

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday 31 May 2018 at City Hall, Bradford

Commenced 10.15 am
Concluded 11.55 am

Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown Cooke	Amran Wainwright Warburton Watson	Griffiths

Observers: Councillor Whitaker (Minute 5)

Councillor Warburton in the Chair

1. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

NO ACTION

2. MINUTES

Resolved –

That the minutes of the meeting held on 28 March 2018 be signed as a correct record.

ACTION: *City Solicitor*

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

NO ACTION

4. APPOINTMENT OF SUB-COMMITTEES

Resolved -

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

ACTION: City Solicitor

5. LAND AT HAWBER COTE LANE, SILSDEN

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “B”**) in relation to a full application for a 3-form entry primary school and nursery including; ‘future-proofed’ design to enable 4-form entry, external works to include utility connections/diversions, landscaping, car parking, highways, external play and sports provision on land at Hawber Cote Lane, Silsden – 17/05793/REG. A range of plans and photographs were displayed.

The Assistant Director reported on:

- The substance of additional representations in objection to the development, which had been submitted further to the publication of his technical report, including one from a Ward Councillor.
- Notification that had been received in respect of a newly submitted planning application for an enabling road to serve the new school and residential development on land to the east of Bolton Road, Silsden. He explained that this application would shortly go out to consultation and would be considered on its merits; it was completely separate to the one now before the Committee, which also stood on its merits.
- In respect of the questions raised in relation to there being no guarantees about Traffic Regulation Orders (TROs) being put in place, he explained that this situation was entirely normal and that approval of any TROs would be determined by a different Committee.
- It was acknowledged that the development would cause local pressure and challenges but this scheme was considered to be the most appropriate way of delivering a new school for Silsden and could be designed to mitigate the adverse impact on local residents.
- The diversion of footpaths followed a separate process (involving consideration by an Inspector) and could take at least 6 months.

He also proposed that, should Members be minded to approve the application, that a number of additional conditions should be imposed.

In response to questions from Members he explained that:

- The potential impact of associated traffic on the Town Centre had been assessed. The 'Aimsun' model had been used which assessed and counted all main junctions and ran in real time. It had been calculated that there would be a nominal increase in the overall time taken to get through the Town Centre but not to the extent that it would be a cause for concern. There would be an increase in car movements but traffic would be moving. The assessment had been undertaken on the basis of the worst case scenario in terms of the number of people who would use a car rather than walking to the site.
- The intention was that once a vehicle entered the school grounds it would continue through, on a one way route, rather than turning around to go back out at the same point. Sensitivity tests had been run to establish the circumstances that would arise should up to 25% of drivers do so and it had made little difference to the overall situation. Local residents would not be required to use the one way system.
- A 100 place car park was proposed. The school would be relatively large once complete and the criteria used to calculate the parking provision was approximately 1 place per 2 members of staff and 1 place per 15 pupils. Staff would already be in school by the time pupils arrived and would leave after they had gone home. Traffic Regulation Orders were proposed in order to manage traffic and address issues outside the site.
- In terms of whether consideration had been given to implementing 'residents only' parking on Banklands Lane and Middleway; he believed that the usual criteria for such a scheme would not be met, but the Highway Engineers could look at the possibilities for a hybrid scheme.
- In respect of the management of traffic, the primary concern for Highway Development Control was highway safety. The detail of the TROs had not yet been prescribed. The accident statistics indicated only two slight accidents at the existing junction of Dale View with Bolton Road although it was accepted that the visibility was not particularly good. This would be given further consideration; the installation of a junction plateau may be an appropriate solution.
- It was accepted that it could be very busy around schools at dropping off/picking up times but this only lasted for a short period and did not occur during holidays and weekends; thus equating to only 1.8% of the time.
- The scheme had been designed to facilitate drop off and pick up to be undertaken within the site; the majority of schools would not have such a facility. The day to day operation of this system would be a matter for the school. It would be possible, should Members consider it appropriate, to impose a condition to require the submission of an operational management plan for approval by the Local Planning Authority. This could also include what measures were proposed to promote travel to school other than by car.
- The plan indicated a lengthy 'layby' arrangement to allow drop off/pick up. It was acknowledged that pick up was different to drop off as parents/guardians would have to park up and wait for children; this would have to be properly managed.

A Ward Councillor addressed the Committee with the following comments:

- Deferral of the application was requested until a full Transport Assessment had been undertaken alongside a full consultation process.
- The provision of a new school was welcomed but there were issues with access and egress to this site.
- The Highways' report had been awaited for several months and the submission of this information at a very late stage was considered to be unfair and unjust. The planning application had been put forward for consideration by this Committee only 9 days later and during half term. This appeared to be an underhand way of dealing with it.
- Residents of Silsden had attended a meeting of the Town Council on 10 May and a request had been made for a public meeting to be held with officers. The same request had also been made by Ward Councillors but had been refused.
- The Highway's report had described the two junctions with Bolton Road as being substandard and stated that there were no realistic means to improve visibility.
- New Traffic Regulation Orders were recommended but no details had been provided.
- It was considered to be inappropriate to determine this application today when there were so many issues outstanding.
- The Highways' report had not provided any assurances for residents and had caused further uncertainty. The impression was that the application was being rushed through and the issues raised were not being addressed seriously.
- When trained on planning she had been told that Panel/Committee had to consider all the information but should also be seen to do so.
- The Committee was asked to defer this matter so that Silsden residents could see that it had been considered fairly and to allow officers to work with the community, as a whole, to find local solutions.
- It was also requested that a site visit be undertaken to observe the highway issues; it was important for Silsden that the right decision was taken today.

The Assistant Director said that:

- He could give assurance that the highway implications of the scheme had been fully assessed over many months and that a full Transport Assessment had been submitted. Significant dialogue had taken place prior to the completion of the final written submission. This document constituted Highway Development Control's advice to the Local Planning Authority.
- He considered the advice to be concise and balanced giving due consideration to the pros and cons.
- The junctions referred to did not meet the current standards for new junctions but only two slight accidents had been recorded.
- In respect of the suggestion that questions were being left unanswered, he was satisfied that a solution to the issues could be found; it was a matter for other Committees to approve the detail of any Traffic Regulation Orders. The proposed conditions required that the TRO process was followed.
- In respect of the mitigation measures, a full assessment of the design details would be undertaken at the relevant point.

In response to Members' questions he confirmed that:

- Traffic Regulation Orders had to be submitted to the relevant Area Committee for consideration. The local Traffic Engineer (who would have knowledge of the area) would make a decision on how best the issues might be addressed and the proposals would then go before the local Area Committee for consideration. Ward Councillors would be consulted and the developer would be required to provide the necessary funding.

The Chair said that he did not consider that there were any circumstances in this case that necessitated a site visit. He noted that he had visited the site himself on two occasions and another Member of the Committee said that they had also visited the site prior to the meeting.

A Town Councillor addressed the Committee:

- The school would be accessed via very old roads and pavements.
- The pavements of Bolton Road, Fletcher Avenue, Dale View, Banklands Lane and Hawber Cote Lane were of restricted width and in a number of cases were only on one side of the road (details were provided).
- The road narrowed at the junction of Wayside Mews and Hawber Cote Lane at the proposed point of access.
- Highways Agency regulations stipulated that walking paths and cycling lanes in such areas should be a minimum of 2 metres in width plus 1 metre for a cycle lane. The existing pavements did not meet the national recommended widths. This would cause issues for access for parents with double or triple prams and users of wheelchairs.
- The safety of children and adults accessing the school should be paramount. A new road or a safer means of access should be provided but the Council were proposing a substandard and unsafe one-way system.
- The proposed exit was on the side where he lived.
- Parents would park to wait for their children.
- People would travel the quickest way.
- Maps and diagrams could be provided.
- The new school would be twice as far to walk.
- He had looked at all the pavements and they did not meet today's standards.
- He was not opposed to the provision of a new school.

In response to a question from the Assistant Director, he confirmed that the current housing development off the top of Daisy Hill had a lit and surfaced footpath onto Banklands.

The Assistant Director responded with the comments below:

- He would take note of the comments in respect of the measurements but noted that these were existing footpaths that already served children walking to school. The width standards were guidance not a specification. What was considered acceptable depended on the circumstances in each case.
- It was not considered that a footway of 1.8 metre width was dangerous or unsafe. Widths as low as 1.2 metres had been accepted in some cases.
- It was not proposed to run a pedestrian route up through the school grounds.
- It would not be reasonable to expect/require the developer to widen the

existing footpaths all the way through to Silsden.

In response to a suggestion about the possibility of the provision of a pedestrian entrance from the south of the site (to join with an existing footpath), he said that this could be put to the applicant.

