

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday 31 May 2018 at 10.00 am in Committee Room 1, City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown Cooke	Warburton Amran Wainwright Watson	Griffiths

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis M Pollard	Azam Godwin S Hussain Jenkins	R Ahmed

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0930 in Committee Room 1 on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.

From:

Michael Bowness
Interim City Solicitor
Agenda Contact: Sheila Farnhill
Phone: 01274 432268
E-Mail: sheila.farnhill@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

Notes:

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

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

(Sheila Farnhill – 01274 432268)

4. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Sheila Farnhill - 01274 432268)

B. BUSINESS ITEMS

5. **APPOINTMENT OF SUB-COMMITTEES**

Recommended -

- (1) **That the Panels set out in Document “A” (*TO BE TABLED*) 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”.**

(Sheila Farnhill – 01274 432268)

6. **LAND AT HAWBER COTE LANE, SILSDEN** **Craven**

1 - 22

The Assistant Director - Planning, Transportation and Highways will present 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.

Recommended –

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.

(John Eyles – 01274 432484)

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 31 May 2018

B

Subject:

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, land at Hawber Cote Lane, Silsden, West Yorkshire.

Summary statement:

The proposed development is for a new primary school, with nursery, to serve Silsden and the surrounding area. This being a replacement for the existing schools at Hothfield Junior and Aire View, in the town. The new facility would be constructed as 3-form entry, with the option to extend the school, when required, to a 4-form entry primary school.

A public footpath travels through the application site, east-west, which is proposed to be diverted to meet safeguarding requirements at the school. If the footpath was retained in its current position, this could prejudice the safety of pupils at the school. The formal order to divert the footpath has been submitted, which would be subject to planning permission being granted.

The application site is within an area allocated as safeguarded land in the Development Plan, covered by policies K/HR5.35 & K/HR5.38. Whilst the principal use of land within the allocation is expected to be housing, a supporting use such as a school would be deemed appropriate, complementing the housing allocation.

The application is recommended for approval subject to the conditions included in the technical report

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)

Report Contact: John Eyles
Major Developments Manager
Phone: (01274) 432484
E-mail: john.eyles@bradford.gov.uk

Portfolio:

Regeneration, Planning and Transport

Overview & Scrutiny Area:

Regeneration and Economy

1. SUMMARY

With the proposed closure of Hothfield and Aire View Primary Schools, a replacement facility would be required to serve Silsden and the surrounding area. The site at Hawber Cote Lane has been identified by CBMDC (City of Bradford Metropolitan District Council) for the proposed school.

The proposed siting of the school building, requires the diversion of a public footpath. This is the subject of an order made to the Council. In the event of any objections, the Secretary of State has the powers to call in the order and consider the application via public inquiry.

In view of the application site being located at the edge of Silsden, it is likely that most pupils would travel to school by car. As the application site is located in a residential area, measures would be put in place to mitigate the impacts of increased traffic associated with the proposed development.

The application has been submitted with details of how the school building could be extended from a 3 form entry to 4 form entry. This being planned to accommodate the future expansion of Silsden.

The application is recommended for approval subject to conditions.

2. BACKGROUND

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

No significant issues raised. A modern school building to replace existing outdated school buildings offers the opportunity to improve fuel efficiency and create a more overall sustainable learning facility.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

A condition is recommended requiring the inclusion of electric vehicle charging points, in accordance with the Council’s Low Emissions Strategy.

7.4 COMMUNITY SAFETY IMPLICATIONS

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, subject to appropriate access control, boundary treatments, CCTV and lighting provisions being implemented, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with Core Strategy Policy DS5.

7.4 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

Proposal relates to a modern education facility benefitting residents within the Ward. Ward Members have been consulted.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application.

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material considerations.

10. RECOMMENDATION

The application is recommended for approval, subject to the conditions included with Appendix 1.

