

## Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 23 September 2021 at 10.00 am in the Council Chamber

Commenced 10.00 am  
Concluded 3.00 pm

### Present – Councillors

LABOUR	CONSERVATIVE	GREEN
Warburton Wainwright Lee Shafiq	Ali Brown	Edwards

Observers: Councillors Alipoor and Thirkill (Minute 28)

### Councillor Warburton in the Chair

#### 24. DISCLOSURES OF INTEREST

In the interest of transparency, Councillors Wainwright and Warburton declared an interest in respect of item relating to Land at Westminster Drive (Minute 28) as they were Members at the time when a planning application was considered on an adjacent site, however they stated that they would consider this application with an open mind.

In the interest of transparency, Councillors Ali, Goodwin, Shafiq, Wainwright and Warburton declared an interest in respect of item relating to Land at Westminster Drive (Minute 28) as they were Members at the last Committee on 19<sup>th</sup> August, 2021 when this application was deferred. However, they stated that they would consider this application with an open mind.

***ACTION: City Solicitor***

#### 25. MINUTES

**Resolved –**

**That the minutes of the meeting held on 19 August 2021, be signed as a correct record.**

## **26. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

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

## **27. MEMBERSHIP OF SUB-COMMITTEES**

There were no changes to Membership of Sub-Committees.

## **28. WESTMINSTER DRIVE, CLAYTON - 20/05310/MAF**

Further to Minute No. 23 on 19<sup>th</sup> August 2021, the Committee noted that the Flood Risk Assessment commissioned by the Keep Clayton Green Action Group had been received and had be assessed by the Lead Local Flood Authority.

The Assistant Director Planning, Transportation and Highways submitted a report (**Document “H”**) which set out a full application for the construction of a residential scheme of 69 dwellings on land at Westminster Drive, Bradford, of which 14 were to be provided as affordable dwellings.

The Senior Planning Officer provided a comprehensive presentation of the report and plans to the Committee. The Committee also noted the Council’s Flood Risk Assessment Report and no concerns had been expressed by the Flood Risk Officer.

A number of objectors were present at the meeting including Ward Councillors, a Parish Councillor and a representative from the Keep Clayton Green Group, and at the request of the Chair, raised a number of points, including;

- the scheme was not fit for purpose, there were inadequate amenities provided in the area, including local schools and GPs, as well as children play area;
- concerns regarding street paving along residential roads and the need to construct a two entrance points for vehicle access in order to reduce traffic congestion;
- the proposed development raised ecological concerns;
- the area and the surrounding areas was risk of surface water flooding; which previously caused damage to residential’ gardens and driveways. The proposed development would increase the current flood and drainage issues;
- the development was not sustainable and due to the climate changes would be detrimental to Spring Vale;
- the scheme did not comply with the Council’s Green Spaces policy;
- local residents had not been consulted on the pipe work that would be carried out;
- there was traffic issues and number of parking issues arising from the narrow road, the development would only add to the existing problems.

During the debate Members’ raised a number of questions and comments. The

Senior Planning Officer addressed the following points including:

- clarity was sought that public footpath along Westminster Drive and Westminster Gardens was a public footpath and the responsibility of maintenance would be on the landowners and occupiers;
- a Member proposed if the applicant would provide both EV charging point and Residential MetroCards for the occupiers of the development which the community would benefit from. It was explained that EV charging point would be installed with the property;
- highways had not raised any concerns;
- the proposed development would not increase flood risk to the area;
- the proposal would not have an adverse impact on the amenity to the area, flooding, drainage and ecology;
- in terms of flood risk and drainage, a Flood Risk and Surface Water Assessment had been submitted, which details the strategies that could be adopted to mitigate flood and drainage risks.

The applicant and agent were present at the meeting, and at the request of the Chair, addressed the Committee with the following points:

- the site was located within close proximity to a number of public space and amenities. However, the applicant agreed to consult with the Council to contribute to improving the existing children play area;
- the development of the site was logical and considered acceptable in principal and would deliver much needed new affordable homes to enable the Council to meet its housing needs. The proposed design was of a high standard and considered appropriate within the site context;
- an introduction of the pipe and tank drainage system which would be agreed by officers prior to works commencing, this would remove excess water from around the site and improve the existing situation;
- the developers submitted sustainable travel plan which each household would be offered EV charging point and if Members were minded to impose a condition that each household would be offered one-year annual travel card;
- the Drainage Report complied with guidance adopted by Yorkshire Water.

During a detailed discussion on the issues of current water springs on the site causing flooding in the area, Members were minded to refuse the application and it was therefore:

**Resolved –**

**That the application be refused for the reason that the applicant has failed to provide sufficient information with regard to the existence of natural springs within the application site in order to adequately mitigate against localised flooding. As such the proposal is considered to be contrary to policy EN7 of the Core Strategy Development Plan Document together with paragraph 163 of the National Planning Policy Framework.**

***ACTION: Assistant Director Transportation Design & Planning***

**29. AIRE VALLEY BUSINESS CENTRE, LAWKHOLME LANE, KEIGHLEY - 21/02307/MAO**

The Assistant Director (Planning, Transportation and Highways) submitted a report (**Document “I”**) which set out the proposed development comprising commercial and business units in use classes E, B2, and B8, at the Aire Valley Business Centre, Lawkholme Lane, Keighley.

The Senior Planning Officer provided an overview of the proposed development, showing photographs of the site, plans and drawings and summarising the representations that had been received.

