

## **Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 7 March 2019 in the Banqueting Hall - City Hall, Bradford**

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Commenced 10.05 am  
Concluded 12.10 pm

### **Present – Councillors**

<b>LABOUR</b>	<b>CONSERVATIVE</b>	<b>LIBERAL DEMOCRAT</b>
<b>Warburton Watson Godwin</b>	<b>Brown Cooke</b>	<b>Griffiths</b>

Apologies: Councillor Alan Wainwright and Councillor Mohammed Amran

### **Councillor Warburton in the Chair**

#### **81. DISCLOSURES OF INTEREST**

In the interests of transparency, Councillor Brown disclosed, in relation to the item concerning Public Space Protection Order for Bradford District Relating to Antisocial Behaviour Arising from Misuse of Vehicles (Minute 85), that he was the member of the Keighley Motor Club. He had not discussed the Protection Order with anyone nor expressed an opinion.

In the interests of transparency, Councillor Godwin disclosed that, in relation to the item concerning Oakville, 1 Keighley Road, Oakworth, Keighley (Minute 89), he lived on Keighley Road, Oakworth. He had not discussed the application with anyone nor expressed an opinion.

In the interests of transparency, Councillor Griffiths disclosed that, in relation to the item concerning Land North of 79-111 Sappgate Lane, Thornton, Bradford (Minute 88), he lived near to the site and within the Ward. He had not discussed the application with anyone nor expressed an opinion.

***ACTION: City Solicitor***

#### **82. MINUTES**

**Resolved –**

**That the minutes of the meeting held on 15 November 2018, 6 December 2018 and 10 January 2019 be signed as a correct record.**

**83. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

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

**84. MEMBERSHIP OF SUB-COMMITTEES**

No resolution was passed on this item.

**85. PUBLIC SPACE PROTECTION ORDER FOR BRADFORD DISTRICT RELATING TO ANTISOCIAL BEHAVIOUR ARISING FROM MISUSE OF VEHICLES**

The Strategic Director, Place presented a report (**Document “AL”**) which provided a summary of the responses from the statutory consultation on the proposed Public Space Protection Order (PSPO) for Bradford District and submission of the proposed Order for approval.

The Strategic Director, Place stated that a previous report had been considered at the meeting held on 4 October 2018 and a consultation process had been undertaken that had resulted in 1260 responses being submitted.

In considering the information, Members raised questions and were informed that:

- The Act had to be interpreted in as reasonable way as possible and the issuing of a Fixed Penalty Notice (FPN) should be based upon previous behaviour. If there was no real reason to believe the PSPO had been breached, then a FPN should not be issued.
- The police would rely upon the discretion of those enforcing the PSPO and a reasonable view of the previous behaviour would have to be taken. FPNs should not be issued at random.
- The PSPO would be enforced by the Council and the police under the Crime and Disorder Act 1998 and the Anti-social Behaviour (ASB), Crime and Policing Act 2014 dealt with ASB. The PSPO would be subject to a review by the Committee and there would be a period of training between now and the implementation.
- Noise nuisance could be prosecuted by the Council's Environmental Health Unit and the PSPO would be an extra power. There would have to be an evaluation of the noise evidence and the Environmental Health Unit were the lead in the assessment of noise nuisance. The assessment of evidence of noise nuisance would be passed on by the public to the police and Council in writing or by verbal complaint. A formal Criminal Justice Act written statement would also be required.
- It had become evident that the issue of nuisance driving was a real concern for the residents of Bradford and the consultation results had confirmed this. Driving and the safety of people in the community was a concern and a combination of legislation could be used to address it.
- ASB orders could be applied for in circumstances where a person's behaviour was persistent and repetitive. The enforcement of a breach of a PSPO could be undertaken in a more cost effective way than an ASB order by issuing a FPN, which was a much quicker route to obtain an effective remedy to low level ASB.

- The police had powers to deal with parked vehicles and the Council had existing powers. The police could also deal with moving vehicles, however, roadside enforcement via a FPN for a breach of the PSPO was a criminal offence.
- The PSPO was only part of the work being undertaken and dealt with the gaps that other Acts did not cover.
- The information provided by a complainant had to be sufficient in order to permit the Driver and Vehicle Licensing Authority (DVLA) to release the details of a vehicle's registered keeper. The wording of the proposed PSPO gave powers to the Council and police to give notice to the registered keeper and if there was reasonable belief that the keeper had not been able to control the driver at that point in time, then action against the driver would be pursued rather than the registered keeper.
- Dangerous driving that had been noted by the public could be a starting point for the PSPO process.
- The areas to be covered by the PSPO had been raised at the meeting held in October. It would have been possible to separate the District into locations, however, the public had been made aware that it should be a District wide Order and approximately 76% were in favour of this approach. The edges of areas would cause enforcement problems, therefore, on balance it would be preferable to have a District wide approach that would be easier to enforce.
- Enforcement issues would be created if the PSPO was separated into areas and the views of the public in specific areas were a concern. A far better service would be delivered if the PSPO was District wide.
- The PSPO would be one intervention within a whole raft of issues. It was an effective tool and other Local Authorities that used the Order had noted a significant change in behaviour. There were a number of checks and balances in place before a Notice would be issued and those responsible would be trusted to exercise professional discretion.
- The draft PSPO (in the way it was worded) included and strengthened the issue of dealing with the use of quad bikes off road. Young people were known to drive them but they were not always the registered keeper and if the name of the driver was not reported then the keeper would have to pay the fine. Young people (but not first offenders who should be warned) could be issued a FPN and it would be enforceable. Overall the PSPO would strengthen the position of the Council and police, however, other legislation, i.e. ASB orders, would be considered if the person was a persistent offender.
- The PSPO would be reviewed within three years and a report submitted to the Committee, however, the review was not obligatory.
- Those enforcing the PSPO would act upon discretion as set out in the Policies, Council's Guidance and training documents.
- The PSPO would be good news for Bradford and could tackle the issues that were of concern. Other ASB legislation would be able to be used.
- If approved, the PSPO would come into effect in June 2019.