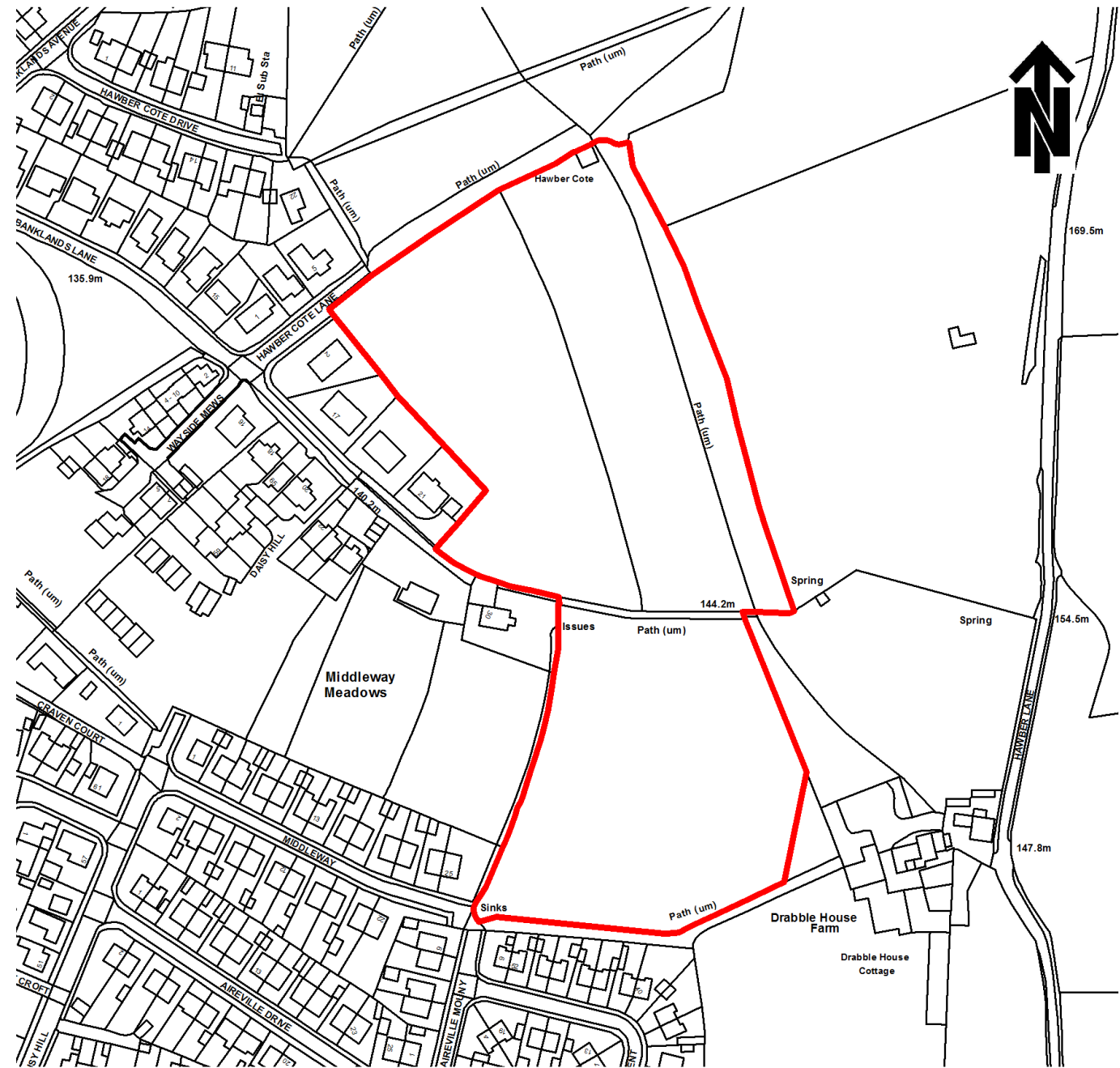
11. APPENDICES

Appendix 1 Technical report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
RUDP

17/05793/REG



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**Land At Hawber Cote Lane
Silsden**

Ward:
Craven

Recommendation:
To grant planning permission subject to the conditions included within the technical report.

Application Number:
17/05793/REG

Type of Application/Proposal and Address:
Full application for 3-form entry primary school and nursery, with 'future-proof' design to enable 4-form entry, at land off Hawber Cote Lane, Silsden.

Applicant:
CBMDC

Agent:
CBMDC Architectural Services

Site Description:
The application site is located at the eastern edge of Silsden. The site comprises two agricultural fields currently used as open pasture.

The surrounding use is generally residential with Drabble House Farm to the south east. To the northern boundary, there is a small former barn structure, constructed in stone, with slate roof.

The northern and western boundary is delineated with trees and hedgerows. The remainder of the site is enclosed with dry stone walling. There are a number of protected trees within and close to the site boundary.

