unit had not objected or raised any concern that it would not be possible to design an engineering solution for the site.
- It was not possible for the Local Planning Authority to require the submission of a full planning application (rather than an outline application); it had to determine what was submitted in accordance with the relevant considerations.

In response to further questions from Members he explained that:

- The Manual for Streets was the relevant national guidance document and had been used as the basis for the successful design of numerous residential estates.
- If a refuse vehicle could not gain access due to a parked vehicle the vehicle should move.
- It was not believed that residents would want parking restrictions to be introduced.
- There was no right to park on a public highway other than when an individual had been granted a designated space due to a disability.
- The refuse vehicle did currently access this road.

Members commented that:

- A Local Planning Authority could not require that a full application be submitted.
- The inclusion of a parking layby in the scheme would help to resolve the issue with residents' parking.
- It was noted that all the new properties would have a garage or a driveway.

The Assistant Director said that:

- Consideration would need to be given to whether the provision of a parking layby would be considered a reasonable requirement on the developer. There may also be an issue in terms of the management of any additional unallocated spaces. The internal layout of the development was reserved for future consideration.
- The new NPPF repeated the guidance that highway safety grounds for refusal had to be of a severe nature. Officers' judgement was that this was an existing issue; service vehicles attended on a regular basis at the moment and would continue to do so. The new development would not make the situation significantly worse and had its own parking provision. It could be deemed a betterment of the existing situation as a turning head would be provided.
- A width of 4.8 metres would allow a service vehicle to pass a parked car.

Members said that:

- The photographs appeared to indicate that there was already a problem with parking; a small development was currently proposed but further development may be put forward at some point in the future. Some households could have 3 or 4 cars which compounded the problem. This was a narrow road.
- It was a difficult decision but as it stood there were no reasons to refuse the application.
- He was minded to approve the application in accordance with the officer's recommendation but requested that the Assistant Director speak to the developer about the possibility of altering the proposed road layout and including some additional parking provision due to the development causing significant inconvenience to existing local residents.
- There was concern about the cumulative effects of additional development in the area and that this proposal could potentially facilitate further development to the south west but each application had to be considered on its own right and on its merits.
- It was agreed that there were issues in the locality but they would still exist even if the development did not go ahead. This scheme would have the advantage of the provision of a turning head.
- If approved the additional conditions in relation to tree protection measures and a dilapidation survey should be included and the Reserved Matters should be submitted to this Committee for consideration.
- Any design of the internal layout must allow refuse vehicles to turn within the site.

Resolved –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report together with additional conditions in respect of:

Tree Protection: Implementation

The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details shown on the submitted Arboricultural Method Statement and associated drawing "Appendix 4 Tree Protection Plan".

No ground works, development or demolition shall begin until the Local Planning Authority has inspected and given its written confirmation that the agreed tree protection measures have been installed in accordance with those details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

Tree Protection Retention

The agreed tree protection measures, shall remain in place, and shall not be moved, removed or altered for the duration of the development without the prior written consent of the Local Planning Authority. There shall be no excavations or alteration of ground levels within the tree protection areas/construction exclusion zones created on the site, and no engineering or landscaping works, service runs, or installations shall take place and no materials shall be stored within them without the prior written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected for the duration of development activity on the site, in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

Dilapidation Survey

The completion of a dilapidation survey addressing Woodlands Road and Woodlands Grove, with any defects and deterioration arising from the development work being remedied at the cost of the developer.

- (2) That the Reserved Matters application be submitted to this Committee for determination and that the Assistant Director -

Planning, Transportation and Highways be instructed to request that the applicant explore all possible opportunities for the provision of parking for existing residents within the layout.

ACTION: Assistant Director - Planning, Transportation and Highways

35. LAND AT FAGLEY QUARRY, FAGLEY LANE, BRADFORD (18/00897/MAR)

The Assistant Director - Planning, Transportation and Highways reported upon a Reserved Matters Application for the construction of 311 dwellings, approved under outline permission 14/00208/MAO on land at Fagley Quarry, Fagley Lane, Bradford, which required consideration of access, appearance, landscaping, layout and scale (**Document “S”**) – 18/00897/MAR.

The report explained that this application related to the western half of a larger site and there was a second Reserved Matters application for the eastern part of the site (ref: 18/01127/MAR – see Minute 36).

The Assistant Director reported on the substance of a further objection received after the publication of his written report.

