

# Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 1 June 2023 in Council Chamber - City Hall, Bradford

Commenced 10.10 am  
Concluded 11.30 am

## Present – Councillors

LABOUR	CONSERVATIVE	GREEN
Salam Alipoor Mullaney Shafiq	Brown Sullivan	Edwards

Observers: Councillor Glentworth

## Councillor Salam in the Chair

### 1. DISCLOSURES OF INTEREST

In the interest of transparency Councillor Brown disclosed that he had declined an invitation from the applicant to discuss the application for The Willows, Hainsworth Road, Keighley (Minute 6). He remained in the meeting during discussions and voting on that item.

Action: Director of Legal and Governance

### 2. MINUTES

Resolved –

That the minutes of the meeting held on 27 April 2023 be signed as a correct record.

### 3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

### 4. MEMBERSHIP OF SUB-COMMITTEES

**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: Director of Legal & Governance**

**5. THE WILLOWS HAINSWORTH ROAD SILSDEN KEIGHLEY WEST  
YORKSHIRE BD20 0LY - 22/04827/MAR**

The Assistant Director (Planning, Transportation & Highways) presented a report (**Document “B”**) which set out a reserved matters application requesting consideration of appearance, landscaping, layout and scale for residential development of land (pursuant to outline approval 20/03878/MAO) at The Willows, Hainsworth Road, Silsden.

The Senior Planning Officer gave a detailed PowerPoint presentation setting out the reserved matters application, showing photographs of the site and the adjoining area; site plans and access to the site. It was reiterated that outline planning permission for the development had been approved in March 2021 and the application being considered by Members at the meeting was for the site layout; design and landscaping issues only. Consideration of the reserved matters application had been deferred at the meeting on 27 April 2023 and Members were advised that since that time concerns had been raised about an ash tree located on the northern boundary of the site and an oak tree to the east. In response to those concerns the applicant had moved certain plots and buildings to provide a protection zone around those trees. Concerns around tree T3 in the application would remain and would be subject to a separate consideration.

It was confirmed that the layout, appearance, scale and landscaping with the revisions outlined were appropriate and the development would have no adverse effect on residential amenity or prejudice the integrity of the canal conservation area. The development would increase the supply of housing in the area and was recommended for approval subject to the conditions contained in the technical report.

In response to a question from the Chair it was confirmed that if the application was approved any application to remove the tree identified as T3 would be subject to a separate process and would be considered on its own merits.

A Ward Member addressed the meeting to report her objections to the

application. She presented two photographs depicting houses in the locality which had been received after the deadline of 48 hours before the meeting.

Before she explained her specific concerns about the reserved matters items she referred to an original outline application which had been refused by the Committee in 2020 because of highway safety concerns regarding the entry and exit to the site located on a bend on a narrow lane. On appeal the Planning Inspectors had decided that the highways issues were not a problem but turned down the application because of a lack of affordable housing. A new outline application had been considered in 2021 but Councillors had still remained concerned about highway safety. At a meeting on 11 March 2021 the Chair of the Committee had commented that she remained concerned about highway safety and requested that the application return to the Committee at reserved matters stage for that reason.

Advice she had received had been that highways concerns were not being discussed because these are considered by officers and did not need to return to a planning committee. It was felt that, in March 2021, the Chair of the Committee was not given the correct advice and that there was not a conflict between what was requested and what was happening and the biggest concern of residents and the Town Council, highways safety, was not being considered.

With regard to the reserved matters application under consideration she maintained that Leeds Liverpool Canal and its towpath were a heritage asset, a conservation area as well as being a green corridor through the town. She explained that it was a well-used route for local pedestrians and cyclists as well as drawing attention from those further afield who wished to enjoy the views and health benefits it afforded.

It was maintained that the case officer had highlighted three paragraphs in the National Policy Planning Framework (Paragraphs 8, 124 and 130) which required that plans:

- Protect and enhance our natural, built and historic environment
- Take into account the desirability of maintaining an area's prevailing character and are sympathetic to local character and history.

It was believed that, as most of the dwellings adjacent to the canal were three and a half storeys high, whilst one storey of those dwellings would be below the level of the canal, the properties would still protrude considerably above the side of the canal and hide the original setting and not be compatible with National Policy Planning Framework aims.

Members attention was drawn to the photographs presented showing the protrusion of three storey houses. It was claimed that the conservation officer had concerns that the dwellings had an overtly suburban appearance and that dwellings with a more rural character, influenced by vernacular architecture would be better suited to the location.

In addition she noted that the previously indicated boundary fence was now proposed as a green screen and felt that details of the construction, composition

and maintenance should be provided. It was stressed that the control of details such as materials, finishes and management plans for the landscaping and informal areas of open space would be crucial to minimise harm. It was requested that the application be refused, however, if it was approved it was requested that her requests regarding the green screen and management plans be a condition of the approval.

With regards to the trees it was felt that the applicant's statements that trees would shield the development from view and their request that a tree by the towpath be removed was contradictory and they couldn't have it both ways.

It was reported that many Silsden residents were concerned about the effect that an additional 44 properties, probably leading to another 88 cars, would have not only on the safety of Hainsworth Road but ultimately at their only available route into the rest of the town and beyond. It was questioned what reassurances could be provided to ensure that additional road safety measures would be put in place to mitigate against accidents.

In conclusion it was noted that the developer would be required to contribute £11,000 to the provision of footpath improvements and the nature and location of those improvements was questioned.

An additional Ward Councillor, also in opposition to the application, expressed the concerns of residents about the development's impact on the mature trees and hedgerow along the canal towpath. She explained that the area was used by walkers, cyclists and families who enjoyed the scenery and wildlife. It was explained that walkers used the flat gentle slopes which were in contrast to other areas of the district and she felt that disturbance to the area was inevitable if the development was allowed. In summation she questioned if measures to maintain safe access across Hainsworth Road would be put in place during construction and beyond.

In response to that question the Senior Planning Officer explained that the highways element of the scheme and conditions had already been agreed. Further conditions could not be included at this stage. It was acknowledged that there would be disturbance but there would be a construction management plan in place.

With regard to the applicant's contribution to footpath improvements the Council could not direct the applicant on the exact location but it would be utilised on the local footpath network.

A Member, whilst expressing concern that the wishes of a previous committee had not been granted, questioned if the tree referred to as T3 would be retained. He was advised that if the applicant wished to remove the tree that would be a separate process and would be assessed on merit. The tree would be retained in the application under consideration.

It was questioned if a condition could be included to allow the Committee to consider any removal of trees in the future and Members were advised that tree removal did not require planning approval and the issue could not revert to the Committee.

Members queried the nature of the screening plan proposed and were advised that they could attach a condition to ensure that the detail, type, height and material of screening was built in accordance with approved drawings.

The Managing Director of the applicant company thanked Members for the invitation to the meeting and the opportunity to speak. She acknowledged the Council's Planning Department for its communications and collaborative approach.

The importance of the canal setting was acknowledged and she reported that she walked in that area often with her dogs. Work had been undertaken with conservation officers to preserve features in the area.

It was explained that significant investment would be made in the development of the proposed homes. A footpath link would be created for the community to enjoy the canal side and, it was maintained that the buildings would incorporate high quality materials and be built in natural stone. There would be a mix of one to four bedroom homes and this would include an element of affordable housing.

Members were advised that the entrance to the development would be widened to enhance road safety and the company were keen to engage with residents to discuss safety. It was stressed that this was a local development company that cared about the communities it served. It was reiterated that this was a reserved matters application and that the provision of quality homes would be a positive contribution to the area.

Members questioned the access link from the development to the canal and the Senior Planning Officer clarified that there would be a link from the north east corner of the site to the canal and depicted that link on a map. The only point of access would be via Hainsworth Road which would be increased in size.

Assurances were provided that there would be a detailed construction management plan in place which would include road maintenance and limit the movement of construction vehicles to ensure residents were not brought into hazard.

In response to questions, and in light of the previous Chair's concerns, Members were assured that highway schemes included traffic priority and would be controlled by conditions to the satisfaction of officers.

Rights of way were queried and the applicant's agent confirmed that a permissive footpath, maintained by the management company, would be provided to get to the towpath and beyond.

**Resolved –**

**That the application be approved subject to the conditions contained within Appendix 1 to Document "B" and the following additional condition:**

**Prior to the commencement of building operations above damp-proof course of the development hereby permitted details of the proposed**

**boundary treatment of the boundary of the site facing the Leeds and Liverpool Canal, including heights, positions and extents, materials and finishes of all walls, fences, gates, or other means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The development to be carried out in accordance with the approved details and retained as such for the lifetime of the development.**

***Action: Assistant Director, (Planning, Transportation & 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