

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 16 December 2021 in the Council Chamber, City Hall Bradford

Commenced 10.00 am
Concluded 12.10 pm

Present – Councillors

LABOUR	CONSERVATIVE	GREEN
Lal Salam Shafiq Warburton	Ali Sullivan	Edwards

Observers: Councillors Alipoor and Thirkill (Minute 48)

Councillor Warburton in the Chair

44. DISCLOSURES OF INTEREST

In the interest of transparency, Councillor Warburton declared an interest in respect of the item relating to Land at Westminster Drive (Minute 48) as he was a Member at the time when a planning application was considered on an adjacent site, however he stated that he would consider this application with an open mind. Councillor Edwards also stated that he had a friend who lived on the adjacent site, however he had not discussed any aspect of this application with him.

In the interest of transparency, Councillors Ali, Edwards, Shafiq and Warburton declared an interest in respect of item relating to Land at Westminster Drive (Minute 48) as they were Members at the Committee on 19 August and 23 September 2021 when this application was previously considered. However, they stated that they would consider this application with an open mind.

ACTION: City Solicitor

45. MINUTES

Resolved –

That the minutes of the meeting held on 18 November 2021, be signed as a correct record.

46. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

47. MEMBERSHIP OF SUB-COMMITTEES

Resolved –

That the following membership changes be approved on the Corporate Parenting Panel:

- (1) That Councillor Duffy replace Councillor Thirkill as Chair of the Corporate Parenting Panel. (Councillor Thirkill to remain as a Member on the Panel).**
- (2) That Councillor Alipoor replace Councillor Mohammed as the alternate Member on the Panel.**

ACTION: City Solicitor

48. LAND AT WESTMINSTER DRIVE, BRADFORD - 21/05245/MAF

Previous references: Minutes 23 & 28 (2021/2022)

The Assistant Director Planning, Transportation and Highways submitted a report (**Document “P”**) which set out a full application for the construction of a residential development on land at Westminster Drive, Bradford.

This application was previously considered by this Committee at its meeting held on 19 August and 23 September 2021 (see Minute references above).

The Assistant Director drew Members’ attention to an additional two objections that had been received which had been circulated, which cited existing drainage issues in proximity to the site and flooding affecting Falls Farm, stressing that this flooding would only be exacerbated by the proposed development.

All other aspects of the application remained the same as to what had been submitted and considered by Committee on 19 August and 23 September 2021 respectively, with the exception of additional Heads of Terms which had been added to the Section 106 Legal Agreement by the developer, which included (i) the sum of £10,000.00p to be paid by the Owner to the Council as a contribution towards the provision of a real time information display at bus stop 21347 located on The Avenue; and (ii) the sum of £28,132.50p to be paid by the Owner to the Council as a contribution towards the cost of the provision of MetroCards to first Occupiers of each dwelling. Subject to these additional conditions the Assistant Director recommended the application for approval.

The Council’s drainage engineer was also present at the meeting and stated given the previous reason for refusal that natural springs on the site could cause

potential flooding, a site visit had consequently found no evidence of natural springs on site and the Lead Local Flood Authority had therefore not raised any objection to the proposal, given that the proposed attenuation tanks would limit surface water run-off from the site and therefore would not exacerbate the flooding in the area. He also gave some additional technical details on how this assessment had been arrived at. On submission of a detailed drainage scheme by the applicant any additional measures that may be required will be looked at.

During questions a Member ascertained what the risks were to flooding elsewhere as a result of this development. In response the drainage engineer stated that water run off would remain the same, however with the installation of attenuation tanks this run off could be better controlled and eventual flow from the site should improve.

In response to a question regarding why Spring Valley had been referenced and that this potentially referred to the presence of natural springs on the site, it was stated that springs referred to the trees in spring and not water.

In response to a question regarding traffic flows and narrowness of the road, it was stated by the Highways engineer that additional traffic created by the development could be accommodated within the existing road network.

In response to a question regarding the provision of play provision in the area, it was stated that play areas generally created the potential for anti-social behaviour and were discouraged on this type of development, and although a green space was available for use, the installation of attenuation tanks meant any provision for a play area was limited in any case. In addition there was ample recreational facilities available off site by way of a cricket ground as well as the site's proximity to the Bronte Way.

