

Minutes of a meeting of the Regulatory and Appeals Committee held on 14 May 2018 at City Hall, Bradford

Commenced	10.20 am
Adjourned	12.55 pm
Reconvened	1.20 pm
Concluded	4.40 pm

Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown Rickard	Amran Warbuton Watson	Griffiths

Observers: Councillors Bacon (Minute 90), Barker (Minute 89), Dunbar (Minute 93), Reid (Minute 91), Dale Smith (Minute 89) and Whiteley (Minute 89)

Apologies: Councillor Lee

Councillor Warburton in the Chair

86. DISCLOSURES OF INTEREST

In the interests of transparency, Councillor Warburton disclosed that he owned a property in the same ward as the site at Holme Mill Lane, Keighley (Minute 90) but it was not in close proximity to the site and he had not discussed the application with anyone.

In the interests of transparency, Councillor Griffiths disclosed that he owned a property in the same ward as the site at Land to the South of Thornton Road, Bradford (Minute 93) but it was not in close proximity to the site and he had not discussed the application with anyone or had any involvement with the application.

In the interests of transparency, Councillor Rickard disclosed that he was a Trustee of the Moorlands Learning Trust, which encompassed Ilkley Grammar School, he lived in the locality and he had also been in receipt of communication from several parties in relation to the application concerning Land at Sun Lane and Ilkley Road, Burley-in-Wharfedale (Minute 89). He had not entered into dialogue with anyone nor expressed an opinion and stated that he would consider the application with an open mind and on its merits.

In the interests of transparency, the other Members of the Committee disclosed

that they had also been in receipt of communications from several parties in relation to the application concerning Land at Sun Lane and Ilkley Road, Burley-in-Wharfedale (Minute 89). They had not entered into dialogue with any individual nor expressed an opinion and stated that they would consider the application with an open mind and on its merits.

During the meeting, and in the interests of transparency, Councillor Brown disclosed that he was acquainted with one of the interested parties in attendance in respect of the application concerning Land at Holme Mill Lane, Keighley (Minute 90) but he had not discussed the matter with this individual.

ACTION: *City Solicitor*

87. MINUTES

Resolved –

That the minutes of the meeting held on 8 February 2018 be signed as a correct record.

ACTION: *City Solicitor*

88. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

NO ACTION

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

Previous reference: Minute 56 (2017/18)

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “AT”**) in relation to an 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. A range of plans and photographs were displayed.

Members were reminded that this application had been considered at the meeting of the Committee held on 11 January 2018 when it was resolved:

‘(1) That consideration of the application be deferred until a local referendum on the Burley Neighbourhood Plan has taken place in May 2018; this being subject to the prior approval of the Executive, or, if approval is not given to the undertaking of the referendum in May that it be re-submitted to the next appropriate meeting of this Committee.

- (2) *That the applicant be requested to provide a more defined strategy to show how a school can be delivered on the site, including consideration of how this will fit within the overall phasing of the development.'*

The Assistant Director went through the report, which detailed the developments since the meeting in January, and explained that:

- The referendum in respect of the Neighbourhood Plan had resulted in a 'yes' vote of 82%. The plan was therefore endorsed and in force and was thus a material planning consideration. The plan included a series of policies, a large proportion of which would be relevant for the issues that would be considered at Reserved Matters stage. There had been a suggestion that policies within the plan would mean that the present scheme was inappropriate but this was not the case. A previous version had referred to the use of small sites but as this had not been compliant with the Core Strategy it had been removed.
- This was a mixed use application and if planning permission was granted it would include consent for a primary school. The 1.78 hectares proposed to be reserved was sufficient space for a two-form entry primary school. The applicant had provided justification for the location of the school as indicated. Three options in terms of the provision of a school were set out in his report; there was also the opportunity to include the facility for some community use. Under the terms of the Section 106 legal obligation the land would be transferred to the Council at a cost of £1; the land would be reserved for a minimum of 10 years and would be provided fully serviced with roads and utilities. The CIL (Community Infrastructure Levy) Regulations would not permit the developer to build the school and pay the CIL contribution. The site was within the £100 per square metre CIL zone.
- It was proposed that a Primary School Delivery Partnership be established with a clear remit to deliver a new school.
- If the Committee was minded to approve the application, he recommended the imposition of an additional condition to secure a plan for the delivery of the school. He advised that Education Services supported the concept of a School Delivery Partnership and their participation in this body.

He also reported on the substance of additional representations received since the publication of his technical report and responded to the issues therein commenting that:

- Maintenance of the on-site infrastructure such as public open space would be financed by an annual levy paid by residents.
- Issues in respect of the rail infrastructure had been raised during consideration of the Core Strategy.
- The Local Planning Authority had considered all the Strategic Housing Land Availability Assessment (SHLAA) sites and officers considered that this scheme was not parallel to one previously considered by the Committee at Goose Cote Lane which had been refused.
- The issue in respect of the provision of 700 dwellings in Burley had been raised at the Planning Inquiry associated with the Core Strategy and the Inspector had endorsed Burley as an area of growth.
- The site was close to the Nidderdale Area of Outstanding Natural Beauty,

Ilkley Special Protection Area and Harrogate; the implications of this had been fully considered in the officer's technical report.

- It was considered that the railway station was within walking distance of the site and it was proposed that the local bus service be upgraded.
- In relation to a suggestion about the use of Compulsory Purchase Powers in respect of the land necessary for a school, officers would not advocate such an approach and a landowner could not be forced to sell land for less than market value.
- The site was within Flood Zone 1; there had been no substantive evidence provided in respect of groundwater issues and the submitted Flood Risk Assessment did not raise any issues in this regard.
- The proposed approach in respect of the Roman Camp was supported by Historic England and officers believed that this was a positive approach to take.
- The other small sites referred to, for which planning permission had been refused, had not demonstrated very special circumstances to permit development in the Green Belt.
- In terms of the Council's Assessment Criteria in relation to Purpose 1 (to check the unrestricted sprawl of large built up areas) as set out for the Allocations Development Plan Document Green Belt Review, the same basis would have been used for this application.
- There was no requirement for the Council to formally consult the adjacent District Council; the site did not straddle the boundary.
- Officers disagreed with the suggestion that the setting of the Listed Building had not been properly considered.
- Other issues raised had already been covered in the technical report or through comments.
- The developer had submitted a statement in respect of the very special circumstances considered to apply in this case.
- The very special circumstances were clearly set out and a precise reason for granting permission had been stated.
- In respect of an issue raised in relation to the consultation response from Yorkshire Water; the company had a statutory responsibility to provide sewerage infrastructure to accommodate development. Two consultation responses had been received which did not raise objections and proposed the imposition of conditions. These were included in those set out in the technical report. This position had been confirmed with Yorkshire Water by telephone this morning.
- It was noted that the application was subject to referral to the Secretary of State if the Committee was minded to approve it.

He responded to questions from Members as follows:

- The Burley Neighbourhood Plan had been published further to a significant level of consultation; this document set out the neighbourhood's aspirations for how planning went forward in its area; it did not allocate sites or determine the Green Belt boundaries.
- In its early stages, when the allocation for Burley had been 200 dwellings, it had included provisions that could have affected this site but these had been taken out.
- A lot of the content was relevant to Reserved Matters issues.

- The document also included the area's 'wish list' in respect of the issues that local residents wanted to see addressed and that could be considered for the allocation of CIL monies by the Parish Council. An example of which would be bringing empty shop units back into use.
- Government guidance established what a Neighbourhood Plan could and could not address; it could not deal with strategic policy. In theory it could look towards allocations within the settlement boundary but could not undertake changes to the boundary of the Green Belt. Allocations were usually undertaken by the local Council with the Parish Council being given the opportunity to comment at a number of stages.
- The process for allocating sites was a matter for the Allocations Plan Document (APD) which took account of Government guidance and would be undertaken in accordance with Core Strategy policies and any changes to national planning guidance. This process included full consultation with the public and Parish/Town Councils and would then be examined at a Public Inquiry to which interested parties could make representations.
- Officers had looked at the options to meet the target for 700 new dwellings in Burley. At this point in time there were only a certain number of options in the SHLAA and the question had been asked 'would the additional sites be sufficient to meet the target?', the answer to which being 'no'. This site would have to make a significant contribution to achieve the 700 target. No new sites had been identified despite reviews of the SHLAA and related consultation.
- There were specific benefits applicable to this site being considered ahead of other SHLAA sites. Use of smaller sites would lead to a lot of boundaries, which would be much harder to defend, whereas this site had specific boundaries; the road to the north, the nature reserve, the railway line and the existing built form. Some of the other sites to the south and east were more isolated from the village and more vulnerable in terms of the distance from other built up areas so this site was considered to have a lower impact on the Green Belt in the longer term.
- On its own the Roman Camp would not be considered as sufficient to merit very special circumstances but, in officer's judgement, it was a benefit. At present it was not noted or celebrated but was just in the middle of a field. Conservation experts were happy that this would be further explored and celebrated. The connection made with this particular scheme was considered to have some merit.
- If the application was granted the outline permission would include consent for a school so there was a clear commitment by the Council. The applicant had acknowledged the long term infrastructure needs for Burley and the need for additional school provision, the Education Service concurred with this, and there was a wish for the school to be built. It was not possible to confirm that a new school would be built but it was considered that there were sufficient safeguards in place to ensure that it could be.
- No funding existed within the School Funding Programme for this school but there were other funding sources one of which was CIL monies. Councils no longer built schools but facilitated their delivery.
- The Education Planning Team had been heavily involved with the application and had not raised any concerns in respect of secondary school provision.
- The Council's CIL 123 List covered education funding.
- All CIL monies would be spent on infrastructure within the Bradford district

unless they were used to contribute towards a highways project with a wider strategic impact. It was not possible to say that the CIL monies payable by this developer would be spent on any particular infrastructure provision or in this locality. Decisions on how the funding in the CIL 'pot' was allocated would be taken by the Council's Executive; it was intended to cover education, highways and recreational infrastructure.

- The Local Planning Authority was not permitted to ask a developer to pay CIL but then also ask them to make another financial contribution for the same thing (known as 'double dipping'). If the developer released the necessary land to the Council at less than market value and then paid CIL this would not count as two contributions.

A representative of objectors addressed the Committee:

- He was a local resident and had formerly been a Senior Planning Officer.
- This was a very controversial application with over 200 people submitting objections and many more having the same concerns.
- It was considered that approval of this proposal constituted pre-judgement of the outcome of the Allocation Plan process which was a crucial part of the Local Plan. This should have been published by this point but the slow progress made by the Council meant that applications had been submitted for Green Belt land. This meant that the Burley community would be presented with a fait-accompli with the Allocations Plan.
- Proceeding with this application because of the significant contribution the site would make to the 700 target (for Burley) was wrong and amounted to treating local residents with contempt, not allowing them to be consulted on all potential sites. The scheme would make changes to the Green Belt but this could only be done through the Allocations Plan process.
- The application should be judged solely on Green Belt policy and very special circumstances.
- The National Planning Policy Framework was to be revised and the related consultation had now ended. The Government had stated that the Framework would retain strong protection of the Green Belt and a high bar for development would be maintained.
- It was clear that the Neighbourhood Plan was not for the allocation of sites or to review Green Belt.
- In the approved Neighbourhood Plan at paragraph 1.17 it was restated that there should be no large scale developments.
- The Council and the developer's view was that a large scheme was better, local residents believed otherwise and it was considered that they should have a proper say and proper consultation, as other areas of the district would have, not to be presented with a fait accompli.

