

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 21 October 2021 at 10.00 am in the Council Chamber, City Hall Bradford

Commenced 10.10 am
Concluded 1.00 pm

Present – Councillors

LABOUR	CONSERVATIVE	GREEN
Warburton Lal Lee Shafiq	Ali Sullivan	Love

Councillor Warburton in the Chair

31. DISCLOSURES OF INTEREST

In the interest of clarity the following declarations of interest were received in relation to the Braithwaite Edge Quarry application (Minute 36):

- (i) Councillors Lee and Warburton declared that they were members of this Committee when the application for the cemetery was considered, and that they also lived in the Ward, however they stated that they would consider this application with an open mind.
- (ii) Councillor Love also declared that he had been approached by the cemetery operators, some time ago regarding a quote for walling, however this quote was never pursued.

ACTION: City Solicitor

32. MINUTES

Resolved –

That the minutes of the meeting held on 23 September 2021 be signed as a correct record.

33. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted to review decisions to restrict documents.

34. MEMBERSHIP OF SUB-COMMITTEES

There were no membership changes.

35. One City Park The Tyrls City Park Bradford - 21/03653/MAF

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document "K"**) which set out an application for construction of a 5-storey office building with a retail and/or leisure unit at ground floor, with associated site works, creation of public realm and access works at the site of former Police station, Princes Way, Bradford.

The Senior Planning Officer gave a detailed PowerPoint presentation setting out the proposals for the new office block, public realm works and the new access arrangements. Photographs of the site, drawings showing the elevations and plans were alluded to, as well as five objections that had recently been received on the application. The objections cited funding cost to the Council and whether a new office block was a good use of public funds at a time when working from home and more flexible working arrangements had become the norm; that there was already ample office accommodation within the city centre with low occupancy rates with many office blocks currently vacant and therefore this proposal made little sense; that the proposal would adversely impact on the conservation area, given its proximity to the Odeon and the Alhambra Theatre; that the current use of the site as a park and its synergy to the City Park would be lost.

In considering the application, the Council's Highway's section had been consulted, and they had raised no objections to the application and were content with the transport assessment and travel plan, and that the traffic flows on the adjacent roads would not be adversely affected by the proposal.

Additional conditions were alluded to covering the submission of a Construction Plan; the proposed means of vehicular and pedestrian access; Prior to occupation of the building, full details of the highway works associated with any Section 278 Agreement shall be submitted to and approved in writing by the Local Planning Authority together with the proposed means of vehicular and pedestrian access; construction of the new access on Princes Way and prior to it being brought into use; developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works, and prior to the occupation of the approved development, details of the installation of bird and bat boxes.

During questions, a Member raised a concern regarding the proposed layby and that it could be used for parking on an evening, particular given its proximity to the Alhambra. In response it was stated that this had already been flagged up as a potential issue and therefore a traffic regulation order would be imposed to control parking on this layby, and this would then be enforced in the normal way.

A Member raised concerns around the environmental impacts of the proposed development, given the amount of surplus office accommodation within the city centre. In response it was stated that it was a judgement call around the demand

for office accommodation; however the applicant will have done their own viability assessment.

In response to a question regarding access and exit arrangements, it was stated that a construction plan condition would cover this aspect in order to minimise the impact on existing traffic flows.

A Member stated that this site had become an area of congregation and there had been incidents of anti-social behaviour, so a development of this nature would be welcomed.

The applicant together with a number of supporting officers were present at the meeting and stated that 1 City Park would create much needed Grade 1 office accommodation; that much thought had gone into its design and end use, creating an adaptable, modern and sustainable office space which would attract high calibre companies into the city centre. It was stressed that the pandemic had changed the working environment and 1 City Park would build on the new found working arrangements. Similar office space had been created elsewhere, nationally, and the aim was replicate this in Bradford and as such would be a major lynchpin in the city's regeneration journey.

A Member expressed concerns that in the context of many unoccupied offices in the city centre, 1 City Park may also remain vacant. In response it was stated that research undertaken as part of the proposals, had indicated demand for high quality office space, particular given its adaptable nature.

In response to a question regarding social value, it was explained that a development of this kind would enable local labour and materials to be used during construction, and this would be an important component of the proposal.

In response to a question regarding timescales, it was stated that completion of the project would be around March 2023.