The applicant made the following comments:

- There was currently an infant and a junior school in Silsden; it was the last place in the district to have operated a three tier system. They ran on the basis of two form entry; a request had been made last year to allow expansion to accommodate local need but it had not been possible to expand the existing buildings and a portacabin had been put in place as a temporary measure.
- It was known that, with effect from September, 74 of the 90 places would be filled. The Authority had to plan for the future; a number of planning applications had been approved in the area and the schools would be full within the next two years. The aim was to fulfil demand for places for up to 40 years.
- A sequential test had been undertaken for suitable sites for a three/four form entry school, including consideration of both public and private land.
- A number of sites had been considered but deemed unsatisfactory for a number of reasons including being; in close proximity to the industrial estate; located on a flood plain; too small and unaffordable.
- He would try to accommodate the suggestion for a pedestrian link into the site, as suggested, but there were very strict guidelines in respect of safeguarding to ensure that children were protected. It was a matter of achieving the right balance; there may be solutions such as having a gate that was operated by the school.
- The drop off/pick up layby would accommodate up to 50 cars.

Members made the following comments:

- The explanation given in respect of the timing of the Highways' report was taken on board but when an application was submitted by the Council it was even more important that the process was as transparent as possible. However it was not considered that this changed things and there was no need to defer the application.
- There had been a very clear need for a new school in Silsden for a long time and a lot of thought had gone into the site. It was very important that the possible impact on neighbours was minimised, that people were encouraged to walk there and that the traffic situation was actively managed by the school.
- There was a need for effective access to the school and to manage behaviour.
- An additional condition should be imposed to require a plan to be submitted to the Local Planning Authority with details of how the traffic situation and use of the drop off/pick up zone would be operated/managed. This should include the measures proposed to promote walking to/from school and options to improve pedestrian access to the site, whilst taking account of necessary safeguarding issues.

Resolved –

That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report together with the following additional conditions:

(i) Highway Improvement Before Use

Before any works towards the development starts on site full details and specifications of the works, as listed on the indicative plan Ref: AR004040402 CO / A102 A0 Rev J, shall be submitted to and be approved in writing by the Local Highway Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority. (The applicant should contact James Marsh (Section 278 Co-ordination Engineer) on 01274 437308 (email james.marsh@bradford.gov.uk) in order to discuss the requirements of the s278 Agreement.)

Reason: In the interest of amenity and highway safety, and in accordance with Policy DS4 of the Core Strategy Development Plan Document.

(ii) Construct means of access before occupation

Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered AR0040403 PL A113 A0; and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document.

(iii) Provision of car park before development brought into use

Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered AR0040403 PL A113 A0; and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document.

(iv) Retaining structures shown on plan provided before use

Before any part of the development is brought into use the highway retaining structures hereby approved shall be completed in accordance with the approved plan numbered AR0040403 PL A113 A0.

Reason: In the interests of future maintenance of the highway and to avoid harm to the safety of users of the adjoining highway network, in accordance with Policies DS2 and DS4 of the Core Strategy Development Plan Document.

- (v) Control of external lighting to prevent dazzle**
Before development commences on site, details of the type and position of all proposed external lighting fixtures to the buildings and external areas (including measures for ensuring that light does not shine directly on the highway or is visible to highway users) shall first be submitted to and approved in writing by the Local Planning Authority. The lights so approved shall be installed in accordance with the approved details and maintained thereafter to prevent the light sources adversely affecting the safety of users of adjoining highways.

Reason: To avoid drivers being dazzled or distracted in the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document.

- (vi) Construction site management: details required**
Notwithstanding the provision of Class A, Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;**
- ii) hours of construction work, including any works of demolition;**
- iii) hours of delivery of materials;**
- iv) location of site management offices and/or sales office;**
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;**
- vi) car parking areas for construction workers, sales staff and customers;**
- vii) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;**
- viii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;**
- ix) temporary warning and direction signing on the approaches to the site**

The construction plan details as approved shall be implemented

before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason : In order to safeguard the amenity of neighbouring occupiers and the safety of road users it is essential that the detail of these facilities is satisfactorily resolved before any work begins and to accord with Policy DS4 of the Core Strategy Development Plan Document.

and a condition relating to:

The submission of a Green Travel Plan to the Local Planning Authority, for approval in writing before the school is first brought into use, that should:

- (a) maximise the opportunities to reduce on-street parking outside the site boundary;
- (b) establish arrangements for the effective operation and management of the on-site pick up/drop off zone;
- (c) promote travel to school by foot, in particular by considering options to facilitate pedestrian access to the school whilst taking into account any safeguarding issues,

and that the Plan be reviewed by the school 12 months after implementation and any amendments proposed be submitted to the Local Planning Authority for approval in writing.

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

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.

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