

Minutes of a meeting of the Regulatory and Appeals Committee held remotely on Thursday, 20 August 2020

Commenced 10.05 am
Concluded 3.15 pm

Present – Councillors

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

Councillor Warburton in the Chair

Apologies: Councillor Amran

Observer: Councillor Poulsen (Minutes 27 and 28)

23. DISCLOSURES OF INTEREST

In the interest of transparency the following declarations were made:

- (i) Councillors Brown (Item 7, Minute 28), Ellis (Items, 6, 7 and 9 – Minutes 27, 28 and 30), Wainwright (Items 6 & 9 – Minutes 27 & 30) and Warburton (Items 7, 9 & 10 – Minutes 27, 30 & 31) declared an interest on these items, as they were Members of this Committee when they determined the previous applications on the respective sites, however they stated that they would consider these applications afresh.
- (ii) Councillor Brown also stated that in relation to the Bridgehouse Mill application (Minute 28) that he had done some work to support manufacturing and conservation in the area, including this site.
- (iii) Councillor Ellis also disclosed that he was a member of a number of professional drainage bodies. He also stated that he was a member of the West Yorkshire Combined Authority Transport Committee.

ACTION: City Solicitor

24. MINUTES

Resolved –

That the minutes of the meeting held on 25 June 2020 be signed as a correct record.

25. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no declarations of interest in matters under consideration.

26. MEMBERSHIP OF SUB-COMMITTEES

There were no changes to Membership of Sub-Committees.

27. PLANNING APPLICATION AND LISTED BUILDING CONSENT APPLICATION AT EBOR MILLS, EBOR LANE, HAWORTH, KEIGHLEY

The Committee was asked to consider a full planning application for the conversion and refurbishment of Grade II listed Ebor Mills into 14 dwellings, construction of 24 new dwellings within the curtilage of the site, landscaping, biodiversity and environmental enhancements, highway and footway improvements to Ebor Lane and demolition of the weaving sheds and partial demolition and reconstruction of the boiler house

The Committee was also asked to consider a listed building consent application for the conversion and refurbishment of Ebor Mills into 14 dwellings, construction of 24 new dwellings within the curtilage of the site and landscaping works within the curtilage of the Grade II listed heritage assets.

A full assessment of the applications against all relevant planning policies and material planning considerations was included at Appendix 1 to **Document “P”**.

The Assistant Director gave a detailed overview of the planning application, showing plans, photographs of the proposed site, layout and house types. He also updated Members on five additional representations that had been received, citing noise from the construction, dust, Haworth unable to cope with additional development, flooding, loss of green space/wildlife, the capacity of the sewerage system and that electricity charging points would not be provided to the existing cottages, as part of the proposal to provide them with offsite parking spaces.

He added that given the narrowness of the existing footway, the S106 would also include the widening of the footway. The Environment Agency had not raised any concerns around flooding and the Council’s drainage and Highways Sections were also happy with the proposals. Subject to the deletion of Condition 8 the application was recommended for approval.

A Member stated that given the constraints on the existing highway network, what would be the impact of construction traffic and how would the car park be surfaced to deal with water drainage. In response the Assistant Director stated that the application site was in a lower flood zone, although in proximity to the river, the lower part of the spinning mill area and buildings in this vicinity had been assessed in terms of flood risk and the proposal was to install a barrier as an additional measure, so that water was unable to enter any part of the site. In addition no concerns regarding flooding had been expressed in terms of the car parking area. In terms of vehicle movement, the Highways Engineer stated that a traffic assessment had been carried out and given that there already had been HGV movement entering and exiting the site associated with its past industrial use, he did not envisage construction traffic would cause additional issues. He added that in his opinion the visibility splays were acceptable and he envisaged that there would be around 17 vehicle movements per hour post completion and this again would not cause any undue pressures on the highway network.

A Member raised concerns that the Environment Agency had asked for a flood evacuation plan and how this would affect home insurance policies; in addition he ascertained what the arrangements were in relation to the maintenance of the green belt, the mill chimney and the car parking area. In response the Assistant Director stated that landscaping details would have to be submitted and that the applicant would be able to address the specific issues regarding maintenance arrangements on the site during their submission.

In relation to the Environment Agency comments regarding a flood evacuation plan, the Assistant Director stated that this was a “belt and braces” stipulation for an extreme flooding event, but no flooding concerns had been raised on this site per se.

A Haworth Ward Councillor was present at the meeting and stated that this was a complicated application and difficult for a lay person to navigate, as many documents had been superseded by new ones. Initially Ward Councillors had not been consulted by the applicant as part of the public consultation process. Although the principle of development had been established on the site, access onto the site was an issue and where pavement widening was being proposed, she questioned how this would be achieved given the already existing constraints. She suggested that a traffic management plan needed to be imposed in terms of the route that construction traffic would follow, including conditioning the use of a banksman. She added that traffic noise, dust emanating from the construction affecting the cottages was an issue and that the parking for the cottages should be done as a priority, as well as a maintenance plan for the nature reserve.

In response to the issues raised by the Ward Councillor, the Highways Engineer stated that if Members felt it was appropriate, additional highway matters could be added to the traffic management plan. In respect of the widening of the footway there was enough scope to do that within the current arrangements without affecting the width of the road.

The Chair of the Haworth, Stanbury and Cross Roads Parish Council was present at the meeting and stated that the application had been changed over time and that he was unaware of many of the changes proposed on terms of layout of the site. He added that traffic would increase significantly as a result of the

development; that given the road would not be adopted post development, parking issues would ensue on and off the site, in addition to the inadequate number of visitor parking spaces being envisaged. Concerns around flooding were also expressed and that the Environment Agency was not fully aware of all the issues, with the beck being a particular area of concern. He also cited the detriment the new development would have in terms of its impact on the heritage and conservation aspects of this area, and that it would detract from the openness of the area, as well as impacting on the historic Haworth railway line.

In response to the issues raised by the Parish Council, the Assistant Director stressed that in terms of flooding, a full modelling had been undertaken and that given the comments from the Environment Agency, he was satisfied in this regard. In relation to the openness of the site, again this would be maintained, in particular with the proposal to demolish some of the smaller outbuildings and the creation of a parking area, adding that the Conservation Officer had expressed no adverse comments on the application.

In terms of the issues raised regarding the highway arrangements, the Highways Engineer explained that the on-site parking arrangements were considered acceptable and that although the road on site would remain unadopted, it would be constructed to adoptable standards, and that it would then be up to the developer to maintain the road going forward.

The applicant was also present at the meeting and stated that the housing being proposed on this site would be of a high build quality in line with the ethos of the company. That the site had been acquired in 2018 and much work had been undertaken to ensure that a sympathetic, high quality build, in keeping to its location was enacted. The proposals had been widely consulted on, on what is a challenging site, however it was felt that all the issues pertaining to the site had been resolved.

In response to questions to the applicant regarding parking arrangements for the cottages and the maintenance arrangements pertaining to the mill chimney and the wildlife area, it was stated that the parking allocated for the cottages would be a permanent arrangement and would be available during the construction phase. That although the wildlife area was in the ownership of the applicant, use of this area would not be prohibited and that they would welcome suggestions from local groups as to how this can be maintained going forward. In respect of the mill chimney, a full structural survey would be undertaken and any future maintenance would be passed onto the management company. It was also stressed that given the site was in flood zone 1, it would not create any barriers to anyone obtaining a mortgage.

During the discussion Members expressed broad support for the proposals, however concerns were aired around the suggestion by the Environment Agency to have a flood evacuation plan, given the site was in flood zone 1, and it was suggested that this condition should be deleted. In addition it was suggested that a dilapidation survey should also be undertaken to gauge the condition of the existing highway network prior to construction, and make good any damage to the highway, post development, and it was therefore:

Resolved –

- (1) That the Committee be minded to grant planning permission subject to a S106 Agreement and with conditions as listed in Document "P", together with an additional condition relating to a dilapidation survey and the deletion of Condition 8 as set out below, and that the Assistant Director Planning Transportation & Highways be authorised to exercise delegated powers to issue the grant of permission on completion of the said S106 Agreement.

(i) Dilapidation Survey Condition

Before development works begin a survey shall be sent to the Local Planning Authority detailing the existing condition of the public highway known as Ebor Lane for the full length from the junction with Lees Lane to the junction with Mytholmes Lane. The survey shall act as a means of recording the existing condition of the public highway and shall include all kerbs, footways and all areas of carriageway.

On completion of the development a further condition survey shall be carried out and submitted to and approved in writing by the Local Planning Authority for the exact same stretch of public highway as set out above. The survey shall detail any damage to the public highway (dilapidation) and it shall identify a detailed specification of all works necessary to repair the condition of the highway to at least the same condition as identified in the pre-development survey set out above. All works identified in the dilapidation survey shall be completed within 6 months of the sale of the last dwelling unit on the development.

Reason: To ensure that any damage carried out to the public highway caused by construction traffic is made good in the interests of highway safety and to accord with Paragraph 108 of the National Planning Policy Framework.

(ii) Condition 8 be deleted:

~~8. Flood Warning and Evacuation Plan (LLFA) The development shall not be brought into use until an emergency access and egress plan has been submitted to and approved in writing by the Lead Local Flood Authority. The approved Plan shall be implemented and maintained for the life-time of the development. Reason: In the interests of the amenity of future occupiers and for the effective management of flood risk in accordance with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.~~

- (2) That the Committee be minded to grant listed building consent with conditions as listed in Document "P" and that the Assistant Director Planning Transportation and Highways be authorised to exercise delegated powers to issue the grant of consent.

ACTION: Assistant Director Transportation Design and Planning

LANE, HAWORTH, KEIGHLEY, BD22 8PA

The Assistant Director, Planning, Transportation and Highways presented a report (**Document “Q”**) which set out a full application for the conversion of a former industrial mill to develop 23 residential apartments and associated car parking and open space at Bridgehouse Mills, Bridgehouse Lane, Haworth, Keighley, BD22 8PA (20/00137/MAF).

The Assistant Director gave a detailed overview of the planning application, showing plans, photographs of the proposed site, layout and house types. He also updated Members on the additional representations that had been received regarding the watercourse and works to the walling, stating that all these works had now been completed as part of the existing planning condition on the site. In relation to the noise attenuation measures, it was being proposed that a full independent verification is undertaken post development to ensure that the standards are met.

In relation to a question regarding adoption of the highway, it was confirmed that the full length of the road would be adopted.

In response to a question regarding parking arrangements and the manoeuvring of service vehicles serving the existing industrial unit on the site, it was stressed that as part of the planning approval, the extent of the turning and manoeuvring area would be fully stipulated.

A Ward Councillor was present at the meeting and stated that highway safety was the key issue facing this site and she could foresee a conflict between the new housing and the existing industrial use operating on this site. Additional issues regarding bike and bin storage were also raised.

The Highways Engineer confirmed that residential parking would be segregated from the existing service area which serves the existing industrial unit, and that it would be up to the owner to manage and police this area accordingly.

A Parish Councillor was also present at the meeting and stated that the Parish Council had objected to the proposals on the grounds that the accommodation should be stipulated for the over 55's, as there was real demand in the area for this type of accommodation, otherwise there was a danger that many of the properties would become buy to let and this in turn would create a transient community. In addition noise emanating from the existing factory would create a noise nuisance for the residents occupying the new properties.

A representative from the existing factory operating on the site was present and stated that he had grave reservations about the highway safety and noise, as well concerns around the phasing of the development. He stated that HGV movements could overrun the footway, given they needed to make multiple manoeuvres and therefore there was little margin for error. In addition the HGV movements would create a conflict with the residential parking arrangements on the site. That the factory operated day and night and had been on this site for over 200 years and arrangements to move operations to a new unit had not come to fruition, and hence the current location and operation would create a real conflict, and he urged refusal or deferment to allow these issues to be resolved.

The Assistant Director stressed that the issues between the owner of the existing factory and the applicant were outside the remit of this planning application, however there would be a clear demarcation between the residential parking and the service area and that it would be up to the owners of the factory to effectively manage the service area.

The applicant's agent was also present at the moment and stated that the extant permissions were detailed in the report, and much of the approved development had been implemented. The listed application building has been fully restored following a fire.

That apartments in the application building were part of the approved scheme that included the listed building occupied by Wyedean Weaving who were to relocate. That relocation would now not happen so the planning context for the application building had changed.

Although a residential use of this building had been established, this new application for 23 apartments has attracted objections which in the context of the report should be addressed.

The report details the viability study that had been lodged and vetted by the Council's consultant's whose conclusions are set out on page 40. Parking restrictions being were proposed and conditions 3 and 14 were specific safeguards for the issues raised. Thirty car park spaces have been provided including six for visitors. EV charging points will also be provided.

Haworth Cross Roads & Stanbury Parish Council had raised a number of issues including occupancy of the proposed apartments will not be restricted to over 55's. That is correct, because at the time the Wyedean building was included together with a large extension. That is no longer the case, and it is not viable to confine marketing to over 55's and moreover there are no national nor local planning policies that restrict occupancy to age.

The Parish Council believe that parking restrictions will be required and that is what the package of measures proposed by the application includes together with segregated parking.

Noise disturbance from machinery operated by Wyedean is raised as an issue and the Parish Council suggest correctly should be addressed by the applicant. That is precisely why the applicant commissioned a survey by acoustic consultants, and agrees with safeguarding condition 3.

Wyedean Weaving engaged consultants who made initial representations on 27th April in respect of three specific areas.

Highway matters are detailed on page 13. By way of a response the applicant commissioned traffic consultants Sandersons and their report has been lodged together with the drawings listed at the top of page 44. To accommodate the requirement of Wyedean for access, loading and unloading, the layout was

completely revised. The guarantee of unfettered access which Wyedean need, is underpinned by the TRO that the applicant's consultant's recommended, and will be put in place by compliance with condition 14.

In response to concerns raised by Wyedean that their ability operate machinery could be impacted, the applicant's engaged acoustic consultants to prepare a report. It has been lodged and considered by the Council's Environmental Health officers who recommend a condition to secure the mitigation suggested in the report. This is condition 3.

In respect of the viability appraisal and the overall scheme viability, much of this relates to the original application. This is a new freestanding application for which a new viability study has been lodged. It has been vetted by the Council's consultant's whose conclusions are set out on page 40.

The application has been extensively amended to take account of a new relationships between the occupied apartments and a long established specialist manufacturer. A comprehensive response has been made by the applicant to legitimate concerns raised by Wyedean the PC and a Local Councillor.

All the conditions are agreed. Specific attention is drawn to condition 3 which requires noise mitigation measures to be installed and then a verified, before any occupation. Similarly condition 14 precludes any occupation until a TRO is in place.

These two conditions are recommended by officers to ensure that Wyedean Weaving and its new residential neighbours can exist side by side with neither causing any detriment to the other.

Accordingly with safeguards in place, as recommended, permission can be granted thereby allowing a listed, and restored, building to be brought back into beneficial use.

During the discussion a Member stated that vibration/noise could remain an issue post completion. The Chair stated that the control of vibration should be added as a condition, and on balance Members were happy with the proposals and it was therefore:

Resolved –

That the application be approved subject to the conditions contained within Document "Q", and also subject to the following amendments to and additional conditions as set out:

- (i) Condition 2: Amend approved plans condition:
(CHANGES IN RED)**

2. Approved plans

The development hereby approved shall only be carried out in accordance with the following plans:

- Site plan: 3901-002 EX10 Rev S dated 01/06/2020 Page 117 44
- Site layout plans and highways plans with tracking: 11424/001A and 11424/002 (both dated 11.5.2020)
- Floor Plans: 3901-009 PL46 Rev K, 3901-009 PL47 Rev G, 3901-009 PL48 Rev K, 3901-009 PL49 Rev K (all dated 20/12/2019)
- Landscaping: GL0519 03L (REV L) dated 18/8/2020

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

(ii) Additional Condition:

Vibration Attenuation Measures, Continued Monitoring and Verification

In the case of all residential units which share a party wall with the adjoining commercial premises (Wyedean Weaving) satisfactory vibration prevention measures shall be installed and thereafter retained at all times.

On completion of all works of vibration prevention measures as set out above and before first occupancy any of the residential units which share a party wall with the adjoining commercial premises (Wyedean Weaving) a 'Verification of Installation of Satisfactory Vibration Prevention Measures Report' shall be submitted to and approved in writing by the Local Planning Authority. The 'Verification of Installation of Satisfactory Vibration Prevention Measures' shall include the following:

1. The findings of continued post-installation vibration monitoring which shall have been undertaken for a continuous period of not less than 3 calendar months.
2. Verification by a suitably qualified consultant that the vibration prevention measures installed met the objectives to prevent any vibrations emitted from the adjacent commercial premises being transmitted to the adjoining residential units thereby providing satisfactory living conditions for residents who will occupy the residential units.

Reason: To ensure that the proposed residential dwellings are not subject to unacceptable nuisance by reason of vibration from the adjacent premises, in accordance with policy EN8 of the Core Strategy.

(ii) Condition 7 (AMENDS IN RED)

7. Landscaping scheme for sitting out space

Within 12 months of the first occupation of any dwelling unit the approved landscaping scheme shown on plan reference GL0519 03L (REV L) dated 18/8/2020 shall be fully implemented.

Any trees or plants comprising the approved landscaping becoming diseased or dying or which are removed or damaged within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree or planting of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Local Plan Core Strategy.

ACTION: Assistant Director Transportation Design and Planning

29. OUTLINE PLANNING APPLICATION - PARRY LANE, BRADFORD

The Assistant Director, Planning Transportation and Highways presented a report (**Document “R”**) which set out a outline planning application for development of land for mixed use business and industrial units (B1, B2, and, B8) (site area of 4.9ha) with associated parking and servicing space; two primary access points to the site from Parry Lane and Sticker Lane and two secondary access points to the site off Parry Lane, requesting consideration of access on land at Parry Lane, Bradford.

The Assistant Director gave a detailed overview of the planning application, showing plans and photographs of the proposed site.

The Chair ascertained if the local rugby club had been consulted regarding the new junction onto the site. In response it was stated that the rugby club had been consulted but that they had not submitted any comments on the application.

Resolved –

That the application be approved, subject to the conditions set out in Appendix 1 to Document “R”

ACTION: Assistant Director Transportation Design and Planning

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30. RESERVED MATTERS APPLICATION - RIVERSIDE WORKS, KEIGHLEY ROAD, SILSDEN

The Committee was asked to consider a Reserved Matters application for 156 dwellings requesting consideration appearance, landscaping, layout and scale (pursuant to outline approval 16/03804/MAO), on land at the former Riverside Works, Keighley Road, Silsden, BD200EH as set out in **Document “S”**.

The Assistant Director gave a detailed overview of the planning application, showing plans, photographs of the proposed site, layout and house types. He

also updated Members on the revised plans that had been submitted by the applicant. That the scheme was for 100% affordable housing and that the proposals were acceptable on highway grounds.

He alluded to a number of additional objections that had been received , but these principally related to flooding and highways issues which had already been addressed at the outline stage. Additional issues raised regarding Japanese knotweed and landscaping would be covered by way of condition. An issue had also been raised regarding the bee orchid, however this was not addressed by this development. Finally it was stated that no CIL payments would be payable on this site, given that the development would be for 100% affordable housing.

In response to a question regarding 20mph zones, the Highways Engineer explained that three chicanes were being proposed that would design out any potential for speeding.

An objector was present at the meeting and raised concerns around the drainage and possible damage to a boundary wall. In response the Assistant Director stated that a reassurance would be obtained from the developer / Councils drainage section on both these issues, prior to construction.

During the discussion Members expressed broad support for the proposal, and it was therefore:

Resolved –

That the reserved matters application be approved. In addition, the Assistant Director of Planning, Transportation and Highways be authorised to agree to the variation of an existing S106 Agreement to secure on-site affordable housing provision rather than a commuted sum of £348,439, and subject to the following additions and amendments:

- (i) ADDITIONAL PLAN WITH HIGHWAY CHANGES : 3LG1-MHA-FS-XX-DR-A-SK105 Rev P9**
- (ii) Amend the following conditions (TO LINK TO PHASING OF THE DEVELOPMENT)**

Condition 7-Biodiveristy Mitigation Implementation (amended wording):

The biodiversity enhancement measures detailed in the submitted Biodiversity Management Plan by Brooks Ecological (reference R-4024-01) dated 14.11.2019 shall be implemented in full in accordance with a timescale to be first agreed in writing by the Local Planning Authority. The measures shall thereafter be retained in accordance with the approved plan.

Reason: To ensure that the development would contribute positively towards the overall enhancement of the District's biodiversity resource in accordance with policy EN2 of the Core Strategy

Condition 9- Vehicular and Pedestrian Access (amended wording)

Before each phase of development is occupied, the proposed means of vehicular and pedestrian access hereby approved for that particular phase shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered and completed to a specification approved in writing by the Local Planning Authority.

Reason: To ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework

Condition 10- Turning Areas Provision (amended wording)

Before each phase of development is occupied the vehicle turning area for that particular phase shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered and retained whilst ever the development is in use.

Reason: To ensure that adequate turning facilities are made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Condition 11- Footpath Provision (Amended Wording)

Before each phase of development is occupied is, the footway for that particular phase hereby approved shall be laid out in accordance with details shown on the approved drawings and street lighting installed to a specification to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

(iii) Delete Condition (duplicated on outline consent)

Condition 13- Tree Protection Measures (Condition to be removed)

Condition to be deleted. Not necessary as condition 29 of the outline approval already requires the submission and approval of tree protection details.

~~13. Tree Protection Measures~~

~~The development shall not begin until tree protection fencing and other tree~~

~~protection measures have been installed around trees to be retained on or adjoining the site. These measures shall be in strict accordance with an Arboricultural Method Statement or Tree Protection Plan prepared in accordance with recommendations in BS5837:2012, details of which shall be submitted to and approved in writing by the Local Planning Authority before any demolition, site preparation or ground works are begun, and before any materials or machinery are brought on to the site. Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.~~

ACTION: Assistant Director Transportation Design and Planning

31. RESERVED MATTERS APPLICATION - MILL CARR HILL ROAD, OAKENSHAW, BRADFORD

The Committee was asked to consider a reserved matters application requesting consideration of access, appearance, landscaping, layout and scale of school car park (pursuant to outline approval (16/06146/MAO) on land South of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw as set out in **Document "T"**.

The Assistant Director updated Members on a late objection that had been received regarding flooding issues on the site. In light of this, the applicant had requested that the application be deferred, in order to assess and respond to the points raised by the objection, and it was therefore:

Resolved –

That consideration of this application be deferred to the 17 September meeting of this Committee, to enable the applicant to respond to the late objection received in respect of flooding issues on the site.

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.