

## **Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 15 August 2019 in the Banqueting Hall - City Hall, Bradford**

Commenced		10.10 am
Concluded		12.45 pm

### **Present – Councillors**

<b>LABOUR</b>	<b>CONSERVATIVE</b>	<b>LIBERAL DEMOCRAT</b>
Warburton	Ali	Reid
Wainwright	Brown	
Amran		
Godwin		

Observers: Councillor Sue Duffy (Minute 28), Councillor Richard Dunbar (Minute 28) and Councillor Beverley Mullaney (Minute 28)

Apologies: Councillor Rosie Watson

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

#### **23. DISCLOSURES OF INTEREST**

In the interests of transparency, Councillors Wainwright and Warburton disclosed that they had been Members of the Committee when the application concerning Land at Ryedale Way, Allerton, Bradford (Minute 28) 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.

In the interests of transparency, Councillor Amran disclosed that he knew some of the people associated with the application concerning Tile Street, Manningham, Bradford (Minute 29) but he had not discussed any of the matters now before the Panel for determination with any interested parties.

**ACTION:**     *City Solicitor*

#### **24. MINUTES**

**Resolved –**

**That the minutes of the meeting held on 27 June 2019 be signed as a**

**correct record.**

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

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

**26. MEMBERSHIP OF SUB-COMMITTEES**

**Resolved –**

**That the appointment of Non-Voting Co-opted Members to the Corporate Parenting Panel for the 2019/20 municipal year be confirmed as set out below:**

- Inspector Kevin Taylor – West Yorkshire Police
- Yasmin Umarji (until September 2019) – Education
- Sue Thompson – Bradford District Clinical Commissioning Group
- Chair of Children in Care Council

***ACTION: City Solicitor***

**27. SPONSORSHIP INITIATIVE FOR ROUNDABOUTS, FLOWERBEDS AND HIGHWAY VERGES**

The Strategic Director, Place presented a report (**Document “I”**) that requested approval of an updated procedure for the sponsorship of roundabouts, flowerbeds and highway verges across the Bradford District. Members were informed that the updated guidance had resulted due to a complaint that had been submitted regarding the location of a sponsorship sign. The existing guidance had been in operation since 1993 and was outdated. The new proposal included the use of sustainable materials for the signs and they would be constructed in-house. The new policy would also require two checks to be undertaken, one with the Highways Department to be placed on a register and the other with the Planning Department in order to obtain Advertisement Consent. A sign would not be erected until planning consent was obtained. In conclusion the Strategic Director, Place recommended the guidance for approval.

In response to a Member’s query the Strategic Director, Place confirmed that the Network Resilience Team would be advised via the Parks and Greenspaces Department.

**Resolved –**

**That Option 1, a new sponsorship procedure and planning guidance contained within Document “I”, be approved.**

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

## 28. LAND AT RYEDALE WAY, ALLERTON, BRADFORD

The Assistant Director - Planning, Transportation and Highways presented Document "J" which related to a full application for the construction of 104 houses and access, land off Ryedale Way, Allerton, Bradford - 13/04498/MAF

The Assistant Director - Planning, Transportation and Highways informed Members that a further three letters of representation had been submitted since the report had been published, however, no new issues had been raised. He confirmed that the application would be subject to a Section 106 Agreement with a caveat that it had to be signed within three months or the application would be refused. The application was then recommended for approval, subject to the legal agreement and conditions as set out in the report.

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

- Further consultations had been undertaken in relation to the drainage and flooding concerns and no new issues had been raised.
- Drainage on the site would be controlled via conditions.
- The application was dependent on the sole means of access off Ryedale Way, which was under the control of Accent Housing and the Council had not been party to the discussions. An agreement had not been reached in 2014 or up to present, however, the issue had now been progressed and arrangements would be made. A Section 106 Agreement had been drafted and if it was not completed within three months the application would be refused. This would be the final opportunity for the applicant to agree access.
- The applicant had been requested to provide an update on ecological and biodiversity issues, which had not been submitted, however, no objections had been received on either matter.
- There would be a mix of house types and the highway was more than adequate in width, highway safety terms and visibility.
- The demand was for two or three bedroom properties and there would not be any four bedroom houses in the scheme.
- Work had not been carried out on the village green and there would be a number of areas around the site where access could be gained onto the village green.

A Ward Councillor was present at the meeting and made the following points:

- Objections had been raised by local residents.
- The scheme would have an adverse impact on the community.
- All three Ward Councillors had objected to the proposal along with local residents.
- The issues raised were valid and evidenced.
- The applicant had a history of renegeing on Section 106 Agreements.
- The site had drainage and sewage issues.
- The site was land locked.
- There was no evidence of an access point.

- The scheme would impact on NHS facilities.
- Access would be provided to Council owned land, which could be a conflict of interest.
- The previous application was several years old.
- Significant changes had been made in the area.
- New residential developments had been constructed.
- Traffic would feed into local roads.
- Properties had been extended in the area.

The Assistant Director - Planning, Transportation and Highways explained that:

- Construction management plans dealt with the generated traffic, which would be short lived.
- Assessments considered extant permissions.
- 20 affordable houses had been proposed by the applicant and an application would need to be submitted to the Committee in order for the number to be reduced. Members could only consider the development before them.