In response to questions from Members he said that node points would be provided along the access road from Moorside Road, to break up the free run of the road and discourage speeding. Ramps and visual differences would be used to indicate the shared surface areas further into the development.

An objector spoke in opposition to the application:

- She lived on Whitaker Close and had concerns about the public footpath along the back of these properties. It was unclear on the plans if this was to be incorporated into the development and, if not, what would happen to that 2 metre wide strip of land?
- There were already problems exiting Whitaker Avenue onto Moorside Road and an increase in traffic as a result of this development would exacerbate the situation; it would also have an impact on the junction of Moorside Road and Harrogate Road.
- Public transport provision was inadequate; it was not possible to park at Apperley Bridge Railway Station after 8.00 in the morning and there were only 4 buses a day; it was a long way to walk to local facilities.
- There was already a lack of health and educational provision; it was questioned where residents would go to see a doctor.
- The access down Whitaker Avenue was also a concern; the development would be to the rear and side of her property. Additional traffic would be generated on a relatively narrow road and people needed to park their vehicles.
- The proposed height of the houses was also an issue; existing residents did not want to be overlooked and the land sloped. Conditions in winter weather could be difficult.

The Assistant Director explained that funding for junction improvements, including traffic signals at Moorside Road/Harrogate Road had been secured under the outline planning permission and stated that:

- It was acknowledged that the station car park was busy but there was the potential to extend this in future.
- At the outline planning stage £1 million had been secured for the improvement of the Greengates Junction or education infrastructure. The junction improvement scheme had subsequently been funded by another development so this funding could now be used to extend existing school provision.
- The area around the site was to be left as open space and would be maintained as part of the open space agreement; it was accepted that there was a difference in land levels and this would provide a buffer to the existing houses.
- The layout had been designed to limit the number of units served from Whitaker Avenue. Highways Officers had been consulted on the layout and design and considered it to be acceptable. It was not considered that the development would significantly increase congestion at the junctions.
- Issues were caused by on-street parking and the only way to prevent this would be by the installation of restrictions, however parked vehicles did assist in slowing traffic speeds.
- The majority of the properties would be two storey in height so would be in keeping with the area.
- There was a bus service along Harrogate Road between the City Centre and Greengates and the site was considered sustainable.

Further to Members' questions he said that:

- The Section 106 Agreement related to the whole of the larger site.
- The access had been approved at the outline stage.
- The footpath link to the north of Whitaker Avenue would be retained.
- Wherever a public footpath left an adopted highway a finger post should be provided unless the route was absolutely clear but this obligation only extended to the points where the footpath left the highways. The Right of Way would be designated on a map. It would be difficult to require the provision of way markers along the whole route.

A Ward Councillor put forward the following points:

- One of the major concerns of local residents was access and egress, with plant and equipment, during the construction process. There was no access road from Moorside Road currently.
- It should be made clear that no access was permitted along Whitaker Avenue, Moorside Avenue or Haigh Fold. The primary access should be from Fagley Road.
- Development was unfair to residents and the detriment should be limited.
- There was also concern about the development being completed in a timely fashion; it was not known if this was something that could be controlled by the Local Planning Authority.
- The highway improvements should be completed before new residents moved in.
- Although there was £1 million for improvements to educational provision the schools immediately adjacent to this area would be difficult to expand. A plan needed to be in place by the time new residents started to move in.

The Assistant Director said that:

- A condition was proposed in respect of the provision of a Construction Plan and he would take account of the issues raised in considering the detail of this.
- The extension of schools was a matter for the Education Department; they were aware of these new houses being built.
- The houses adjacent to Whitaker Avenue were two storey.
- The highway improvements had been resolved as part of the Section 106 legal obligation and the timing of these was associated with the completion of particular numbers of units.
- A lot of work had been done in respect of which routes were expected to be in place by certain points of development and the aim was to minimise disruption.