There are farm access points to the site is from the north west, via Hawber Cote Lane and from the south/west, via Middleway. The site has a number of public footpaths either crossing or adjacent.

Relevant Site History:

None relevant

Policy:
Replacement Unitary Development Plan

The site lies within an area allocated as safeguarded land in the Development Plan, covered by policies K/HR5.35 & K/HR5.38. Whilst the principal use of land within the allocation is housing, a supporting use such as a school would be appropriate, complementing and supporting the principal use.

The National Planning Policy Framework (NPPF).

The National Planning Policy Framework is a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;

ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

The NPPF suggests local planning authorities should approve development proposals that accord with statutory plans, without delay.

The Core Strategy

The Core Strategy was adopted in July 2017.

There are a number of Core Strategy Policies which should be considered as part of the application, some of these policy areas will be covered in consultation responses to this application:

- P1 Presumption in Favour of Sustainable Development
- SC5 Location of Development
- SC6 Green Infrastructure
- SC9 Making Great Places
- TR1 Travel Reduction and Modal Shift
- TR2 Parking Policy
- TR3 Public Transport, Cycling and Walking
- H05 Density of Housing Schemes
- HO8 Housing Mix
- HO9 Housing Quality
- HO11 Affordable Housing
- EN2 Bio-diversity and Geo-diversity
- EN4 Landscape
- EN5 Trees and Woodlands
- EN6 Energy
- EN7 Flood Risk
- EN8 Environmental Protection Policy
- DS1 Achieving Good Design
- DS2 Working with the Landscape
- DS3 Urban Character
- DS4 Street and Movement
- DS5 Safe and Inclusive Places
- ID3 Developer Contributions

Parish Council:

Silsden Town Council comments that it is not opposed to a new school, but raises concerns over access to the site. Details in the traffic assessment do not deal with issues already occurring on the roads, the fact that the site is on an incline has not been addressed as an issue for those walking to school. However, it is difficult to comment when highways response are still not available in the consultation, and we cannot see how CBMDC are dealing with some of the anomalies within the traffic assessment document produced by the developers and we request additional time for both this council and members of the public to respond to access problems once the highways commentary is in the public domain.

The original consultation stated the school would be of a stone exterior to fit in with the surrounding area, this new look design is not in keeping with a rural landscape as adjacent to green belt, nor does it reflect the buildings currently in the area, it should return to the original design for material look in stated in their own public consultation.

The flood risk and water management is of high concern, the suggested ponds would need to be 2.5m deep to act as a storage which has obvious safety implications for a school site. There is no mention of where run-off water is going if into the exiting watercourse this increases the risk of further flooding down through the town.

There appears to be little in the terms of green policy applied solar panel should be incorporated into the design to generate the heating and electricity the school requires, greywater should be being utilised to feed the toilets. Both reducing the schools long- term running costs. The application should not go before panel, until the public and consultees have had time to respond to the highways report.

Publicity and Number of Representations:

Site notices were displayed at and around the application site; a notice placed in the Telegraph and Argus and individual neighbourhood notifications were carried out, with the expiry of the notification period being 18 April 2017.

There have been 81 representations, including 1 in support and 80 objections.

A Ward Councillor has objected to the planning application.

The MP for Keighley has commented on the application as set out below.

Summary of Representations Received:

The MP's comments are that: having studied the situation carefully I find myself agreeing with the comment of one of the local residents.

Whilst Silsden is in need of investment in a new school facility that fully meets the needs of the next generation such a site should be designed so as not to adversely affect the quality of life of current residents. The main issue with the current site design appears to be that the current traffic provisions will be inadequate for residents and school users alike. As Mr L states:

'Silsden already suffers from heavy congestion, particularly at the peak morning period around school time....The main turning off Bolton Road onto Dale View is a dangerous

junction. It will be necessary to impose sweeping parking restrictions near the junction along Bolton Road and Dale View. No provision has been identified to ensure that residents in these locations will have adequate alternative parking facilities made available. The junction will have to be controlled. The exit from Dale View onto Bolton Road has impeded vision. The exit view is severely obstructed by existing boundary walls to resident's properties. Presently vehicles must be driven sufficiently far enough forward to see oncoming traffic, which in some cases requires vehicles to slightly protrude beyond the junction and into the line of traffic. Substantial increases in vehicle numbers will have a similar substantial increase in the potential for a major accident because of the circumstances detailed above.'

