

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 24 June 2021 in the Council Chamber

Commenced 10.25 am
Concluded 1.15 pm

Present – Councillors

LABOUR	CONSERVATIVE	GREEN
Warburton Wainwright Lee Shafiq	Ali Brown	Edwards

Observer: Councillor Ferriby (Minute 12)

Councillor Warburton in the Chair

8. DISCLOSURES OF INTEREST

The following declarations of interest were made in the item relating to Land to the South of Rooley Crescent, Staithgate Lane Bradford – 21/01137/MAF (Minute 12):

- (i) Councillors Ali, Wainwright and Warburton declared they had determined the previous application which was refused on 6 March 2020, however they stressed that they would consider this revised application with an open mind.
- (ii) Councillor Edwards declared a pecuniary interest in that he had already expressed a view on the matter, and he therefore left the meeting during consideration of the application.

ACTION: *City Solicitor*

9. MINUTES

Resolved –

That the minutes of the meeting held on 27 May 2021 be signed as a correct record.

10. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

11. MEMBERSHIP OF SUB-COMMITTEES

There were no changes to Membership of Sub-Committees.

12. LAND TO THE SOUTH OF ROOLEY CRESCENT, STAITHGATE LANE, BRADFORD - 21/01137/MAF

The Assistant Director Planning, Transportation & Highways presented a report (**Document “E”**) which set out a full application for the demolition of a dwelling followed by the construction of a residential scheme of 146 units with associated engineering, landscaping and access works at land to the south of Rooley Crescent, Staithgate Lane, Bradford (21/01137/MAF).

The Assistant Director gave a comprehensive overview of the application, including site plans, layout and photographs of the site and the adjoining area, as well as the representations that had been received. In reference to the site history, a similar application had been previously considered by this Committee in March 2020, whereby that application was refused.

The reasons for refusal of the application were dismissed by the Inspector with the appeal subsequently being dismissed on the grounds of the Unilateral Undertaking submitted by the Appellant not being the appropriate means for securing the required affordable housing provision and commuted sum for surface water drainage infrastructure.

The main issue relating to the proposal is the impact it would have on the Councils ability to provide the Park and Ride Scheme allocated on land to the west of the site. The Park and Ride Scheme is one of the schemes now being considered for funding through the "Transforming Cities Fund Stage 2 Big Bid" and is important in relation to the Council trying to reduce road traffic and vehicle emissions in order to improve air quality within Bradford. The access route to the proposed Park and Ride Scheme is on a route that is allocated to run across the northern section of the application site. The design of the layout of the development has provided the opportunity for an access to be created that would preserve the route to the allocated Park and Ride Scheme site and would provide a road to the constructional specifications that will enable it to serve both the Park and Ride Scheme and the proposed residential development. It is considered that if the application were approved in its current form it would not impact adversely on the proposed Park and Ride Scheme.

The application was therefore recommended for approval subject to the conditions set out in the Assistant Director's technical report, and that if Members were minded to approve the application, that an additional condition requiring an archaeological survey be added, to be undertaken by the West Yorkshire Archaeology Service, prior to commencement of the development.

In response to a question regarding the numbers of affordable housing units proposed, the Assistant Director stated that as the applicant had agreed to construct a residential road and given the costs involved in doing this, the levels of affordable housing had therefore been slightly reduced.

In relation to a question regarding contamination and a reference that residents on this site would be unable to grow vegetables, the Assistant Director stressed that this was not the case as all contamination would have to be removed via a remediation strategy and that any new soil brought onto the site would have to be certified clean, and hence the site would be remediated and made safe.

In response to a question on the proposed road, it was stated that this road would be constructed to normal highway standards. The Assistant Director added that this would be an adopted highway and independent of the proposed Park and Ride Scheme in the vicinity of this site. To this end it was stressed that the delivery of the P&R scheme was not in the control of the applicant, and that the road would be modified at a point to prevent rat running, but still usable as a walkway/cycle route.

In relation to a further question regarding contamination from the now defunct Odsal tip and possible run off, it was stated that the Councils' Environmental Health Service would have to be satisfied that the application site has been remediated, and the installation of gas membranes may be a possibility, so that any gasses from the former tip could not leak onto the site.

In relation to air quality it was stated that the levels of traffic being generated from this site would not adversely affect air quality in the area, however a raft of conditions was being recommended to minimise construction dust; installation of EV charging points as well as a travel plan to encourage the use of other modes of transport.

Initial concerns were expressed around the opening of a watercourse on the site and the possibility of contamination of the watercourse from the Odsal tip. Again the Assistant Director stressed that the remediation strategy would ensure there was no contamination of the site, and that the Planning Inspector had also concurred with the removal of all contaminants from this site.

A Member raised concerns around the viability of residents using public transport links as the nearest bus stop was some distance away. In response the Assistant Director stressed that the Inspector had found this was a sustainable location in terms of its proximity to public transport.