Another Ward Councillor was present at the meeting and stated that:

- Large parts of the site were subject to mining, which created a high risk of instability.
- Contaminants could be disturbed and leak out onto the adjacent wildlife sites.
- The previous report had identified contamination and further research had been requested.
- Had intrusive investigations taken place on the site and how confident were officers that the site would not be at risk?
- NHS services that were already at full stretch would be impacted.
- Local schools were over subscribed.
- GPs and dentists would not be able to respond to the extra demand and it would become an intolerable situation.
- It was a raised site and noise affected many residents.
- The site was at the edge of the community.
- Construction vehicles would impact on residents on Ryedale Way.
- Young children walked in the area and the danger to them could not be ignored.

The Assistant Director - Planning, Transportation and Highways reported that:

- Any site investigations would be covered by condition 19. Discussions had been undertaken in 2014 and the Committee had resolved at that point that they should be carried out before work commenced on the site.
- It was not within the Council's gift to look at NHS issues.
- A construction management plan condition, which controlled construction traffic, had been placed on the application.
- Any disturbance to residents would be controlled and minimised.

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

- The application should be rejected.
- Unique land was adjacent to the site.
- A designated and extensive village green was adjacent to the site.
- The village green led onto a wildlife area.
- Wildlife activity occurred on both the village green and wildlife area.
- Many varieties of birds and animals had been sited.
- The land had been recognised by the Bradford Urban Wildlife group as part of the Bradford urban corridor.
- Footpaths crossed the land and were used by local residents.
- One path was part of the Millennium Way.
- The footpaths were extensively used.
- The site was an irreplaceable green space.
- Bradford was impoverished in relation to green space.
- The development was against policies.
- Previous ecology and biodiversity assessments were out of date.
- The development would be a damaging intrusion onto the village green.

The Assistant Director - Planning, Transportation and Highways clarified that:

- The village green had been designated in 2014- 2015.
- The remainder of the site was a formally allocated housing site.
- It was for the Council to consider if there would be a detrimental impact.
- Access to the village green would be retained and footpaths would remain.
- No objections or concerns had been raised in relation to the adverse effect on wildlife.
- The assessments had not been updated, but the scheme would not have an adverse impact.

In response to Members' queries, the Assistant Director - Planning, Transportation and Highways indicated that he was not aware of any formal designation of areas within the site. He confirmed that the Community Infrastructure Levy (CIL) had been introduced in 2017 and contributions were not considered unless through the CIL and it was a nil CIL zone. It had been the Council's decision to allocate the area as nil CIL.

The final Ward Councillor addressed the Committee and informed them that:

- The traffic was an issue in the area.
- 292 homes had been developed on Allerton Lane that discharged a considerable number of cars on to the roads in the vicinity and these had not existed when the previous application had been submitted.
- Other developments were ongoing in the area.
- There was a lack of parking.
- Service vehicles would be present in the area.
- There had been serious accidents and near misses in the vicinity.
- Vehicles mounted the pavements in bad conditions.
- Public transport would not be used as the development was at the top of a hill.
- Public transport was not an expedient form of transport in the area and vehicles would be used.

- The former use of the site had not been updated.
- Urban space would be lost.
- Changes in relation to access had occurred in the area.
- Drainage and wildlife were issues.
- The development would impact on the village green.
- There had been 5 years between applications to resolve the issues.
- The local community wanted to retain the green space.
- A site visit should be undertaken before a decision was made.

The Chair queried the allocation of the site and was informed by the Assistant Director - Planning, Transportation and Highways that the Council owned land in the area but did not own any of the application site and there was no public access to the land except via public footpaths. In relation to traffic from the Allerton Lane development, he stated that it dispersed in different directions and the Council was only required to look at the impact of the submitted scheme on the highway network. New developments had been considered and an unacceptable impact on highway safety had not been identified. It was acknowledged that traffic would be generated, however, roads in the area could accommodate 700 dwellings. Parking on the highway did occur, however, the additional 104 houses would not overload the network. Members were informed that parking standards on the site were adequate and met Council standards.

At this point a member of the public disrupted the meeting and, as a warning had previously been issued regarding interjections, the Chair requested that the public be removed from the meeting. Following a brief adjournment the Ward Councillors, the objector and the applicant's agent were invited back into the meeting.

The Assistant Director - Planning, Transportation and Highways responded to a Member's question regarding accidents by confirming that collisions did happen and the effect of the development was considered along with the deficiency in the network, however, driver behaviour could not be accounted for. It was noted that a travel plan condition had been placed on the application as well as one to cover drainage and contamination issues.

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

- The original application had been supported in 2014.
- The National Planning Policy Framework (NPPF) and Council's Core Strategy had changed since the previous application.
- The number of new homes did not match the population or targets and there was a shortfall in affordable housing.
- The NPPF stated that a 5 year housing demand should be demonstrated, however, he believed the Council could only meet 2.2 years.
- All the representation listed in the report had been considered.
- The site was not a Site of Special Scientific Interest (SSSI).
- The application site did not include village green land.
- The proposal did not eliminate public footways.
- The junction of Stony Lane and Dale Croft Rise would operate within capacity.
- Conditions covered ecology and drainage issues.