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

- The officer's recommendation was welcomed. This recommendation had arisen further to a thorough appraisal of the application.
- He was representing both developers (of the larger site). Both applications had been submitted concurrently and reflected the outline permission.
- Significant pre-application consultations had been undertaken with the Local Planning Authority and the local community. The primary method had been through an exhibition at a local community centre which had been well publicised, including the distribution of in excess of 1000 leaflets. The exhibition had been well attended and there had also been a meeting with the residents of Fagley Lane to discuss their specific concerns.
- For the scale of the development proposed it was considered that the number of objections was limited; a number related to the principle of development and had been considered at the outline stage.
- The application was supported by the consultees.
- The layout, design and landscaping were of a high standard with the house types having been chosen specifically for this site.
- The application worked with the constraints of this site; its former use as a quarry had been embraced as a positive and was to provide a public open space.
- The proposed highway improvements would enhance the surrounding highway network and traffic calming measures would be included.
- The existing footpath would be retained with some diversion.
- The application had been considered by the Urban Design Officer at pre-application stage. There were two or three routes by which the site could be accessed.
- The scheme accorded with planning policy including the new National Planning Policy Framework and would provide much needed homes for the district.
- Residents' concerns had been acknowledged and amendments made including an increase in the width of Moorside Road and a reduction in the number of properties to be accessed via Whitaker Avenue.

He answered Members' questions as follows:

- In respect of the build out rate, Barratts were expected to achieve approximately 40 to 50 per annum and Keepmoat 40 to 45 per annum; the developers would work with the Local Planning Authority to develop the site in the most appropriate manner.

Members noted that it was important that residents were aware that the Section 106 provisions could be triggered by the build-out rate and stated that a condition should be imposed to remove permitted development rights to prevent the conversion of garages to additional residential accommodation without the benefit of planning permission.

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:

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,

ACTION: Assistant Director - Planning, Transportation and Highways

36. LAND AT FAGLEY QUARRY, FAGLEY LANE, BRADFORD (18/01127/MAR)

A report was submitted by the Assistant Director - Planning, Transportation and Highways (**Document "T"**) in relation to a Reserved Matters Application for the construction of 278 dwellings, approved under outline permission 14/00208/MAO, on land at Fagley Quarry, Fagley Lane, Bradford and which requires consideration of access, appearance, landscaping, layout and scale – 18/01127/MAR.

The report explained that this application related to the eastern half of the site and there was a second Reserved Matters application for the western part of the larger site (ref: 18/00897/MAR – see Minute 35).

The Assistant Director clarified that the name of the applicant in this case was Barratts. In response to a Member's question he said that the access from Harrogate Road had been approved under the outline permission.

A local resident raised concerns in respect to the access/egress and potential issues associated with the boundary of his land and existing trees.

The City Solicitor said that the grant of planning permission would not permit the

developers to use land that was not within their ownership but this was a private legal matter. The resident was advised to discuss this matter with the developer direct.

A Ward Councillor said that:

- He had concerns about the buffer to the houses on Wharncliffe Drive and Martindale Close but the planning officer had explained the proposed green edge around the development.
- There was a need to mitigate disturbance to existing residents during construction.
- No assurance had been provided that construction traffic would not try to access the site via numerous points of access.
- Work should be undertaken to ensure that as far as possible residents' lives were not disrupted any more than was necessary.
- It was questioned whether the green space at the bottom part of the site would be protected and maintained; this was a place for surface water to run off.

In response, the Assistant Director explained that:

- The southern section of the site was allocated Urban Green Space; it would be difficult to build on and an application would be required to do so.
- A condition was proposed in respect of a landscape maintenance agreement.
- A condition in relation to the submission of a Construction Plan had been included within the Outline Planning Permission and it was known that this developer had worked with local residents in other areas to minimise disruption.

The applicant's agent said that:

- He was happy to speak to the local resident in respect of the land/boundary issues raised.
- He was aware of the impact on existing residents and was happy to maintain a dialogue with them and to abide by the Construction Plan condition.
- A management company would maintain the open space provision. All residents would normally contribute towards the costs of this through an annual, marginal fee and efforts would be made to use a company for this work which included involvement/management by local residents.

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:

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,

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

37. DEVELOPMENT MANAGEMENT - ANNUAL REPORT

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “U”**) which updated the Committee on Development Management performance against the national assessment criteria and local performance targets between 1 April 2017 and 31 March 2018. He explained that the targets, both national and local, had been either met or exceeded in all cases.

In response to questions he outlined the enforcement process and the amount of time that this could take; there was a strict process that had to be correctly followed. He assured Members that a decision that it was not expedient to pursue would only be taken in de minimis cases and if there was a significant breach the Local Planning Authority would continue to pursue enforcement action.

A Member commented that it was important that the Local Plan was completed as soon as possible.

Members expressed their thanks to the officers involved in achieving these performance results.

Resolved –

That Document “U” be noted and that thanks be expressed to officers for their work over the last twelve months.

NO ACTION

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