

Minutes of a meeting of the Regulatory and Appeals Committee held on Monday, 20 May 2019 in the Banqueting Hall - City Hall, Bradford

Commenced 10.20 am
Concluded 11.40 am

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Warburton Wainwright Amran Watson	Brown	Griffiths

Observer: Councillor Anne Hawkesworth (Minute 103)

Councillor Warburton in the Chair

99. DISCLOSURES OF INTEREST

In the interests of transparency, Councillor Brown disclosed that, in relation to the item concerning 8 – 24 Darley Street, Bradford (Minute 104), he worked with education establishments and schools.

In the interests of transparency, Councillor Amran disclosed that, in relation to the item concerning Sharp's Card Factory, Bingley Road, Bradford (Minute 105), he was a Ward Councillor and had been approached, however, he had referred the query to Ward colleagues and had not discussed the application with anyone nor expressed an opinion.

ACTION: *City Solicitor*

100. MINUTES

Resolved –

That the minutes of the meetings held on 7 March 2019 at 10am and 1.30pm be signed as a correct record.

101. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

102. MEMBERSHIP OF SUB-COMMITTEES

No resolution was passed on this item.

In accordance with paragraph 38.5 of Part 3A of the Council's Constitution the Chair allowed the following matter to be raised as an urgent item in order to address the recent incidents on moorland sites and the subsequent risks.

103. URGENT ITEM - PUBLIC SPACE PROTECTION ORDER

The Strategic Director, Place presented **Document "AW"** which outlined the proposals and sought approval to begin the required public consultation exercise to implement a Public Space Protection Order (PSPO) for defined areas within Bradford District relating to antisocial behaviour arising from lighting fires and barbecues (and other materials) on moorland sites and subsequent risk of wildfire.

The City Solicitor informed Members that the PSPO would relate to defined restricted areas, not all of the District and evidence would be required to support the proposal. Recent wildfires on Ilkley Moor had prompted the West Yorkshire Fire and Rescue Service to contact the Council and a consultation process had to be undertaken prior to the establishment of a PSPO. It was noted that the required consultation exercise had to be a minimum of six weeks, however, due to the significant support for the Order it was considered that four weeks would be acceptable. The City Solicitor confirmed that a press release would be published tomorrow, the process would then commence and the PSPO would be established as soon as possible.

A Member questioned whether the six week consultation period was set in the legislation and indicated that the Chair of the Committee should be consulted regarding the approval of the proposed Order. In response the City Solicitor confirmed that he could check the regulations in respect of the consultation guidance.

A Ward Councillor was present at the meeting and welcomed the proposed PSPO. Members were informed that the local community valued the moor, however, others did not appreciate it and it needed to be ensured that the area was used responsibly by all. It was noted that the residents that lived near the edge of the moorland would like the Order to be established as soon as possible, however, a four week consultation period would be preferable to six weeks. The Ward Councillor then questioned whether any thought had been given to the strengthening of the by-law, which was old and not fit for purpose.

The City Solicitor confirmed that the existing by-laws would be suspended for the period of the PSPO, which was three years, however, sometimes by-laws and PSPOs could work together. He stated that the Committee could extend the Order over three years and consideration could be given to the strengthening of the by-law.

In response to questions, Members were informed that the by-laws were dated around 1980 and related to public areas, though it was not known if they covered

other areas. A PSPO would include all areas and any by-law would only be suspended in respect of duplicated offences.

A representative of the Friends of Ilkley Moor was present at the meeting and expressed her horror at seeing a fire on the North side of the Moor and close to residential properties at the weekend. Members were informed that the Friends of Ilkley Moor had considered and were in favour of any Order that could prevent fires. Signage at the entrances and in the car parks was also requested. The representative of the Friends of Ilkley Moor indicated that a consultation should be undertaken along with a publicity campaign that detailed the dangers of open fires.

The Strategic Director, Place reported that signage had been arranged, however, the Council did not wish to litter the Moor with signs. He confirmed that a press statement would be released in respect of the consultation process and messages regarding the protection of the moorland had been publicised for several years. Work was ongoing with other South Pennines groups and the Council would do its utmost to broadcast the risk.

Resolved –

- (1) That the Strategic Director, Place be authorised to undertake the required consultation exercise, for a time period that will allow meaningful engagement, in order to implement a Public Space Protection Order for Restricted Areas within Bradford District.**
- (2) That further to the completion of the necessary consultation process, the proposed Order be approved under delegated powers by the Strategic Director, Place in consultation with the Chair of the Regulatory and Appeals Committee.**

ACTION: Strategic Director, Place

104. 8 - 24 DARLEY STREET, BRADFORD

The Assistant Director - Planning, Transportation and Highways submitted a report (**Document “AT”**) in relation to a full application to include the demolition of 8, 10-14, 16-24 Darley Street, with basement retention, adaptation works and the construction of a 3-storey market building, public square and service yard on Darley Street, Bradford - 19/00737/REG

Members were informed that the site was within the City Centre Conservation Area and part of the Council’s proposal regarding the redevelopment of the Oastler Centre. The first level would house a fresh goods market, which would replace the existing Oastler market and the second floor would be a food court. There would also be a landscaped public space area. The Council did not own the properties and was in discussion with the owners. There were two smaller properties still operating in the proposed block and the owner of Unit 8 had objected to the proposal. If the application was granted this would be a separate issue. It was noted that a general observation had been submitted following the publication of the report that referred to the proposed Northern Powerhouse Rail

HS2. The Assistant Director - Planning, Transportation and Highways stated that the application would provide a new market building and re-vitalise Darley Street. He reported that it was located close to the Interchange and Forster Square stations and would be more accessible for people. The development would enhance and preserve the conservation area and it was recommended for approval subject to the conditions as set out in the report.

