

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 26 May 2022 in Council Chamber - City Hall, Bradford

Commenced 10.05 am
Concluded 12.50 pm

Present – Councillors

LABOUR	CONSERVATIVE	GREEN
Alipoor Mullaney Shafiq Engel	Brown Sullivan	M Edwards

Apologies: Councillor Taj Salam

Councillor Alipoor in the Chair

1. DISCLOSURES OF INTEREST

In the interests of transparency, disclosures of interest were received in relation to agenda item 8, Land to the south of Rooley Crescent, Staithgate Lane, Bradford reference number: 21/05737/VOC (minute number 7)

- (i) Councillor M Edwards declared that he had commented on the original plan and recused himself from the item
- (ii) Councillor S Engel declared a non-pecuniary interest in that she had worked with Friends of Bradford Becks in her Ward

Action: Interim City Solicitor

2. MINUTES

Resolved –

That the minutes of the meetings held on 24 March and 21 April 2022 be signed as a correct record.

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

4. MEMBERSHIP OF SUB-COMMITTEES 2022-2023

Resolved –

(1) That the Panels set out in (Document “A”) be appointed with memberships as shown and with the role and functions as contained in the Articles of the Council’s Constitution and subject to the Rules of Procedure contained in Part 3 of the Constitution.

(2) That the Chairs and Deputy Chairs be appointed to the Panels as indicated in (Document “A”).

Action: Interim City Solicitor

5. LAND OFF MOSS CARR ROAD, LONG LEE, KEIGHLEY - 19-04151-MAO

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “B”**) which set out an outline application for residential development of land for up to 103 dwellings requesting consideration of access, land off Moss Carr Road, Long Lee, Keighley

Resolved –

That the application be deferred again to a future meeting, to allow for further information/clarification to be provided on the following issue:

The Village Green application and assessment of its impact on Moss Carr Road.

Action – Assistant Director, Planning, Transportation and Highways

6. LAND SOUTH OF 63 TO 77 WESTFIELD LANE, SHIPLEY - 21-06299-MAO

The report of the Assistant Director (Planning, Transportation and Highways) (**Document “C”**) was submitted to the Committee requesting approval for an outline planning application relating to a residential development for 30 houses for consideration of access and scale on land south of 63 to 77 Westfield Lane, Shipley.

The application related only to the principle of residential development on the site and would consider details including access and scale. When applying for the scale of the development this contained information on the size of the development, including the height, width and length of each proposed building. A considerable number of representations were received objecting to the application, details of which were included in the report circulated prior to the meeting.

Officers presented details of the proposed access routes including plans and photos and the indicative layout of the site, stressing that only access and scale

were under consideration. Details of an S106 agreement were provided indicating proposed speed limits.

The application was recommended for approval subject to the legal agreement and the terms of this were hi-lighted including the percentage of social housing proposed.

Members were then given the opportunity to comment and ask questions, the details of which and the responses given are as below.

Reference was made to the Transport Planner paragraph relating to funding for a real-time display and residents Metrocards. Officers advised that Metrocards could be offered by the developer if they so chose to but the inclusion of EV charging points was considered a satisfactory alternative. The provision of Metrocards could be requested if deemed necessary. It was further confirmed that these would only be given for the first 12 months and inclusion of EV points were not part of a policy but had been adopted by Bradford Planning Officers.

The issue of EV charging points was again raised as not all residents would be driving and there was a question around what a reliable bus service would be. EV charging points were not considered sufficient to discharge the requirement of access to sustainable transport. In addition, would there be access via a footpath from the new development to which Officers advised that an existing access would be maintained and improved.

Officers were asked if ongoing development in relation to traffic flow and levels were factored in to consider the cumulative effect and were able to confirm that they were and the area was still well under the threshold for this.

There were no drainage objections raised by the relevant team, subject to the usual requirements being met.

A member asked about visual amenity and the impact on neighbouring bungalows and Officers explained the floor levels of both these and the proposed development which were considered acceptable.

There were two objectors present at the meeting who addressed the Committee to express their concerns relating to the application which partly focused on access and parking during construction.

Officers responded regarding highways and access queries and the public consultation exercises that were undertaken as well as the TRO proposed to mitigate possible problems. They also confirmed that there was no accident data to suggest any concerns. They did confirm that there would be some disruption but had included conditions in the application to mitigate these. Parking would be available when services were installed.

