

## Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 27 June 2019 in the Banqueting Hall - City Hall, Bradford

Commenced 10.00 am  
Concluded 11.25 am

### Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Warburton Amran Godwin Watson	Ali Brown	Reid

Apologies: Councillor Alan Wainwright

### Councillor Warburton in the Chair

#### 8. DISCLOSURES OF INTEREST

In the interests of transparency, Councillor Brown disclosed that, in relation to the item concerning Land at Bolton Road, Silsden (Minute 13), he volunteered for an environmental group that was working on land which was owned by the applicant.

In the interests of transparency, Councillors Godwin, Wainwright, Watson and Warburton disclosed that they had been Members of the Committee when the application concerning Land North of 79-111 Sapgate Lane, Thornton, Bradford (Minute 12) had been considered previously. They undertook to approach the amended current application with an open mind and to consider all the relevant material planning issues before making a decision.

In the interests of transparency, Councillors Wainwright and Warburton disclosed that they had been Members of the Committee when the application concerning Land at Bolton Road, Silsden (Minute 13) had been considered previously. They undertook to approach the current application with an open mind and to consider all the relevant material planning issues before making a decision.

**ACTION:** *City Solicitor*

9. **MINUTES**

**Resolved –**

**That the minutes of the meetings held on 11 April, 20 May, 20 May (Trustees), 30 May and 30 May 2019 (Trustees) be signed as a correct record.**

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

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

11. **MEMBERSHIP OF SUB-COMMITTEES**

No resolution was passed on this item.

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

Previous Reference: Minute 88 (2018/19)

The Assistant Director - Planning, Transportation and Highways presented **Document “C”** which related to 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 - 18/03975MAF

The Committee had previously resolved to grant outline planning permission for this development on 7 March 2019 subject to conditions and a Section 106 Legal Agreement to secure £50,000 for the provision of off-site affordable housing.

The Assistant Director - Planning, Transportation and Highways reported that the layout had been designed with privacy for the existing dwellings in mind. He explained that there were significant changes in levels on the site and the application had been considered in all aspects. Following the decision made in March 2019 the applicant had approached the Council in relation to the Section 106 Agreement, as they had undertaken viability studies, and submitted a detailed appraisal. Independent consultants, on behalf of the Council, had reviewed the work carried out and resolved that if the site was to be developed without the provision of affordable housing a contribution of £50,000 could be reasonably justified. The Assistant Director - Planning, Transportation and Highways then recommended the application for approval.

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

- He supported the officer's report.
- The site was problematic.
- The developer was waiting to start work on the site.
- The developer was a local company and had a local workforce.
- Consultants had been appointed in March to look at the viability of the proposal.
- The Council's willingness to discuss viability issues was welcomed.

- It was accepted that there would be abnormal costs involved in the development of the site.
- The developer did not have the buying power associated with the major housing developers.
- A Section 106 Agreement would be completed and the applicant would accept a trigger point of 10 dwellings to make the payment.

During the discussion, the Chair acknowledged that the viability issue had been considered and detailed discussions had been undertaken. He stated that it was a difficult site and appreciated the time taken to ensure that the development was progressed.

**Resolved –**

- (1) **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.**
- (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 a contribution of £50,000 to be used for the provision of off-site affordable housing in Thornton and Allerton ward, or an adjacent ward.**

**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***

**13. LAND AT BOLTON ROAD, SILSDEN**

Previous Reference: Minute 116 (2014/15)

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “D”**) in relation to a reserved matters application that requested consideration of layout, scale, appearance and landscaping of a residential development of 57 dwellings (pursuant to outline approval 14/05170/MAO granted by appeal) at Land at Bolton Road, Silsden - 18/05140/MAR.

The Assistant Director - Planning, Transportation and Highways explained that the application was a reserved matters request and the outline approval for access had been allowed on appeal. The site comprised two areas of land, some parts of which sloped and the access would remain as approved at the outline stage. A total of 57 dwellings had been proposed and these would consist of a mix of houses across the site. A number of representations had been submitted

from local residents and the Town Council. The Assistant Director - Planning, Transportation and Highways confirmed that the scheme had been revised and the proposed properties had been moved away from the heritage buildings, which mitigated any adverse impact. He reported that the highways layout had been revised and was acceptable. Natural stone would also be used. The application was then recommended for approval subject to a Section 106 Agreement for a number of planning obligations that was agreed as part of the outline planning permission.

In response to a couple of questions, the Assistant Director - Planning, Transportation and Highways clarified that the 'Rotary Works' building was used for light industrial and the Council's Environmental Health Unit had not raised any concerns. Members noted that there would be a pedestrian footpath access to the site.