During the discussion a Member expressed concerns in relation to the process and indicated that he did not believe that the Order was necessary. Another Member raised issues in relation to the consultation and requested that the review covered both the advantages and disadvantages.

**Resolved –**

- (1) That the proposed Public Space Protection Order (PSPO) be approved.**
- (2) That the Strategic Director, Place be authorised to take all necessary actions to implement and make the PSPO operational.**
- (3) That prior to the expiration of the PSPO in three years time, a report that includes the results of the consultation and review be submitted to the Committee.**

***ACTION: Strategic Director, Place***

**86. FORMER ODEON CINEMA, PRINCES WAY, BRADFORD**

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “AM”**) in respect of the refurbishment and extension of former cinema to create an entertainment and events venue with supporting ancillary spaces including bars, ballroom and cabaret bar/restaurant and three-storey extension, at the former Odeon cinema, Princes Way, Bradford – 18/05130/MAF

The Assistant Director - Planning, Transportation and Highways began by explaining that item 86 and 87 would be discussed together as they both related to the same site. He continued stating that the application proposed the refurbishment of the former Odeon building which included renovation, an extension to the rear and a new free standing building in order to create an events venue for approximately three thousand people. Members noted that the property had been vacant for nearly twenty years and a number of measures had been undertaken in respect of repairs and weather proofing. Street furniture, similar to those to the frontage of the Alhambra, would be fitted in order to protect the building and its footprint would remain the same. The Assistant Director - Planning, Transportation and Highways reported that the work to the external part of the property would be limited to making repairs, except for the extension and there would be limited openings on it. An access would be provided off Thornton Road for larger vehicles and there would be new boundary treatments along Thornton Road and Quebec Street. Members were informed that the building was not listed but it was a key structure in the Conservation area.

With regard to the application for advertisement consent the Assistant Director - Planning, Transportation and Highways confirmed that the proposal requested the installation of two digital screens and poster panels. The larger LED panel would be sited between the two towers of the building and front onto City Park. It would contain commercial content and may screen live events. The smaller LED panel would show static advertisements and the poster panels would be reused.

In relation to both applications, the Assistant Director - Planning, Transportation and Highways stated that they provided an opportunity to re-use a prominent building in the City Centre. Members were informed that the objector had been contacted with regard to the amendments made to the disabled toilet facilities on the revised plans. The applications supported the prospect of a key regeneration

and provided benefits to the night time economy of Bradford City Centre and the surrounding areas. He then recommended the renovation scheme for approval subject to an additional condition regarding the treatment to Quebec Street. The application for advertisement consent was also recommended for approval. It was acknowledged that the signage would be substantive, but it was believed that it could be accommodated due to the scale and size of the building.

In response to Members' questions, the applicant clarified that:

- Consideration could be given to altering the upstairs toilet into a changing facility, however, the height was an issue and it could prove difficult. The option could still be considered, as the plan was to monitor the operation of the business and then contemplate installation.
- The large screen would only show live relays in exceptional cases and this would not be part of the regular programme. It would mainly be used to animate City Park and display commercial material and some clips. There was no intention to stream live footage.
- The exits would be to the front and south side of the building, not at the back and there would not be any public access to the rear.

**Resolved -**

**That the application be approved for the reason and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report and subject to the following additional condition:**

- (i) **Prior to the occupation of the approved development details of the treatment to Quebec Street, along the south side of the Odeon building; the position of bollards and/or street furniture along Thornton Road/Godwin Street shall be submitted to and approved in writing by the Local Planning Authority. The development to be carried out in accordance with the approved details and retained as such thereafter.**

**Reason:** In order to provide safe and suitable pedestrian access arrangements in the vicinity of the proposed development site in accordance with Policy DS4 of the Core Strategy Development Plan Document.

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

**87. FORMER ODEON CINEMA, PRINCES WAY, BRADFORD - ADVERTISEMENT CONSENT**

Please refer to item 86.