The three Ward Councillors were in attendance at the meeting and made the following comments:

- Officers were arguing that 'very special circumstances' applied in this case. Section 9 of the National Planning Policy Framework set out five purposes of Green Belt that needed to be taken into account. Three of these being:
 - To assist in safeguarding the countryside from encroachment – it was

argued that the impact of this development could be mitigated by design but Case Law held that new buildings in the Green Belt constituted inappropriate development and the High Court had decided that development could not preserve the openness of the Green Belt. If a proposal had an impact on openness then it could not be said to comply with policy. In R v Epping Forest in 2016 it was stated that the concept of openness meant, in effect, the absence of buildings. It was therefore considered that the officers' argument was erroneous.

- To preserve the setting and special character of historic towns – it was maintained that Burley could not be excluded from this provision purely due to its size and population. The Conservation Area Assessment of 2004 assessed Burley as dating back to Anglo-Saxon times and it was considered that this purpose was therefore relevant.
- To assist in urban regeneration by encouraging the recycling of derelict and other land – it was suggested by officers that there was no such land in the vicinity so Green Belt development was permissible but it was considered that this, again, was erroneous.
- The Assistant Director's conclusion that there would be no impact or limited impact on the Green Belt was inaccurate.
- The argued benefits of this development were; the need for more housing and there being no other suitable sites, an acute shortfall in housing land supply and the provision of affordable housing, but the absence of suitable land did not make this proposal acceptable. The Government had clearly stated that unmet housing need was unlikely to be considered to outweigh harm to Green Belt.
- There was a need for affordable housing in the City Centre; it was questioned to whom the properties in Burley would be affordable?
- A number of recent planning applications in the district (a list of 5 locations was listed) had been refused on the recommendation of officers on the basis that they represented inappropriate development in the Green Belt. The benefits of these schemes had been raised but it had been concluded that the harm to the Green Belt was not outweighed. It was considered that officers' recommendations were inconsistent as this scheme represented three times the total combined number of units for all five of the stated schemes.
- The Committee should refuse planning permission.

- Although the Council now had a Core Strategy it did not yet have a Local Development Plan.
- There had been no consultation in respect of land allocations and this scheme was therefore 'jumping the gun'.
- For a scheme to be sustainable it was required to meet the needs of the present and not compromise future generations.
- This development did not satisfy the requirements of the National Planning Policy Framework in respect of infrastructure.
- If Yorkshire Water required 500 extra houses to be phased over 8 to 10 years what about the others proposed for Burley?
- Burley was already congested and local residents experienced difficulty in accessing basic services due to parking issues. There were a lot of elderly and vulnerable people within the community for whom this was a particular concern.

- Parking at the railway station was already problematic. On street parking clashed with school buses and parents dropping off at the nearby school.
 - The proposed enhancements to the bus service were not sufficient.
 - The furthest distance to the station would be 1.6 miles uphill; residents would not walk that distance. There was no room to expand the car park and it was already standing room only on the train.
 - The A65 was already a bottleneck and air quality was an important issue.
 - There had been claims made that Railtrack were hoping to improve the Wharfedale Line but she had been informed by Railtrack that there were no plans to do so and no funding to undertake such works.
 - It should be noted that CEG's new station at Kirkstall Forge did not have a longer platform.
 - It appeared that the issue of the new school had been 'fudged' with the promise of a Partnership and it was questioned how this would work? It must not be used to cover over a failed promise to build a school; there were too many provisos to allow opting out. Secondary school places were also needed; Ilkley Grammar School could only expand to a certain point.
 - Provision was only being made to meet existing need; there would be a great deal of pain before a new school was built.
 - There were to be hundreds of houses built in the area and great pressure placed on school places in Bradford and Leeds. There was concern that children from Burley could be refused places at Ilkley Grammar School in the future.
 - The development would cause unacceptable disruption to people's lives and the £1 million to be allocated to the Parish Council would not address the issues.
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- He was a Governor at Menston Primary School.
 - The recommendations were unclear in respect of future Councillor and public involvement.
 - It was not believed that there was sufficient evidence to permit 500 houses in the Green Belt and that this proposal met the criteria of 'very special circumstances'. The site was within the Green Belt and must be decided on Green Belt policy.
 - The Neighbourhood Plan stated that there should be no large scale development as this would distort the existing balance of life. This development would tip that balance.
 - It was considered that Harrogate District Council should have been consulted as Trustees of the nearby Area of Outstanding Natural Beauty.
 - Determination of the application should be delayed until after the Green Belt Review was completed.
 - It was recognised that there was a need for affordable housing but it should be affordable, proportionate and focussed on the people of Burley. There were too few jobs in the area and the properties would not be affordable for local residents. It was considered that the numbers on this site should be reduced, and have strict criteria, and that affordable housing provision be supported for other areas of the district where it would be sustainable.
 - There should be a brownfield first policy.
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- If the application was approved it was likely that it would be phased over a

period of 8 years and this would mean that the highway improvements to the junctions of Coutances Way/Wheatley Lane and Buckle Lane/Bingley Road would not be undertaken for at least 5 years. There was already pressure on the A65. It was questioned what involvement Ward Councillors and the Parish Council would have in these decisions and whether the timescales could be shortened?

- If this application was approved when would the criteria for 'Lifetime Homes' be discussed and determined?
- No clarity had been provided in relation to primary and secondary school places. It was considered that there were too many pitfalls with the current proposals; this was not a real solution. It was questioned what would happen after 10 years? It was considered that the developer had little understanding about how new schools were procured and funded. The impact on the sustainability of surrounding schools had not been recognised. In respect of the proposed Partnership, the Education Department had said that it should not be contingent on the liability to provide the school being passed to the Authority with a shortfall.
- The application should be rejected.