- 20 affordable housing units would be provided.
- The delivery of the development would be underpinned by a Section 106 Agreement.
- Matters regarding the access had progressed with Accent Housing.
- An updated highways report had been lodged.
- The ecology assessment update was ongoing and would be submitted on completion.
- Contributions had been offered in 2014, however, the Council had now decided that the area was a nil CIL zone.
- The application had been approved in 214 and was recommended for approval.

During the discussion a Member expressed sympathy in the reduction of green space and biodiversity and indicated that he was minded to refuse the application. The Chair and another Member stated that there was nothing to preclude the proposal going forward. The Council did not have a land supply and this was a major issue.

**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 the provision of 20 affordable houses 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.**

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

**29. CONSTRUCTION OF COMMUNITY FACILITY WITH ANCILLARY ACCOMMODATION, TILE STREET, MANNINGHAM, BRADFORD**

The Assistant Director - Planning, Transportation and Highways submitted Document “K” in relation to a full planning application for the construction of a community facility with ancillary accommodation at Tile Street, Manningham, Bradford - 18/05541/MAF.

Members were informed that following the publication of the report an additional representation had been submitted, but no new issues had been raised.

In response to questions raised, the Assistant Director - Planning, Transportation and Highways clarified that:

- The length of the building's frontage would be 70 metres.
- Details on how the land would be excavated had been requested and retaining information had been provided, however, the requirement of an independent engineers report had been placed as a condition on the application. The properties on Aberford Road would not be undermined and excavations would be made from the Tile Street side of the site.
- The applicant would be liable if any issues arose.
- A detailed landscape proposal had been conditioned and would have to be managed.
- The landscape management plan would ensure that the site would be maintained for 10 years and issues would have to be enforced.
- The closure of Holker Street stopped vehicles taking short cuts through the area and the Council's Highways Department did not want to re-open the route. The preferred option would be to allow access from Belvedere Terrace and close the road at the junction of Holker Street and Tile Street.

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

- She lived on Holker Street and her house would be very close to the proposed building.
- There was no need for the facility.
- There was a sports centre, gym and community centre close by.
- Residents had been visited during the consultation period, but there had been language issues.
- Residents had been informed that planning permission had been granted and residents' signatures were required.
- Promises had been made that the Mosque would be a community centre, however, women were not permitted inside.
- Traffic congestion in the area was due to people attending the Mosque.
- Holker Street was regularly closed off due to indiscriminate parking.
- Youths would congregate in the area.
- The proposal would impact on the community.
- The Mosque had two halls that were not used and community events could be held there.

In relation to the parking issues raised, the Assistant Director - Planning, Transportation and Highways stated that adequate on site parking provision would be provided and a residents parking scheme had been proposed.

In response to further questions, it was explained that:

- It was not unusual to have buildings that were out of keeping with the area. Bradford had a tradition of stone structures, however, a number of religious premises had been constructed from other materials. The proposal had been designed to stand out in presence.

- The site was surrounded by a mixture of residential properties and was intended to be a statement.
- The Mosque had been present for 10 years.
- Notices had been placed on Aberford Road and Holker Street and a site notice had been placed in the newspaper. The correct consultation process had been carried out by the Planning Department. The public engagement carried out by the applicant was separate to the Council's process.

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

- The officer's presentation had been detailed.
- The site was a redundant piece of land that was prone to fly tipping.
- Residents currently had a poor outlook and the aspiration was to improve this for everyone.
- The proposal was a well designed multi functional facility that would provide for the elderly and young.
- A scheme would provide a community hub and centre.
- The building would offer facilities that the Mosque could not.
- It was hoped that crime and anti social behaviour in the area would be reduced.
- The facility would offer advice and encourage all groups to take part.
- The proposed café and bookshop would be linked to other uses in the facility.
- 28 car parking spaces would be provided.
- Sustainable modes of transport were nearby.
- Consultees had supported the application.
- The scheme would be a long term commitment.

In response to a Member's concern that women would not be allowed, the applicant explained that the Mosque building had limited capacity, however, women were still able to access the Mosque. The Assistant Director - Planning, Transportation and Highways clarified that there were clearly marked changing facilities for both male and females within the proposal.

During the discussion a Member raised concerns in relation to the resident's comments and in response a Member suggested that the applicant should work with the female residents and encourage them to use the facilities. Another Member highlighted the imposition of the substantial building on the residential area. The Chair noted the interesting aspects of the proposal and acknowledged the variety of buildings in the area. In conclusion he hoped that the applicant would consider the comments raised.

#### **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:

- (i) The provision of highway works through a Section 278 Agreement to:
  - a) deliver proposed waiting restrictions and permit parking; and
  - b) the re-location of the existing prohibition of driving on Holker Street to the Tile Street junction in order to facilitate access from Belvedere Terrace.
- (ii) The securing of £12,000 to be used for post-development traffic/parking surveys and a Traffic Regulation Order (TRO) if required.

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