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

- A mix of materials had been proposed. Their integrity and safety would be considered under building regulations and ensured that they would be fit for purpose.
- Vintry House would be purchased and come under the control of the Council, however, it would not be included in the proposed scheme.
- The Highways Department had not objected as the site was located in the City Centre and parking was plentiful, however, the two disabled parking spaces on Piccadilly were acknowledged. Consideration had to be given as to whether traders could reach the site and it would be a link trip destination.
- The proposed building would be smaller than the current one, however, it would be on three levels.
- Discussions had taken place with one of the independent business still trading in the proposed block and the Council was keen to ensure that a trader was not lost from the City Centre.

The applicant was present at the meeting and commented that:

- The proposed building would be much smaller than the Oastler market in terms of retail space.
- There were currently a number of vacant units in the Oastler and Kirkgate markets.
- The best traders would be sought for the new market.
- The first floor would be accessible out of hours and could be used for special events such as Christmas markets.
- The public area would be essential to making the area successful.
- A consultation exercise with traders, City Centre businesses and members of the public had been undertaken.
- 1158 on line surveys had been completed and over 70% were supportive of the proposal.
- The right mix of stores would be required.
- If approved, the demolition would commence in early 2020 with an opening planned for April 2022.

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

105. SHARP'S CARD FACTORY, BINGLEY ROAD, BRADFORD

The Assistant Director - Planning, Transportation and Highways submitted a report (**Document "AU"**) in relation to an application for the residential development of 385 flats comprising conversion of two existing buildings with associated external works, construction of a new build block and the conversion of a single storey building to form communal facilities at Sharp's Card Factory, Bingley Road, Bradford - Planning application 18/04238/MAF and Listed Building Consent application 18/04239/LBC

Members were informed that the existing access from Bingley Road would be retained and the one onto Thorn Lane would be closed, except for emergency use only. The scheme would create 385 flats and would preserve the character of the building. Comprehensive landscaping would be undertaken across the site and additional parking provided. It was previously developed land and the application would deliver a substantial provision to meet the District's housing need, with the loss of an employment use site, however, it was noted that the site had been marketed for over two years with no offers submitted. The Assistant Director - Planning, Transportation and Highways reported that the Council's Conservation Team were satisfied with the proposals and financial contributions for affordable housing, public transport and a Traffic Regulation Order (TRO) would be provided, along with the generation of a Community Infrastructure Levy payment. The application was then recommended for approval, subject to a Section 106 Agreement and the amended affordable housing contribution of £389,071.

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

- A Section 278 Agreement would be part of the proposal and provide a right turn lane from Bingley Road, upgrade of the street lighting at the site entrance and a TRO to prevent parking at the access point.
- The Council's Highways Department did not have any concerns in relation to highway safety and all highways had to meet standards.
- The site could be used for a commercial enterprise which would bring traffic onto Thorn Lane.
- The access onto Thorn Lane would be closed.
- The number of trips from Thorn Lane to Bingley Road should be reduced and the entrance on Bingley Road would be beneficial.
- The TRO would be consulted upon, submitted to the relevant Area Committee and if the junction required protection, it would be undertaken.

During the discussion a Member welcomed the development and the proposed parking provision. Another commented on the deterioration of the iconic building and acknowledged the restoration that would be undertaken along with the provision of housing for the District. Concerns were raised in relation to the increase in schools, housing and traffic in the area and noted that the situation would need to be managed. In conclusion the Chair praised the conversion of the existing listed building and the thoughtful landscaping scheme.

Resolved –

Planning Application 18/04238/MAF

- (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:
 - (i) The financial contribution of £389,071 for off-site affordable housing in Heaton, or an adjacent ward.
 - (ii) The financial contribution of £33,000 comprising the following public transport infrastructure upgrades:
 - Bus shelter provision (20583 Haworth Road) - £13,000
 - Real Time Information Displays (20583, 20586) - £20,000
 - (iii) The entering into a Section 278 Highway Works Agreement consisting of the following:
 - Provision of a right turn lane into the site from Bingley Road
 - Upgrade of street lighting on Bingley Road frontage
 - Provision of a Traffic Regulation Order (TRO) at site entrance
 - Closure of existing access on Thorn Lane and provision of new emergency access.

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

Listed Building Consent 18/04239/LBC

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

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