

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 12 September 2019 at 10.00 am in the Banqueting Hall - City Hall, Bradford

Commenced 10.00 am
Concluded 11.40 am

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Warburton Wainwright Amran Watson	Ali Brown	Reid

Observer: Councillor Thirkill (Minute 39)

Councillor Warburton in the Chair

33. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

34. MINUTES

Resolved –

That the minutes of the meetings held on 18 July and 18 July 2019 (Trustees) be signed as a correct record.

35. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

36. MEMBERSHIP OF SUB-COMMITTEES

Resolved –

That the appointment of Sue Lowndes as an Education Non-Voting Co-opted Member to the Corporate Parenting Panel for the remainder of the 2019/20 municipal year be confirmed.

ACTION: City Solicitor

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

Previous reference: Minute 18 (2019-20)

The Assistant Director, Neighbourhoods and Customer Services presented **Document “M”** which provided a summary of the responses from the statutory consultation on the proposed extension, variation or discharge of the Public Space Protection Orders (PSPOs) for Bradford City Centre, Keighley Town Centre, Shipley Town Centre, Bingley Town Centre and West Bowling and submission of proposals arising from the responses to the consultations.

He reminded Members that at its meeting on 18 July 2019, the Committee authorised the undertaking of a public consultation. 71 responses had been received in response to an online survey as well as written support for the continuation of the PSPO from the Police and Crime Commissioner for West Yorkshire, Bradford District Chamber of Trade and Bradford Business Improvement District (BID).

He stated that since the introduction of the City Centre PSPO (relating to legal highs and alcohol misuse) in October 2016 the number of alcohol related incidents recorded by the Police had fallen by 43% district-wide and 54% in the city centre. He recommended that, with the exception of the PSPO for West Bowling where there was no evidence base to continue, the current PSPOs be extended for a further three years.

In response to a question from the Chair, it was reported that there was lack of evidence of continuing levels of antisocial behaviour to justify the continuation of the PSPO in West Bowling and that it was introduced due to issues arising from a particular premises, which had since closed and incidents had significantly reduced as a consequence.

The City Solicitor provided assurances to Members that he considered there was sufficient evidence on which to make their decision and, if they were minded to approve the continuation of the PSPOs, suggested they be listed in the resolution.

Resolved –

(1) That the Assistant Director, Neighbourhoods be authorised to:

- (i) extend the current Public Space Protection Orders listed in (i) to (vi) below for three years in Bradford City Centre, Shipley Town Centre, Bingley Town Centre and Keighley Town Centre and replace the words ‘exclusions zone’ with restricted area in the 2016 City Centre order:**
 - (i) Public Space Protection Order 1 of 2016**
 - (ii) Drinking in Public Places Designated Order No 2 Areas within Bingley Town Centre 2003 PSPO**
 - (iii) Drinking in Public Places Designated Order No 3 Areas within Shipley Town Centre 2003 PSPO**
 - (iv) Drinking in Public Places Designation Order No 4 Areas**

- within Keighley Town Centre 2003 PSPO**
- (v) Drinking in Public Places Designation Order No 1 Areas within Bradford City Centre 2002 PSPO**
- (vi) Drinking in Public Places Designation Order No 1 Extension of Areas within Bradford City Centre 2003 PSPO**

(ii) and remove the restrictions relating to ‘legal highs’ in the 2016 order due to lack of evidence to justify the continuation of that restriction in the order and create a new order dated 2019.

(2) That the Public Space Protection Order for West Bowling be discharged due to lack of response from the consultation and lack of evidence of continuing levels of antisocial behaviour to justify the continuation of the order, as detailed in Appendix F to Document “M”.

ACTION: Strategic Director, Place

38. BUILDING CONTROL CHARGES

The Strategic Director, Place presented **Document “N”** which requested approval of the introduction of a number of charges for services carried out by the Council’s Building Control Service for additional inspections relating to building regulations applications, works relating to safety at sports grounds and demolition applications. These charges would create an income stream of approximately £77,000 per year for the Building Control Service to offset the cost of non-chargeable activity and assist the Council with budgetary pressure.

The Chair spoke of retrospective applications, acknowledged the additional work required from officers when considering them, and questioned whether the proposed charges would increase costs for those applications. In response to a question from the Chair, it was reported that a fee was already in place for retrospective applications and it was acknowledged that those applications were more challenging.

Resolved –

That Option 1, the charging of fees for the items outlined within Document “N”, be approved.