A Ward Councillor was present at the meeting and stated that very little had changed from the previous application and the reasons why that application had

been refused. She felt that the Inspector's comments were disappointing and that this application would have a detrimental impact on the existing highway network which was already up to full capacity. That pedestrian safety would be compromised given how busy the roads were in the vicinity; that the traffic survey was done essentially during lockdown and could not be relied upon for its accuracy; that public transport was not easily accessible from this site and car usage would be exacerbated as a consequence; that she had concerns about the relationship of this development and the proposed P&R scheme, and that facilities like schools and health facilities in the area were already up to capacity. Concerns were also expressed around air quality and contamination run off from the former Odsal tip, and she was not convinced that gas membranes would afford adequate protection, and she urged that Members also take into account issues expressed around the coal mining shafts and the views of Network rail relating to the tunnel.

In response to some of the issues raised by the Ward Councillor, the Assistant Director stated that the Health & Safety Executive had been consulted and had raised no objections; in relation to Network Rail, a methodology strategy would be submitted prior to construction and this would be covered by way of condition, stressing that the integrity of the tunnel was paramount and Network Rail would be consulted accordingly. In relation to nearby facilities such as schools and Doctors Surgeries, again this was outside of the planning remit; however the link road issue had been covered. The Assistant Director stated that the Planning Inspector had accepted the principle of development and that if mine shafts were found then remediation works would have to be undertaken by the developer.

In response to the highways issues raised, the Highways Engineer again stressed that the Inspector had considered these points and no concerns had been expressed around capacity, and if and when the P&R scheme came to fruition, then appropriate crossing points would be looked at as part of that scheme.

A number of objectors also spoke in relation to the application stating that many hundreds of people had signed a petition objecting to the application; however the concerns of many residents had not been taken into consideration, in particular the highways, pollution and contamination issues affecting the proposed development.

Particular reference was drawn to the toxicity and contamination issues affecting the adjacent former Odsal tip site and that the proposed gas membranes would not remedy the situation, and were likely to fail; it was suggested that a more thorough survey re contamination should be undertaken, particularly as the land was likely to be contaminated by arsenic and lead, as well as seepage from methane gas; in addition the proposed development would not be well served by good transport links nor facilities like schools.

In response to some of the concerns raised, the Assistant Director stated that many of the issues raised by the objectors had already been addressed by the Planning Inspector. In addition all the traffic surveys were undertaken as part of the previous application, as the number of proposed units for the current application, remained the same.

The applicant's agent was also present at the meeting and stated that the issues

raised by the objectors had been assessed through this application, and that the Planning Inspector concurred with the principle of development on this site, adding that the green space on this site would be retained and that the application would go some way in addressing the homes deficit in Bradford.

During the discussion some Members expressed concerns around the proposed re-opening of the watercourse and that this could potentially create a health and safety risk to children playing in the vicinity; Members also expressed reservations at the lack of a play area on the site particularly as the development was likely to attract families with children; concerns were also expressed about the potential to turn garages into habitable rooms. After further discussion it was agreed that these issues could be dealt with by way of condition, and it was therefore:

Resolved –

That the application be approved subject to the completion of the Section 106 legal agreement and to the conditions included in appendix 1 to Document “E” and also subject to the following additional/amended conditions:

(i) Implementation of archaeological programme

No development shall take place within the area of archaeological interest on the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted by the applicant and approved in writing by the local planning authority.

Reason: To record and advance the understanding of the significance of a potential heritage asset in a manner proportionate to its importance, in accordance with paragraph 141 of the National Planning Policy Framework and to accord with Policy EN3 of the Core Strategy Development Plan Document.

(ii) Removal of PD Rights for extensions/outbuildings

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 and section 55(2)(a) of the Town and Country Planning Act 1990 (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 safeguard the health and safety of the occupiers of the dwellings due to potential contamination and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

(iii) PD rights removed: Garages to remain

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 and section 55(2)(a) of the Town and Country Planning Act 1990 (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.

The following 2 additional/amended conditions have been suggested by the Applicant and I am happy with them.

(iv) Amended condition 19. Biodiversity enhancements

The development shall be carried out in accordance with the biodiversity enhancement recommendations contained within the Ecological Management Plan (R-3681-02.5) and the Construction Environment (Ecology) Management Plan (R-3681-03.2). Notwithstanding these recommendations, a scheme in accordance with Chapter 36.3 of the SUDs Manual to ensure the health and safety of the central watercourse feature shall also be submitted to and approved in writing by the Local Planning Authority before development commences. A timetable for the implementation of the recommendations, which is to include the watercourse safety scheme, shall first be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences above damp proof course on site.

Reason: To enhance the biological value of the site and to accord with policy EN2 of the Core Strategy Development Plan Document.

(v) Play provision

A scheme for the provision of an area of doorstep play on site, as defined in Bradford Council's Homes and Neighbourhoods Supplementary Planning Document shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The approved scheme shall be implemented before 75% of the proposed homes are occupied.

Reason: To provide adequate outdoor recreation facilities and to accord with Policy DS1 of the Core Strategy Development Plan Document.

