

## Minutes of a meeting of the Regulatory and Appeals Committee held remotely on Thursday, 25 June 2020

Commenced	10.00 am
Adjourned	10.50 am
Reconvened	10.52 am
Adjourned	11.37 am
Reconvened	11.45 am
Adjourned	1.10 pm
Reconvened	1.40 pm
Adjourned	4.10 pm
Reconvened	4.20 pm
Concluded	5.15 pm

### Present – Councillors

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

Observers: Councillor Smith (minutes 5 & 6) and Councillor Hawkesworth (minute 9)

### Councillor Warburton in the Chair

#### 1. DISCLOSURES OF INTEREST

- At the commencement of the meeting, the following disclosures of interest were made in the interests of clarity:-
  - Councillor Warburton disclosed that he had previously considered applications in respect of the sites referred to in agenda items 6,7 and 8 but that he would look at the applications being considered today with an open mind.
  - Councillor Wainwright disclosed that the application set out at agenda item 13 was in his ward but that he had no previous involvement with the application and had referred constituents to his ward colleague, Councillor Mukhtar.
  - Councillor Brown disclosed that he had been a member of the Planning Panel which had previously considered the application referred to in

agenda item 11 but confirmed that he would consider the application today in a fresh light.

- Councillor Ellis advised that he was a member of the Regional Flood Committee, the Airedale Drainage Commission and the WYCA Transport Committee.
2. Councillor Warburton also advised that, as he was the member who had requested that the application set out in agenda item 14 be considered by the Committee, he would retire from the meeting and take no part in the discussion or voting on that item
  3. During the course of the meeting, the following disclosures were also made:-
    - Councillor Smith disclosed during consideration of agenda items 6 and 7 that he was both a ward councillor and a parish councillor for this locality.
    - Councillor Brown disclosed that he had been a member of the original body which had made the decision referred to in agenda item 15.

***ACTION: City Solicitor***

**2. MINUTES**

**Resolved –**

**That the minutes of the meeting held on 18 May 2020 be signed as a correct record.**

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

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

**4. MEMBERSHIP OF SUB-COMMITTEES**

There were no recommendations to appoint Members to Sub-Committees of the Committee.

**5. LAND WEST OF DERRY HILL MENSTON ILKLEY**

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “A”**) which set out a full application for residential development of 47 homes, with access from Derry Hill. He shared photographs of the proposed site and plans of the development which included 14 affordable homes and consisted of a mixture of house sizes. He advised that there would be a private drive to the development; that a number of mature trees were present on the site and that there was a water course and mature hedging to the edge of the site. He also advised that, as a result of negotiations, there would be a through road between this development and the one set out in the following agenda item which would provide two access points to both developments.

Members were advised that drainage attenuation was in place and that both grassland and street trees would be introduced as part of the development. The mature trees and hedge would be retained, except where the through road was proposed. Illustrations of the style of house being proposed were also presented.

The Assistant Director advised of 205 objections which had been received and explained that they referred to the design of the development, pressure on public transport and the highway network and pressure on school places and local GP practices. Later representations had also been made in respect of design and connectivity and movement around the site. Since then, footpath links had been provided and there would now be both pedestrian and vehicle access to both Derry Hill and Moor Lane.

The Assistant Director considered the landscaping to be appropriate and noted the net gain in the number of trees on the development. He stated that the green space served as both drainage attenuation and an informal play space. He advised that the concerns raised by the Design Officer had been addressed and that the scheme was well considered and of a scale appropriate to the locality.

He noted that the scheme had been through a number of revisions; that parking had been addressed and that a contribution to the Access for All initiative would be made which would ensure an accessible lift could be installed at Menston railway station. There would also be a Community Infrastructure Levy, although this would be slightly less than at first envisaged as revisions to the development meant there would now be fewer four and five bed homes.

The Chair queried whether the Parish Council would benefit from the Community Infrastructure Levy and was advised that would do so, to a higher level if it had an adopted neighbourhood plan and to a lower level if not.

An objector, representing local residents and the parish council participated in the remote meeting and a video presentation that he had prepared was played to the Committee. In it, the objector highlighted concerns about the water course, which he stated had been both widened and deepened. He considered that this application should be rejected and that the developer should submit a fresh application restoring the original water course.