The road access cannot take the traffic involved, there will be congestion all morning long and afternoon.

This will be a great disturbance to the lifestyles and the serenity of people who live in the area. We also bought in the knowledge that our vistas would not be interrupted and we would not be overlooked and our privacy be imposed upon.

I am objecting to the new school on the grounds of unsafe access where lives will be put at risk. There is only one footpath on Banklands Lane which is 1.8 metres wide. Up to twice a week refuse bins are put out on the pavement. Parents with pushchairs and toddlers will not be able to walk on Banklands Lane to Hawber Cote Lane safely. When they reach Hawber Cote Lane they will have to cross that road to reach the school this also will have heavy traffic on it. I believe that only a small percentage of vehicles will use the through road to Middleway because people who live on the north side of Silsden will find it inconvenient and time consuming to get home. Therefore cars will be parked on Hawber Cote Lane and Banklands Lane. This will mean there will be gridlock from Fletcher Avenue along Banklands Lane to the school. In the estimate of vehicles using Banklands Lane they only count vehicles going to the school, they also need to count cars which drop off, park for a short time and then turn around and go back down Banklands Lane.

Just how are fire appliances and ambulances to access this part of Silsden?

My main concerns relate to the inevitable substantial increase in vehicular traffic, in particular, on Hawber Lane, Backlands Lane and Dale View. The junction at Bolton Road and Dale View is difficult to negotiate at the best of times during the day and even more so at peak times.

I would also object to the loss of a Public Footpath which currently crosses the proposed site. The application does not appear to indicate any proposal for re-routing the facility.

Considering the availability of brownfield sites within the area and the recent acceptance of development on/adjacent to the river Aire flood plain I find it difficult to understand (other than Council Ownership of the land) why this school should be located on a Green Field site.

I have grave concerns over the impact that the increased traffic to the school will have on our ability to access and exit our own drive. During the recent bad weather the

residents of the new development Wayside Mews moved their cars onto Banklands Lane, parking to the left of us, right of us and directly opposite the end of our drive making it impossible to access and exit our own house by car. I am asking if or when the proposed school goes ahead we could be considered for parking restrictions to keep our access clear.

With the information available thus far, I can see no reason for requiring an on-site pitch with the alternative so close. Its abandonment is a prerequisite for everything following below to even be a starter.

In the space allotted for the football pitch, provide a large car park and drop-off / pick-up area, of a size sufficient to relocate all of the parking spaces currently intended at the top of the site, besides providing "waiting" spaces for those parents or carers that arrive ahead of pick-up time, or need to go inside the school to see a member of staff etc. The area freed up by relocating the staff parking area could then be used as a playground, other recreational area, or, being cynical, further expansion of the school.

Then acquire a strip of land, either by negotiated or compulsory purchase, and build an access road to link the car-park to Hawber Lane in the first instance. I'm guessing but it seems like a max. 200m long road is all that is required. I envisage a road similar to the one recently built to access the Harron Homes site in Keighley Road - sufficient for two way traffic. Provision should be made to extend this access road to connect with a more suitable link road / bypass if and when that happens.

The car park access road should be approached from and departed towards the cemetery end of Hawber Lane, to its junction with Howden Road. Whilst not ideal, cars can pass on the section of Hawber Lane alongside the cemetery wall, with care, but with a lot less care required than negotiating two lots of housing estates and very minimal width roads within the school grounds .

Should it be decided that Hawber Lane is too narrow, a widening strip could be acquired at the side opposite the cemetery wall, and the Brunthwaite Lane triangle either reduced or eliminated.

Bear in mind that all vehicles, including those supplying the school would have to use this route, helping the cause for a link road / bypass to be built.

Not only does this make the need for the current vehicular access and departure proposals redundant, it also provides a safer route to / from school for those walking, as, in the main, it separates vehicles from pedestrians, not least in the hitherto affected estates. Given that the current plans are for departing traffic to use Howden Road to reach the A6034, this option does likewise but traffic will use a longer stretch of Howden Road. That extra section should be compared with the currently proposed route via the estate.

To have such a large school in a remote location is not fair on the residents with children living on the other side of the valley, for them it will not be feasible to walk their children to school. The proposed school is for 640 pupils which will just cover the existing places, so with the proposed new houses around the site the school is likely to be a continuous building site.

A school for 640 juniors is too large, and because of its location it will only be within walking distance for half of Silsden.

Why is there such a large car park for staff? The provision of 100 car parking spaces for staff, even if it becomes a 4.FE school would make a pupil to staff ratio of 9:1. Even with support staff this seems excessive. The car park occupies an area larger than the school building and will contribute significantly to the water runoff.

In this day and age it is considered necessary to put a 2.4m high security fence around a school, and with it will come lighting and security cameras. The police report suggests the lighting should be on in darkness 24/7, but it must be remembered this site is on a hill and will be very visible.

With a high security fence, if it's not to resemble a prison, the light should be kept very local and not cause any light pollution to the surrounding area.

This appears to be a typical off the shelf school building. At the public consultation we were promised a stone clad building which would blend into the environment, what the plans show is a bog standard school building with un-environmental friendly coloured cladding.

The Replacement Unitary Development Plan, UDP point 7, requires to "Reduce the impact of travel". The current plan is to build a school on the outskirts of the town therefore increasing the percentage from 47 to 67% that would use the car to get pupils to school. This would increase car use next to a park with a play area, having a detrimental effect on air quality in the area and therefore negative impact on the health of the residents in the area.

The baseline mode share in the transport assessment document indicates that the existing school sites currently achieve a 51% walk rate versus 47% by car. At the proposed site these figures are estimated to change to 34% walking, 66% by car. Further, section 5.2 tables 3 & 4 of the transport assessment show a significant drop in the walking catchment figures. With the existing sites, 75% of pupils live within the 0-15-minute walk catchment and 25% greater than 15 minutes. With the proposed site these numbers change to 51% within 0-15 minutes and 49% greater than 15 minutes. These figures do not take into account the significant change in elevation of the proposed site which will impact walk rates, as most routes will be uphill. These figures does not meet with published government plans to include specific objectives to double cycling and increase the proportion of 5 to 10 year-olds walking to school to 55% by 2025 (ref Cycling and walking investment strategy, 21 April 2017 <https://www.gov.uk/government/publications/cycling-and-walking-investment-strategy>).

This development is adjacent to the Brunthwaite Conservation Area identified within the Brunthwaite Conservation Area Assessment, dated Oct 2005 & re-appraised in June 2008 (<https://www.bradford.gov.uk/environment/conservation-areas/brunthwaite-conservation-area/>).

This appraisal identifies several key policies that are material to the development, including:

Policy BH7: Development within or which would affect the setting of conservation areas
Development within or which would affect the setting of conservation areas will be expected to be of the highest standards of design and to preserve or enhance the character or appearance of the conservation area.

The design of the proposed school building does not meet this definition.

The school should remain in the middle of the town. The idea of a one way system in and out will not work, the planning committee should walk the route.

First of all I am minded to proceed to the ombudsman regarding the fact that the council claim to have held a public consultation into the new school building but only advertised it as a consultation into a new school. The difference a new school is when, for instance two schools merge and a new school building is just that. Bradford Council even admitted to me the wording of the consultation was incorrect.

Furthermore with the number of vehicles that will have to use Clog Bridge/Kirkgate in a short space of time WILL cause accidents and people will be injured.

Whilst the efforts of all concerned and the donation of land is to be applauded and support the provision of a new Silsden School for existing residents.

However the layout proposed and access arrangements indicate the design and layout is not fit for purpose.

- Health risks due to increases in pollution, over 20% increase in car usage locally on the school commute and car usage within school grounds

- Insufficient mitigation measures to encourage cycling, walking, public transport with reference to the LES

- Some committed new housing sites in progress remote from the location appear to have not been included in the TA (OVER 250 dwellings) additional errors in the TA

- No detailed commitment regarding electric vehicle/cycle charging provision

- Inadequate traffic/pedestrian segregation

- Flood prevention, water catchment and effect on neighbouring properties needs extensive further research

- Additional hazard presented with deep ponds on site

- No consideration given to the provision of a swim start facility

While I fully support the provision of a new school for Silsden, the site is totally unsuited to the needs of this age-group. The proposed access and egress is totally inadequate and will cause the junction of Keighley Road and Clog Bridge to become gridlocked.

