

## Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 13 September 2018 in the Banqueting Hall - City Hall, Bradford

Commenced 10.05 am  
Concluded 11.20 am

### Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown Cooke	Warburton Wainwright Amran Watson	Griffiths

Observers: Councillor Dale Smith (Minute 43)

### Councillor Warburton in the Chair

#### 38. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

#### 39. MINUTES

**Resolved –**

**That the minutes of the meetings held on 5 April 2018 be signed as a correct record.**

#### 40. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

#### 41. MEMBERSHIP OF SUB-COMMITTEES

No resolution was passed on this item.

## 42. BRITANNIA MILLS, PORTLAND STREET, BRADFORD

The Assistant Director - Planning, Transportation and Highways introduced **Document “V”** which proposed the construction of a new sixth form college with parking provision, landscaping and engineering works at Britannia Mills, Portland Street, Bradford. He reported that there was a mix of buildings in the area of a similar height, however, the levels on Nelson Street differed and there was a significant drop to the site in question. Access would be gained via Portland Place and West Yorkshire Police had raised concerns in respect of the potential for vehicles to collect and drop off students on Clifford Street. Double yellow lines were sited on Clifford Street and Nelson Street and the site’s location next to the police station would deter illegal parking. Members were informed that the Council’s Highway’s Department had not raised any highway safety concerns and the proposal would not impact upon the operation of the police station. The application included under croft parking and a traffic island to prevent cars turning right onto Nelson Street when leaving the college. The Assistant Director - Planning, Transportation and Highways confirmed that the proposed building would be five storeys, with a roof line matching that of the police station and the Area Action Plan identified that the site could accommodate tall buildings. He acknowledged that the site had been allocated for recreational use and previously identified for the Council’s new swimming pool, however, the land was no longer required as a new site had been found on Huddersfield Road. No enquiries had been received from private pool developers and there was a need for education buildings, as sixth form facilities in schools were closing, therefore, the use of the site as a college was justified. The Assistant Director - Planning, Transportation and Highways stated that information had been submitted in relation to drainage and construction plans, which the Council’s Drainage Team had confirmed were acceptable, therefore, conditions 4, 5 and 6 were no longer required. He explained that issues had been raised in respect of the construction phase and parking around the site. Additional parking facilities on the site had been requested and the vehicle wheel washing proposal was not satisfactory, therefore, condition 12 would remain on the application. The application was then recommended for approval, subject to the conditions as set out in the officer’s report with the omission of conditions 4, 5 and 6.

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

- The site had not been marketed for recreational use as the Council had previously agreed to construct a swimming pool and a culvert ran under the land. The new scheme proposed that the accommodation would be situated at Nelson Street level and above due to the associated issues.
- The only other suitable site was on Thornton Road, however, it was not in a sustainable location. A sequential test had been undertaken in relation to the swimming pool application and the same principles applied to the new submission.
- The Council had identified the site as being suitable for recreation use and the allocation remained with the land, not the user. No enquiries had been received in respect of providing a private swimming pool on the site or in the City Centre. A new gym had recently opened in the vicinity of The Broadway, therefore, it was extremely unlikely that an application for a swimming pool or gym would be submitted.

- If the site flooded the car park would be affected and not the accommodation, therefore, the access level had to be on Nelson Street.

A Member then queried whether the applicant had included Science, Technology, Engineering and Mathematics (STEM) facilities within the scheme and was informed by the applicant's agent that STEM had been included within the proposals. The Committee were informed that a flood risk assessment and sequential test had been submitted. It was an appropriate site for the proposed development and the Environment Agency had confirmed that the suggested proposals would mitigate the flood risk. It was acknowledged that the primary allocation of the site had been for a swimming pool, however, a new location had been identified by the Council and, therefore, the main function of the allocation was no longer relevant. The site was brownfield, within walking distance of the City Centre and would provide a key need for the District.

With regard to the number of places available at the proposed college, Members were informed that 1200 would be offered and there was a need for high quality places for 16 to 18 year olds within Bradford.

**Resolved –**

**That the application be approved for the reasons and subject to the conditions, excluding conditions 4, 5 and 6, set out in the Assistant Director - Planning, Transportation and Highways' technical report.**

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

#### **43. THE HARE AND HOUNDS, 47 BRADFORD ROAD, MENSTON**

The Assistant Director - Planning, Transportation and Highways presented a report (**Document "W"**) that proposed the demolition of the Hare and Hounds public house and creation of specialist accommodation with care, communal facilities, parking and associated private amenity space for persons aged 60 and over. He explained that the site was located in a residential area with a car showroom and ambulance station opposite. The proposed development would be a large substantial building providing 71 flats with on care facilities and the verge area adjoining the site would be used in a future highways scheme. The boundary treatments to the residential properties were trees and bushes and the landscape condition would not alter the privacy provision. The use of the site would be less intensive and the car park would be reduced to 41 spaces. The building would be contemporary in design in order to break the line of the building and be three storeys high, which was one more than the current building.