In response to a question regarding the site road and roads off site, it was stressed that the proposed on site road would be constructed to adoptable standards and that a dilapidation survey would be done prior to construction, so that any damage to off-site roads was made good by the developer post development.

A number of objectors were present at the meeting and spoke in relation to the application, including Ward Councillors, a Parish Councillor and a member of the Keep Clayton Green Group. During their submission the following points were raised in objection to the application:

- That the application before Members today had changed little from what had been previously submitted at the August and September meetings.
- That it was important to understand that water continued to run off through this site, when it rained and flooding ensued (this was evidenced by photographs shown via PowerPoint).
- That this application would only go to exacerbate the flooding in the area.
- That the provision of a real time bus display was of little consequence.

- That during the construction phase, heavy rainfall would again cause flooding.
- That access concerns remained and given the width and proposed road layout, emergency vehicle access would be compromised.
- That highway and pedestrian safety was a cause of real concern.
- That the proposed development would have an adverse impact on the ecological and wildlife species that currently resided on this site.
- That the infrastructure in the area in terms of school places; doctors and dentist provision was very limited and this development would only create additional pressures.
- That the incidents of flooding in the area had been increasing and no measures were being taken to alleviate this flooding and the installation of an attenuation tank was not a guarantee that future flooding would not occur, as they may not operate as intended.
- That ultimately residents in the area would suffer if the development goes ahead as the flooding risk remained real and varied depending on the time of the year, so any survey undertaken was not fully representative of the flooding situation as and when it occurred.
- That over 200 objections had been raised to the application.
- That noise and dust concerns had been sighted as and when the development commences.

In response to some of the issues raised by the objector it was stated that any potential traffic regulation order required would be funded by the developer; that any flooding in the area would not be made worse by this development as a result of the measures proposed by the developer and that no evidence had been found that there were natural springs on this site; that this was a green field not green belt; that infrastructure/facilities in the area were not a material planning consideration; that historical flooding data for the area was available and had been relied upon in making the assessment that flooding would not be exacerbated by this development; that any noise and dust concerns would be looked at as part of the construction plan submitted by the applicant. In addition there was no evidence of any standing water present on the site and that Yorkshire Water had raised no adverse concerns.

In response to a question regarding the need for traffic calming in the vicinity of Westminster Drive, it was stated that this could be an issue that the relevant Area Committee could look into as part of its remit.

The applicant's agent and their drainage consultant was also present at the meeting and stated that they concurred with the assessment made by the Assistant Director and by the Councils' drainage officer on the application, adding that the measures proposed would alleviate any flooding concerns on the site.

During the discussion and prior to making a decision on the application, although some Members expressed concerns that despite the assurances given by the applicant and the Councils' drainage officer, concerns expressed by the objectors regarding flooding in the area remained, however Members overall felt that sufficient mitigation measures would be put in place to alleviate and address the flooding concerns that had been expressed and it was therefore:

Resolved –

(1) That the application be approved subject to the completion of a Section 106 Legal Agreement, the Heads of Terms to also include (in addition to the provision of affordable housing):

- (i) The sum of £10,000.00p to be paid by the Owner to the Council as a contribution towards the provision of a real time information display at bus stop 21347 located on The Avenue; and**
- (ii) The sum of £28,132.50p to be paid by the Owner to the Council as a contribution towards the cost of the provision of MetroCards to first Occupiers of each Dwelling.**

(2) That the granting of planning permission also be subject to the conditions set out in Appendix 1 to Document “P”, together with an additional condition for the dilapidation survey of Westminster Drive:

No development shall take place until details of a photographic dilapidation survey of Westminster Drive to be used by development traffic has been undertaken and submitted to, and approved in writing by, the local planning authority. A scheme for the repair of any damage incurred as a direct result of site traffic using Westminster Drive, which shall include a delivery mechanism and programme for the works, shall be submitted to the local planning authority, for approval in writing, within 14 days of being requested. The approved scheme shall thereafter be implemented in full.

(3) That the Development Service Manager, in consultation with the chairman, be authorised to attach a further condition requiring offsite highway works to be carried out in relation to the development.

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.