The Assistant Director - Planning, Transportation and Highways submitted a report (**Document "AN"**) in relation to an advertisement application for the installation of two digital screens and poster panels at the former Odeon, Princes Way, Bradford - 18/05214/ADV

**Resolved -**

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

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

**88. LAND NORTH OF 79 - 111 SAPGATE LANE, THORNTON, BRADFORD**

A report was submitted by the Assistant Director - Planning, Transportation and Highways (**Document "AO"**) in respect of a full planning application for the construction of 17 dwellings and an access road on land to the north of 79-111 Sapgate Lane, Thornton, Bradford - 18/03975/MAF.

The Assistant Director - Planning, Transportation and Highways confirmed that the application proposed the construction of 17 dwellings and an access road onto a steep sloping vacant scrubland site, which was enclosed by dry stone walls and gardens. Members were informed that 111 Sapgate Lane had now been demolished and the scheme would provide 14 semi-detached and three detached properties. The land was a former phase two housing site and planning permission had previously been granted in 2012 for 17 houses. The District could not demonstrate a five year housing supply, the site was in a sustainable location and the principle of development was acceptable. The Assistant Director - Planning, Transportation and Highways explained that the site had constraints due to its topography and, therefore, the slightly low density would be acceptable. He reported that the properties would be constructed from natural stone and have a tile roof, which would be in keeping with the surrounding houses and others in the area. The boundary distances were acceptable and the development would not have an adverse impact on residential amenity. The scheme's proposed highway layout had been amended as requested by the Council's Highways Department and the parking provision was within the standards required by the Council. The Assistant Director - Planning, Transportation and Highways stated that the proposed development was not considered to have a negative impact on congestion in the area, as there would only be 17 dwellings. He then recommended the application for approval, subject to a Section 106 Agreement for the provision of affordable housing and an additional condition in respect of the approved plans.

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

- The on site assessment had taken into account the existing properties and the scheme was acceptable.
- The Council's Environmental Health Unit had been consulted and recommended conditions had been placed on the application to deal with any contamination.
- Advice had been sought in relation to the drainage system and officers were satisfied that a suitable scheme could be provided. A condition requiring approval of the scheme by the Council's drainage experts had

- been placed on the application.
- The applicant's agent had confirmed that garden space would be provided which was suitable and acceptable.

During the discussion a Member stated that insufficient drainage information had been provided, however, as it was a small development it shouldn't be an issue.

**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 and subject to the following additional condition:**

**(i) The development hereby approved shall only be carried out in accordance with the approved plans listed below:**

**Location Plan-17:11:7033:04  
 Site Plan- 17:11:7033:05 REV F  
 Sections 1 of 2- 17:11:7033:07 A  
 House Type A and B- 17:11:7033:08 A  
 House Type C- 17:11:7033:09 A  
 Sections 2 of 2- 17:11:7033:10 A**

**(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 securing the provision of the affordable housing.**

**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***

**89. OAKVILLE, 1 KEIGHLEY ROAD, OAKWORTH, KEIGHLEY**

The Assistant Director - Planning, Transportation and Highways submitted **Document "AP"** that related to an application for outline planning permission, including access, for the construction of 24 assisted living units (C2) at Oakville, 1 Keighley Road, Oakworth, Keighley, Bradford - 17/03126/MAO.

The Assistant Director - Planning, Transportation and Highways reported that the application proposed the construction of 24 assisted living units on a site that was accessed via a steep sloping driveway. There were a number of detached buildings within the curtilage, however, the nearest property would be 10 Oakbank Mount. The application was outline with all matters reserved except access. Members were informed that 10 representations had been received, two in support, seven objections and a general comment. Keighley Town Council had

supported the application on the proviso that the Council's Highways Department did not raise an objection and the access had now been amended to one which was suitable. The development would provide 23 parking spaces and three visitor spaces, which was considered acceptable. It was noted that visual amenity was a reserved matters issue, however, a proposal had been submitted that confirmed it would be possible to accommodate the development on the site. Bat roosts had been found and surveys undertaken, therefore, a condition had been placed on the application in relation to mitigation measures. The Assistant Director - Planning, Transportation and Highways stated that a Section 106 Agreement would be required to ensure that the units were provided on an assisted living basis and he then recommended the application for approval, subject to the Section 106 Agreement, the conditions as set out in the report and an additional condition regarding the approved plans.

Members raised questions and were informed that:

- It needed to be ensured that the use class was C2 (residential institution), which was defined as people in need of a minimum of two hours per week of care, however, other definitions could be looked at when drafting the Section 106 Agreement.
- The access would be widened to allow two way traffic and the gradient would be amended.
- The trees on the site would not necessarily need to be removed.
- It would be a private drive and no standards were required.
- The site was in a sustainable location and the requested contribution from West Yorkshire Combined Authority would not be necessary.

**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 and subject to the following additional condition:**
  - (i) The development hereby approved shall only be carried out in accordance with the approved plans listed below:**

**Location Plan- 1205-01-MAB**  
**Site Plan- 01 1474-100(OP) REV C**
- (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 securing the occupation of the units on an assisted living basis.**

**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