

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 5 March 2020 in the Banqueting Hall - City Hall, Bradford

Commenced 10.00 am
Concluded 1.20 pm

Present – Councillors

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

Observers: Councillor Mukhtar (Minute 70), Councillor Ferriby (Minute 71) and Councillors Aneela Ahmed, Azam, Shabir Hussain and Lal (Minute 72)

Councillor Warburton in the Chair

67. 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 71) 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.
- (ii) Councillor Ellis also declared that he was a member of a number of professional drainage bodies.

68. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

69. MEMBERSHIP OF SUB-COMMITTEES

Resolved –

That Councillor Knox replaces Councillor Humphreys as a Member of the Corporate Parenting Panel for the remainder of the Municipal Year.

ACTION: City Solicitor

70. ROBERT MCBRIDE LIMITED, ROOK LANE, BRADFORD

The Assistant Director Planning, Transportation & Highways submitted a report (**Document “AF”**) which set out an application to seek the change of use of land and buildings from mixed B1, B2 and B8 use to B8 (storage & distribution) use with ancillary offices and associated car parking at Robert McBride Limited, Rook Lane, Bradford.

The Assistant Director tabled a site layout plan, showing access and the internal layout of the buildings, photographs and floor plans were also alluded to. The application had resulted in a number of objections from local residents, in particular concerns around the parking of HGVs on Rook Lane during the early hours of the morning, and it was therefore being proposed that to mitigate the impact on the existing residents, a Section 106 agreement would be imposed which would inhibit HGVs parking on the length of Rook Lane, as well as implementation of a residents only permit parking scheme. Suggestions by residents that HGVs exiting the site should turn right only had not been considered a viable option on the grounds that it would not be enforceable.

A Member stated that a resident’s only permit parking scheme may inhibit family and friends from parking on Rook Lane, and he suggested that a 3.5 /7.5 tonne vehicle weight limit may be a more appropriate way to deal with the issue of HGVs parking on Rook Lane, rather than an all encompassing parking ban.

A Tong Ward Councillor was present at the meeting and she questioned the cost implications of the residents only parking; whether double yellow lines would only be implemented on the factory side and whether there will be ample parking for all employees. In response the Assistant Director stated that a Traffic Regulation Order would have to be a matter for the relevant Area Committee and that it will have to go through a process of consultation; however a direction could be given by this Committee on the premise which the TRO would be advertised. The Assistant Director stated that the number of employees would actually decrease as a result of the proposed change of use.

Members suggested that in devising a TRO, a best solution for residents should

be at the forefront, which may include a weight limit on the vehicles that could park on Rook Lane or a permit parking scheme, and it was therefore:

Resolved –

That the application be approved for the reasons and subject to the conditions included in Appendix 1 to Document “AF” with a proviso that the Traffic Regulation Order offers the best solution for local residents.

ACTION: Assistant Director Transportation Design and Planning

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

The Assistant Director (Planning, Transportation & Highways) submitted a report (Document “AE”) which set out a full application for the demolition of an existing dwelling and construction of 146 dwellings with associated engineering, landscaping and access works, at land to the south of Rooley Crescent, Staithgate Lane, Bradford.

The Assistant Director gave a detailed overview of the planning application, showing plans, photographs of the proposed site, layout and proposed house types and summarising the representations that had been received. He updated Members on additional comments that had been received from Network Rail suggesting that works be undertaken to ensure safety in the vicinity of Bolling tunnel and that this would be addressed by way of an additional condition. A transport planner had raised concerns that no travel plan had been submitted and that the site was far away from a viable bus route, as well as details around the proposed park and ride scheme and electric vehicle charging points, again a condition would be added stipulating the submission of a travel plan. The Environment Agency had been contacted about the proposed development but had made no comments on the application.

Four additional objections had also been received, which raised no new issues. An objection from the local Member of Parliament was alluded to raising a number of concerns regarding the 1972 designation of the land which had since been superseded by a number of policy changes and it was confirmed that Network Rail, Yorkshire Water and the Coal Board had all been consulted. The factors relating to the Odsal tip had also been considered and as a consequence gas protection measures would be stipulated by way of condition.

A number of heads of terms were suggested as well as amended /revised conditions relating to the development which were reflected in the resolution. In response to a question regarding timescales for delivery of the park and ride scheme, it was explained that the proposals were currently in the process of being assessed.

In relation to a question regarding contamination, it was explained that the Council’s Environmental Protection Team had assessed the site, and they were happy with the proposals, subject to the imposition of a condition relating to gas

protection measures.