A representative of the Parish Council put forward the following points:

- The concept of the provision of some additional homes on this site was supported; it appeared the only way to meet the target of 700 would be the inclusion of this site, but the Green Belt Review should be carried out prior to a decision being made. Changes to the Green Belt would be necessary to meet the target and the review should be completed before the application was considered.

The Assistant Director commented that:

- A Supplementary Planning Document in respect of Lifetime Homes was in development.
- The suggestion that the application be delayed until the results of the Green Belt Review were known was another way of saying that the application was premature but prematurity was very narrowly defined. The Green Belt Review was unlikely to give the answers being sought and would not, in itself, propose the allocation of particular sites. It was just one of a number of evidence based studies that would be the basis for decisions on allocations; the Authority was at least two years away from such final decisions.
- In making its choice of sites the Local Planning Authority would have to consider a lot more than just the Green Belt Review. This would not be completed until the end of 2018.

He responded to further queries from Members:

- In the development of the Neighbourhood Plan early drafts had text/policies setting out the aspiration/preference of local people for smaller sites; this had to be struck out because of the target set by the Core Strategy which could not be met by small sites alone; there had to be at least a contribution by a larger site.
- Part of the case made by the applicant concerned the benefits to be derived

from a large site; it was harder to get infrastructure, for example to address highway implications, if development was fragmented. With a larger site it could be dealt with in a more managed way.

- There had been dialogue with the Manager of the Area of Outstanding Natural Beauty and this input had fed into the Landscape and Visual Impact Assessment; there had been no formal planning consultation.
- There were no other examples of sites of this size, in the Green Belt, being considered for development elsewhere, it was considered that this application involved a unique set of circumstances.
- The application would have to be referred to the Secretary of State if the Committee was minded to grant permission.
- In terms of precedent he considered that it was highly unlikely that there would be a comparable situation.

The applicant also addressed the Committee:

- The application had been deferred at the meeting held in January 2018 to clarify issues in respect of the delivery of the school. Since that point a comprehensive report had been produced in respect of the funding options and the mechanism for delivery.
- A Partnership would be established and funded to deliver the right school at the right time. The Partnership would include the Council, the Parish Council, the existing schools and representatives of CEG and its advisors.
- The necessary land would be reserved for a minimum of ten years and ownership transferred for £1.
- This may be the only opportunity for a new school in Burley. It would be secured by a Section 106 Legal Agreement.
- Regular progress reports would be produced to allow the process to be monitored.
- In addition to this the developer would pay a CIL contribution of up to £5 million and £3 million in New Homes Bonus.
- The applicant wanted the school to happen; it was a socially responsible developer and it also made good business sense.
- The applicants had gone as far as was possible in terms of delivery of a school.
- The long term legacy of its development was important for the company.
- In July 2017 the Core Strategy had been adopted after a long process; this scheme was considered to be fully consistent with that document.
- The requirement for 700 houses (in Burley) had been endorsed by the Inspector on the basis of the availability of this site.
- The scheme would include major community benefits: 30% affordable housing provision; new allotments, landscaping and open space, ecological and biodiversity improvements; the integration and opening up of the Roman Camp (Historic England were excited by this proposal) and £1 million of highway improvements including the expansion of the 962 bus service.
- The decision had also been deferred to await the result of the local referendum on the Neighbourhood Plan which had received a very convincing 'yes' vote. This application was not inconsistent with that document. The need for 700 new homes was accepted. The applicant was pleased that the Parish Council did not object.
- Extensive publicity and stakeholder consultation had taken place on the

application and all issues addressed. There were no objections from the technical consultees.

- Very special circumstances existed, the scheme was in accordance with local and national planning policy.
- The Assistant Director had not reached his conclusions lightly.

He responded to questions from Members:

- The allotments and Public Open Space would be maintained by a private management company funded by the residents through a service charge.
- In an ideal world people would walk but the distance to the station was acknowledged. The 962 bus service was currently on the threshold of being viable, the idea was to try and draw residents into using it at an early stage and if it was frequent enough, regular and convenient it was considered that people would use it. The alternative to this sustainable solution would be to provide more car parking but this generally had the effect of encouraging further car use.
- There were options in respect of funding for a school. The purpose of the Partnership was to explore this further and identify the most appropriate way forward.
- The Terms of Reference for the Partnership and the membership would be agreed as part of the Section 106 Legal Agreement. The company was open minded in respect of membership but the initial thoughts had been that it would include representatives of the developer, the Council, existing primary schools, Ward Councillors, the Parish Council, key education stakeholders and perhaps potential school operators.

Members made the following comments:

- There was a conflict in that it was suggested that people should be able to direct their own future, such as through the development of a Neighbourhood Plan to determine the future of the town, but then their ability to do so was curtailed in that there was no choice about where to put houses. It was understandable why people got irritated with those in authority.
- In order to allow the use of prime Green Belt land this application really ought to be exceptionally good and it did not appear to be so. It would provide 500 homes and a piece of land but no school; it was not believed that the partnership approach would work.
- There had been a lot of issues raised and concern expressed in respect of drainage and sewers. Yorkshire Water had said that they could phase some improvements but this needed to be done before the site was developed. Residents had suffered problems with sewage in their gardens.
- This was a difficult decision; it was inappropriate development in the Green Belt but were there very special circumstances to overrule this? In this location the provision of a specific number of houses was specified and this could only happen if this site was taken into consideration so this may be the only way to deliver the target.
- 700 houses were needed in Burley and if not on this site it was difficult to see where they would go.
- The Reserved Matters should be submitted to this Committee and the

Committee should also receive regular updates in respect of the School Delivery Partnership.

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.

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

90. LAND AT HOLME MILL LANE, KEIGHLEY

A report was submitted by the Assistant Director - Planning, Transportation and Highways (**Document "AU"**) in relation to an 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. A range of plans and photographs were displayed.

The Assistant Director reported on the substance of additional representations, received since the publication of his written report, from two of the Ward Councillors and a local resident. He also made a correction to his report in terms of the application number which should read 16/08422/MAO.

In response to questions from Members he indicated the location of the pumping station and explained that:

- The station pumped water to a number of premises and would be unaffected by the development.
- The development would be connected to the existing mains water supply.
- A number of the trees on the site were covered by Tree Protection Orders, including some as part of a Group Order.
- The numbers on the plan indicated spot heights to give an indication of the topography of the site; the land sloped down towards the beck.
- A section of the site furthest north was within Flood Zone 3; all the proposed development area was within Flood Zone 1.

A representative of the Friends of North Beck Valley addressed the Committee in opposition to the proposals and tabled photographs to illustrate his points:

- More housing was needed but this was the wrong place.
- There had been no assessment of the harm to the listed building. The presumption in favour of development was removed if there was harm.
- The officer's report was considered to be misleading in terms of the land allocation. There was no evidence in respect of the original allocation so this could be given no significant weight.
- The report ignored the large scale concern expressed by objectors in relation to the impact on the recreational area, this asset was not even mentioned.
- The site was adjacent to Tinker; a much loved area of countryside and the number 1 beauty spot in Keighley. It contained footpaths, a play and picnic area, bridge and waterfall. It was very peaceful and could receive 150 to 200 visitors on a nice day. It provided amenities for swimming, boating, fishing, ramblers and school groups studying nature. It supported a wide range of wildlife including kingfishers and curlews. It was an uplifting place to be and was beneficial to health and wellbeing.
- This development would affect long distance views across the valley which included wildflower meadows and lambs.
- The main footpath passed through a farmyard; the farm had been there since the 1600s and a visit here was akin to going back in time, this was part of the special character of the area.
- In comparing the tabled photographs (Photo 2 included a representation of the

massing of the development) the harm that would be caused to the views and the feeling of calm could be seen.

- The development would be very close to existing property.
- Noise would disturb the current tranquility.
- Photograph 3 indicated the position of the proposed development across the designated Wildlife Corridor; this should not be blocked.
- Keighley people had wonderful memories of Tinker. It was a valuable local amenity and very special. It should be protected from harm and the Committee was urged not to approve the proposal without first visiting.

He responded to questions from Members:

- The photograph had been taken from the public footpath leading down to Tinker from the Laycock/Braithwaite side.
- The Friends Group had not been consulted in respect of the habitat/bio diversity issues and it was considered that the questions raised by the former Senior Countryside Officer had not been answered.

The Assistant Director said that there had been close scrutiny of bio diversity. The Countryside Team Leader had not raised any issues. Consideration had been given to the Habitat Regulations and mitigation measures were proposed in respect of footpath improvements to deflect visitors from the Special Protection Area (SPA)/Special Area of Conservation (SAC).

In response to a further question from a Committee Member, he explained that the Bradford Wildlife Corridor washed over this site and that the north eastern section of the site was designated for employment use.

A Ward Councillor detailed the following concerns:

- This site was within the Bradford Wildlife Corridor; it supported numerous species including bats, baby otters, voles, curlews and deer and potentially a rare orchid. It was referred to as the 'Lungs of Keighley' and consisted of mainly greenfield not brownfield land.
- The development would have one access/egress onto Fell Lane which was already a busy main route to the Town Centre. There was only one bus every 30 minutes.
- This development would not have a 'moderate' impact. Local GPs and the primary schools were all oversubscribed.
- The site was located within a nil CIL (Community Infrastructure Levy) area and there would be no contributions to offset its impact.
- The Recreation Department had requested a contribution to accord with RUDP (Replacement Unitary Development Plan) Policy OS5.
- £25,000 had been offered towards footpath improvements to protect the SPA by deterring visitors.
- No affordable housing was proposed due to viability issues; it was considered that if affordable housing was not viable then the whole development should not be considered viable.
- There was insufficient information to satisfy concerns in respect of ecological diversity and the impact on wildlife.
- The applicant had had two years to provide information.

- A two acre wood would be demolished to accommodate a nursing home.
- There was no mitigation for wildlife.
- There were concerns about highway issues.
- The Arboriculture and Countryside Officers did not support the proposal.
- The application did not meet the requirements of Core Strategy Policies TR1 and TR3.
- The site was in the middle of a designated wildlife corridor.
- The Committee was asked to refuse the application.

The Assistant Director replied that some concerns had been raised initially by the Ecology Officer. Further to this a senior officer had dealt with the issue; additional information had been submitted and the position as set out in his technical report constituted their final response.

The applicant's agent spoke in support of the proposal:

- The Assistant Director's report was clear.
- This site had been earmarked for development for many years.
- The RUDP had been adopted in 2005 following a Public Inquiry.
- The Strategic Housing Land Availability Assessment (SHLAA) 3 (2015) had confirmed the suitability of the site.
- The District had a need for housing.
- The Core Strategy set out a requirement for 4000 houses to be provided in Keighley.
- The Council was in default in respect of its five year supply of housing land.
- The concerns that had been expressed were acknowledged. In respect of the increase in traffic the applicant had submitted a Traffic Impact Assessment that had been reviewed by the Authority's officers and there were no objections. An extensive report had been provided by consultants in respect of trees and biodiversity issues and had responded to the issues raised. The layout had been amended to ensure that tree loss was minimised.
- The pumping station would not be affected.
- This was an outline application and there were a number of conditions proposed to provide safeguards in relation to landscaping and trees.
- Any issues in respect of potential overlooking and overshadowing would be addressed at Reserved Matters stage.
- The Council had adopted the CIL and this site fell within a nil charge zone. The report explained why no affordable housing was proposed.
- The site also fell within the SPA/SCA zone and the applicant had agreed to the full sum requested to address any impact; how this was spent was a matter for the Council.
- In relation to the Scout Hut; the group's licence expired in September. The applicant had offered an alternative site and the security of a 99 year lease at a peppercorn rent.
- All the proposed conditions were accepted.
- The form of development remained within the control of the Council.

The Assistant Director said that the Conservation Team had said that the impact on Intake Farm would be insignificant and adequate mitigation could be provided by landscaping. There was an industrial building in-between and it was not considered that there would be an adverse impact on its setting.

He also replied to further questions:

- This was a nil CIL area so contributions could not be sought for education or recreation infrastructure. The Education Department would consider the implications of such development for future school places and contribute to the decision making process when CIL money was allocated (from the central resource).
- A minimum road width of 5.5 metres was normally required for a traditional estate road but this could be reduced to 4.8 metres. 60 metres spacing was usually required on a main road between junctions but it was considered that this could be easily relaxed in situations such as this.

Members expressed the following views:

- The aim was to build places for people to live. This was a deprived area. This application would contribute to reducing the amount of green space.
- This was a charming part of Keighley and it appeared that a developer was taking advantage of it being within the nil CIL area in offering only £25,000 contributions which was a very small percentage of what the houses would be worth.
- The scheme would have an impact on the Wildlife Network which had not been addressed and there would also be a social impact.

Further to which it was:

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.**

ACTION: Assistant Director - Planning, Transportation and Highways

91. LAND AT FAGLEY YOUTH AND COMMUNITY CENTRE, FAGLEY ROAD, BRADFORD

A report was presented by the Assistant Director - Planning, Transportation and Highways (**Document "AV"**) in respect of a 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. A range of plans and photographs were displayed.

The Assistant Director explained, in relation to the covenant affecting the site, that the applicant had been in communication with the Council's Asset Management Team in respect of its removal but that this had no bearing on the determination of the application; regardless of planning permission being granted if the covenant was not removed the development could not proceed.

A Ward Councillor put forward the following concerns:

- A covenant affected the site and the spirit of this had not been adhered to.
- Alternative facilities could have been organised in the area.
- A former Leader of the Council had stated that the land should be protected for the local community.
- The property had been sold to developers after the facility had been allowed to become run-down.
- The way the situation was being dealt with was 'adding insult to injury' for local people.
- Residents had been locked out of the centre that they had contributed towards building in the first place.
- Perhaps the building was not fit for purpose but there was still a need in the community both currently and for the future.
- Ward Councillors were unhappy with the present situation and the chain of events leading up to it.

The Interim City Solicitor reiterated that a planning permission would not overcome any legal impediment to development such as a covenant.

In response to a question from a Member of the Committee, in respect of such facilities being taken over by the community in other parts of the district, it was stated that it was approximately two years since the building had been used and, to the Assistant Director's knowledge, no community group had asked to assume responsibility.

The applicant made the following comments in support of the application:

- The company was a specialist provider of low cost housing and currently had 63 sites across the north of England.
- This scheme would provide 128 low cost homes. There was a desire to make these as affordable as possible for the local market, accessible to at least 90% of working couples. Prices would start at £102,000 for a two bedroom property and with the 'Help to Buy' scheme this would mean a mortgage of £76,000 which was affordable for a couple on the minimum wage.

- Buying was more cost effective than renting.
- The company provided sponsorship for junior sports clubs in the area. They also provided employment for local people, supported apprenticeships and made provision for suitable accommodation for people with disabilities.
- The applicant's developments provided 'Your Watch' a version of Neighbourhood Watch.
- The company did not sell to landlords; there was a no rental covenant on properties.
- The proposed Section 106 Legal Agreement was acceptable and the intention would be to start work on site within approximately 6 months.
- The scheme represented an investment of £10.5 million and would regenerate a tired area and increase the local choice of housing.
- The planning officers were thanked for dealing with the application in an efficient and diligent manner.

In response to a comment from a Member he accepted the suggestion that the provisions of proposed Condition 18, which would remove permitted development rights in relation to the conversion of garages, could be highlighted in sales packs to ensure that buyers and conveyancers were aware of this restriction.

The Assistant Director responded to further questions from Members:

- In respect of the allocation as recreation land; Sport England had been consulted and had not raised any objection. The land was basically an informal space with a poor quality MUGA (Multi Use Games Area). If this was replaced it would mean that fewer residential units could be provided and there were also concerns about the placement of play areas within residential areas due to the potential for problems with anti-social behaviour.
- Planning policy did not protect the current use of the site for a community centre. The building had exceeded its useful life and there were issues in respect of maintenance and security. This was a brownfield site and the application would provide much needed housing for the district.

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.**

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

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

The Assistant Director - Planning, Transportation and Highways submitted a report (**Document “AW”**) in relation to an 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. A range of plans and photographs were displayed.

The Assistant Director reported on the substance of a further representation received from the local MP. He also reported that:

- Historic England had confirmed their objection in that one of the points of access may compromise the setting of listed buildings (Grade II* Bolton Old Hall and Cottage). He reminded Members of the relevant policy considerations.
- The site was within a nil Community Infrastructure Levy (CIL) zone but £1 million had been offered towards air quality mitigation measures along the Canal Road Corridor and for measures to mitigate any impact on the South Pennine Moors Special Protection Area (SPA)/Special Area of Conservation (SAC).
- This site was part of a key regeneration area for the Council and a priority area for the delivery of housing.

He responded to questions from Members as follows:

- All the obligations, totalling £1 million, would be secured by a Section 106 Legal Obligation.
- The Parish Council had been consulted on two occasions.

An objector to the application put forward the following points of concern:

- It was considered that the Masterplan was not up to standard.
- The solution to omissions appeared to be to put in Conditions, the application should be refused on that basis.
- This was a massive site with, potentially, many developers and there was a need for guidance.
- The traffic study was 3 years out of date but had identified a number of local roads as being over capacity.
- The impact on 5 Lane Ends had not been studied but this was a main artery route which regularly seized up due to the level of traffic.
- There were already problems on Brookwater Drive and Bolton Hall Road with traffic having to travel in single file.
- There would be access problems for the emergency services and buses. The development would cause chaos and further congestion.
- It was proposed that Poplars Farm Road be opened up to Canal Road. This would lead to rat running and serious congestion. There were no traffic lights at the Kings Road/Swain House Road junction.
- Motorists were prevented from reaching the City Centre due to the traffic.
- Mitigation measures had been offered in terms of the provision of Electric Vehicle Charging (EVC) points but these were only useful if one had an electric car.
- There was a proposed connection to Brookwater Drive as emergency road for 400 houses; this was a small side road and totally inadequate for such use.

- No technical report had been submitted in respect of flooding
- No information had been provided in respect of land contamination.
- There were concerns about land stability; tipping had taken place in 2005/06.
- 25 houses were proposed to be sited in an area where there was a deep culvert but no studies had been undertaken; this area was subject to flooding.
- There had been no feasibility studies in respect of the Surface Water Attenuation Ponds.
- There were a number of essential reports needed and the application should be refused.
- Subsidence and slippage was a grave risk and a concern.
- The infill of the quarry was believed to be of poor quality.
- The proposed level of social housing provision for a development of 700 houses was considered to be derisory.
- The Committee was asked to refuse the application or adjourn.

The Assistant Director explained that:

- It had always been the intention that Poplars Park Road would be opened up. The modelling of the overall area had always considered this to be the case; this development had been included within the modelling. Poplars Park Road would take 400 vehicles and traffic calming measures would be introduced. This would leave approximately 200 going onto Brookwater Drive.
- Brookwater Drive would not be a through route for 400 vehicles; this would just be an emergency route for the emergency services, if required.
- In respect of EVCs; it was anticipated that by having the infrastructure in place this would incentivise people to adopt such technology in the future.
- The junctions had been scoped and there were a number of different routes that traffic might take; Wrose Road had been identified as the main junction.
- His technical report set out the background to the Masterplan.
- The scheme had been subject to an external Design Review in 2016 as one of the Local Planning Authority's concerns had been ensuring a high quality development. A Concept Masterplan had been provided and he was satisfied that the submission of a Design Code and parameter plans could be dealt with by condition. This was an outline application.
- There was no awareness of any particular issues with culverts or the main drains for this site. A range of conditions would be imposed to ensure that the drainage was fit for purpose.
- In terms of the amount of affordable housing provision proposed; a viability appraisal had been undertaken and this had calculated a figure of £1 million to be available to address infrastructure impacts. Air pollution had been considered to be a particularly important issue in this case and it was therefore considered appropriate that a significant proportion of this funding be directed towards mitigation measures rather than affordable housing.

The applicant's advisor spoke in support of the proposal:

- This was an important development for the Bradford district and part of a strategic plan to regenerate the Canal Road Corridor.
- It was included within the Core Strategy and the Canal Road Corridor Action Plan so had policy support at a strategic level.

- The Authority did not have a five year supply of housing land.
- Two public consultation sessions had been held, attended by approximately 70 people and 30 people.
- A Statement of Community Involvement had also been produced.
- Historic England had attended the hearings associated with the development of the Canal Road Corridor Action Plan and had agreed a tripartite statement. The green area on the plan would originally have been covered by built development but would now accommodate an access road having been agreed as a 'no build' zone.
- A future Reserved Matters application would deal with the sensitive delivery of the development.
- This was a brownfield site and if development did not go ahead on such sites it put extra pressure on the Green Belt.
- Proposed Condition 18 dealt with mineral extraction; it was requested that this be removed as it was not necessary, the reserves were almost completely gone.
- This was a very large site and development would be phased. The Committee was asked to delegate authority to the Assistant Director to revise the wording of the relevant conditions accordingly, in consultation with the applicant.
- It was not unusual with an outline application for detailed plans to be submitted at a later stage.
- The application had been with the Council for two and a half years and all necessary, and robust, technical information had been submitted.
- The scheme would bring about a substantial regeneration benefit.

In respect of the applicant's request in relation to proposed Condition 18, the Assistant Director said that if sufficient evidence was provided in respect of the level of reserves of stone then this could be removed.

Members of the Committee said that:

- The Reserved Matters application should be submitted to this Committee.
- Although sympathetic to the concerns expressed by objectors this was a sensible application for the use of a brownfield site.

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.**

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

93. LAND TO THE SOUTH OF THORNTON ROAD, BRADFORD

The report of the Assistant Director - Planning, Transportation and Highways (**Document “AX”**) considered an 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. A range of plans and photographs were displayed.

The Assistant Director reported on the substance of additional representations received since the publication of his technical report and explained that:

- In relation to the planning permission granted in February 2009 for a hybrid development; conditions associated with this development had been discharged so in theory it was live rather than expired.
- Should the Committee be minded to approve the application, revisions were proposed to conditions in respect of timescales and reserved matters along with the imposition of an additional condition in relation to approved plans.
- The applicant had agreed to meet the full contribution for affordable housing and there was also a need for a Traffic Regulation Order to be funded. Taking this, as well as the distance and relationship of the Great Northern Railway Trail to the site, into account it was not considered appropriate to seek an additional contribution from the developer in this regard.

A Ward Councillor made the following comments:

- He was representing the views of the vast majority of the residents of Thornton Village.
- It was appreciated that the main issue for consideration at this point was the proposed means of access to the site.
- Paragraph 38 of the National Planning Policy Framework stated that key amenities should be within walking distance. It was considered that this

application had not given due consideration to this issue; there was already considerable pressure on local infrastructure.

- A two metre wide footway was proposed along the frontage of the site but the land in the middle was not owned by the applicant, this gap was potentially dangerous.
- It was questioned what the impact would be if public footpath numbers 32 and 34 were not diverted.
- The assertion in relation to the level of traffic accidents was of concern; Thornton Road was a busy through route with schools at either end. This proposal would lead to the introduction of 250+ additional cars which would exacerbate existing safety concerns and increase emissions.
- The pylons were a cause for concern, no details had been submitted in this respect.
- It was clear that officers could not guarantee that there was no contamination so detailed tests should take place across the site before any work commenced.
- It was not true to say, as in the officer's report, that there were no significant implications for the ward.
- The Committee was urged to refuse the application.

The Assistant Director commented that:

- As this was an outline application details of the layout had not been submitted and the pylons would be taken into account at Reserved Matters stage. He did not believe that there were any particular standards that restricted development adjacent to pylons.
- Numerous conditions were proposed to be imposed in relation to potential contamination and the site would have to be addressed as a whole.
- It was accepted that every development would have an impact on the ward in which it was located.
- The Education Department had a planning programme for the provision of school places. Facilities such as doctors and dentists fell outside the planning system and it was anticipated that these would develop as needed.
- In terms of traffic it was calculated that there would be a net reduction in traffic movements in the a.m. peak in comparison with the allocated employment use and an additional 50 movements in the p.m. peak.
- The Highways Engineer was comfortable with the proposals for the footway along the site frontage and was satisfied that a 2 metre width could be delivered across the majority of its length.
- The land was allocated for employment use.

A representative of the Great Northern Railway Trail (GNRT) Group was given the opportunity to address the Committee:

- The importance of the relevance of the Trail to this application and how the site could connect to the trail should be recognised.
- The GNRT was an off road cycling and walking route linking Bradford, Keighley and Halifax; it was part of the National Cycle Network.
- 3 miles of the route was already open and Thornton linked with Queensbury.
- It was important to find safe ways to travel without reliance on cars.

- The Trail could provide the opportunity for sustainable travel.
- The applicant's Travel Plan did not even acknowledge the existence of the GNRT; the Committee was urged to look into how this omission could be rectified.
- The footway could be continued to a point where a connection could be made with the Trail; this could be included in the Section 106 agreement
- A link to the GNRT would be in the interests of future occupants of the development.

The applicant's agent was in attendance at the meeting and said that:

- The site had been first allocated as employment use in 1998. He was very familiar with the site having been involved over a 10 year period.
- The advice of the professionals had to be relied upon in terms of matters such as traffic.
- It was understood that significant amounts of material had been imported previously to deal with site levels.
- Despite best efforts being made to market the site it had not proved possible to attract the interest of developers for employment use. It was considered that it was an expensive site being located a bit too far away from the motorway network.
- A commitment had been given to provide up to 20% affordable housing.
- Thornton had been identified as an area for growth..
- The layout would be considered very carefully, including the implications of the pylons, to provide a sensible and deliverable scheme.
- A Phase 2 investigation of contamination had been undertaken for the previous application and the fill since that point had to be clean and inert material. A comprehensive review of the site would be undertaken.

In response to a question from a Member of the Committee about the issue of connection with the GNRT he said that there was a good existing network of public footpaths in the area, one of which crossed the site. A previous application had included a proposed diversion of this but the intention now was to design the development around it or just adjust it slightly. New footways were also to be provided along the site frontage and this would assist in providing good connections to Thornton Village. He was unable to ask the applicant, at this point, if further efforts could be undertaken to connect into the GNRT but he considered that it was inevitable that if the applicant was asked to fund a link this would affect the resources available for affordable housing.

The Assistant Director suggested that this could be investigated and considered further as an application for the Reserved Matters progressed.

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.

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

94. SECTION 106 PLANNING AGREEMENTS - MONITORING REPORT

The Assistant Director – Planning, Transportation and Highways presented the latest monitoring report in respect of Section 106 Agreements signed in the financial year 2017/18 and the income received since the appointment of the Planning Obligations Monitoring Officer (**Document “AY”**).

It was noted that a combined report in respect of Section 106 contributions and Community Infrastructure Levy (CIL) funding would be submitted in 12 months time.

Resolved –

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

NO ACTION

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

Previous references: Minute 90 (2015/16) and 46 (2016/17)

The Strategic Director, Place submitted a report (**Document “AZ”**) which detailed the main findings of a recent review of the Public Space Protection Order (PSPO) for Bradford City Centre and Surrounding Area 2016, for Member’s consideration.

The PSPO had been implemented further to the decision of this Committee on 29 September 2016 and enforcement had commenced in April 2017. The Committee had requested that a review of the Order be undertaken after a period of 12 months.

It was noted that the PSPO had made a positive impact and that enforcement would continue, alongside other interventions to try and change behaviour, in order to reinforce its effect.

In response to questions from Members it was explained that:

- 5 Fixed Penalty Notices, which carried a fine of £100, had been issued to date.
- In excess of 446 cans of alcohol had been seized.

Members welcomed the report and expressed their thanks to those involved in implementing and enforcing the requirements of the PSPO.

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*

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