The Chair confirmed that the video had played successfully and that the photographs previously provided by the objector had been circulated to all members.

The Council's Principal Engineer (Drainage) was in remote attendance and advised that there had been an issue in respect of the watercourse in 2017 as it had silted up and the flow of water had been impeded. The landowner had been contacted to carry out the necessary maintenance works. In terms of this application, the water course had been modelled on the latest profile, mitigation measures had been put in place and had been approved by the Council's drainage section.

The Assistant Director explained that modelling and the likely flood risk had not changed from the situation pre-development.

At this point in the meeting, the Governance Officer alerted the Chair to a potential problem with the live broadcast of the meeting and the Chair called a short adjournment while it was ascertained that the broadcast was running successfully.

Upon reconvening (following confirmation that the broadcast was running successfully) the objector was allowed to address the Committee again and stressed that the water course had been both widened and deepened which had caused flooding on Dicks Garth road. He accepted that it was a decision for the Committee but again stressed his view that a new application should be required. He also stated that this was a difficult meeting and was advised by the Chair that the management of the remote meeting today was in line with the requirements of Government legislation as a result of the COVID19 pandemic.

A Ward Councillor attended the meeting remotely and spoke on behalf of himself and his two ward colleagues, one of whom was unable to access the meeting and one who had another commitment. He stated that he considered the matter should be deferred as he did not consider the technology to be appropriate.

He stressed that the residents of Menston were not motivated to object by a "NIMBY" attitude but rather that their fundamental objection was in respect of the issued of flooding. He commented that Yorkshire Water had acknowledged that the combined sewage system was inadequate and that there was no obligation upon them to upgrade the system.

He voiced other concerns about the development, including clarity on the balance of affordable homes; the practicality of the cycling and walking route due to the steep topography of the area; whether priority would be given to local families and the narrowness of local streets in terms of traffic use. He asked that the application be rejected.

The Chair asked the Principal Engineer (Drainage) to comment on the objections in respect of the sewage system. He did so, advising that Yorkshire Water had no objection to the connection of this development to the combined sewer. He also advised that a surface water drainage scheme had been developed which would mean a significant reduction in the flow of water and therefore reduce the risk of flooding.

Members were also advised that there had been a minor change to the drainage scheme which meant there would be a small reduction to the water course flow.

The Chair asked if a document précisising the comments of the ward Councillor who had been unable to join the meeting had been provided and was advised that it had not.

The Assistant Director explained the allocation of the affordable housing on the development, in response to the concern raised and advised that priority was given on the basis of locality.

The applicant's agent was in remote attendance and spoke in support of the application, stressing that the applicant was in support of the officer's comments

and that the principle of development at this location had been established as a previous application had been approved. She noted that no statutory consultees had objected and advised that boundaries were to be maintained and additional hedging and trees were to be planted. The area of open space which was to be established would encourage wildlife and improve the ecological value of the area. She stressed that all previous flood risk reports had been reviewed and that detailed discussions had taken place with the Council's drainage officers, who had no concerns. The developer was committed to the off-site highways works and there were other benefits to the community from this development such as the provision of affordable housing, local employment and the contribution from the Community Infrastructure Levy to the Parish Council. She requested that the application be approved.

A member queried whether the agreement to a through road with the developer of the neighbouring site could be forgotten in the future and was advised that this applicant was fully committed to it. The Assistant Director also confirmed that it was a commitment for the developments.

Another member queried the issue of capacity in respect of the sewers and was advised by the Principal Engineer (Drainage) that Yorkshire Water had no objection to the scheme and that, although there were issues further downstream, this development would reduce the problem of surface water flow as the amount of water leaving the development was to be reduced.

Another member, explaining that she was not an expert on drainage matters, asked for further clarification of that and was advised by the Principal Engineer that rain water from the sites would run into a large underground tank and that a flow control system on the tank would mean it then trickled out slowly, which would reduce the risk of flooding downstream.

The Committee's legal officer advised that the section 106 agreement could include provision that there be no ransom strip and the Cahir concurred with this provision.

In response to another question on the issue of drainage it was advised that the tank would be adopted by Yorkshire Water; the system would not increase flood risk and that the Flood Authority had approved it.

The Chair then turned to the issue of integral garages and requested that permitted development rights to convert any on this development be removed to prevent overdevelopment of the site and consequent parking problems.

Members were also assured that condition four as proposed by the Assistant Director covered the concerns raised by members in respect of drainage and the use of the underground tank.

#### **Resolved –**

- (1) That the application be approved subject to the completion of the Section 106 Agreement and conditions contained in Appendix 1 to Document "A".**

- (2) That in respect of Condition 4, the development shall be carried out in accordance with the approved dwgs. 43885-013 B; 43885-014 B; 43885-015 B; 43885-016 C and the surface water drainage scheme shall be designed in accordance with dwg no. 43885-002 J. The maximum surface water discharge rate, off-site, shall not exceed 5.0 litres per second and the scheme so approved shall thereafter be implemented in accordance with the approved details.

**Reason:** In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

- (3) That an additional condition be imposed to state that notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the integral garages within the dwelling(s) hereby permitted shall remain available for the purposes of garaging and no subsequent alterations to convert these garages to primary residential accommodation addition shall be carried out without the express written permission of the Local Planning Authority.

**Reason:** To ensure these facilities remain for parking purposes, in the interests of amenity and highway safety and to accord with Policies TR2, DS4 and DS5 of the Core Strategy Development Plan Document.  
**ACTION:** Assistant Director, Planning Transportation and highways

## 6. LAND AT MOOR LANE MENSTON ILKLEY WEST YORKSHIRE

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “B”**) which set out a full application for construction of 113 dwellings with new vehicular access from Moor Lane, public open space and associated infrastructure and engineering operations.

The Assistant Director presented plans of the site which comprised three fields with a mature woodland to the south and established properties to the west. He shared photographs of the fields and stressed that the woodland was unaffected by the proposals. He also shared photos of Moor Lane showing on street parking and shared plans of the site. He noted that the hedge would be maintained and the water course managed. He also explained that drainage on the development would include a considerable drainage tank and associated attenuation. He advised that there would be a through link to the proposed development at Derry Hill. He also highlighted that the whole development at Moor Lane would comprise affordable housing. He stressed that, in addition to maintaining the hedge, any trees lost would be replaced and the number of trees on site would be increased.

Members were advised that this site was formally allocated and that the land beyond it was green belt. There would be both a swale and a bund to the edge of the scheme, neither of which would be visible to the public walking nearby.

Members were shown drawings of the proposed house type and were advised that 39 additional objections had been received after the publication of the agenda for this meeting. Those objections had reiterated the concerns in the original objections in respect of concerns about school places, capacity at GP practices, public transport, flooding and drainage and had been about the quality of the proposed design. The Assistant Director noted that the three principle hedgerows would be retained apart from where the through road would run and welcomed the net gain in the number of trees. He noted that there would be numerous types of house on the development and, on balance, the design was appropriate to the context. He stated that Environmental Health had raised the issue of the nearby cattery and kennels but that had now been addressed. He explained the Section 106 agreement and the Community Infrastructure Levy and recommended the application for approval subject to the conditions in the report, with the drawing numbers updated and to the access to the development being on a phased basis.

A member noted that the land in question had formerly been allocated for development but queried its previous use. He was advised that, although the allocation had now lapsed, the principle of development was accepted and that the land had been used agriculturally.

The Chair queried the proposed use of a bund and asked whether it was of a suitable standard. He was advised that additional modelling had been requested for both the swale and the bund and that it had been modelled on the requirements of a one in a thousand year rainfall event and had the capacity to go even beyond that extremely high level of flood protection. In addition, a financial contribution was required for funding to create two extra gullies on Moor Lane to further mitigate any impact.

The same objector as had spoken on the previous application also made representations in respect of this application and a video that he had prepared was shown. He explained the flooding history in Menston, showing images of floodwater and sewer overflow. He stated that Yorkshire Water had advised that the combined sewer system was insufficient and asked that the application be rejected on the basis that the flood risk assessment was incorrect and that the swale and bund now proposed were inappropriate to the green belt. He also considered that the flood risk assessment had used only modelled data and that the real flood risk was three to four times that which had been modelled and that it would overwhelm the proposed attenuation works.

The Principal Engineer (Drainage) advised that a pumping station would be in place which would significantly reduce the flow of water as well as an Olympic pool sized drainage tank which would reduce the amount of surface water. As the swale and bund were modelled on a one in a thousand year extreme rainfall event, they had been assessed against a level ten times higher than the current data on surface water in the locality.

In response to a further question from the Chair, it was confirmed that all previous information had been taken into account, including the previous flooding problems in the village that had been mentioned. It was also confirmed that Yorkshire Water would take on responsibility for the water tank.

A ward Councillor joined the meeting and supported the objections, reiterating the concerns raised in respect of flooding. He also noted that he had requested the meeting be deferred until a more usual manner of meeting could be supported.

The statement provided by the Ward Councillor who had been unable to join the meeting was read out by the Governance Officer in attendance. In it, the Councillor referred to flooding problems and his concerns about the lack of use of real data as opposed to modelled data. He believed that the proposal would pose a risk to properties in the area and supported the request that the application be refused until each of the five objections could be addressed.

The Principal Engineer (Drainage) advised that the modelling of the swale and the bund had taken in to account recent flooding in the village. Satellite images of that flooding had shown it to be of one in eighty year severity and the modelling undertaken was for one in a thousand year severity.

The Governance Officer reported that the connection for the Ward Councillor had been lost and so read out his statement for the Committee's information. In it the Councillor stressed the real need for affordable housing in the village but considered this development to be out of proportion; that it could not be sustainable as there was little local employment. He also reiterated points made previously about the steep nature of the local topography and the need to allocate social housing to local families as a priority.

The Committee was advised by the Assistant Director that the site itself was gently sloping and that there was a linear woodland to the side of it. The swale and bund would sit between the development and the woodland so would not be visible. The nature of the adjacent green belt land would therefore, not be affected. There had been a number of revisions to the original application to take into account representations made and the scheme now incorporated hedges, trees and dry stone walls. There would be footpath links and a through road between the two schemes. This proposal would be both viable and sustainable and of benefit to the village and the provision of 100% affordable housing was welcomed.

A local resident joined the meeting and, while supporting many aspects of the proposal, expressed concern about the appropriateness of the bund to the green belt and about the possibility of the removal of trees. He also had concerns about the risk of flooding and the use of theoretical data to assess risk. He considered that the application should be reassessed on real world data or that the conditions being proposed should be strengthened to reflect such data.

In response, it was again stressed that the modelling undertaken had been based on a one in thousand year extreme rainfall event. It was also stated that the developer had offered to change the proposed height of the bund to be no higher than the adjacent wall.

The Committee's legal advisor stated that the issues in respect of the swale and bund referred to the principle of openness on which there was very recent case law. Members were also advised that the land on which the bund would sit was owned by the applicant and that the issue of openness had been addressed

within Document "B".

The Governance officer advised that the connection of Councillor Ellis, a member of the Committee had been lost at this point but confirmed that the meeting was still quorate. Councillor took no further point in the discussion or voting on this item but was able to rejoin the meeting for the subsequent items.

The applicant had also joined the meeting and spoke in support of his application, stressing that the principle of development had already been established and that there had been no concerns from statutory consultees. A lot of hard work had gone into developing the drainage scheme for the development and that it would actually result in water being taken away from Moor Lane. He stressed that the link between the two schemes would go ahead and that the proposal was of an appropriate scale for the village. The housing being proposed would meet the significant and pressing demand for affordable homes in the valley.

As with the previous application, the Chair expressed concern about the potential for overdevelopment of the properties if integral garages were permitted to be converted into living accommodation. The applicant agreed to the imposition of an additional condition in respect of that.

In response to further questions from members, the applicant confirmed that issues that had previously been raised by objectors in respect of sewers being over capacity and the flood risk assessment needing amending had now been addressed.

#### **Resolved –**

**(1) That the application be approved subject to the completion of the Section 106 Agreement and conditions contained in Appendix 1 to Document "B" and to the following amendments:**

- (i) Condition 1. The development hereby approved shall only be carried out in accordance with following plans P18:5194 V; P18:5194:05; P18:5194:10-35 inc. P18:5194:37-39 inc. 5865.02E; 5865.03E; 5865.04 E; 5865.05E.**

**Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.**

- (ii) Condition 6. Prior to the commencement of development a phasing plan shall be submitted to and approved in writing by the LPA. The phasing plan shall set out the phasing of the approved development, including the means of vehicular and pedestrian access and the constructional specification for each phase of approved development. The approved development to be carried out in accordance with the phasing plan.**

**Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.**

- (2) That an additional condition be imposed to state that notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the integral garages within the dwelling(s) hereby permitted shall remain available for the purposes of garaging and no subsequent alterations to convert these garages to primary residential accommodation addition shall be carried out without the express written permission of the Local Planning Authority.

**Reason:** To ensure these facilities remain for parking purposes, in the interests of amenity and highway safety and to accord with Policies TR2, DS4 and DS5 of the Core Strategy Development Plan Document.

***ACTION:*** Assistant Director, Planning, Transportation & Highways

**7. FORMER SITE OF STATION SAWMILL STATION ROAD DENHOLME  
BRADFORD WEST YORKSHIRE BD13 4BS**

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “C”**) which set out a full application for the construction of 72 residential dwellings and associated site access at the former site of the Station Sawmill, Station Road, Denholme. He shared slides of the site plan which showed an upgrade of Station Road to an adoptable standard and shared photographs of the site, showing the present standard of the road. Plans of the proposed development were also shared and it was highlighted that the Great Northern Railway Trail ran along one side of the site. A variety of house style was proposed and it was noted that a nearby war memorial would suffer no adverse effect as a result of this proposal due to the intervening topography. The biodiversity and landscaping of the proposal had also been assessed.

Members were advised that a number of objections had been received from local residents and the basis of those objections were explained. In response to those objections, it was explained that the number of houses proposed was welcome, especially the 72 affordable homes. Members were also advised that the plans had been revised a number of times in order to address concerns and that, on balance, the Assistant Director considered that the benefits of the proposed development offset the element of some sub-standard design to the layout of the development and the application was, therefore, recommended for approval.

A member queried whether the site could revert to its former use if these properties were not built and was advised that this could be the case.

Another member queried whether this site would potentially compromise any future plans for a bypass in the Denholme area as this possibility had previously been considered by WYCA but was informed that it had not been raised as a concern during consultation. He also asked whether any improvements to the nearby junction would be made as he considered it to be dangerous. He was advised that there was a proposal in place to increase traffic calming and to change the priorities at the junction, which should be helpful. He was also shown where vehicle barriers would be sited.

The vice-chair of the Great Northern Railway Trail Committee joined the meeting and expressed his concerns about the application, explaining that it had previously been the intention to keep the trail completely separate from this development but that, this application included a section which he considered to be unsafe as the trail would share access with the development. He also considered that the high wooden fence being proposed would mean users of the trail would feel enclosed and would encourage anti-social behaviour on the trail. He concluded by stating that the current design presented went against the ethos of the trail.

In response, the Assistant Director explained that there had been a number of revisions to the scheme and that this final version brought the trail onto the southern edge of the development, with the pathway being no less than three metres wide at any point and going up to five or six metres wide at some points. He accepted that this was slightly sub-standard in one corner of the development but had taken the view the shared surface would differentiate that part of the trail from other areas and would highlight that it was a multi use area. A balanced view had been taken to prevent the possible removal of three properties from the development.

A representative of the applicant joined the meeting and spoke in support of the application, stressing that it utilised a brownfield site and that fewer homes were being proposed than on previous applications. He stated that the total number of houses now being proposed was necessary to ensure the viability of the development. He also noted that the previous use of Station Road by HGV vehicles would cease and that there was capacity in local schools and GP practices. The site was identified for connectivity with the Great Northern Railway Trail and the section of the trail which joined the highway would only serve six of the properties. He concluded by stressing that this scheme provided high quality affordable homes for local people.

A member commented that he was pleased that the surface to Station Road was to be improved.

**Resolved –**

**That the application be approved subject to the completion of the Section 106 Agreement and conditions contained in Appendix 1 to Document “C” and subject to the amendment of condition 1 to state P3 and P4.**

***ACTION: Assistant Director, Planning, Transportation & Highways***

**8. STATION YARD STATION ROAD CULLINGWORTH BRADFORD WEST YORKSHIRE BD13 5HP**

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “D”**) which set out a full application for the construction of a combine heat and power gas generator on land to the west of Turf Lane adjacent to HCF Poultry Ltd., Cullingworth. The application site was located in the Green Belt.

Members were shown plans of the site and photographs of the locality. The

retention of a tree on the verge was highlighted and plans of the development were shared. Three potential sites for the generator had been ruled out and the only reasonable location was the one presented in this report, which was in the Green Belt. The size and height of the generator was explained as were the very special circumstances which justified development at this location. This was that the proposal would mean an increased electrical supply to the site to prevent power outages and to allow for an on-site animal by-product plant to go ahead which in turn would obviate the need for the by-product to be taken off site for processing and would reduce vehicle movement off-site. It was highlighted that a proposed additional condition meant that the gas generator could not be installed without a noise survey having been carried out. The applicant had agreed to this as an additional condition.

A member queried whether the necessary cabling would run underground and was advised that it would do so. He also asked if the necessary power could be provided by use of a diesel generator and was advised that the operator already used one but that it could not provide the capacity required and that the use of diesel was not encouraged.

A parish councillor had joined the meeting and spoke in objection to the application, stressing the strength of feeling locally and that he had never before considered it necessary to speak at a meeting of this Committee but did so now. He highlighted that development of the Green Belt should be a last resort and that the necessary very special circumstances had not been met in respect of this development, in his opinion. The requirement for a gas generator was the reason for this application but if the applicant used mains electricity the only requirement would be for cabling. As such he asked that the application be refused.

Members were advised that the necessary cabling for such a connection would be so substantial that it would be an unreasonable requirement.

The agent for the applicant then spoke in support of the application, stressing that the proposal included improved landscaping and would result in much reduced lorry movement on the road to the site. There would be no odour as natural gas would be used and noise would be limited as the proposed equipment came with silencers. A noise impact study had been requested and had been agreed by the applicant. It was unrealistic for the applicant to relocate the business and the application represented a significant investment in the business. The issue of electrical capacity had become critical and there was no room to expand the site; the use of gas would eliminate the need to use diesel and made for a plan which was sustainable and lowered the carbon footprint of the business. All the proposed conditions had been agreed by the applicant and the proposal supported the local economy and created jobs. As such, he requested approval of the application.

A member queried whether there was an LPG tank adjacent to the application site and was advised that it was a CO<sub>2</sub> tank that was used solely in the slaughter process and not for energy production. He was also advised that there was no existing concrete pad to utilise and that it was not practicable to require 2.5km of cabling and a 36 month construction process to join the mains electric network.

Members discussed in some detail the previous planning application for a private

road which had been approved in 2015 and for which negotiations were underway to join that road to the public highway. They were advised that it was the clear intention of the business to complete this process. Members were advised that the completion of the road would reduce local lorry movements through the village and have a big impact on the area, however the Section 278 agreement currently in the process of being completed was not linked to this application.

A member commented that, in considering applications such as this, a balanced view must be taken and considered that it was not reasonable to require the cabling necessary to join up to mains electric. The Chair concurred with that view and stressed the benefit, in his view, of the completion of the Section 278 agreement in the respect of the new road to both the business and the surrounding community.

#### **Resolved –**

- (1) That the application be approved subject to the conditions contained in Appendix 1 to Document “D” and the additional amendment to those conditions set out below.**
- (2) That a new condition 1 be imposed to read “The CHP gas generator shall not be installed until a detailed noise impact assessment has been carried out to determine the impact of the equipment on the nearest noise sensitive premises on Turf Lane and Station Road and a scheme for acoustic insulation to address any necessary impacts identified by that assessment has been submitted to and approved in writing by the Local Planning Authority.**

**The scheme of acoustic insulation shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings.**

**All works which form part of the acoustic insulation scheme so approved shall be completed in accordance with the approved details prior to the CHP gas generator becoming operational and the measures comprised in the scheme shall be retained thereafter”.**

**Reason: To minimise the impact of noise emitted from buildings on neighbouring noise sensitive locations and to accord with Policies EN8 and DS5 of the Core Strategy Development Plan Document.”**

- (3) That the subsequent conditions be renumbered accordingly.**

*Note: in passing the above resolution, Members concurred that they would wish to see the Section 278 agreement in respect of the access road completed as soon as possible, in order to support both the applicant’s business and the local environment.*

**ACTION: Assistant Director, Planning, Transportation & Highways**

#### **9. 4 MARGERISON CRESCENT ILKLEY WEST YORKSHIRE LS29 8QZ**

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “E”**) which set out a householder planning application for the construction of single and two-storey extensions on the rear elevation of 4 Margerison Crescent Ilkley, plus a dormer window on the front elevation.

Members were shown slides of the site, photographs of the properties in the cul-de-sac and were advised that the plans now included two parking spaces, whereas the original property had been built without the benefit of off-road parking. The proposed extension was considered to fit neatly onto the plot, leaving plenty of garden space. Objections to the application had been received, including to the proposed front dormer, however it fell within the terms of the guidelines and was well balanced. Members were advised that it was 23m to the next nearest property and that it was a very conventional house extension. They were also advised that it was recommended for approval.

In response to questions, they were advised that there were at least two other dormer windows within 500m and that the applicant had also applied for a dropped kerb.

A ward councillor joined the meeting to represent the concerns of local residents about road safety and parking and asked if it was possible to move the proposed parking. She also noted that the street sloped steeply so the front dormer would look into the bedroom opposite. In response, she was advised that the proposed parking was 13.5m from the corner and was considered appropriate. On the issue of the dormer, she was advised that it was across the public highway and 23m from the property opposite and that this was further than the maximum distance which would be used to refuse such an application. The applicant had responded positively to neighbour concerns by reducing the size of the proposed dormer.

The agent for the applicant did not join the meeting but had submitted a representation in writing of which members had had sight.

**Resolved –**

**That the application be approved subject to the conditions contained in Appendix 1 to Document “E”.**

***ACTION: Assistant Director, Planning, Transportation & Highways***

**10. 144 POPLAR GROVE BRADFORD WEST YORKSHIRE BD7 4JT**

The Assistant Director (Planning, Transportation & Highways) advised that the application set out in **Document “G”** for the demolition of the bungalow presently on site and its replacement with a two storey detached dwelling with off street parking to the front at 144 Poplar Grove, Bradford had been withdrawn by the applicant.

**Resolved –**

**That the withdrawal of the application set out in Document “G” be noted.**

**11. LAND AT SPRING GARDENS LANE, KEIGHLEY**

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “F”**) which set out a full planning application for the construction of one detached house with associated private driveway and alterations to the access at land at Spring Gardens Lane, Keighley.

Members were advised that the site was steeply sloping, had a number of mature trees and constituted urban green space. The previous history of planning applications on the site was explained, including that two previous approvals had been granted but only one had been carried out. This application was for one substantial dwelling, images of which were shown to members. The application was recommended for refusal for the reasons set out in Document “F”.

The agent for the application joined the meeting and asked that its consideration be deferred until such time as a site visit could be made. He stated that the effect of this proposal on the tree line was the same or less than that of the previously approved application and that the site was adjacent to a conservation area not within it so there would be no visual harm to it. The scale and massing of the new proposal was less than that of the previous one and he considered the impact on the green open space to be minimal.

In response to a question from the Chair, it was explained that the application had not been deferred as it was not possible to allow applications to go unconsidered during the COVID19 emergency. This Committee had full authority to deal with all applications and it was not necessary to wait until the planning panel met. It was also noted that the Committee comprised members from across the whole District and that members often undertook to visit locations individually as part of their preparation for meetings such as this.

Members were advised that the site did adjoin a conservation area and that the effect on that area must be considered. A strong objection had been made by the conservation officer and the Council’s tree protection officer considered that it would be difficult to protect the mature trees on site during construction of the proposed dwelling.

Members commented that they found the application difficult to determine as a result of the issues being described and it was therefore:-

**Resolved –**

**That consideration of the application set out in Document “F” be deferred for a period of three months, or the nearest appropriate meeting to that, to permit the Assistant Director, Planning, Transportation and Highways to obtain an up to date report in respect of the trees on the site and a revision of the design of the proposed property in the context of its setting .**

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

**12. HOLMEWOOD SOCIAL CLUB BROADSTONE WAY BRADFORD WEST YORKSHIRE BD4 9DY**

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “H”**) which set out a full application (19/05300/FUL) for the demolition of the Holmewood Social Club and construction of a single storey food convenience store and 3 retail units at Broadstone Way, Bradford, West Yorkshire, BD4 9DY.

Members were shown plans of the site and photographs of the area. They were advised that the units were not fit for purpose and were shown a proposed site plan and plans of the new units. They were also advised that additional representations had been recently received stating that the application would mean the loss of a community facility and that the site was within a local centre.

Guidance on both issues was given and it was noted that the retail centre was smaller than the social club and that officers were satisfied that it would not adversely affect the local centre. The club was not an asset of community value as there were other opportunities to meet the day to day needs of the local community. An objection had also been submitted on the grounds of highway safety but highways officers had been satisfied with the application.

Extracts from the Holme Wood and Tong Neighbourhood Development Plan (NDP) which mentioned the site being a visual detractor and key development opportunity and which also promoted the local centre as the location for a small convenience supermarket were also referred to..

In response to a question from the Chair, it was advised that the social club was believed to be still operational but that the large concert room within it had not been used for many years.

Another members queried the description of other local stores and advised that there were a number in the vicinity. He also asked about a covenant in respect of this site and was advised that it was not a material planning consideration.

The possibility of this site becoming an asset of community value was also discussed and members were advised that it would not be appropriate to permit a deferment to allow such a process as all applications must be dealt with on their own merits. It was also important to differentiate between the Council's two capacities as landowner and planning authority in this instance.

A ward councillor had indicated that she wished to speak on this item but was unable to connect to the meeting at this point. The governance officer in attendance read out her previously provided written comments.

A representative for this application joined the meeting and spoke in its support. He advised that the scheme was intended to go some way to improve the well being for residents of Holmewood and that there was already agreement in place for the end user of the proposed store.

Members discussed the application further, having concerns about the possibility of a covenant but accepting that there was a duty to consider the application before them. They sympathised with the community but could not conclude that there was any relevant consideration on which to refuse the application.

***Note: the decision in respect of the application set out in Document “H” was subject to further legal advice after the meeting and could not therefore be published.***

***ACTION: City Solicitor***

**13. KNOWLE FARM KNOWLE LANE WYKE BRADFORD WEST YORKSHIRE  
BD12 9BG**

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “I”**) which set out a full planning application (20/00613/FUL) seeking planning permission to convert an existing retrospective building to stables at Knowle Farm, Knowle Lane, Wyke.

Images of the site were presented and it was stressed that the building would be used for stabling only. The site would also include a turning area.

A recent representation from a ward councillor had been received and was read out at the meeting.

Members were reminded that the building was adjacent to a public right of way and that there was a condition recommended to prevent its future conversion to a habitable dwelling.

**Resolved –**

**That the application be approved subject to the conditions contained in Appendix 1 to Document “I”.**

(Mohammed Yousuf - 01274 433950)

**14. HOLME MILLS HOLME MILL LANE KEIGHLEY WEST YORKSHIRE BD22  
6BN - APPEAL DECISION AND AWARD OF COSTS**

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “J”**) which set out a appeal decision and award of costs in respect of Holme Mills, Holme Mill Lane, Keighley.

Members were advised that costs had been awarded as a number of the reasons which had been given for refusal of the application had proven to be not defensible. They were also reminded that the Council did not have a budget for appeals costs.

**Resolved –**

**That the content of the report including the decisions made by the Secretary of State be noted.**

***ACTION: No Action***

**15. MISCELLANEOUS ITEMS**

Members were asked to note the decisions made by the Secretary of State as set out in **Document “K”**.

**Resolved –**

**That the decisions made by the Secretary of State as set out in Document “K” be noted.**

***ACTION: No Action***

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