The Chair stated he had had sight of a memo from an officer in the Environmental protection team which stated that they were a number of contaminants present on the site, including arsenic and in his opinion the level of contamination was setting off alarm bells. In addition the GEO Leeds report had also expressed concerns about the suitability of this site for residential use. Furthermore the site was not served well by public transport and any bus services that did operate, were infrequent. Concerns were also expressed on the potential for leachate to seep onto the site from the Odsal tip and that this was a matter of real concern.

In response to some of the issues raised, the Assistant Director acknowledged that although Environmental Protection had raised some concerns, remediation work to deal with the contaminants would ensure that the site was safe prior to any commencement of the development. That in relation to public transport, the development was still considered viable in terms of its proximity to Low Moor station and Rooley Lane. In addition once the park and ride scheme comes to fruition, a direct public transport link would be established.

The Chair raised a further concern regarding the suitability of Deanbeck Avenue and Rooley Crescent to absorb the additional traffic emanating from this development and the resulting road safety implications. In response it was stressed that the two points of access would allow for safe use of the adjoining roads and the proposals were considered safe on highway safety grounds. A Ward Councillor was present at the meeting and stated that there was strong feeling amongst residents about the development and its impact on the locality, with the MP raising concerns and a petition that had also been submitted. She alluded to the existing traffic issues affecting the area with congestion being a major factor given the proximity to the M606, M62 and Rooley Lane. Therefore an additional 146 houses would only exacerbate the situation and create a road safety issue particular for vehicles using Deanbeck Avenue. Contamination on this site was another area of real concern as had already been alluded to and any mitigation measures would not be sufficient to deal with the issue, and the proximity of the site to existing chemical works was another area of concern. In response the Assistant Director stated that the Health and Safety Executive had not raised any objections in relation to the proximity of the existing chemical works in the area; that additional green space would be created by virtue of this development.

A number of objectors were also present at the meeting and cited concerns around the contamination and toxins present on this site meant that it was not suitable for any type of residential development; that the existing traffic congestion in the area was a particular concern and this development would only exacerbate the situation.

The applicant's representative was also present and stressed that the concerns that had been expressed by a number of people had all been adequately addressed in the report, and that all statutory consultees were of the opinion that the site was suitable for residential development. That any contamination on the site would be dealt with and remedied prior to development, as it was not in the interest of the applicant to build houses and find that there were issues post development. That the development would create jobs as well as address the

housing needs of the district. He added that the development was in a sustainable location and tap into the proposed park and ride scheme.

During the discussion Members raised a number of concerns around the viability of the site, in particular the infrequent bus service and proximity of services such as Doctors surgery; the contamination issues and gas migration affecting the site was a particular cause for concern and Members felt that the remedial measures proposed were inadequate. In addition concerns were also raised around access and the impact on road safety on Deanbeck Avenue and Rooley Crescent, and it was therefore:

Resolved –

That the application be refused for the following reasons:

1. Highway safety

The proposed development would involve the intensification of use of Rooley Crescent and Deanbeck Avenue which would be detrimental to highway safety by reason of the general arrangement of the roads through width and geometric layout. The proposal is therefore contrary to policies DS1 and DS4 of the Local Plan for Bradford and paragraphs 102, 109 and 110 of the National Planning Policy Framework.

2. Sustainable public transport links

The site is served by only infrequent public transport and is beyond the 400 metre walking distance to a bus stop as recommended in national guidelines. As such it is not considered that the proposal constitutes a sustainable location serving local services including medical health provision and education. The proposal is therefore considered to be contrary to policy TR3 of the Local Plan for Bradford and paragraphs 102, 109 and 110 of the National Planning Policy Framework.

3. Contamination

The application site is located immediately adjacent to an acknowledged source of contamination (Odsal Tip, site reference 12ne02). The Applicant has failed to demonstrate that in the long term the development proposal will not be unacceptably exposed to future contamination emanating from the adjacent site. The proposal is therefore considered to be contrary to policy EN8 of Local Plan for Bradford and paragraphs 178 and 179 of the National Planning Policy Framework.

ACTION: Assistant Director Transportation, Design and Planning

The Assistant Director Planning, Transportation & Highways submitted a report (**Document “AG”**) which set out a full application for mixed-use development comprising of event/exhibition venue (D2) and ten B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution) units.

The Assistant Director gave a detailed overview of the planning application, showing plans, photographs of the proposed site, and artistic impression of the proposed event/exhibition venue. The Assistant Director advised that the site had been vacant for decades, however the site had been designated as waste management site and therefore this application was considered unsuitable and thus contrary to the Core Strategy. The applicant was proposing significant investment on the site, however the sequential test promoted main town centre uses with the town centre first, and this development did not satisfy the sequential test and as a consequence there would be an impact on the viability of existing city centre facilities, and it was therefore recommended for refusal.