Members were again given the opportunity to ask questions and comment. A Member queried the fact that objections had been received from Parish and Ward Councillors but did not seem to be included in the report. Officers advised that comments and objections from Councillors were not listed separately in the report and therefore were included in the list provided unspecified.

The issue of construction traffic was raised and Members were advised that conditions would be implemented as part of the Construction Plan but workers' vehicles would not be included.

A meeting had been requested with the developers in relation to collaborative working and a response was still outstanding.

Officers also confirmed that the adjacent bungalows did not have vehicular access via the main road

The issue of maintaining and enforcing access was raised and Officers stated that access could be controlled during construction (condition 12) by enforcement. When the road is closed for services to be installed, the length of time that the road is closed would be down to the contractors with primary access being Westfield Lane.

A Member noted that it would not be responsible or moral to restrict access for an unspecified time as it would have a significant impact on those with limited mobility. It was also stated that the inclusion of washroom facilities on site should be specifically included. Officers stated that it could be added to the site management plan.

A Ward Councillor attended the meeting and addressed the Panel with concerns relating to access. A second meeting had been requested to address concerns before the Planning meeting but this had been declined pending the outcome of the application. A request was made that the developers commit to working with the residents.

A Ward Councillor for the applicant also attended the meeting and addressed the Panel and stated that access would not be unavailable even when services were being installed. He also stated that Health and Safety would be observed on site and any conditions added to the site management plan would be adhered to.

A brief discussion then took place to clarify how access was to be widened to allow 2- way flow and that when services were being installed the trench would be covered to allow vehicles to pass over it and not restrict access. He further stated that construction traffic would be contained within the site.

The agent for the applicant then addressed the Panel. They were able to confirm that there would be short term disruption for a longer term benefit and summarised the measures agreed with the Highways team.

The meeting was adjourned at 11.12am to allow Members to take further legal advice.

The meeting was re-convened at 11.35am –

Members sought clarification regarding road closure when services were being laid and it was confirmed that the road would have to be closed occasionally. In the event of additional closures, notice would be provided, with the developer endeavouring to keep closures to a minimum. Pedestrian access would be

maintained throughout.

A Member asked if there would be pedestrian access maintained when the access was being constructed and was advised that there was an existing footpath and that additional land had been purchased to widen the new access road.

The issue of the second meeting between the applicant and residents was raised again and the agent stated that they were happy to meet to discuss. In response to a request by a Member, Officers confirmed that operating hours were included in the conditions contained in the technical report. Members also requested the inclusion of bus passes in conditions to which the applicant agreed to fund for the first 12 months. This would be part of the S106 legal agreement,

Details of road closures would be submitted to Planning Officers who would inform Ward Councillors and residents. This was also added as a condition, with a stated minimum notice period (other than emergency closure).

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Assistant Director, Planning, Transportation and Highways' technical report (Document "C") and subject to the amendments and additions to those conditions and S106 legal agreement as below:

- 1. amendment to Condition 12 point ii to read: *location of site management offices (including wc's) and/or sales office.***
- 2. addition to Condition 12 – point vii *how both pedestrian and vehicular access to the rears of numbers 63-77 (odd only) Westfield Lane will be retained during the construction phase of the development and what procedures will be in place to advise the residents when the closure of the access road will be necessary and will take place (minimum 7 days' written notice to both the Council and the Residents).***
- 3. The Section 106 Legal Agreement to be amended to include the following clause: *The Developer shall provide a discounted Residential MetroCard Scheme for the future residents of the site for a period of 1 year. The cost of the Scheme shall be £15,345.00.***
- 4. Addition of condition number 24 to read *"The development shall not be occupied until a scheme of highway traffic measures designed to protect visibility splays and to introduce a 20mph speed limit on the access road to the Development has been submitted to and approved in writing by the Council and thereafter has been implemented as approved by the Council including the completion or making of any necessary legal procedures and orders"*.**

Action: Assistant Director, Planning, Transportation and Highways

7. LAND TO THE SOUTH OF ROOLEY CRESCENT, STAITHGATE LANE, BRADFORD - 21-05737-VOC

The report of the Assistant Director, Planning, Transportation and Highways (**Document "D"**) was submitted to the Panel for a full application for the variation of conditions 2 and 5 and the removal of condition 9 of planning permission reference 21/01137/MAF (this related to the construction of a residential development) on land south of Rooley Crescent, Staithgate Lane, Bradford.