Members raised concern with regards to the left-turn only sign along North Street was disregarded by some drivers and stressed that the junction along Alice Street and North Street be improved.

The applicant’s agent was present at the meeting and addressed that the current site was not fit for onsite commercial use. The proposed scheme would be a benefit to Keighley and would create 250 jobs in the Town Centre.

Furthermore, Members welcomed the scheme and recognised that the development was a reduction in factory space, nonetheless, stated that this was a good asset to Keighley; and it was therefore:

**Resolved –**

**(1) That the application be approved, subject to conditions set out in Appendix 1 to Document “I” and also subject to the following additional informative:**

**(2) That it be recommended that the Keighley Area Committee review the left-turn-only signs at the junction along North Street, Keighley in order to improve the junction.**

***ACTION: Assistant Director Transportation Design and Planning***

**30. THE ESHOLT ESTATE, THE AVENUE, ESHOLT, BRADFORD -19/02504/MAF**

The Assistant Director (Planning, Transportation and Highways) submitted a report (**Document “J”**) which set out the proposal for a Hybrid planning application comprising of full planning application to demolish and redevelop the redundant primary tanks with a residential development of 150 dwellings and ancillary community hub, vehicular access, public open space and outline planning application to demolish and redevelop the redundant filter beds for up to 100,000 square metres of business space in Esholt.

The Principal Planning Officer provided a comprehensive overview of the proposed development, showing photographs of the site, plans and drawings and summarising the representations that had been received. The Principal Planning Officer advised the Committee of the following amendments:

- The reference to Affordable Housing to include Idle and Thackley and

- Baildon area;
- Page 175 (condition 46) to also include use class A1.

The Principal Planning Officer also reported that a petition had been received with approximately 800 signatures requesting the disused primary tanks be used for a nature reserve rather than housing.

It was noted that the entire Esholt Site was within Green Belt. The Committee also noted that West Yorkshire Police had objected in relation to the design of the housing estate, in that it was not ideal for preventing crime and that the number/layout of footpaths would create issues for potential crime and anti-social behaviour and would not create a safe and secure environment.

A Member expressed concern and stated the proposed scheme conflicted with a number of Council plans, including the Housing Strategy Plan. There was also lack of amenities close to this development and the proposed scheme was not deemed to be sustainable in Esholt.

A number of objectors were present at the meeting including Ward Councillors, and had raised a number of points, including:

- the proposal did not comply with the planning documents and current plans;
- West Yorkshire Police had raised concerns with regards to security and crime prevention measures issues and stated that the design and layout does not address any of the security issues;
- there was already traffic issues on Old Hollins Hill. The proposed development would potentially bring extra traffic to Esholt;
- there was lack of amenities for the new residents; in particular, schools and GPs;
- the scale of the development was excessive and would have an impact on the Green Belt.

In response to Members questions and comments, the Principal Planning Officer informed the Committee that legislation to permit Automatic Number Plate Recognition (ANPR) was not in place yet and therefore it was not currently possible. Members asked if consideration could be given to ANPR in the future. The Principal Planning Officer advised that it would be possible to attach a requirement through the s106 Legal Agreement for a review by the applicant of the feasibility of ANPR, to be in 6 months and if so required in 12 months, and if ANPR was not feasible, then it would revert to the Traffic Regulation Order and 'Access Only' sign outlined in the Report.

In response to Members' questions, the Principal Planning Officer clarified that the proposed development was considered sustainable, the scheme would improve public transport, as well as cycle routes and footpaths. The development would also support both existing and new business generating jobs.

The applicant shared a presentation to the Committee of the proposed development and informed Members that the scheme was unique to Bradford and would provide new standards of housing and create jobs. Furthermore, the applicant stated that the concerns raised by representatives had been addressed.

In response to a Member's question, the applicant clarified with regard to the implementation of the proposed car permit scheme, permits would be issued to residents in the new proposed development and Esholt Village residents in the first instance and on a priority basis.

During the discussion, Members requested a condition and informative to ensure the retention of garages and an informative regarding the positioning and design of letter/mail boxes within the doors should be in accordance with British Standard mailboxes and letter boxes to ensure that they are positioned at a suitably accessible height and accessible to postal delivery workers.

Members expressed their support with regards to the proposed scheme; and it was therefore:

**Resolved –**

- (1) That the application be approved, subject to conditions set out in Appendix 1 to Document 'J' and subject to application being referred to the Secretary of State for Communities and Local Government under the provision of the Town and Country Planning (Consultation) (England) Direction 2009:**
- (2) Notwithstanding, the S106 shall include a requirement for the Applicant to undertake a review to assess, within 6 months of the application first being implemented, and again within 12 months (if so required), the feasibility of providing Automatic Number Plate Recognition (ANPR) to restrict vehicles to 'access only' to Esholt Village. The assessment shall review the legislation, detail the requirements and provide for a proportionate commuted sum. In the event that ANPR is not feasible after the second assessment after 12 months of the scheme first being implemented, the Traffic Regulation Order 'Access Only' listed on the S106 shall be fully implemented, and also to the following additional condition/informative:**
- (3) Notwithstanding the provisions of S.55(2)(d) of the Town and Country Planning Act 1990 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: and**
- (4) The positioning and design of letter/mail boxes within the doors serving dwellings should be in accordance with British Standard EN13724 mailboxes and letter boxes to ensure that they are positioned at a suitably accessible height and accessible to postal delivery workers.**

***ACTION: Assistant Director Transportation Design & Planning***

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.**

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER