

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday 21 June 2018 at 11.00 am or on the rising of the earlier meeting of the Committee, whichever is the later, in the Banqueting Hall, City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown Cooke	Warburton Amran Wainwright Watson	Griffiths

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis M Pollard	Azam Godwin S Hussain Jenkins	R Ahmed

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0915 in the Banqueting Hall on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.

From:

Michael Bowness
Interim City Solicitor
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To:

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

Notes:

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Sheila Farnhill - 01274 432268)

B. BUSINESS ITEMS

4. MEMBERSHIP OF SUB-COMMITTEES

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

(Sheila Farnhill – 01274 432268)

5. **LAND TO THE SOUTH OF 631 TO 655 LEEDS ROAD, THACKLEY** 1 - 18 Idle and Thackley

The Assistant Director - Planning, Transportation and Highways will submit a report (**Document “D”**) in relation to a Reserved Matters Application in respect of the development of 147 houses on land to the South of 631 to 655 Leeds Road, Thackley – 17/05902/MAR.

The report explains that a hybrid application (13/04148/MAF) was approved, further to an appeal, in 2015 for up to 220 houses; 60 in full and 160 in outline. This application is for a reduced number of 147 houses from that granted in outline and includes details of layout, design, internal highway and landscaping. The applicant has also submitted a Deed of Variation in respect of the heads of terms of the related Section 106 Legal Obligation which proposes that the affordable housing provision be met in full with a reduction in the contributions towards the other infrastructure obligations.

Recommended –

- (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 authority be delegated to the Assistant Director - Planning, Transportation and Highways (in consultation with the Interim City Solicitor) to enter into a Deed of Variation, in respect of the original Section 106 Legal Obligation attached to Planning Permission 13/04148/MAF, to retain the contribution in respect of affordable housing provision in full and amend the others, as set below:**

Affordable Housing - £1,659,000

Education - £628,000

Recreation/Open Space - £108,000

Public Transport Improvements - £38,000.

(John Eyles – 01274 432484)

Previous references: Minutes 51 and 71 (2017/18)

The Assistant Director - Planning, Transportation and Highways will present a report in relation to a full planning application for the extension of Keighley Industrial Park through the formation of eight structures housing nine commercial units (B8 and B2 uses), with associated car parking, highways connection, drainage and landscaping, on land to the north of Royd Ings Avenue, Keighley – 17/05255/MAF (**Document “E”**).

This application was considered at the meeting of the Committee held on 28 March 2018 when Members resolved that they were minded to grant planning permission and that the application be referred to the Secretary of State.

The report asks Members to consider the contents of a letter from the Environment Agency dated 4 May 2018 (Appendix 1 to Document “E”) which includes new information which is considered to be relevant to the determination of this planning application.

The report also includes a set of draft planning conditions, produced by the Assistant Director further to the meeting held on 28 March 2018 (Appendix 2 to Document “E”), and the comments made by the applicant on these conditions (Appendix 3 to Document “E”).

Recommended –

- (1) **That the resolution of the Committee, at its meeting held on 28 March 2018, as set out below:**

‘Members are minded that planning permission should be granted and referred to the Secretary of State, in coming to this conclusion Members consider there are very special circumstances that warrant the grant of “inappropriate development” in the Green Belt for the following reasons:

- (i) The site was previously allocated as an employment site and such allocation was principally removed because the site was at risk of flooding. The applicant has now demonstrated that the site can be developed without an increased risk of flooding.***
- (ii) Not all of the site is within the Green Belt and there is a proven need for employment land within the District that cannot be met.***
- (iii) There is no recent evidence of flooding and works of flood alleviation are taking place further upstream.***

- (iv) The applicant had demonstrated through a sequential test that there are no other suitable employment sites within the vicinity of Keighley to accommodate the proven need.**

and in addition to the above, before being referred to the Secretary of State, the Assistant Director, Planning, Transportation and Highways shall produce a list of relevant planning conditions in consultation with the applicant, and thereafter the Chair and Deputy Chair of the Committee, which shall include all appropriate conditions for a development of this scale and nature. These conditions shall include:

- (i) The provision of maintenance of flood alleviation measures to ensure continued operation.**
- (ii) The incorporation of all appropriate sustainable measures that will not preclude the commencement of development.'**

be rescinded, on the basis that the Environment Agency's letter dated 4 May 2018 (Appendix 1 to Document "E") includes a Technical Assessment which is a material planning consideration relevant to the proper consideration and determination of Planning Application 17/05255/MAF by the Local Planning Authority.

- (2) That Planning Application 17/05255/MAF be refused for the reasons set out in the Assistant Director - Planning, Transportation and Highways' technical report (Appendix 4 to Document "E").**

(John Eyles – 01274 432484)