

Decisions of the Regulatory and Appeals Committee on Monday, 14 May 2018

**These decisions are published for information in advance of the
publication of the Minutes**

Decisions

5. LAND AT SUN LANE AND ILKLEY ROAD, BURLEY-IN-WHARFEDALE

Previous reference: Minute 56 (2017/18)

Outline planning application for the demolition of existing buildings and permission (all matters reserved other than points of vehicular access into the site) for residential development (Use Class C3); education facility (Use Class D1); public spaces; landscaping; car/cycle parking; access routes within the site; drainage and other associated works (Supplementary Environmental Statement relating to the provision of an up to two-form entry primary school) on land at Sun Lane and Ilkley Road, Burley-in-Wharfedale - 16/07870/MAO.

Resolved –

- (1) That the application be referred to the Secretary of State for Communities and Local Government under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009 and, subject to him deciding not to call-in the application for determination, it be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report, subject to the amendment of Condition 46 to read as follows:**

'46. School delivery

As part of the submission of the first reserved matters application, the applicant *shall* submit a report setting out progress with the timescales and mechanism for delivery of a school on the site. The submitted report shall specifically set out a timetable for all required actions and shall detail and assign individual responsibilities for the applicants and any other relevant party involved in the school delivery process. Updates of this report (including the *updating* of the required timetable and assignment of delivery responsibilities) shall be provided for all subsequent reserved matters applications proposing a further phase of development, until the point of delivery of the school.

Reason: in order to ensure the delivery of the school and to accord with Policies P1, SC1 and SC5 of the Local Plan for Bradford.'

- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:**
- (i) Affordable housing provision of 30% of the total units on site (or equivalent value); these units to be prioritised for people living in, working in or having close family links to the Burley-in-Wharfedale Parish and secondly the wider Wharfedale area.**
 - (ii) The safeguarding of an area of land within the site for the provision of an up to two form entry Primary School and to offer this land to the City of Bradford Metropolitan District Council, if requested, in order to deliver the school. The area of land identified for the school will be reserved for a minimum period of 10 years and will be transferred to the Council at the appropriate time at a cost of £1. Also, the establishment of a Primary School Delivery Partnership whose remit and terms of reference will be to seek to deliver the new school in the most appropriate manner and at the most appropriate time.**
 - (iii) Payment of commuted sums to secure highway improvements and sustainable travel measures as follows:**
 - (a) £15,000 for a review of the existing Traffic Regulation Orders on Main Street, Burley-in-Wharfedale; to include a review of waiting restrictions, loading restrictions and the potential for 20 mph speed restrictions. This sum to be payable on occupation of the 1st unit.**
 - (b) £55,000 for traffic calming and footway strengthening Traffic Regulation Orders in the Sun Lane area. This sum to be payable upon completion of the pedestrian link between the site and Sun Lane.**
 - (c) £40,000 to implement improvements to the A65 Coutances Way/Wheatley Lane Junction; taking the form of the installation of Microprocessor Optimised Vehicle Actuation (MOVA) within the traffic signals. This sum to be payable on occupation of the 401st unit.**
 - (d) £25,000 towards Vehicle Activated Signs and the introduction of traffic islands on Manor Park. This sum to be payable upon completion of the ghost island right turn lane access into the site from the A65 (as shown on Drawing 13-215-TR-009A).**
 - (e) £65,000 towards TR2500 Controller specification software improvements to the traffic lights at the Buckle Lane/Bingley Road Junction. This sum to be payable on occupation of the 1st unit.**
 - (f) £320,000 towards a scheme of wider improvements to the Buckle Lane/Bingley Road Junction, as shown on Plan 13-215-TR-024. This sum to be payable on occupation of the 301st unit.**
 - (g) £75,000 per annum to fund improving, re-routing and increasing the frequency of the 962 bus service (or any**

equivalent replacement facility) for a period of five years (£375,000); in order to provide a regular public transport link between the site, Burley Rail Station and the remainder of the settlement. This sum to be payable to the West Yorkshire Combined Authority in five equal annualised payments with the first payment being made upon substantial completion of the internal estate road,

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the Interim City Solicitor) considers appropriate.

- (3) That the Reserved Matters application be submitted to this Committee for determination.
- (4) That the Committee receive regular progress reports in respect of the Primary School Delivery Partnership.

(John Eyles – 01274434380)

***ACTION: Assistant Director - Planning, Transportation and Highways
Interim City Solicitor***

6. LAND AT HOLME MILL LANE, KEIGHLEY

Outline planning application for a residential development of up to 102 dwellings and a 90 bed nursing home, including means of access and the relocation of a Scout Hut, on land at Holme Mill Lane, Keighley – 16/08422/MAO.

Resolved –

That the Committee considers the proposed development to be unacceptable for the following reasons:

- (i) It will lead to the loss of a valuable asset for the local community with a potential impact on social cohesion, contrary to Paragraphs 92, 93 and 98 of the National Planning Policy Framework.
- (ii) The scheme does not offer any affordable housing provision in an area where there is significant need, contrary to Core Strategy Policy HO11.
- (iii) It would lead to the loss of woodland/protected trees with no replacement planting or mitigation identified, contrary to Core Strategy Policy EN5.
- (iv) It would have an adverse impact on the Bradford Wildlife Area, contrary to Replacement Unitary Development Plan (RUDP) Policy K/NE9.57 and Core Strategy Policy EN2.

- (v) The proposed points of access/egress, by reason of layout and proximity to each other, would have a severe impact on highway safety, contrary to Core Strategy Policy DS4.

(John Eyles – 01274 434380)

ACTION: *Assistant Director - Planning, Transportation and Highways*

7. **LAND AT FAGLEY YOUTH AND COMMUNITY CENTRE, FAGLEY ROAD, BRADFORD**

Full planning application for the construction of 128 traditional two storey 2, 3 and 4 bed semi-detached and detached homes including garages, access roads and general infrastructure on land at Fagley Youth and Community Centre, Fagley Road, Bradford – 17/05678/MAF.

Resolved –

- (1) 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.
- (2) That the Assistant Director – Sport and Culture be requested to approach the Applicant in respect of accessing their Community Sports Development Funding and working in consultation with the Ward Councillors to support appropriate clubs in this area.

(John Eyles – 01274 434380)

ACTION: *Assistant Director - Planning, Transportation and Highways*
Assistant Director – Sport and Culture

8. **BOLTON WOODS QUARRY, BOLTON HALL ROAD, BRADFORD**

Outline planning application for a residential development of up to 700 dwellings, with part means of access, and including demolition of buildings and fixed-surface infrastructure associated with the existing use, at Bolton Woods Quarry, Bolton Hall Road, Bradford – 15/06249/MAO.

Resolved –

- (1) 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 with authority being delegated to the Assistant Director to consider the deletion of Condition 18 and to finalise the wording of the Conditions.
- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful

mechanism for securing the heads of terms as may be agreed in consultation with the Interim City Solicitor, in respect of:

- (i) A financial contribution of £245,000 towards car charging points per household,
- (ii) A financial contribution of £35,000 towards personalised Travel Plans,
- (iii) A financial contribution of £220,000 towards site specific emission reduction measures,
- (iv) A financial contribution of £49,000 towards mitigating recreational impacts on protected habitats,
- (v) A financial contribution of £441,000 towards on-site affordable housing provision,

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the Interim City Solicitor) considers appropriate.

- (3) That the Reserved Matters application be submitted to this Committee for determination.

(John Eyles – 01274 434380)

ACTION: *Assistant Director - Planning, Transportation and Highways
City Solicitor*

9. **LAND TO THE SOUTH OF THORNTON ROAD, BRADFORD**

Outline application for a development of up to 250 dwellings, including means of access, on land to the South of Thornton Road, Bradford – 17/06423/MAO.

Resolved –

- (1) 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 subject to the deletion of Condition 1 and its replacement with the 3 conditions below:

(i) Time scale

Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

(ii) Time scale

The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the

matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

(iii) Reserved Matters

Before any development of each phase is begun plans showing the:

(i) appearance,

(ii) landscaping,

(iii) layout, and,

iv) scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

and the imposition of an additional condition as follows:

Approved plans

The development hereby approved shall only be carried out in accordance with the following documents:-

Drawing number 10188 01 A dated October 2017 showing the Location Plan and received on the 17th November 2017

Drawing number 10188 06 A dated 25th July 2017 showing the Indicative Site Layout and received on the 17th November 2017

Drawing number 10188 07 A dated 25th July 2017 showing the Footpath and Culvert Diversions and received on the 17th November 2017

Drawing number 10188 08 A dated 25th July 2017 showing the Housing Mix and received on the 17th November 2017

Drawing number 10188 09 showing the Existing Block Plan and received on the 17th November 2017

Drawing number 10188 10 showing the Development Density Calculation and received on the 17th November 2017

Drawing number 10699/P01A dated November 2017 showing the Landscape Opportunities and Constraints and received on the 17th November 2017

Drawing number 10699/P02A dated November 2017 showing the Strategic Landscape Masterplan as Proposed and received on the 17th November 2017

Drawing number CBO-0434-001 A dated 18th September 2017 showing the Proposed Access Arrangements and received on the 17th November 2017

Drawing number SSS 7582 A dated 4th July 2017 showing the Site Survey (1 of 6) and received on the 17th November 2017
Drawing number SSS 7582 A dated 4th July 2017 showing the Site Survey (2 of 6) and received on the 17th November 2017
Drawing number SSS 7582 A dated 4th July 2017 showing the Site Survey (3 of 6) and received on the 17th November 2017
Drawing number SSS 7582 A dated 4th July 2017 showing the Site Survey (4 of 6) and received on the 17th November 2017
Drawing number SSS 7582 A dated 4th July 2017 showing the Site Survey (5 of 6) and received on the 17th November 2017
Drawing number SSS 7582 A dated 4th July 2017 showing the Site Survey (6 of 6) and received on the 17th November 2017

Save where measures are required by the conditions set out elsewhere on this permission, which shall take precedence over the above documents.

Reason: In the interests of amenity and for the avoidance of doubt as to the terms under which this planning permission has been granted, in accordance with policy P1 of the Local Plan for Bradford.

- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the Interim City Solicitor, in respect of:
- (i) On site affordable housing provision of up to 20% of the total number of units to be offered at an affordable rent by a Registered Provider,
 - (ii) Relocation of the bus stop on Thornton Road and the implementation of Traffic Regulation Orders for the extension of the 30mph speed limit and double yellow line 'no waiting at any time' parking restrictions across the site frontage at the expense of the applicant,

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the Interim City Solicitor) considers appropriate.

- (3) That the Reserved Matters application be submitted to this Committee for determination.

(John Eyles – 01274 434380)

ACTION: *Assistant Director - Planning, Transportation and Highways
Interim City Solicitor*

10. **SECTION 106 PLANNING AGREEMENTS - MONITORING REPORT**

Resolved –

That Document “AY” be noted and that the officers involved be thanked for their work over the last twelve months.

NO ACTION

(John Eyles – 01274 434380)

11. PUBLIC SPACE PROTECTION ORDER (PSPO) BRADFORD CITY CENTRE AND SURROUNDING AREA 2016 - REVIEW

Resolved –

- (1) That no changes be made to the current Public Space Protection Order (PSPO) Bradford City Centre and Surrounding Area 2016.**
- (2) That the Strategic Director, Place be asked to give consideration to:**
 - (i) Increasing the number of officers patrolling this and other areas protected by PSPOs.**
 - (ii) Enforcing the PSPO during evenings and weekends.**
- (3) That referral to Alcohol Awareness Sessions be discontinued and signposting to Drug and Alcohol Services continue.**
- (4) That the impact of the use of Community Protection Notices (CPNs), Community Protection Warnings (CPWs) in conjunction with PSPOs be monitored.**
- (5) That the impact of the ‘Bradford Cares’ initiative be monitored.**
- (6) That the Strategic Director, Place be requested to undertake a further review of the effectiveness of the PSPO with particular regard to the impact of the use of Community Protection Notices (CPNs), Community Protection Warnings (CPWs) and ‘Bradford Cares’ in 12 months time, and prior to September 2019 when the Council will be required to consider its renewal.**

ACTION: Strategic Director, Place

(Rebecca Trueman – 01274 431364)

FROM: Michael Bowness
Interim City Solicitor
City of Bradford Metropolitan District Council

Committee Secretariat Contact: Sheila Farnhill, 01274 432268