Consultations:

West Yorkshire Archaeology Service

It is suggested that a medieval to early post-medieval settlement known as Swartha may have lain in or adjacent to the sites eastern boundary. This settlement was abandoned or relocated in the 18th century. A stone-built field barn to the north of the application site is likely to date to the late 18th or early 19th century and linked to new agricultural methods and land divisions.

The site is in use as pasture but indications of ridge and furrow strips suggest a past use in arable farming. Ridge and furrow cultivation was also recorded at Belton Road and overlay the important Prehistoric remains. Given activity in the vicinity from a wide range of periods the site's archaeological potential should be fully evaluated prior to development of the site.

The proposal entails construction of a new school with extensive landscaping and works to services. Currently unknown archaeological remains may be uncovered and destroyed by earthmoving and construction activities associated with the development.

The WYAAS recommend that the site's archaeological potential is fully evaluated by a pre-determination archaeological evaluation. However, should the guidance given in the NPPF and Policy BH19 be ignored and planning permission is granted the above works can be secured by the attachment of a suitable condition in accordance with the NPPF para. 141 and with the Department of the Environment's Circular 11/95:

"No development to take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority."

Public Rights of Way

Silsden 44 (North to South section) labelled ROW A

The revised plan shows the width of the proposed diverted section has been increased. It also clarifies that the proposed diversion links to the existing stone stile which is to be unaltered. Rather than forcing a right angle at the bend near the approach to the stile the fencing has been shown on a more rounded line to improve visibility. I think the documents referred to the fence adjacent to the path being a 2.4 metre high security fence.

Silsden 44 (East to West section) labelled ROW B

The revised plans now show this path to be diverted to new ROW E. A revised application for the necessary legal order has been received by the Rights of Way Section and is currently awaiting processing. The latest revised plan does show a weldmesh fence around the entire site separating the school grounds from the proposed diverted lengths of footpath clarifying my query and justifying the diversion of the lengths of path.

New ROW E

I note that the proposed width of the path is to be around 3 metres and the stone wall is to be amended to allow a connection with the footway of Middleway. As the intention of the proposed path diversions is to secure the school site by removing the public rights of way crossing the site and putting them outside the site, it seems likely that the fence line will need to be amended on this boundary so that the school fence separates the proposed path from the remainder of the school site. Can you confirm that this is the intention as it does not seem to be clear on the plans? The fence should be of the standard weldmesh style which gives good visibility. If the proposed path is separated from the school site by a fence then no gates should be required at the junction with Middleway.

Silsden 46 (East to West) labelled ROW C

The revised plan confirms that this path is outside the red outlined area and is not to be diverted or amended by the school development.

Arboriculture Team

Following concerns being raised regarding the effect on protected trees within the site, the proposed development has been revised to reduce the impact on those trees. This includes reconfiguring the car park and the football pitch. No objection subject to conditions.

Environmental Health (Land Contamination)

No objection subject to conditions.

Yorkshire Water

No objection subject to conditions.

Lead Local Flood Authority

No objection subject to conditions.

Highways & Transportation

To be reported verbally

Local Plan

No comments received.

Countryside

In Core Strategy terms, the site lies within Zone B (ie. within 2.5km of SPA (Special Protection Area)) of policy SC8 which is the "potential supporting habitat" zone - so some consideration as to whether the site contains foraging land for SPA bird species would be expected (in line with our Habitats Regulations Assessment of the Core Strategy).

There is no additional recreational impact issue, as the proposal is not for additional residential dwellings

Summary of Main Issues:

Principle of development

Impact on residential amenity

Highways & Transportation

Drainage Issues

Contaminated Land Issues

Rights of Way Issues

Ecological issues including impact on protected trees

Appraisal:

Principle of development

The application site is allocated as Safeguarded Land in the RUDP, K/HR5.35 & K/HR5.38. Whilst the principal use of land within such an allocation would be expected to be housing, a supporting use such as a school would be appropriate, complementing the housing use. It is considered that with the planned expansion of Silsden, including sites in the neighbouring area, the proposal for a new school that would provide a greater number of places is supported. The proposal represents a planned approach by the Council to replace two less efficient and outdated existing primary schools in Silsden by a new modern facility that will create a more advanced learning environment, benefitting the future education of children in Silsden.

Impact on residential amenity

Both the school building and associated facilities are considered to be sited and designed to minimise any adverse impact on the residential amenity of nearby properties. The distances between the school buildings and residential properties affords an appropriate level of amenity and it is not believed there would be any adverse impact in terms of overlooking, overshadowing or loss of privacy.

The principal issue affecting residential amenity would be the increase in traffic associated with the school. The number of staff and number of pupils would result in a substantive number of vehicles travelling to the school. The routes to the school being through residential areas.

One of the main concerns raised by objectors is the impact on the area of vehicle movements, as a consequence of the school being located at this location. It is acknowledged that vehicle movements associated with the proposed development would impact on the neighbouring area. However, in order to mitigate against the increase in vehicles, the overall development has been designed with a one-way traffic system, with vehicles entering the proposed school off Hawber Cote Lane and leaving the site via Middleway.

The proposed school is located on the eastern side of the town. The principal roads through Silsden are Bolton Road, Kirkgate and Keighley Road. In travelling to the school, vehicles are expected to travel from Bolton Road onto Dale View and Banklands then on to Banklands Lane and Hawber Cote Lane. In exiting the school, vehicles would leave the site via Middleway travelling onto Daisy Hill, on to Hainsworth Street, then Clog Bridge on to Kirkgate/Keighley Road. Whilst there are other public roads traffic may use, it is the above routes that are expected to be used. There is limited access from the south due to the presence of the Leeds-Liverpool, Canal.

In view of the increased traffic in residential areas, a number of measures would be introduced to manage on-street parking, traffic-calming measures and pedestrian facilities. In addition street lighting would be reviewed and upgraded where required. Whilst the junctions at Bolton Road/Banklands and Bolton Road/ Dale View were looked at in terms of possible improvements, the geometry of the highway and land being in private ownership do not allow for any improvements to be made. Similarly, at Clog Bridge, where traffic is likely to travel on to Kirkgate/Keighley Road the public highway is constrained in terms of width and the potential for improvements. It is noted that there have been recent highway works to Kirkgate, in the form of a new pedestrian crossing and amendments to the traffic signalling. Beyond these works, there is little option for any further highway works at this location.

On the basis of the above, the extent of off-site highway works, with the introduction of Traffic Regulation Orders (TROs) to manage on-street parking; traffic calming measures and new pedestrian facilities are considered to be the only options to mitigate against the increased traffic in the residential areas affected.

It is acknowledged that with many new (and indeed many existing) schools, at key drop-off and pick-up times of the day there can be local congestion and disturbance created as parents vehicles are parked on local roads or they may add to the level of traffic on local

roads reducing travel times. Often inconsiderate parking can occur near to school blocking driveways etc many schools tackle this issue by letters to parents which is the sensible approach by a local neighbourhood facility. However, this needs to be balanced against the need for schools to be created and indeed located in residential areas, close to the areas they serve. The siting of a school in a residential area encourages walking to school, promotes a healthier lifestyle and benefits those without access to a motor vehicle. Whilst this limited disruption in the morning and afternoon periods can be seen as less desirable compared with the current position (no school) it is not considered this should prevent this important educational facility in this chosen location.

On the basis of the above it is not considered that the amenities of residents located close to the school or within the general facility of the school or on the access routes would be affected to such an extent that serious loss of amenity would result.

Highways & Transportation

In terms of highway safety, the measures to be introduced are believed to represent the optimum solution without detriment to highway safety. A 20mph speed limit would be introduced on the surrounding streets and plateaus at the junctions along Howden Road. Together with TRO' to manage on-street parking and a new Puffin crossing at Bolton Road, the measures to be put in place are considered to provide the appropriate means to address highways issues.

Within the application site, the access road has been designed to reduce the gradient to a minimum of 1:12. In the circumstances of the sites sloping nature and the one-way system this is considered acceptable. The parking provision is considered appropriate.

The application can be supported subject to conditions and measures that would be delivered through Section 278 to manage on-street parking; introduce traffic calming measures including 20 mph zone and pedestrian crossing facility on Bolton Road.

Drainage Issues

The Lead Local Flood Authority (LLFA) has assessed the documentation, against the requirements of the National Planning Policy Framework and Planning Practice Guidance.

In terms of surface water drainage, the flow rates to the public sewer would be controlled through condition, with details to be submitted and agreed with the Local Lead Flood Authority.