Members welcome the proposed 1 City Park development in that it would create an iconic building in the city centre and be a cornerstone in the ongoing regeneration of the district, and it was therefore:

Resolved –

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

(i) Prior to the commencement of a material operation (as defined in Section 56 (4) of the Town and Country Planning Act 1990) in relation to the development full details of the new roads, any alterations and accesses - as indicatively shown on drawing 6244-ARP-XX-XX-DR-C-28600 Revision P03 - shall be submitted to and approved in writing by the Local Planning Authority, including longitudinal and cross sectional gradients, street lighting, parking & turning facilities, layby facilities, access widths, gradients, surfacing, visibility splays, drainage & outfall proposals, construction specification, provision of and diversion of utilities services,

materials and any proposed structural works. Drawings must indicate key dimensions. All details submitted for approval shall comply with the City of Bradford Metropolitan District Council current highways design standards and shall be implemented as approved at Section 38 Agreement stage and/or Section 278 Agreement stage under the Highways Act 1980.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

(ii) Notwithstanding the provision of Class A, Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent legislation, the development hereby permitted shall not be begun until a Construction Plan specifying proposals for the management of construction site access and the layout of construction site facilities has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details: i) full details of the position and width of the contractor's means of access to the site including measures to deal with surface water drainage; ii) intended hours of construction work, including any works of demolition; iii) intended hours of delivery of materials; iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site; v) car parking areas for construction workers, sales staff and customers; vi) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site; vii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients; viii) temporary warning and direction signing on the approaches to the site. The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: In order to safeguard the amenity of neighbouring occupiers and the safety of road users it is essential that the detail of these facilities is satisfactorily resolved before any work begins. To accord with Policies DS5, DS9, TR2 and DS4 of the Core Strategy Development Plan Document.

(iii) The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

(iv) Prior to the occupation of the approved development details of the installation of bird and bat boxes within the development shall be submitted to and approved in writing by the LPA. The development to be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of biodiversity enhancement in accordance with policy of the Core Strategy.

ACTION: Assistant Director Planning Transportation and Highways

36. Braithwaite Edge, Quarry Black Hill Lane, Keighley, West Yorkshire - 20/05772/FUL

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “L”**) which set out a full application for the installation of eleven, 10-metre high lighting columns and associated light fittings, with two columns to incorporate security camera systems at the former Braithwaite Edge Quarry, Black Hill Lane, Keighley.

In setting out the application, the senior planning officer submitted photographs showing the lighting columns in situ and its impact on the Green Belt, together with a site plan and a satellite image showing the car parking area and access layout. It was stressed that Members were only dealing with the lighting columns and the CCTV cameras that had been installed, and no aspects relating to the operation of the cemetery or existing enforcement issues were being considered.

It was stressed that the works applied for had already been carried out without prior planning consent, despite the fact that a scheme of low level lighting had been approved as part of the original cemetery application. And could still be implemented whether or not the lighting proposed by this application was approved.

By virtue of its visual impact on the Green Belt, the application was recommended for refusal; given that it was an exposed site and the columns were visible during the day and when in use, caused light pollution and would impact on the biodiversity of the wider area; any exception to Green Belt policy had not been met through the application, and it was therefore recommended for refusal, for the reasons set out in the Assistant Director’s technical report.

In response to a question on how the lighting columns compared to the normal urban street lighting, it was pointed out that these columns were considerably higher than the normal street lighting columns and that they were more comparable to those taller columns you would associate with a city centre setting and were considerably brighter in nature.

In response to a question on when the lighting columns were switched on, it was pointed out that they were only switched on when there was a funeral ceremony being undertaken at the site.

The Senior Planning Officer stressed that Members were not just looking at the visual impact of the lights when they were on, but also their impact on the openness of the Green Belt, as they were visible and prominent during daylight hours, as had been demonstrated by the photographs.

In response to a question regarding the impact of the lighting columns on the biodiversity of the area during use, it was stated that the biodiversity officer had concurred that 11 bright lights would have an impact on the biodiversity area and the nearby tarn, however a full ecological assessment had not been included with the application. In addition it was felt that the low level lighting would be more appropriate given its location in the Green Belt and the impact on wildlife would be minimised.

An objector was present at the meeting and urged Members to refuse the application before them on the grounds that this was a retrospective planning application and the reasons for refusing the application were very clearly set out in the technical report; adding that this was a former landfill site and as such methane migration could cause an explosion, if they interacted with the lighting columns; that lighting of this nature was not prominent in other cemeteries in the district and no case had been made why there should be an exception made in this case; he also expressed concerns that the nature of the lighting columns could confuse aircraft, as its brightness and layout resembled that of a landing strip, and that the prevalence of bats in the vicinity was another reason why the application should be refused.

