

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 5 December 2019 at 10.00 am in Council Chamber, City Hall Bradford

Commenced 10.10 am
Concluded 2.00 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Warburton Wainwright Godwin Watson	Ellis	Reid

Councillor Warburton in the Chair

Apologies: Councillor Ali

47. DISCLOSURES OF INTEREST

In the interest of transparency the following disclosures of interest were made:

- (i) Councillor Warburton disclosed an interest in the item relating to land south of Rooley Crescent (Minute 52) as he had been a former resident of the area and that he was also a Ward Councillor, however he had not had involvement in any aspect of this application. Councillor Watson also declared that she was a Ward Councillor and that she also had not had any involvement in the application.
- (ii) Councillors Ellis, Wainwright and Warburton declared an interest in relation to Otto House (Minute 54) as they were members of the Regulatory and Appeals Committee, when the outline planning application was considered, however they stated that they would be considering this application with a fresh mind.
- (iii) Councillor Ellis also declared that he was a member of a number of professional drainage bodies and that he was a Council appointed Member on the West Yorkshire Combined Authority.

ACTION: City Solicitor

48. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted to review decisions to restrict documents.

49. MEMBERSHIP OF SUB-COMMITTEES

There were no changes to Membership of Sub-Committees.

50. ANNUAL DEVELOPMENT MANAGEMENT REPORT FOR PERFORMANCE AND KEY ACTIVITIES

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “T”**) which sought to inform the Regulatory & Appeals Committee about development management performance and key activities undertaken over the last year (1 April 2018 – 31 March 2019). The Service reported that it had exceeded and met all the targets set by Government or in regard to its own measures such as stated in the Council Plan.

Resolved –

That the report be noted.

ACTION: NO ACTION

51. ANNUAL SECTION 106 AGREEMENT AND COMMUNITY INFRASTRUCTURE LEVY (CIL) REPORT

The Assistant Director (Planning, Transportation and Highways) submitted a report (**Document “U”**) which informed Members of progress with Section 106 Agreements and the Community Infrastructure Levy since its adoption and implementation on 1st July 2017 to the end of the financial year 2018/2019.

Resolved –

That the report be noted.

ACTION: NO ACTION

52. LAND TO THE SOUTH OF ROOLEY CRESCENT, STAITHGATE LANE, BRADFORD

The Assistant Director (Planning Transportation and Highways) submitted a report (**Document “V”**) which set out a full application for the demolition of an existing dwelling and construction of 150 dwellings with associated engineering, landscaping and access works, at land to the south of Rooley Crescent, Staithgate Lane, Bradford.

The Assistant Director stated that amended plans had recently been received

from the applicant, and it would therefore be prudent to undertake a full consultation on the amended plans with all interested parties, and he therefore urged that the application be deferred to a future meeting.

Although Members commented on the late submission of the amended plans, it was felt that a full consultation was the only sensible way forward and it was therefore:

Resolved –

That the application be deferred to allow for a full consultation to be undertaken on the amended plans.

ACTION: Assistant Director (Planning Transportation and Highways)

53. LAND AT HOLLY FOLD, STEETON WITH EASTBURN, BRADFORD

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “W”**) which set out a full planning application for the construction of 11 dwellings on land at Holly Fold, Steeton with Eastburn, Bradford.

The Assistant Director provided an overview of the proposed development, showing photographs of the site, plans and drawings and summarising the representations that had been received.

The Assistant Director also reported on three further representations that had been received. The Local Member of Parliament had raised concerns regarding wear and tear of the private road from the additional traffic that will now use it in order to access the new development, and that no maintenance plan was being proposed; he also cited biodiversity loss and that the need for new homes in the Steeton area was around 150, which was a lower figure in comparison to the 700 stipulated in the Core Strategy. The Parish Council had also objected to the proposals on the grounds that the proposal was on greenbelt land; concerns around the water drainage and the electricity pylons running across the site.

A lengthy submission was also submitted by a Ward Councillor and the Assistant Director paraphrased the comments, which raised the following issues:

- That although the land in question was classed as greenfield, the proposed development would be visible from the Aire Valley.
- That the development would result in the loss of village character and identity and that the existing infrastructure would not be able to sustain additional development.
- That the proposed CIL contribution was insufficient and an additional levy should be imposed to cover education provision.
- That the development would add additional congestion to the area.

- That the proposed housing numbers for Steeton with Eastburn had been amended from 750 to 150 in the recent partial review of the Core Strategy.
- That residents concerns around overshadowing, loss of light, loss of privacy and loss of amenity had to be taken into consideration.
- That there would an increase in surface water flooding.
- That there were maintenance issue concerns and liability regarding the new road and the existing private road serving the current residents.
- That the power line diversion should be conditioned as part of any planning application.

In response to some of the issues raised by the additional representations, the Assistant Director confirmed that the 150 housing figure was incorrect with 700 still the number identified in the Core Strategy; that the proposed development was in a sustainable location; that there would be no overlooking issues given the separation distances were adequate and that no adverse highways issues were perceived given the modest number of houses proposed. In relation to the issue of CIL payment, the proposed amount was based on the number of houses proposed and an additional levy could not be imposed on the developer, and finally Highways Development Control were satisfied with the highway arrangements on the site.

In response to a question whether the new road would be adopted post development, it was stated that although the road would be constructed to adoptable highway standards, the road would remain private.

In relation to a question on drainage it was stated that no concerns had been submitted regarding drainage issues on the site.

An objector was present at the meeting and stated that the residents of Holly Fold had objected to the proposals and that the concerns expressed by the Ward Councillor, MP and the Parish Council should be taken into account; that no mitigation measures had been proposed following the loss of biodiversity; that West Yorkshire Police had raised concerns around safety and that in terms of the design, the development would be out of character with Holly Fold and that residents had concerns about the power line and the damage that would be caused to Holly Fold by both the additional traffic as well as construction vehicles.

In response the Assistant Director stated that the Yorkshire Water comments regarding easement, pre dated the site layout and there was a recommendation for the protection of the easement by way of condition. In relation to the issue of biodiversity loss, the proposal was to plant new trees on the site as well as install bat and bird boxes, and therefore these mitigation measures would compensate for any loss. The comments of the Police Architectural Liaison Officer had been taken into account, however officers felt that the layout was deemed to be safe and in terms of visual amenity, the proposal was considered acceptable.

There was a lengthy discussion regarding the private road and access rights

during the construction phase as well as repair/maintenance issues pre and post development. In response it was stated that although a Section 106 obligation could be imposed to make good any damage to Holy Fold caused by construction traffic, the private road meant that many of the issues raised about the road were outside of the planning arena, and subject to a suitable condition it was therefore:

Resolved –

That the application be approved subject to the conditions set out in Appendix 1 to Document “W” and also subject to an additional S106 obligation relating to making good any damage to Holy Fold caused by construction traffic following completion of the development.

ACTION: Assistant Director (Planning, Transportation & Highways)

54. FORMER SITE OF OTTO HOUSE, INGLEBY ROAD, BRADFORD

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “X”**) which set out a full application for the construction of 167 two, three and four bed roomed, 2 storey traditional residential homes on the former site of Otto House, Ingleby Road, Bradford.

The Assistant Director provided an overview of the proposed development, showing photographs of the site, plans and drawings and summarising the representations that had been received. The Assistant Director also stated that conditions 26 and 27 would have to be amended following further assessment and discussions.

A Member questioned the drainage arrangements on site and it was confirmed that there was no water course on the site, but a requisition sewer, which Yorkshire Water would continue to maintain.

In response to a question regarding the installation of car charging points, it was stated that this would be covered by way of condition.

Representatives from a company which occupied a position near to the site were present at the meeting and expressed concerns that noise arising from their operations could impact on people living in the new dwellings, and they suggested that if noise attenuation measures were not stipulated for the whole site, the company could become liable for causing a statutory noise nuisance.

A representative for the applicant was also present at the meeting and stated that he was happy to discuss the noise issue further with the company in question, and he went to set out the company’s ethos in providing low cost starter homes which enabled young families to take their first step on the housing ladder, he also explained how the company was committed to using local labour and apprenticeships..

During the discussion Members expressed broad support for the proposals and

the affordability of the new houses, however Members were keen to ensure that the developer protected the whole site from the potential noise impact emanating from the industrial premises and it was therefore:

Resolved –

That the application be approved in accordance with officers recommendations with an additional condition for a noise attenuation scheme for the whole site plus amendments to two drainage conditions that reflect the drainage concerns expressed in the discussion by members.

ACTION: Assistant Director (Planning, Transportation & Highways)

55. LAND AT HIGHGATE ROAD, QUEENSBURY, BRADFORD WITH ACCESS TAKEN FROM WOODLANDS GROVE

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “Y”**) which set out a reserved matters application requesting consideration of access, appearance, landscaping, layout and scale for a residential development of 12 dwellings (pursuant to outline approval reference 18/01604/MAO).

The Assistant Director provided an overview of the proposed development, showing photographs of the site, plans and drawings and summarising the representations that had been received.

Resolved –

That the reserved matters application be approved, subject to the conditions set out in Appendix 1 to Document “Y” and subject to the following amendments:

- (i) That the approved ‘Layout Plan’ is revision D not revision C as set out in Document “Y”.**
- (ii) That the approved ‘Landscaping’ plan is revision B not revision A as set out in Document “Y”.**

ACTION: Assistant Director (Planning, Transportation & Highways)

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.