A Member questioned the viability of the site for a waste management use and that a permit would have to be sought from DEFRA, however given the constraints and proximity to existing properties it was difficult to see how the site would be viable in this regard. In response it was stressed that any waste management use would be principally around processing activity, rather than an intensive use.

In response to a question on how the site had been marketed, it was explained that the current owner had purchased the site in 2016 and that in submitting his application he had been aware of the sites designated use. The Council had worked with the applicant over a number of months, however no exceptions could be found to overcome the site designation.

A Member questioned whether the sequential test had been met in refusing the application, as this was not in close proximity to the city centre, nor was it within walking distance.

A City Ward Councillor was present at the meeting and stated that this site had been vacant for a number of years and that the applicant had already invested significant sums of money in clearing up the site, which had been fly tipped for a number of years as well as incidents of anti social behaviour. The local residents were glad to finally see the site being developed and the applicant was injecting a significant amount of investment in developing the site, which would result in the creation of over 100 jobs. She questioned the logic of designating the site as a waste site and despite it being marketed, no operator had come forward, and she urged Members to approve the application.

The applicant's representative was present at the meeting and stated that there were ample alternative superior waste sites and despite the marketing of this site, no waste operator had expressed an interest, which led you to question its suitability; that the applicant was intending to inject £5-6m into the project and create over 100 new jobs and that it would result in a bespoke wedding/ events venue, unrivalled in terms of its design and functionality, and he urged approval of

the application.

During the discussion Members queried the viability of the site in terms of its waste designation and agreed that it was unlikely that it would ever be developed as such, any time soon. It was argued that the applicant was keen to develop the site and that the Council should facilitate this investment as it would regenerate a long standing vacant site.

A Member stressed that in his opinion any waste related operation on this site was highly unlikely, given the unsuitability of the site and its proximity to residential properties and for this reason no operator had shown an interest to date.

Members felt that the sequential test had also not been met in terms of the sites proximity to the city centre; however this application would create an economic boost in terms of its investment and job potential, and it was therefore:

Resolved –

That the application be approved for the following reasons:

- 1. It is considered that there is a low probability of the site receiving an Environmental Permit for a waste development and as such the site is no longer suitable for such a use. The site has also been previously marketed for use as a waste development site using a local professional agent without success leading to the conclusion that no waste operator is interested in carrying out such a development. It is of note that the site has remained vacant for over 37 years and this proposed development is the first scheme to come forward in that time period. There is also considered to be sufficient other allocated waste sites in the district to meet future demands for new waste developments. It is considered that the applicant has demonstrated the other particular circumstances under Policy WDM3 (Criteria a) (BMDC Waste Management DPD) to justify the loss of an allocated waste management site.**
- 2. It is not considered that there is a city centre site or other more suitable closer to centre site available that could accommodate this events/exhibition venue development, including a requirement to have suitable on-site parking provision. As such it is considered that the proposal meets the requirements of paragraph 86 of the NPPF AND Policy EC5 of the Local Plan in relation to the location of sequentially preferable sites. Furthermore, it is considered that the development would not have an adverse impact on the viability or vitality of existing or future planned D2 uses in Bradford City Centre.**

ACTION: Assistant Director Transportation Design and Planning

73. APPEALS PANELS APPOINTED BY THE REGULATORY AND APPEALS COMMITTEE

The Director of Corporate Resources submitted a report (**Document “AI”**) which sought the approval of the Committee to implement a change to the process for appeals currently considered by the panels appointed by the Regulatory and Appeals Committee. In essence, it is recommended that 5 appeal panels be replaced by one panel.

Resolved–

- (1) That the option to replace the Housing and Non-Domestic Rates Appeal Panel, Miscellaneous Licences Panel, Hackney Carriage and Private Hire Panel, Education Appeals Panel and Social Services Appeals Panel with a single appeals panel to be called the Bradford District Appeals Panel for the remaining appeals processes be approved subject to Council approval.**
- (2) That the City Solicitor be requested to place this report before the Independent Remuneration Panel with a view to a recommendation regarding the Chair’s and Deputy Chair’s SRA.**
- (3) That the City Solicitor be asked to draft amendments to the Constitution, particularly Article 8, to implement this decision and the proposed amendments be recommended to the Governance and Audit Committee to then be forwarded to Council for approval.**

ACTION: City Solicitor

Chair

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