A representative of Silsden Town Council was present at the meeting and stated that:

- The re-grading of the steep slope on the site was welcomed.
- The proposed footpath's compliance with the Disabilities Discrimination Act (DDA) had raised concerns.
- The Police Architectural Liaison Officer had recommended a 3 metre wide footpath.
- It appeared that the footpath would only be 2 metres wide, so had additional land been purchased in order to meet the condition?
- The cost of minor works would be small compared to the ease of walking access on to the site.
- Any slopes shouldn't be more than 1:15 on the site.
- Concerns had been expressed in relation to the listed buildings character.
- Had new layout drawings been provided?

In response to a number of the comments made, the Assistant Director - Planning, Transportation and Highways explained that:

- The footway link was approximately 2 metres wide and was considered appropriate. The access was not considered to be problematic.
- Additional planting would be placed near the listed buildings and the garages moved further away.
- The footway would be a standard width of 2 metres, which had been achieved with the land available. It would be surfaced and lit.
- The applicant had work tirelessly on the layout.
- The footway would not be just for the occupiers of the new development, it could also be used by existing Silsden residents.

An objector was present at the meeting and made the following points:

- The previous outline application had been refused by the Council and Silsden Town Council.
- Construction work would be permitted from 0730 but the Planning Inspector had stated 0800 as a start time.
- There was a blind corner near the access and a meeting had been held to

discuss the issue, which had resulted in the applicant's agent proposing a speed camera.

- The offer of road safety improvements by the applicant had not been included in the proposal.
- Would the new gateway feature be put in place before commencement of the development?
- The footway would be a pedestrian rat –run.
- Had the land been purchased for the bus stop and footway?
- Asbestos was present in the derelict barn on the site.
- Two buildings contained asbestos and samples should have been presented.
- Extensive earth movements would be required and the presence of asbestos should be taken seriously.

In response the Assistant Director - Planning, Transportation and Highways that:

- The condition in relation to the construction hours was the Council's standard and the time could be amended if required, however, contractors could then arrive early at the site and wait outside on the road.
- There was no requirement to install a speed camera as part of the outline application and there were strict guidelines in relation to their installation.
- A traffic island, 30 mph signs and road markings would be part of the application.
- The Section 106 Agreement included the bus shelter and kerb and had been agreed by the Planning Inspector.
- Consultations had been undertaken with the Council's Environmental Health Unit in relation to the asbestos in the derelict barn, which had now been demolished but had not been within the red line boundary. Work had been undertaken and Environmental Health had no further concerns in relation to the Planning Inspector's comments at the appeal.
- The bus shelter would be provided along with raised kerbs to improve access for buses.
- Heavy Goods Vehicles (HGVs) would have to be able to turn safely into the site and the gateway may need to be moved.

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

- The officer's report was thorough.
- Public consultation had been undertaken prior to the application being submitted.
- Emphasis had been placed on getting the highway layout so that it could be built to adopted standards.
- Rotary Works was occupied by a sheet metal fabricator and the applicant owned the site.
- The footpath would be constrained by the amount of land available. A two metre wide pathway would be acceptable and would be built to adopted standards.
- Standard construction hours were endorsed. The applicant employed local people and would not want delivery vehicles conflicting with peak hour traffic.
- The traffic control had been resolved via the outline application.

- A comprehensive Section 106 Agreement had been approved.
- The officer's recommendation was endorsed.

During the discussion the Chair suggested that an additional condition be placed on the application in relation to the removal of permitted development rights to ensure that the integral garages were not converted in the future.

A Member queried the presence of asbestos on the site and was informed that it had been cleared and removed as per a separate condition, which had been discharged. Another Member questioned whether there was a verification report and in response it was clarified that a separate investigation and remediation strategy would deal with any remaining contamination. This was covered by conditions on the outline permission.

The Assistant Director - Planning, Transportation and Highways explained that the outline planning application had been subject to a number of conditions and the Council's Environmental Health Unit would be involved in the remediation, which would be a separate process.

In response to a further query regarding the speed camera, the applicant's agent confirmed that the applicant had acquired the site following the appeal process. He noted that the Planning Inspector had looked at the Section 106 Agreement and had confirmed it would be suitable. The Assistant Director - Planning, Transportation and Highways reiterated that there were strict criteria to when speed cameras could be installed and the movement of the 30 mph speed limit restriction would mitigate the concern.

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

- (i) **That the permitted development rights be removed from those properties constructed with integral garages only.**

***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.**