

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 6 February 2020 in the Banqueting Hall - City Hall, Bradford

Commenced 10.00 am
Concluded 1.30 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Warburton Wainwright Amran Watson	Ali	Reid

Observers: Councillors Kamran Hussain (Minute 61) ,Hawkesworth, Kyle Green and Sullivan (Minute 60)

Councillor Warburton in the Chair

56. DISCLOSURES OF INTEREST

In the interest of transparency Councillor Ellis declared that he was a member of a number of professional drainage bodies.

57. MINUTES

In considering approving the minutes of the meeting of the Committee held on 5 December 2020 in relation to Minute 54 (former site of Otto House Ingleby Road Bradford) Members confirmed that the Minutes be approved subject to an amendment to Minute 54. Members were specifically asked and they confirmed there were no errors or omissions in the minutes to item 54 Otto house but amended the resolution therein to:

“approve in accordance with officer’s 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”

58. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

59. MEMBERSHIP OF SUB-COMMITTEES

There were no membership changes.

60. AMALGAMATION OF AREA PLANNING PANELS

The Strategic Director Place submitted a report (**Document “Z”**) which related to proposals to merge the two Area Planning Panels into one single Planning Panel due to the gradual decrease in the number of planning applications being dealt with at the existing Keighley and Shipley Area Planning Panel and the Bradford Area Planning Panel. The Regulatory and Appeals Committee would continue to consider strategically significant and major applications with the other applications being dealt with at a single Planning Panel which would meet more regularly to ensure applications are determined in a timely manner and performance targets continue to be met.

The report recommended implementation of the new panel arrangements for the next municipal year.

The Assistant Director gave an overview of the proposed changes and the benefits that would accrue from amalgamating the two Area Planning Panels to one single district planning panel, which were detailed in the report.

Comments received from a Craven Ward Councillor were tabled at the meeting which cited a number of concerns around there being no public consultation on the proposed changes, venue and travel and the inconvenience this will cause, the danger of rushing through applications given the large number of applications at any one meeting and that transparency would be lost.

A resident of Silsden was present at the meeting and stated his opposition to the proposals, stating that applications were already decided under delegated powers and that by creating a single Panel would only create an extra burden for officers. However, he cited the risk of errors, if local knowledge around planning applications was lost; logistical issues for residents having to travel into Bradford and he questioned the money that would be saved from such a proposal, and expressing concerns that no public consultation had been undertaken on the revised proposals.

In response to some of the issues raised, the Assistant Director stressed that around 90 -95% of current planning applications were already dealt with under delegated authority and that officers were able to deal with this number of applications. On the contrary, one Panel would reduce the burden on officers, create efficiencies and with the possibility of webcasting of meetings, be a better and more imaginative use of resources. He added that there was no statutory need to consult with the public around what were operational requirements of the

Council and the needs of the Service.

A Ilkley Ward Councillor was present at the meeting and stated her objections to the proposed merger, stating that this was more about cost cutting and that it would damage the reputation of the Council as well inconvenience communities, who would have to travel long distances in order for applications to be considered. That officers could have explored other options such as delegating responsibility to the Area Committees, who had a more profound knowledge of their respective localities.

In response the Assistant Director stated that the proposal was not about cost cutting, but about efficiencies; will save on Member time; provide better consistency in terms of decision making and approach; improved training of Members and that he was open to the idea of having meetings in different parts of the district dependent on where the applications were situated.

Another Ilkley Ward Councillor was present at the meeting and stated that his objections were around the failure to consult with the public and with Councillors; that the composition of the Panel would result in the loss of local knowledge and would not necessarily make things better. He urged that consultation take place widely on the proposals.

In response, the Assistant Director reiterated his earlier points adding that overall the number of applications being considered by the current Panels had been reduced and it was prudent to amalgamate the Panels.

A representative from the Ilkley Civic Society was also present at the meeting and expressed concerns that the public was a stakeholder, and although the proposals seemed to be about internal efficiencies, it would undermine public confidence in planning matters, in what was an already eroded system; that local knowledge would be lost and that consistency would not necessarily lead to better decision making.

In response the Assistant suggested that he was happy to meet with interested parties outside of the formal process on how we can improve on public engagement in the planning process.

A Bingley Rural Ward Councillor was also present and stated that people's lives were affected by planning like no other issues and that these proposals flew in the face of localism, he urged reconsideration of the proposals in the context of more applications coming forward, not less; he argued that the travelling time for all concerned had not factored into the proposals and this was principally about cost savings.

During the discussion Members expressed some reservations on the proposals, in particular the loss of local knowledge and the potential for the number of planning applications to increase in the coming years as confidence in the economy picks up post Brexit. Concerns were also expressed that no

consultation had taken place with Ward Councillors, Town and Parish Councils and other interested Parties and Members urged that the proposals come back to the Committee, following this consultation, and it was therefore:

Resolved –

That Option 1 that is to do nothing and continue with the two Area Planning Panels be approved, however further consultation be undertaken on the proposals with all Councillors, Parish and Town Councillors and other interested parties, such as the Ilkley Civic Society.

ACTION: Assistant Director Transportation, Design and Planning

61. PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE SPECIFICATION AND 5 STAR BASE AUDIT

The Strategic Director Place submitted a report (**Document “AA”**) which sought the approval of the Regulatory and Appeals Committee to make changes to the Private Hire and Hackney Carriage Vehicle Specification and to publish the results of Base check Grades.

The Enforcement Manager gave a detailed overview of the proposed changes which were set out in the report.

In response to a question regarding breakdown, it was stated that currently there were 330 Hackney Carriage drivers and around 5,000 Private Hire drivers, however 383 drivers had responded to the consultation on the proposed changes. A Member questioned the wisdom of conducting the consultation during December, which was a very busy period for the taxi trade. In response it was stressed no time was ever perfect and that the service had written to all the drivers in the district, and that there had been a genuine attempt to get the message across.

Members expressed concerns at the proposal regarding the age of vehicles at first registration, and in the context of hybrid and electric vehicles this proposal should be relaxed.

In term of the impending Government proposals for a clean air zone, the Council was still awaiting details on the extent of this and the implications for the taxi trade, albeit they would work closely with the trade to ensure a workable solution. It was pointed out that the trade were already aware of some of the impending changes and the need to switch vehicle type.

A Member expressed concerns that the proposals set out in the report could result in financial hardships for taxi drivers. In response it was stressed that financial hardship was not a material factor in drawing up the proposed changes.

A number of drivers representing both the Hackney Carriage and Private Hire trades were present at the meeting and although they expressed support for the

proposed changes to the height of vehicles, and to the introduction of the 5 star award scheme, they expressed reservations around the age of vehicles that would be allowed, citing the already expensive cost of new vehicles coupled with additional cost of purchasing hybrid/electric vehicles. There was an acknowledgement that the Clean Air Zone would become a reality; however more time should be given in term of the transition period in order for drivers to adjust to the changes and absorb the associated cost with running such vehicles.

During a lengthy debate Members felt that some changes should be made to Proposals 1 and 3 in order to assist the Trade in making the transition, and it was therefore:

Resolved –

(1) That the following proposed changes from the on-line engagement survey be approved and that they take effect on the dates stated:

(i) Proposal 1 - Vehicle proprietors be offered the option to apply for an extension to their current vehicle licence (as above) beyond the 10 (12 for WAV) years maximum age limit with immediate effect.

(Background - For proprietors (owners) of vehicles which were first licenced prior to 1 November 2019 and whose vehicle is due to reach the maximum age for a licenced vehicle (10 years or 12 years for Wheelchair Accessible Vehicles (WAV)) on or before 31 May 2020, it is proposed that a dispensation be made available to allow such vehicles to be re-licenced for an additional period not to exceed 12 months or beyond 1st June 2021. This will provide time for Bradford's future Clean Air Zone emission standards to be clarified and thereby aide proprietors to purchase vehicles which will meet future CAZ requirements. Standard licensing fees will apply to the licence extension.

Dispensation would only be granted subject to:

- There has been no break in the vehicle's licence.
- Vehicles which do not pass a vehicle safety inspection due to a major defect and an appeal is not upheld will not be licensed for this extra period.
- Vehicles which are granted a dispensation will be subject to random testing given 24hrs notice).

(ii) Proposal 3 - It is proposed that any Vehicles being considered for first registration be limited to a maximum of 5 years of age from 1 March 2020 unless said vehicle is Hybrid (Euro 5/6

Petrol), Electric or Ultra Low Emission.

(Background - The safety and engine emission features of newer vehicles are constantly and rapidly evolving to ensure that newer vehicles are safer for drivers, passengers and road users and also cleaner and more environmentally friendly. Many manufacturers are now offering various forms of Hybrid and Electric vehicles as standard models and this is forecast to increase substantially in the coming years. As part of its commitment to safety and also in anticipation of the introduction of a Clean Air Zone, as the Government requires Bradford Council to improve air quality and protect public health, it is proposed to limit the option for vehicles to be first licenced to a maximum of 5 years of age.)

(2) That the 5 Star Base Audit results be made public.

ACTION: Strategic Director Place

62. HAINSWORTH ROAD, SILSDEN

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document "AB"**) which set out an outline application for residential development of land, requesting consideration of access at The Willows, Hainsworth Road, Silsden.

The Assistant Director gave a detailed overview of the planning application, showing plans, photographs of the proposed site and summarising the representations that had been received. He also drew Members' attention to the implications pertaining to the works carried out to the towpath, which no longer required a contribution from the developer.

Given the narrow width of the existing road a road safety audit had been undertaken by the applicant and assessed by Council's Highways section, although traffic use on Hainsworth road was minimal.

In response to a question regarding the possibility of widening the existing highway, the Assistant Director stated that given the protected hedgerows on both sides of Hainsworth Road, any widening was out of the question.

In addition a Member questioned the number of houses proposed and that he had concerns regards drainage and possible flooding on the highway as a result of the development. In response it was stressed that a suitable drainage condition could be imposed to deal with foul and surface water.

A local resident was present at the meeting and raised objections around road safety and in particular the blind bend and narrowness of the existing road; that the new development would seek to add an additional 44 properties and any safety measures would not mitigate this number of properties.

A Silsden Town Councillor was present at the meeting and stated that he had concerns about the existing road with and the protected hedgerow, as well concerns around drainage and sewage water discharge

Comments received from a Craven Ward Councillor were tabled at the meeting

which reiterated many of the above points, but in particular drew attention to the limited access on to the site and that the proposed priority scheme would be inadequate.

During the discussion Members expressed concerns on the application particularly with regards to the narrowness of the existing road; inability to prune the existing protected hedgerow and that there were no clear site lines in either direction on Hainsworth Road and thereby highway safety would be severely compromised, and it was therefore:

Resolved –

- (1) That the application be refused on the following highway safety grounds:**
 - (i) Narrowness of the existing road.**
 - (ii) Inability to prune the existing protected hedgerow.**
 - (iii) No clear site lines in either direction on Hainsworth Road**
- (2) That the precise wording of the above resolution be delegated to the Assistant Director Transportation Design and Planning.**

ACTION: Assistant Director Transportation Design and Planning

63. LAND AT WOODHALL ROAD, BRADFORD.

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “AC”**) which set out a reserved matters application requesting consideration of appearance, landscaping, layout and scale for means of access for employment development B1, B2 and B8 uses (pursuant to outline approval 17/02463/MAO) on land at Grid Ref 419205 434606, Woodhall Road, Bradford.

The Assistant Director gave a detailed overview of the application, showing plans, photographs of the proposed site, stating that the application had been referred to Members as the proposed size exceeded 5000 square metres and the application could therefore not be considered under delegated powers. He also summarised the representations that had been received.

Resolved –

That the application be approved subject to amendment of the Condition relating to Drawing number M2597/01: revision F to be replaced by revision G.

ACTION: Assistant Director Transportation, Design and Planning

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