The applicant's agent was also present at the meeting and stated that the 11 lighting columns, 10 metres in length were slender in nature and their appearance were similar to the urban street lighting; that permission to use the site had been granted and the lights were only used for short durations and worked on a timer; that similar lights were operational in other similar locations and in his opinion did not affect the openness of the Green Belt; that they were happy for a management plan to be imposed to minimise any impact on the biodiversity of the area, stressing that this much needed community facility required this type of lighting for its effective functionality, otherwise it would not have been installed, as the original low level lighting had failed to provide adequate lighting, particularly as funerals can be undertaken during the evenings.

In response to a question why the lighting had been considered necessary now as the original cemetery application had been approved in 2014, it was stated by the applicant's representative that it was felt that a safe and secure environment was needed for users, hence the lighting had been installed following use of the site.

In response to a question regarding low level lighting, the Senior Planning Officer stated that as part of the original application, the low level lighting scheme had been approved, and there was no justification given then for the need for this type of lighting column.

A Member stated that it was imperative that those with a physical or visual impairment were fully able to participate in a funeral service, particularly during hours of darkness, and on that basis she could see the rationale for the lighting columns on grounds of health and safety.

The Senior Planning Officer stated in response that such reasons as identified by the applicant did not override the impact the lighting columns would have on the Green Belt.

There was a lengthy discussion on the biodiversity impact of the lighting columns, with a number of Members suggesting that any impact was likely to be minimal, in particular as the lights would only be operational for a given time period.

Some Members suggested that the application could be deferred to allow the applicant to submit an application with a revised scheme, which incorporated shorter columns than the ones that had been installed, and which were more sympathetic to the Green Belt.

Members however felt that special circumstances applied in this case to justify approval of the application on health and safety grounds, and that given the time limited use of the lighting, the impact would be greatly reduced, and it was therefore:

Resolved –

That the application be approved for the reasons in paras (i) to (iv) and subject to the additional condition set out below:

(i) That the proposed lighting columns would improve visibility for visitors the site, in particular for users with a physical or visual impairment, and as such, are considered appropriate facilities for a cemetery and would not be harmful to the Green Belt.

(ii) That the proposed lighting columns would not have a detrimental impact on the landscape character of the area.

(iii) A condition can be included to ensure that the proposed lighting columns would not adversely impact on the biodiversity of the site, the surrounding area and the Keighley Tarn by use of appropriate buffering and biodiversity mitigation measures. This potential impact is further limited as the lighting columns would only be switched on when there was a funeral taking place.

(iv) The condition proposed in (iii) above would minimise any light pollution to a level that can be accepted.

Conditions -

1) The lighting columns as approved shall not be brought into use/illuminated unless and until a scheme including a Lighting Assessment accompanied by an Ecological Assessment is submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted to the Local Planning Authority within 3 months of the date of this permission.

The Lighting Assessment and Ecological Assessment shall include:

- **Drawing showing proposed light spill to site;**
- **Illumination levels cd/m and inclination angle;**
- **Detailed specification of full cut-off buffer to lighting column; and,**
- **Ecological Assessment including mitigation measures where necessary to prevent harm to wildlife.**

The scheme as approved shall be implemented within 3 months of the discharge of the condition, in full accordance with the approved details, and shall be retained and used as approved in perpetuity.

Reason: To limit light pollution, sky glow, obtrusive light, spill light / trespass light and glare, to mitigate detrimental impact to local wildlife and to provide a safe level of illuminance for visitors to the site.

ACTION: Assistant Director Planning, Transportation and Highways

37. Annual Development Report

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “M”**) to inform the Committee about Development Management performance and key activities undertaken over the last year (1 April 2020 – 31 March 2021).

The Service reported that it had exceeded or met all the targets set by Government or in regard to its own measures such as stated in the Council Plan.

Officers thanked Members for the way in which they had dealt with the applications during the pandemic, and in particular how this Committee had paved the way in dealing with remote meetings and the volume of applications.

Members thanked officers for their invaluable support and advice and it was:

Resolved –

- (1) That the report set out in Appendix 1 to Document “M” be noted.**
- (2) That it be noted that the Planning Enforcement Team needs to be sufficiently resourced given the level of enforcement activity being undertaken by the team.**

ACTION: Assistant Director Planning, Transportation and Highways

Chair

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