ACTION: Strategic Director, Place

39. LAND AT GRID REF 411346 431859, HOLTS LANE, CLAYTON, BRADFORD

The Assistant Director - Planning, Transportation and Highways presented **Document “O”** which sought consent for the variation of condition 7 of planning permission 18/01540/MAF to allow the peak pumped foul water discharge to not exceed 5 litres per second on land at Grid Ref 411346 431859, Holts Lane, Bradford - 19/02483/VOC.

The Assistant Director - Planning, Transportation and Highways explained that planning permission had already been granted for 100 dwellings on the site. He

stated that the proposal would not alter the amount of foul water discharge as the scheme simply related to an increase in the flow. He stated there was a pumping station on a field adjacent to the site through which the foul water flowed and that the proposal was to improve the efficiency of the water flow. The change had been agreed with the Council's Drainage Services and Yorkshire Water and neither had raised an objection to the proposal. The previous permission was subject to a Section 106 Legal Agreement to secure the provision of 20 affordable houses. A Deed of Variation was to be secured as part of the new recommendation to grant planning permission. He considered the proposal acceptable and recommended it for approval.

In response to Members' questions, it was reported that:

- Existing pipes would be used for the proposal.
- Approximately a third of the dwellings were occupied on the site.
- It was common for developers to come across issues such as this one as schemes progressed.
- Development of the site would take approximately a further 18 months.
- Objectors had raised concerns regarding surface water drainage, not foul water drainage, during the original consultation process for the scheme.

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

- She had received a number of concerns from local residents in relation to foul water on the site.
- There had been a survey undertaken 20 years ago on the site which had raised issues in relation to foul water and drainage on the site.
- The pumping station had blighted the community.
- This issue had arisen when only part of the site had been occupied.
- She considered the pumping station was not working properly.
- She felt let down by the Council's Planning and Enforcement Officers.
- Surface water was on the land.
- Local people in the area knew the local area well.
- She did not consider the site to be appropriate for the development.
- The pumping station for the site was not within the red line boundary.
- Yorkshire Water had a pumping station a mile away from the site and they were constantly on the site clearing it out.
- She considered the application would get approved by the Committee.
- She thanked the Committee for listening to her concerns.

In response to concerns raised, the Assistant Director - Planning, Transportation and Highways stated that the application related to the varying of a condition to alter the amount of foul water discharge from 4 to 5 litres per second in order to alleviate problems being experienced at present. He also stated that planning permission had been sought by the developer and granted by the Local Authority for a pumping station.

In response to Members' questions, the Assistant Director - Planning, Transportation and Highways reported that he was satisfied that the proposed increase from 4 to 5 litres per second would be able to cope with the foul water drainage from the site, particularly as Yorkshire Water and the Council's Drainage

Service had been consulted on the proposal and had not raised any concerns; that the developer would still have planning permission to build 100 houses on the site despite the decision on the current proposal; and since the issue with the flow of foul water from the site had been discovered, discussions had taken place with Yorkshire Water, therefore the proposal had been discussed with professional experts and they were satisfied with it.

During the discussion it was explained that calculations undertaken by Drainage Engineers initially proposed that a flow of foul water at a rate of 4 litres per second would be adequate for the site, but this was not the case and if it was not increased the current situation with the flow would get worse. Whilst officers could not guarantee with absolute certainty that the issue would be resolved, the proposal to increase the flow to 5 litres per second had been proposed to alleviate the problem with the flow and according to Yorkshire Water and the Council's Drainage Services, it would improve the situation for residents of properties on the site.

In response to concerns raised by Members over whether the increased flow rate would provide the capacity to cope with the foul water drainage from the site, the Assistant Director - Planning, Transportation and Highways explained that the local authority had no enforcement control over the pumping stations but Members could, if they wished, ask him to seek assurances from the developer and Yorkshire Water that the foul water drainage system installed was fully adequate to accommodate the entire residential development which had been granted planning permission.

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

- At the time of the original application being considered, the developer, Council officers and Yorkshire Water had used their professional expertise to propose the necessary requirements; now they were saying they were wrong.
- Advice provided previously had been inaccurate and Members had been misled in the planning process.
- She thanked the officer for visiting the site the previous day.
- The proposal would exacerbate the existing noise disturbance and smells from the pumping station.
- The foul water drainage should not exceed 4 litres per second.
- It showed poor governance to seek and accept professional advice only to dismiss it when it did not suit the developer.
- The proposal would impact on wildlife further down the valley.
- There had been no improvements to the existing sewerage system and it may not be able to cope with any additional flow.
- The developer had shown little regard for the local environment and neighbouring land owners.
- The developer had not put up appropriate signage to the footpath.

In response to concerns raised, the Assistant Director - Planning, Transportation and Highways stated that a number of issues raised by the objector were irrelevant as Members were only considering the flow of foul water drainage. He reiterated that, when the calculations had originally been done in relation to the foul water drainage, a flow of 4 litres per second had been considered adequate

and Yorkshire Water had recommended this on the information available at that time. The developer had since realised that changes were required due to the backing up of foul water. The proposal, which the developer had put forward, was to alleviate an existing problem and allow a quicker flow of foul water off the site and into the existing sewer system.

In response to a Member's question, the Assistant Director - Planning, Transportation and Highways stated that the size of the attenuation tank had not been raised as a concern during the consultation process and that Yorkshire Water would have considered the flow of foul water throughout their wider system.

A Member stated that he was disappointed that a drainage expert was not in attendance at the meeting.

Members stated they had serious concerns over how the issue regarding the flow of foul water had been dealt with but did not want to make the current situation any worse by refusing the application as this would be detrimental to current and future residents of the site.

The Chair stated that he hoped the variation of the condition would solve the problem of the flow of foul water drainage but stressed that if it did not, and if it was to come back to the Committee in future, he would expect to see more detailed information regarding the issue.

Resolved –

- (1) That the application be approved for the reason and subject to the conditions and a Deed of Variation to the Section 106 Agreement under application 18/01540/MAF to secure the provision of 20 affordable housing units set out in the Assistant Director - Planning, Transportation and Highways' technical report.**
- (2) That the Assistant Director - Planning, Transportation and Highways be requested to write to the developer to seek assurances that the foul water drainage system installed by the developer is fully adequate to accommodate the entire residential development granted planning permission.**
- (3) That the Assistant Director - Planning, Transportation and Highways be requested to write to Yorkshire Water to seek assurances that the foul water drainage system installed by the developer in its entirety is adequate to serve the development approved planning permission.**
- (4) That the responses received to (2) and (3) above be presented to the Chair of the Regulatory and Appeals Committee in due course so that he can be satisfied that the Committee's concerns have been addressed.**

ACTION: Assistant Director - Planning, Transportation and Highways

40. 27 KINGS ROAD, ILKLEY

The Assistant Director - Planning, Transportation and Highways submitted **Document “P”** in relation to a full application for the demolition of house and garage and redevelopment with apartment building (10 apartments) at 27 Kings Road, Ilkley - 19/01710/MAF.

The Assistant Director - Planning, Transportation and Highways provided a summary of his report and explained that the design and appearance of the proposed building was considered appropriate to the context of the application sites location and that it had been assessed in relation to the impact on the character and setting of the neighbouring Grade I listed building (Heathcote) which was one of 23 Grade I listed buildings in the Bradford District. The proposal was well screened by trees and the proposed apartment building would not be visible from the street. Members were shown photographs of zinc material which was proposed to be used as part of the development and which was considered to be appropriate in the context of the scheme. He recommended the application be approved with the inclusion of additional conditions relating to details of bin storage, car parking and sample materials.

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

- Pre-application stage discussions had taken place with officers to produce a scheme which contributed positively to the area.
- Careful assessment had taken place regarding the neighbouring Grade I listed building.
- Separation distances complied with guidelines.
- Parking, access and design were considered acceptable.

In response to Members questions, it was reported that:

- The proposed building would be 2.4 metres taller than the neighbouring Grade I listed building and 2.5 metres lower at ground level.
- The apartments would generally have two bedrooms each; some would have a study or small third bedroom.
- The width of the access was just over 4 metres.

Members welcomed the scheme and considered it to be well thought out, particularly as it was in a conservation area and next to a Grade I listed building.

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 subject to the inclusion of the following additional conditions:

14. Prior to the occupation of the approved development details of a bin store shall be submitted to and approved in writing by the LPA. The development to be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of amenity.

15. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with a plan to be approved and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety.

16. Before any work above damp proof course level takes place, a sample panel showing the method and depth of coursing of the proposed walling materials and the type and method of pointing to be used shall be constructed on site for inspection by the Local Planning Authority; along with roof material samples. The details shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with those approved details.

Reason: Reason: To assist the selection of appropriate materials in the interests of visual amenity and the character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

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.

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER