

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 17 September 2020 in

Commenced 10.00 am
Concluded 2.30 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP	GREEN	THE INDEPENDENTS	INDEPENDENT	THE QUEENS BURY WARD INDEPENDENTS	BRADFORD INDEPENDENT GROUP	BINGLEY INDEPENDENT
Warburton Wainwright Amran Watson	Ali Brown	Reid						

VOTING CO-OPTED MEMBERS:

NON VOTING CO-OPTED MEMBERS

Observers:

Apologies:

Councillor Warburton in the Chair

42. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

43. MINUTES

Resolved –

That the minutes of the meeting held on 16 July 2020 be signed as a correct record.

44. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted to review restricted documents.

45. MEMBERSHIP OF SUB-COMMITTEES

Resolved –

That the following Membership changes be approved:

Miscellaneous Licenses Panel:

That Councillor Paul Godwin replaces Councillor Michelle Swallow as a full member.

That Councillor Zafar Iqbal replaces Councillor Paul Godwin as the alternate member.

Education Appeals Panel:

That Councillor Sinead Engel replaces Councillor Michelle Swallow

ACTION: City Solicitor

46. LAND AT BINGLEY ROAD MENSTON ILKLEY - 19/05299/FUL

The Assistant Director Transportation, Design and Planning submitted a report (**Document “AB”**) which set a detailed planning application for swale to serve adjoining site, as approved under ref. 17/04591/MAF: Demolition of steel-framed agricultural building, agricultural shed and the residential development of 133 dwellings with associated infrastructure works and access.

Resolved –

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

ACTION: Assistant Transportation, Design and Planning

47. LAND AT GRID LONG LANE HEATON BRADFORD WEST YORKSHIRE - 20/02000/REG

The Assistant Director Transportation, Design and Planning submitted a report (**Document “AC”**) which set out a full planning application for the construction of a purpose built crematorium, bereavement suite, areas of hardstanding (car parks/access roads) and landscaped grounds on land at grid ref 412925 436296, Long Lane, Heaton, Bradford.

Resolved –

That the application be approved, subject to the conditions set out in Appendix 1 to Document “AC”, and subject to the application being referred to the Secretary of State for Communities and Local Government under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.

ACTION: Assistant Transportation, Design and Planning

48. LAND AT WEST LANE BAILDON WEST YORKSHIRE - 20/02294/FUL

The Assistant Director Transportation, Design and Planning submitted a report (**Document “AD”**) which set out a full planning application seeking planning permission for the development of five detached split level dwellings with associated access, parking and landscaping on land at West Lane, Baildon.

Resolved –

That the application be approved, subject to the conditions set out in Appendix 1 to Document “AD” and also subject to the following additional condition:

Notwithstanding the provisions of S.55 of the Town and Country Planning Act and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the integral garages within the dwellings hereby permitted shall remain available for the purposes of garaging, and no subsequent alterations to convert these garages to residential accommodation shall be carried out without the express written permission of the Local Planning Authority.

ACTION: Assistant Transportation, Design and Planning

49. CARLTON MILLS 4 CARLTON STREET HAWORTH KEIGHLEY WEST YORKSHIRE BD22 8JY - 20/01804/FUL

The Assistant Director Transportation, Design and Planning submitted a report (**Document “AE”**) which set out a full application for conversion of an industrial

building to form 4 two-bedroom houses including the construction of a first floor extension at Carlton Mill, Carlton Street, Haworth.

A detailed presentation in respect of the application was made, including sharing plans and photographs of the proposed development, the current building and the local area. Members were advised that the building was currently vacant and that permission had been granted in 2012 for its demolition and replacement with three dwellings. The proposal being considered today was for the conversion of the mill rather than its demolition, which would allow for four back to back dwellings. It would be necessary to raise part of the roof slightly to allow for the conversion but it was considered that this would have minimum impact on the building.

A number of objections had been received, including one from a ward councillor, mainly in respect of parking problems as there was little off street parking for residents in this vicinity.

In response to member questions, the Assistant Director confirmed that the mill building had been empty for in excess of ten years and that he did not dispute the fact that only on-street parking was available to local residents.

Members were also advised that it was necessary to consider the extant permitted use of the building. As a class B1 commercial building it was considered that potential traffic movement and parking if the building were brought back into use would be far in excess of that from its conversion.

The ward councillor who had submitted an objection joined the meeting and highlighted her concerns for the impact on residents of this development. She explained that it was already extremely difficult to find parking in this area, especially on an evening and that this development would only exacerbate that.

The Assistant Director agreed that parking was a difficulty but explained that this issue must be weighed against the lack of housing supply in this area. For the Committee to consider refusal on the parking grounds, members must be of the opinion that the problem was severe.

The Committee's legal advisor also confirmed that advice.

Members expressed sympathy for the concerns of residents but could not conclude that the issue was severe and noted that a commercial use for this building would be even more problematic in terms of parking.

Resolved –

That the application be approved, subject to the conditions set out in Appendix 1 to Document "AE".

ACTION: Assistant Transportation, Design and Planning

50. **LAND AT SCALEBOR PARK FARM MOOR LANE BURLEY IN WHARFEDALE
ILKLEY - 20/00785/FUL**

The Assistant Director Transportation, Design and Planning submitted a report (**Document “AF”**) which set out a full application for construction of a new single storey dwelling house on land at Scalebor Park Farm, Off Moor Lane, Burley in Wharfedale.

A full presentation of the application was provided, including plans and photographs of the area and plans and artists illustrations of the proposed dwelling. It was explained that the proposed dwelling was of a contemporary design and would sit on a ridge in the landscape on green belt land.

The limitations on building within the green belt were explained as was the legal and regulatory framework for approving any applications. It was stressed that it must be considered that there were “very special circumstances” in order to approve an application such as this.

In the opinion of the Assistant Director, there were no such special circumstances and the proposed dwelling was inappropriate to the area. He also reminded the Committee that green belt land around the Burley area was extremely sensitive, with a previous application to develop having been refused by the Secretary of State.

He considered that the application underplayed the effect that the dwelling would have on the surrounding landscape and highlighted that it stood alone in open countryside, not forming part of any existing buildings. It would make a negligible contribution to the local housing supply and the argument that it would satisfy the very special circumstances test by the quality of its design was not accepted. Members were advised that the test of “exceptional design” was extremely high and that this proposal did not merit an exception being made. It was essential to compare the design of the building to the importance placed on the green belt and compare the two issues.

Members were advised that a ward councillor had requested the application be considered by the Committee and that local residents had objected to the application as being inappropriate to the local area. The Assistant Director noted the use of glass and sedum roofing as being no longer considered exceptional and highlighted that limestone was inappropriate as the village was principally a grit stone area. It was considered that this showed a lack of understanding of the area. It was also noted that the parish council had recommended the application be refused.

The applicant had referred to his consultation with the Design Review Panel but it was considered that the detail in the application was ambiguous and Members should note that this Panel did not have any remit to advise on matters other than design.

Both the Council’s landscape architect and biodiversity officer had expressed concerns about the application and the Assistant Director concluded by stating that he considered the proposed dwelling to be incongruous and out of proportion to the local landscape.

The Chair clarified that if the ward councillor had not requested that this

application be considered by the Committee, officers would have refused it under delegated authority.

In response to Member questions, it was confirmed that, even if the design of the building were not so obtrusive it would not satisfy the very special circumstances test. It was also confirmed that no detail had yet been provided about the provision of utilities to the proposed dwelling.

The applicant's agent joined the meeting and stressed that this was intended to be a building of exceptional design, such as those seen on the "Grand Designs" television programme. It would be highly sustainable and would respond to the climate change emergency as it would be carbon positive. The Yorkshire Design Review Panel had looked at the design and considered it to be exciting. The proposal had the support of its nearest neighbours, living at Scalebor Park Farm and the agent hoped members would consider very carefully the exceptional design as he hoped this would become a listed building of the future.

A member commented that he had seen similar designs before and that, in spite of the excellent presentation of it today, he was unhappy with the building's dominance in its setting and was therefore unconvinced.

The Chair concurred with that, stating that he did not consider there to be any special circumstances to this application and that although innovation was good to see, here it was in the wrong place.

Resolved –

That the application be refused for the reasons set out in Appendix 1 to Document "AF".

ACTION: Assistant Transportation, Design and Planning

51. GEORGE AND DRAGON 734 GREAT HORTON ROAD BRADFORD WEST YORKSHIRE - 20/02440/FUL

The Assistant Director Transportation, Design and Planning submitted a report (**Document "AG"**) which set out a full application seeking planning permission for a change of use from Public House (A4) to House of Multiple Occupancy of more than 6no persons (Sui Generis). The submitted plans indicated that the HMO would provide accommodation for 10 people.

The Assistant Director presented plans and photographs of the location, showing the mix of commercial and residential properties in the area as well as plans and elevation drawings of the proposal which showed that alterations to the exterior would be minimal and that all the units within the House of Multiple Occupancy would be over the minimum size recommended for single occupancy. He noted that the public house had been closed for some time.

A number of representations had been received in respect of the proposed use of the building as well as highways concerns. In terms of impact on traffic, the proposed use would be of a lower impact than if it were to re-open as a public

house and it must be noted that premises were situated in a sustainable location, with good public transport links. In terms of the proposed use of the building it would be difficult to comment on future tenant behaviour but again, residential use would likely be of a lower impact than that of a public house.

The Chair queried the impact of the changes to the premises as it was grade two listed and in a conservation area and was informed that the conservation officer was satisfied and the works had been approved. The proposed alterations were minimal and original features would be retained.

A member queried whether it would be possible to insist that the garden area shown on the plans was properly landscaped to give the residents some useable outdoor space, providing them with much needed health benefits, especially in the current health emergency.

After some discussion on the matter and advice from the Assistant Director and the Committee's legal advisor, it was established that such a condition could be imposed and that it would be appropriate to seek the applicant's views on that at this meeting.

The applicant had joined the meeting and confirmed that the Committee's desire for a communal garden space chimed with his own views on how that space should be utilised.

He went on to speak in support of his proposal, stressing his desire to keep the building as original as possible but also to find it a suitable use. He considered converting it into a home would keep it vital and useful.

A member queried whether its new use would require an element of registration and was advised that it would do so.

The Chair commented that this seemed to be a well thought through scheme which would render the building useful once more. He considered that, with the addition of a condition in respect of the garden space, it could be approved.

Resolved –

That the application be approved, subject to the conditions set out in Appendix 1 to Document "AG" and also subject to the following additional condition:

Notwithstanding the details shown on the approved plans, before the first occupation of the development hereby permitted a scheme for the hard and soft landscaping of the garden area shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall then be carried out in full before the first occupation of the development hereby permitted.

Reason: In the interests of the amenity of prospective occupants and to comply with Policy DS5 of the Core Strategy Development Plan Document.

ACTION: Assistant Transportation, Design and Planning

52. MISCELLANEOUS ITEMS

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

Resolved –

That the decisions made by the Secretary of State as set out in Document “AH” 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