The Assistant Director - Planning, Transportation and Highways reported that a number of representations had been submitted and in response confirmed that the culvert on the site would be diverted; the ambulance station would not be impinged; and the use of the site would be less intensive. He confirmed that the proposal met a specific type of tenure as all 71 flats would have on site care. The application would be exempt from Community Infrastructure Levy (CIL) and affordable housing, however, the applicant had agreed to the provision of a Section 106 Agreement to ensure the occupancy of the apartments was restricted

to the over 60s. The application was then recommended for approval, subject to the Section 106 Agreement and conditions as set out in the officer's report.

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

- The proposed balconies did not face onto habitable windows and the distance to the boundaries was 20 metres at the closest point, which was appropriate.
- The third floor would be at a similar height to that of the trees and the balconies only provided standing room. The distance was adequate and there were no issues of overlooking.
- There was provision within the CIL Regulation 123 List for CIL money to be used, however, it was new and there was not a great deal of funds available. The Council would have to take a view of what to spend the CIL money on in the future.
- The previous parking provision was not known, however, it had been a large car park and probably double the proposed provision.
- The parking restrictions on Bradford Road would be retained and nothing had been proposed that gave cause for concern.
- 42 car parking spaces would be provided for 71 flats with a mix of bedrooms, which equated to less than one space per flat and fell within the guideline coverage.
- If the proposal was not viable the developer would have to apply to change the use to 'open market'.
- A single parking space was required for one to two bedrooms and 1.5 spaces were requested for a standard housing scheme and there were maximum figures. A transport statement had been submitted and a lesser need for parking had been demonstrated. The scheme had over provided compared to other similar developments.
- Residential institutions had less of a requirement for parking and the number proposed was acceptable.
- The guidelines for parking provision were based on one space per five residents and one space per two employees.
- The application had been submitted in part by the care company and it was a commercial decision as to whether there was a need to provide parking or issues were caused.

A Ward Councillor was present at the meeting and commented that:

- He was a Ward and Parish Councillor and a trustee director of Abbeyfield the Dales.
- The car showroom opposite leased car parking space. They had generous parking provision now, but where would vehicles park when the use was removed?
- The Parish Council wanted some control over the double yellow lines.
- Traffic control at the junction was required in order to ease the flow.
- The road was a well established route across the Aire Valley to Leeds.
- There was an ambulance station opposite the site.
- There was a pedestrian crossing for the secondary school further down the road.

- Shipley Area Committee had approved funding for a traffic table on Bingley Road.
- Why was the development exempt from CIL and funding should be sought.

In response to some of the points made the Assistant Director - Planning, Transportation and Highways explained that the forecast trips for the current use was over 400, however, the proposed use would be approximately 140, therefore, funding could not be requested. He confirmed that peak flow traffic had been studied and the scheme would not affect the junction. The developer could not be held responsible as no issues would be created. Members were informed that officers were not aware of any lease permissions and when the use ceased the car showroom would have to park elsewhere. With regards to CIL, a charging schedule had been established and this type of provision was excluded. The developer had to make the scheme viable and it would have been exempt from any education, recreation or affordable housing contribution.

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

- He supported the proposed recommendation.
- High quality accommodation would be provided for people needing care.
- The facility would allow people to remain independent.
- The developer already had award winning schemes in Otley and Portishead.
- Great pride was taken in the building and services provided.
- The scheme would develop a brownfield site.
- The proposal was in accordance with the Council's adopted development plan.
- A number of representations had been submitted in relation to scale, parking and drainage.
- The scale, massing and design had been reviewed and amended.
- It was an acceptable proposal and development.
- It would sit well within the street scene.
- Parking provision was acceptable.
- Surveys had been undertaken on the Otley and Portishead developments.
- It would be ensured that the flood risk would not be increased.
- Statutory consultees had not objected to the proposal.
- Elderly residents of Menston were in support of the scheme.
- The significant benefits of the scheme should be weighed against others.
- Specialist elderly accommodation was required in Bradford.
- The development would make family accommodation available.
- The development provided care for the elderly but allowed them to retain their independence.
- The proposal would develop brownfield land.
- A Section 106 Agreement would be entered into.
- There would be 14 staff at the site.
- The parking provision would be adequate based on the occupancy per apartment of 1.3 people.
- The application should be approved.

In response to Members' queries, the applicant's agent explained that:

- extra care facilities provided for residents who had the potential to have care requirements.
- generally two people occupied the apartments and the number of bedrooms per apartment would be adjusted to the demographic of the area.
- larger one and two bedroom properties were popular with fewer three bedroom apartments being required.
- the apartments were marketed as they had to be sold.
- the car parking provision was adequate for the occupancy levels of 1.3 persons per dwelling.

During the discussion a Member raised concerns in respect of overlooking, but welcomed the development and acknowledged the need within the District. He noted the benefit of family properties being released and that the scheme was attractive with adequate parking.

The Chair then questioned whether the scheme would count towards the allocation for housing in the area and be eligible for the new homes bonus. In response, the Assistant Director - Planning, Transportation and Highways stated that he believed the development would not qualify for the new houses provision but would verify this, however, it should count in the overall residential accommodation.

**Resolved –**

- (1) **That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.**
- (2) **That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of**

**Occupancy of the apartments being restricted to a C2 use for people over the age of 60 only,**

**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***

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