The initial application relating to the alteration of condition 2 proposed to reduce the overall number of units. The description was subsequently altered to include the amendment to condition 5 and the removal of condition 9. The amended description was advertised via neighbour notification letters following the initial application that was advertised by press notice, site notice and neighbour notification letters.

The publicity exercises resulted in 101 representations of objection being received by 76 individual objectors.

Officers gave a presentation including a summary of the history relating to the site for the benefit of new panel members, including a previous appeal that had been dismissed but not on the same grounds. In 2021, permission was granted subject to a S106 legal agreement. Details of the changes proposed were summarised with the removal of 1 bed units in favour of 2 and 3 but a reduction in overall numbers. The number of units requested had gone down but there would be resultant traffic and site layout changes.

The Chair raised the surface water drainage figures and clarified that they were appropriate and had been agreed by the drainage team.

Members were then given the opportunity to comment and ask questions, the details of which and the responses given are as below.

A Member asked about the water course that ran through the site and if it was a tributary of Bradford Beck but unfortunately, despite the request being made there was no representative at the meeting from the drainage team.

A Member queried the definition of a reliable bus service as the timetable did not reflect the reality of the service. It was confirmed by Officers that it had been looked at by the Planning Inspector who judged it as adequate.

There were 2 objectors present who addressed the Panel with a number of concerns, specifically water discharge and insufficient drainage. They also summarised the history of the site and the queries previously submitted. They were also able to provide additional information on the bus service.

Officers advised that the reason for the reduction in units was not a planning consideration and that the S106 legal agreement from previous permission reference 21/01137/MAF secured affordable housing units, was still applicable. The drainage issues were assessed as acceptable by the drainage team and

other points raised by the objectors had already been considered as acceptable. The road would be an acceptable standard to serve the development and the park & ride provision nearby.

Members were again, given the opportunity to comment or ask questions, the details of which and the responses given are as below.

In light of protection in the future and the increasing number of extreme weather incidents, a Member asked if there would be any changes to the physical capability of the water course or what was deemed acceptable. Members also wanted to know if there were any measures in place to protect bio-diversity during construction.

Officers advised that Bio-diversity Officers were satisfied with the proposal and increases to the maximum flow rate capacity could be made in the future if they became necessary.

The applicant and agent were present at the meeting and addressed the panel stating that whilst transport did not form part of the variations under discussion, the development would be next to the park and ride scheme and would, therefore, be serviced by frequent public transport. The amendment requested by the flood authority had not taken existing flows plus flows from the development into account and that the discharge rates were in accordance with the flood authority's acceptable limits.

The agent stated the following: that condition 2 related to the removal of 1 bed properties and inclusion of additional 2 and 3 bed properties, condition 5 related to the changes in water discharge rates in line with advice given, he also stated that on confirmation that Bradford Beck did not run through the site, that condition 9 should be removed, in line with LA requirements. They would endeavour to minimise disruption to local residents throughout.

Members were again given the opportunity to comment and ask questions, the details of which and the responses given are as below.

In relation to the loss of the 1 bed properties, a Member stated his assumption that the remaining properties would be for sale on the open market and asked whether it was possible to retain some for rental only. Officers responded to say that whilst the S106 legal agreement fulfilled the requirement for social housing, it would not be possible to include conditions to prevent properties being sold and not kept as rental properties.

Another question relating to flooding was raised and asked where the attenuation tanks would empty and was advised that it would discharge into a water course off site at the agreed rates.

A Member asked if there was a provision to ensure that surfacing around dwellings could be grass or of porous materials and was advised that an existing condition (5) could be amended.

One Member commented that they were unsure of the reasons for the withdrawal of the 1 bed properties which was attributed to rising costs and was surprised that

there was no Drainage Officer present at the meeting.

Officers again re-iterated that amendments had been made in accordance with the request from the drainage team and had also expected an Engineer to be present.

Was the dam feature for drainage a risk to children in any way? Officers advised that it would be dry for most of the time but the matter could be discussed with the applicant.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Assistant Director, Planning, Transportation and Highways’ technical report (Document “D”)

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.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER