

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 18 July 2019 in the Banqueting Hall - City Hall, Bradford

Commenced 10.05 am
Concluded 11.10 am

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Warburton Wainwright Amran Watson	Ali Brown	Reid

Councillor Warburton in the Chair

14. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

15. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

16. MEMBERSHIP OF SUB-COMMITTEES

No resolution was passed on this item.

17. REVIEW OF MISCELLANEOUS LICENCE FEES CHARGED BY THE LICENSING SERVICE

The Interim Assistant Director – Waste, Fleet and Transport Services submitted **Document “E”** which sought approval to increase the current scale of miscellaneous licence fees charged by the licensing service by 2% in line with inflation for the 2019-20 financial year. Members were informed that the increase would cover reasonable cost and a full review of the licence fees had been undertaken, which included all overheads. It was noted that under the Provision of Service Regulations 2009, charges must be reasonable and proportionate. The Interim Assistant Director – Waste, Fleet and Transport Services reported that the options for consideration were to increase the current fee scale by 2%, maintain the current fees or change them to other levels, on the basis of cost recovery only. An increase of the fees by 2% was then recommended for

approval.

In response to Members' queries, the Interim Assistant Director – Waste, Fleet and Transport Services confirmed that:

- The last increase had been in 2016-17 and the previous year's fees had been maintained since, however, an additional enforcement officer had been employed this year.
- When undertaking the review of the fees a careful costing exercise was undertaken and all service costs were included.
- The inflation rate for this year was 2%.
- Sufficient income had been received to enable an extra enforcement officer to be employed.

Resolved –

That the current scale of fees be increased by 2% in line with inflation for 2019/20, as set out in Appendix 1 of Document "E".

ACTION: Interim Assistant Director - Waste, Fleet and Transport Services

18. THE 2016 CITY CENTRE PUBLIC SPACE PROTECTION ORDER (AND OTHERS) (VARIATIONS AND EXTENSIONS AND DISCHARGES)

The Assistant Director, Neighbourhoods and Customer Services presented **Document "F"** which outlined proposals and sought approval to commence the required public consultation exercise to implement variations and to extend or discharge the existing Public Space Protection Orders (PSPOs) for Bradford City Centre and the District. Members were informed that the PSPOs had been in place for three years and now included the 2016 PSPO Drinking Order and Street Drinking. The previous Orders would continue up to October 2019 and it was proposed that the public consultation would take place between now and September in relation to the first three orders, with the Dog Control Order process commencing in 2020. It was noted that the PSPOs could not be continued or varied without evidence of the need to do so.

Members posed questions and were informed that:

- Additional streets could be added to the PSPOs if evidence required it. This had occurred during the previous consultation and was part of the variation. PSPOs could be amended to reflect current situations.
- There were no recorded issues regarding legal highs, so they may be removed.
- The PSPO related to the refusal to surrender alcohol, not that alcohol could not be consumed in the area, however, only specific areas in City Park and Centenary Square were licensed.
- If a new PSPO was required in a different area endeavours would be made to include it in the report to be submitted in September.
- The police would provide evidence and may attend the meeting, however, any decision would be made by the Committee.
- The consultation process would include a survey that would be circulated

and the public, key stakeholders and companies would be contacted. Advertisements would also be placed in the Telegraph and Argus and the Keighley News. A four week consultation period would be undertaken and the details reported to the Committee in September.

Resolved -

- (1) That the Assistant Director, Neighbourhoods and Customer Services be authorised to undertake the statutory consultation exercise in order to establish the evidence required to extend the following orders:**
 - (i) The 2016 Drinking City Centre Order;**
 - (ii) The 2002/03 City Centre Designated Public Places Order;**
 - (iii) The Street Drinking Orders for areas outside the City Centre;**
and
 - (iv) The existing Dog Control Orders**

- (2) That further reports in relation to Drinking Orders be submitted to the Committee in September 2019 and Dog Control Orders during 2020.**

ACTION: Assistant Director - Neighbourhoods and Customer Services

19. LAND BETWEEN CROFT HOUSE AND GREEN LANE, MAIN ROAD, EASTBURN

Previous reference: Minute 109 (2014/15)

The Assistant Director - Planning, Transportation and Highways presented a report (**Document "G"**) in relation to an outline application for residential development of land for up to 35 dwellings requesting consideration of access, at land between Croft House and Green Lane, Main Road, Eastburn - 19/01509/MAO

The Assistant Director - Planning, Transportation and Highways informed Members that the application was outline with consideration of the access only. He explained that there were trees along the boundary, on the site and at the entrance that were subject to Tree Preservation Orders (TPOs). The site sloped slightly and a watercourse ran along the northern boundary. Access to the site was from the main road and it was allocated as safeguarded land. Its use for housing was accepted, however, a previous application on the land had expired. A number of representations had been received in objection, including one from the local MP and a Ward Councillor had submitted a statement that highlighted issues in relation to the Council's housing needs, other new development in the area, highway safety concerns and the protected trees. The Assistant Director - Planning, Transportation and Highways reported that an outline application for residential properties had been approved in 2015 but had since lapsed, however, the principle that the site was acceptable for development remained. He accepted that the loss of trees at the access was regrettable, but the retention of the trees on Green Lane was welcomed and the entrance would be shared with the existing nursing home. The scheme would provide 20% affordable housing and a Section 106 Agreement was currently being drafted in relation to those

units. The Assistant Director - Planning, Transportation and Highways stated that an additional condition would be required regarding an updated ecological survey and conditions 8 and 9 on the application would need to be amended. The application was then recommended for approval, subject to a Section 106 Agreement and conditions, including the addition and amendments previously mentioned.

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

- He did not have the housing level figures for Steeton with Eastburn, however, the Council's review would be completed by the end of the year. It was acknowledged that the figures may decrease but housing would still be required and the application would help boost housing in the area. The figures could not be pre-empted and Members could only consider what was before them. The site was allocated in the Council's Development Plan.
- The original scheme had included access across Green Lane to enter the site, however, the proposed shared access was the only acceptable solution. It was a land locked site and protected trees would be lost.
- Access could not be gained via Green Close and further traffic on Green Lane would be unacceptable. Residential and industrial traffic could not share the same entrance and access via East View would be problematic. The scheme was under the limits of a formal transport survey and concerns had been raised in relation to the safety of the junction, however, the required visibility splays could be achieved.
- The retention of the stone wall and gate posts had been raised and they would be incorporated into the scheme.
- 35 dwellings had been proposed with a mix of two, three and four bed properties with an indicative layout.
- Discussions had taken place with the Council's Drainage Team and no objections had been raised, as the application was outline. Further details would be required at the reserved matters stage and the applicant had been informed of the risks.

An objector was present at the meeting and raised the following concerns:

- He worked for the local MP and would present concerns from local residents.
- There were a number of trees subject to TPOs along the boundary.
- The TPOs had been upheld by the Council when applications for tree works had been submitted.
- Significant tree removal would take place.
- The applicant had been told to accommodate the trees.
- The layout would damage tree roots.
- A Council officer had stated that insufficient information had been submitted in relation to the trees.
- The trees protected against global warming.
- Two protected trees would be removed and it was believed that more could be lost.
- The proposed access would result in the loss of the wall, and trees, which

was an important part of the village.

- Incorrect information had been submitted, as bats were known to be present on the site.
- The ecological survey was over 5 years old and needed to be repeated.
- The application should be rejected.

The Assistant Director - Planning, Transportation and Highways responded to the points raised explaining that:

- The application was outline and the layout indicative.
- Access was the sole consideration of the application.
- The site could not be accessed without the loss of two TPO trees, however, those on Green Lane would be retained.
- On balance the loss of trees near the nursing home was preferable to losing more trees on Green Lane.
- A great deal of thought had been given to which trees should be lost and those retained.
- If the outline application was granted, the Council would strive to ensure that the layout protected the other TPO trees at the reserved matters stage.
- The site was not in a conservation area.
- The applicant had been requested to retain the gates and had submitted revised drawings which illustrated that the gate posts and wall would be included in the entrance scheme.
- An ecological assessment condition would be required prior to the commencement of work if the application was approved.

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

- The principle of housing on the land had been long established.
- The National Planning Policy Framework (NPPF) supported the use of the land.
- The most recent figures indicated that the Council only had a housing supply for 2.2 years.
- The layout was indicative layout and identified that the protected Oak tree could be retained.
- The application was outline with all aspects to be considered at the reserved matters stage.
- The flood risk assessment was robust.
- Surface water drainage ran along the north side boundary.
- There would not be pedestrian or vehicle access from Green Lane.
- Provision of 20% affordable housing was accepted and would be part of the Section 106 Agreement.
- No highways concerns had been raised.
- The proposed access was the most suitable.
- The gateposts would be retained and included in the scheme.
- The Section 106 Agreement and 16 conditions had been agreed.
- The Council would retain control during the reserved matters application.

In response to a comment, the Assistant Director - Planning, Transportation and

Highways stated that the loss of trees would be covered by a landscape condition that would seek to replace any that had to be removed. In relation to a Member's question he reported that the indicative plan gave some comfort that the trees could be protected and considered future concerns. Roof protection areas would also be covered.

In relation to the Section 106 Agreement, the City Solicitor explained that the application would be approved subject to a legal agreement and planning permission would not be granted if it was not signed. The Chair then requested that the reserved matters application be submitted to the Committee for consideration.

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 and subject to the amendment of conditions 8 and 9 as below:**

8. Prior to construction of the development a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

9. A remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

And also subject to the following additional condition:

The first application requesting approval of the reserved matters shall include an Ecological Appraisal (EA) and the development shall subsequently be carried out in accordance with the recommendations included with the EA.

Reason: In the interests of safeguarding protected species.

- (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 delivering 20% affordable housing on-site.
- (3) That in the event that the Section 106 Agreement is not completed within three months of the date of this resolution, the application be delegated to the Assistant Director - Planning, Transportation and Highways for refusal.

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.

- (4) That the Reserved Matters application be submitted to the Committee for consideration.

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