

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 11 March 2021 in

Commenced 10.00 am
Concluded 2.11 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Warburton Wainwright Amran Kamran Hussain	Ali Pennington	Reid

Observers: Councillors Sabiya Khan (minute 55), D Green (minute 55) and Whitaker (minute 56)

Councillor Warburton in the Chair

52. DISCLOSURES OF INTEREST

In the interests of transparency, both Councillor Wainwright and Warburton disclosed that they had attended meetings when the items in respect of 71 Beacon Road, Bradford and the Willows, Hainsworth Road, Silsden had previously been discussed but each undertook to consider the applications solely on the information presented at this meeting.

Also in the interest of transparency, Councillors Amran and Kamran Hussain disclosed that they recognised some of the names of members of the public attending the meeting but confirmed that they had not discussed any item on the agenda with them.

ACTION: City Solicitor

53. INSPECTION OF REPORTS AND BACKGROUND PAPERS

No requests were made to review restrictions on reports or background documents.

54. MEMBERSHIP OF SUB-COMMITTEES

Resolved –

That Councillor Mullaney replace Councillor Watson on the District Planning Panel

ACTION: City Solicitor

55. 71 BEACON ROAD, BRADFORD - 20/05807/FUL

Note – at the commencement of this item, the Chair of the Committee experienced connectivity problems so the Deputy Chair assumed the Chair. Councillor Warburton took no part in the discussion or voting on this matter.

The Assistant Director (Planning, Transportation & Highways) presented a report (**Document “AY”**) which set out an application for retrospective planning permission for change of use from a doctor’s surgery with a flat above to a mosque.

A comprehensive presentation was made to the Committee including the sharing of plans and photographs of the site and local area. Members were advised that the mosque was not a large establishment and that no external works to the premises were proposed. A number of representations had been received in objection to the application, mainly based on noise, disturbance and highways matters. In response to those the applicant had proposed noise insulation works and the use of wardens at busy times. The main use of the mosque would be for Friday prayers but it was noted that this was a time when most local residents would be at work. Four parking spaces had been identified to the rear of the premises.

A member queried the capacity of the mosque and was advised that it would usually be used by 20 worshippers and could only go to a maximum capacity of under 100.

A local resident joined the meeting and spoke in objection to the application. He referred to a previous Local Ombudsman Investigation in respect of these premises which had stated that the views of local residents and the effect on the local community should be taken into account. He advised that the mosque had been in operation for three years and that it was open from 0500 to 2200 every day and that it could be open 24 hours a day at some times of the year. The effect of traffic from such an operation was described as dreadful and the lack of parking was highlighted as a particular problem, especially as there was little on street parking for residents’ use. He did not consider the proposal for four on-site parking spaces to be a practical solution and highlighted the level of objection to the application that had been submitted. He also referred to other applications which had been refused by the Council where there had been a large number of visitors resulting in disturbance to local residents.

In response, the Assistant Director stated that this application must be considered solely on its own merits and that the Council’s Environmental Health Team had received no complaints from residents. He accepted that on-street parking would have some impact but considered it to be similar to that caused by a local school. He advised members that in the last five years there had been no accidents

attributable to the operation of the mosque.

The Principal Engineer – Highway Development Control confirmed that, during the period in which the mosque had been in operation, there had been no recordable accidents. He also reminded members that on-street parking was available to any road user and that his team had assessed the available on-street parking in this area as satisfactory.

The agent for the applicant joined the meeting and spoke in support of the application, stating that the building had previously been used as a doctor's surgery so its current level of usage was not dissimilar. As the building was modest in size, the usual number of worshippers was only about 40 people. He considered that the proposed four parking spaces would be sufficient, but accepted that there would be peak times within the religious calendar and stated that the mosque would provide marshalls for those times. He disagreed that the mosque experienced peak times late into the evening or that the suggested number of 32 cars were parked around the mosque by worshippers.

Two local Councillors joined the meeting and both spoke on the application. The first stated that the mosque was a valuable local community facility and that she was pleased that the residents' concerns had been considered and addressed. She hoped the whole community could work together to resolve issues of concern.

The second ward councillor stated that he considered the application to be fraught with difficulties which had been ongoing for some years, with both the mosque owners and local residents being poorly treated by the process so far. He referred to previous LGO decisions which he considered had not been acted upon and asked that the Committee include them as part of their deliberations today.

The Committee was advised that, in respect of parking, safety and accidents could be assessed but that amenity was not assessed and that it was accepted that parking did take place on the highway. It was also explained that a lot of work had been undertaken with the mosque owners to try to resolve parking issues and that a scheme of noise amelioration inside the premises had also been agreed. The issue of previous advice was also addressed, as previous conversations with the mosque owners were explained as well as their decision not to apply for a certificate of lawfulness which could have clarified the need for planning permission. It was also stressed that all previous recommendations made by the LGO had been complied with and that the role of the LGO was limited to examining process.

A member of the Committee commented that, having heard representations from all parties and the points made by officers he considered that officers had made every effort to resolve the issues described by the objectors.

Another member disagreed with that view and considered that the concerns of residents had not been addressed nor had the mosque owners made efforts to be a good neighbour.

Resolved –

That the application be approved subject to the conditions set out in Appendix 1 to document “AY”.

ACTION: Assistant Director, Planning Transportation & Highways

56. OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF LAND AT THE WILLOWS, HAINSWORTH ROAD, SILSDEN -

Note: at the commencement of this item Councillor Warburton resumed the chair.

The Assistant Director (Planning , Transportation & Highways) presented a report (**Document “BB”**) which set out an application for outline planning permission for residential development of land, requesting consideration of access at the Willows, Hainsworth Road, Silsden.

A comprehensive presentation was made in respect of the application, with plans and photographs of the site and surrounding area being shared. It was noted that a previous application had been refused on the grounds highway safety and that, when the Planning Inspector had considered the consequent appeal, it had been refused on the grounds of lack of affordable housing not highways issues.

This application had been assessed as satisfactory by the highways officer and the issue of affordable housing had also been addressed by the applicant. Objections to this application had been received on the grounds of poor access and highway safety.

A member queried the issue of visibility and was advised that the road scheme had been designed to cause no conflict for road users and that the roundabout being referred to was half a mile away from the development. Any issues of visibility caused by the hedging was able to be dealt with by the Council, with the landowner being recharged if necessary.

A ward councillor joined the meeting to represent residents’ concerns about this application. She highlighted that the site was on both a narrow lane and a blind bend and expressed some doubt that those issues could be mitigated.

She advised the Committee that an incident had occurred at this location which had required the presence of firefighters and that they had needed to park their vehicle and continue on foot as access was so poor; she considered this to be very concerning.

She also opposed the cutting back of protected hedgerows and, while welcoming the inclusion of affordable housing, she considered that the properties would not be affordable for first time buyers.

In response to a question in respect of the weight carried by the Core Strategy which was currently out for consultation, members were advised that it carried little weight as yet and that until its adoption, applications must continue to be considered on the extant policies and their individual merits.

It was also highlighted that the site, while greenfield, was not in the green belt and that the application would contribute to the council's target for housing supply. Members were reminded that the previous application had not been dismissed by the Inspector on highways grounds.

In respect of the ward councillor's point about emergency access it was explained that access to the Willows would be improved as a result of this development. It was also explained that management of the protected hedgerows would be undertaken appropriately and sympathetically.

A town councillor also joined the meeting and advised that his town council had considered that the application should be rejected as it represented part of an ongoing overdevelopment of the village. He expressed concern about the capacity of the new school accept additional pupils and stated that traffic levels had increased. The road to this site was extremely narrow, with two cars unable to pass side by side, and it was on a blind bend. He also advised that the Canal and Rivers Trust had expressed reservations about development very close to the river bank.

In response, the Assistant Director stated that Silsden was classed as a settlement area where development was accepted, so this development could not be regarded as overdevelopment. He repeated that no highways concerns had been raised by officers and explained that the new village school would be moving to two form entry so there would be capacity for the expected number of additional students. He advised that no statutory agency had raised concern when consulted on the application and that there was no requirement for this development to contribute to the towpath improvement being undertaken by the Canal and Rivers Trust.

The Principal Engineer – Highway Development Control confirmed that it was expected that there would be very little traffic impact from this development.

A local resident joined the meeting and spoke in objection to the application, expressing his disappointment that it was being considered again after previously being refused. He also expressed reservations about the efficacy of the proposed highway priority scheme and considered that the application should not be decided in advance of the adoption of the Local Plan.

He was advised that the Local Plan was in the early stages of development and consultation and that it would be premature to use it to make a decision on this application, nor would it be appropriate to await a decision on the Plan.

The Committee's legal advisor commented that, while understanding the concerns of the objector, he did not consider it likely that an appeal could be defended if this application was refused on highways concerns. He also advised that the draft Local Plan held very little weight in its current state and that it would gain in importance at each milestone it passed; the plan process could typically take over three years from start to finish. He advised that, due to the Council currently not being able to identify a five year housing supply then the 'Tilted Balance' contained in the NPPF would apply. This meant that there was a presumption in favour of sustainable development unless any other material considerations militated against it.

The agent for the applicant joined the meeting and reminded members that the previous application had also been recommended to the Committee for approval. He stated that works were already underway in respect of the local electricity sub-station and that the S106 agreement had been signed by all parties. There were no concerns about school places at this stage but that issue could be addressed at reserved matters stage. Conditions were being proposed to protect trees, the canal and drainage and must all be complied with.

A member noted that the report made mention of a bronze age barrow site and asked that this be protected. He was informed that this was already covered by one of the proposed conditions.

The Chair commented that he remained concerned about highway safety but accepted that officers had assessed the application. He requested that this application return to the Committee at reserved matters stage for this reason.

Resolved –

- (1) That the application be approved subject to completion of the Section 106 and conditions contained within Document “BB”.**
- (2) That any reserved matters applications which are submitted should also come before this Committee.**

ACTION: Assistant Director, Transportation, Planning and Highways

57. PROPOSED PUBLIC SPACE PROTECTION ORDER FOR BRADFORD DISTRICT RELATING TO ANTISOCIAL BEHAVIOUR AT ILKLEY RIVERSIDE PARKS

The Strategic Director, Place presented a report (**Document “AZ”**) which outlined proposals and sought approval to begin the required six week public consultation exercise to consider the implementation of a Public Space Protection Order for Bradford District relating to antisocial behaviour at Ilkley Riverside Parks.

Members concurred that the consultation exercise should go ahead and the results of that be very carefully considered.

Resolved –

- (1) That the Strategic Director, Place be authorised to undertake the required (minimum 6 week) consultation exercise to implement a Public Space Protection Order for the designated area within Ilkley Ward**
- (2) That further to the completion of the necessary consultation process, the proposed Order be submitted to this Committee for approval or, alternatively**

- (3) That further to the completion of the necessary consultation process, the proposed Order be approved under delegated powers by the Strategic Director, Place in consultation with the chair of this committee.

ACTION; Strategic Director, Place

58. BRADFORD COUNCIL'S USAGE OF THE NATIONAL REGISTER OF REFUSALS AND REVOCATIONS (NR3)

The Committee considered **Document "BA"** which sought approval to implement the use of the National Register of Refusals and Revocations (NR3), in respect of all previously revoked or refused licenses and all new / renewed Private Hire and Hackney Carriage licenses.

A member commented that this proposal was to be welcomed as it would help to ensure the safety of both drivers and passengers. He asked whether it would adversely affect renewal applications by adding unnecessary bureaucracy. He was advised that it would not do so and should not affect renewal applications as much as first applications.

Resolved –

That the use of the NR3 register be implemented by 1st May 2021 for all new and renewal applications for Private Hire and Hackney Carriage licenses.

ACTION: Strategic Director, Place

59. CHANGES IN TAXI LICENSING CONDITIONS TO SUPPORT THE CLEAN AIR PLAN (CAP) AND ALIGN WITH THE CLEAN AIR ZONE (CAZ) STANDARDS AND SUPPORT PACKAGES

The Strategic Director Place presented a report (**Document "BE"**) which explained that the Council had prepared a plan to achieve compliance with legal limits for nitrogen dioxide (NO₂) in the shortest possible time, in line with Ministerial Direction. The Clean Air Plan (CAP) would include the introduction of a Clean Air Zone (CAZ) on the 5th January 2022 that would require Hackney Carriages and private hire vehicles (PHV) licensed in Bradford to either meet the CAZ emission standards or pay a daily charge to enter the CAZ.

The Committee was advised that the Government had confirmed funding of over £10m in support for Bradford taxi drivers to upgrade to CAZ requirements, setting a precedent for levels of grant funding for PHV nationally. The Strategic Director sought to amend taxi licensing conditions to support the Clean Air Plan (CAP) and align with the Clean Air Zone (CAZ) standards and support packages.

The package of support measures for hackney carriage and private hire operators

and drivers, including a grant of £3,200 towards a new vehicle and a short term period of relicensing for vehicles reaching their maximum age was explained in detail.

A member queried the consultation that had been undertaken so far and was advised that engagement exercises had taken place in 2019 and 2020 and that weekly messages had been sent to all drivers and operators. Approximately 25% of the trade had responded and 40% of those were interested in changing their vehicle.

The member remained unconvinced about the efficacy of the consultation, pointing out that as a local ward member he had not been informed of consultation in his area. He did not consider the report to be clear about how consultation had taken place.

He also queried why the standard of vehicle was different for hackney carriage and private hire drivers and was advised that the difference in standard was in respect of wheelchair accessible vehicles as there were currently no alternatives available for those drivers.

The Committee was also reminded that 10% of all traffic movements in the District came from the taxi trade and that a comprehensive package of support for drivers wishing to move to a CAZ compliant vehicle had been put in place. Clean air zones were also being introduced in other major towns and cities and the grant available in Bradford was one of the most generous to be proposed. It had been set at a level to ensure a driver could buy a compliant vehicle that was reasonably new to allow a period of trading so they could adjust to the new process and prepare their future plans without the need to pay the daily charge.

A number of members expressed concern at the pressures currently being faced by the trade and considered this to be an additional burden at a very difficult time. They also considered that they could have assisted to publicise the engagement events had they been informed of them. They put on record their thanks for the efforts of the trade during the pandemic and, while accepting the need for the Clean Air Zone and the benefits that would result from it, continued to express concern that the trade had not been consulted sufficiently.

In response to a further question about consultation it was established that no direct communication had been made with representatives of the trade about this meeting and it was proposed that consideration of the report be deferred until that could take place.

Members were reminded that the Clean Air Zone would be coming into force in January 2022 and that the grant referred to in the report would be available to any driver wanting to take advantage of it, notwithstanding the deferral of this report.

Resolved –

That consideration of this item be deferred to the next appropriate meeting of the Committee in order to engage further with the hackney carriage and private hire drivers and operators and to afford them the opportunity to attend the meeting.

ACTION: Strategic Director, Place

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