ACTION: Assistant Director Transportation Design and Planning

13. BULMER & LAMB LTD, BULMERS MILL, ROYDS HALL LANE, BRADFORD - 21/00842/MAF

The Assistant Director Planning, Transportation and Highways presented a report (**Document “D”**) which outlined a full application for the construction of four industrial buildings and the refurbishment of existing industrial buildings at Bulmer & Lamb Ltd, Bulmer’s Mill, Royds Hall Lane, Bradford (21/00842/MAF).

The Assistant Director gave a presentation setting out the details of the application. The application comprised two parts, firstly the refurbishment of part of the existing industrial building and secondly the construction of 4 new industrial units, three of which are subdivided into two or four smaller units. The development would create an additional 2,340 square metres of floor space for B2, B8 and other E(g) uses. Access would be taken via the existing access from Royds Hall Lane.

The layout of the development was such that all future operations, such as deliveries and servicing of the units, would be satisfactorily accommodated within the site and would not therefore impact on highway safety. The level of traffic likely to be generated by the proposal would be satisfactorily accommodated within the surrounding highway network.

The trees along the northern boundary (Halifax Road) of the site would be retained and would provide a screen to the site when viewed from the north. The site would be visible from the east (Royds Hall Lane) but some additional landscaping was proposed and the difference in land levels would further reduce the impact of the buildings. It was considered that the siting of the buildings results in a sufficient separation distance from the adjacent residential dwellings and the design incorporates minimal openings on the elevation facing onto the dwellings. It was not considered that the proposal would have a detrimental impact on the visual character of the immediate locality or on the residential amenities of the occupiers of the neighbouring dwellings.

Environmental Health had however expressed some concerns around the previous operations on the site and therefore a condition regarding noise would be added and subject to this addition, the application was recommended for approval.

An objector was present at the meeting and stated that he lived in close proximity to the site and had reservations around noise, pollution, safety of traffic, and that the development would result in a significant number of HGVs entering and exiting the site. He suggested that the possibility of a new access road should be looked at, as well as that of additional planting to improve the aesthetics and at the same time creating a natural noise barrier.

In response to the concerns raised regarding the traffic movements generated from the new development, the Highways Engineer stressed that the traffics impact would be minimal, and that no traffic movement modelling was possible from this marginal increase. In terms of the noise issue, the Assistant Director added that again the new units would be small in scale and were not intended to create an additional noise issue.

A Ward Councillors written representations were read out at the meeting as

follows:

I acknowledge the proposed plans submitted by Bulmer and Lumb and I welcome any potential business development and job opportunities this might bring to the district.

I do share concerns raised by some of the local residents. I must however express my great concern at the extra vehicles this will bring to the area – both due to employees working at the site and due to the HGV's and vans that will be wishing to make ingress and egress at the site.

The junction of Royds Hall Lane with Halifax Road and the junction of Abb Scott Lane with Huddersfield Road are already problematic, with significant queues at peak periods.

I note the highways consultation response but wish to add to this regarding two aspects that have not been considered.

Due to the queues that build up at the junctions, drivers use rat runs instead.

One of these rat runs is along Fenwick drive up to Halifax Road, a road which is supposedly "access only". We have already received a petition to full council asking for this road to be blocked off at some point to prevent drivers from using this rat run.

The other rat run is turning off Abb Scott Lane into Cemetery Road, driving past Harold Park and Horsfall Stadium to turn onto Halifax Road. There are current significant issues with both parking and speeding along this road that need to be addressed as it is.

The "rat run" routes can ill afford any additional traffic that may result from additional drivers resorting to use these routes due to any potential negative impacts on the main junctions.

I have concerns over the parking at the site. I acknowledge the plans do allow for some creation of parking spaces and the completion of these is a recommended condition of approval stated in the highways response. My query remains as to whether or not there would be sufficient spaces. The units have been advertised for lease, but we do not yet know what type of businesses will be using the space and how many spaces would be required.

I have concerns that some drivers may resort to parking on the highway and there is nowhere that this can easily and safely be facilitated.

As it is there is occasionally a car that legally parks on Royds Hall Lane, just slightly further up from the Bulmer and Lumb entrance, even this sole car parking there causes issues very close to the main junction as when a queue develops. If drivers are not considerate, this causes a road blockage which could quite easily impact onto Halifax Road.

There is a sign stating "no access" to HGV's going from Royds Hall Lane into Abb Scott Lane but many HGV drivers take no notice of this. This has proved

problematic also.

I ask you to consider all the matters raised in consideration of this application.

The applicant's agent was present at the meeting and stated that the site in question had been operating for over a hundred years, and that the proposed units would create much needed business /employment opportunities in the area. In addition the location was a sustainable one in terms of its layout and the existing operations as well as its links to the existing highway network.

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

Resolved –

That the application be approved subject to the conditions set out in appendix 1 to Document “D”, together with the following additional condition:

No additional plant/machinery

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further plant or machinery shall be placed or erected on the site without the prior written permission of the Local Planning Authority.

Reason: To restrict the impact of noise emitted from the site on neighbouring noise sensitive locations and to accord with Policy D5 of the Core Strategy Development Plan Document.

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.