Rights of Way Issues

The original scheme included for the closure of public footpath no.44 which travels east-west across the central area of the application site. The reason for the closure being that the public right of way could not be accommodated within the school grounds, without there being serious and recognised safeguarding issues. The ability of the public to gain access to the school would not be acceptable. Following concerns raised and representation made by the local Ramblers contact, an alternative to closing the public footpath has been explored. Consequently, whilst the public footpath would be closed, an alternative route would be provided. This would travel north-south along the western boundary of the lower part of the application site. This provides an appropriate link with footpath no. 46. On this basis the Rights of Way Officer and Ramblers representative have removed their objection to the proposal.

Ecological Issues including impact on protected trees

Whilst the application site lies c.2km from the South Pennine Moors SPA/SAC (Special Area of Conservation) in Core Strategy terms, the site lies within Zone B (ie. within 2.5km of SPA) of policy SC8 which is the “potential supporting habitat” zone - so some consideration as to whether the site contains foraging land for SPA bird species would be expected (in line with our Habitats Regulations Assessment of the Core Strategy). There is no additional recreational impact issue, as the proposal is not for additional residential dwellings.

Reason for Granting Approval:

The proposed development would meet the requirements of Core Strategy policies P1, SC5, SC6, SC9, H05, H08, H09, H011, EN1, EN2, EN4, EN5, EN6, EN7, EN8, DS2, DS3, DS4, DS5, ID2 and ID3 and the application is recommended for approval.

Conditions:

1. Prior to development commencing a Phase 1 Desk Study and Preliminary Risk Assessment Report must submit to and approved in writing by the Local Planning Authority. Where potential for contamination is identified within the Phase 1 report then recommendations for a Phase 2 site investigation and risk assessment must be included.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with policy EN8 of the Local Plan for Bradford.

2. Prior to construction of the development the Phase 2 site investigation and risk assessment should be completed in accordance with the agreed site investigation scheme identified in the Phase 1 report. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:

4. The site shall be developed with separate systems of drainage for foul and surface water on and off-site.

Reason: In the interest of satisfactory and sustainable drainage.

5. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority . If discharge to public sewer is proposed , the information shall include:

i) evidence that other means of surface water drainage have been properly considered and why they have been discounted ; and
ii) the means by which the discharge rate shall be restricted to a rate that has been submitted to and approved by the Local Planning Authority in consultation with the statutory sewerage undertaker .

Furthermore, unless otherwise approved in writing by the Local Planning Authority , there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

6. Unless otherwise agreed in writing with the Local Planning Authority, prior to construction of the development, a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

7. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

8.If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

9. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN8 of the Local Plan for Bradford.

10. No development shall be commenced on site until final details of the proposed alterations to levels of land within the development site have been submitted to and approved in writing by the Local Planning Authority. These details shall include the existing and finished ground levels showing the contours to be formed by re-grading; the relationship of the altered landform to existing vegetation features and the surrounding landform; and details of the phasing and a timetable for completion of those works.

The works agreed shall be carried out in accordance with the approved details and in accordance with the approved details of phasing.

Reason: To ensure a satisfactory finished landform in the interests of visual amenity and landscape character and to accord with Policies SC9, DS2 and DS3 of the Core Strategy Development Plan Document.

11. The development shall not begin, nor shall there be any demolition, site preparation or groundworks, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained until the tree protection fencing and other tree protection measures are installed in strict accordance with an arboricultural method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority.

The development shall not begin until the Local Planning Authority has inspected and given its written approval confirming that the agreed tree protection measures are in place in accordance with the submitted details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Bradford Local Plan Core Strategy.

12. The approved and agreed tree protection measures shall remain in place, and shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection areas without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during development activity on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Bradford Local Plan Core Strategy.

13. Prior to the removal of the protective fencing and other agreed tree protection measures, written verification/evidence that the developer has arranged for supervision and monitoring of those approved measures by a suitably qualified and pre-appointed tree specialist, at regular and frequent intervals throughout the duration of the development, shall be submitted to the Local Planning Authority.

Prior to the occupation of the development, or prior to the occupation of phases of the development as have been agreed in writing with the Local Planning Authority, the Local Planning Authority shall have first confirmed in writing its agreement to the verification/evidence.

Reason: To ensure that trees have been adequately protected by the developer during development activity and that harm to the trees has been effectively prevented or mitigated by the measures proposed in the planning application submission. To ensure that protection measures have prevented harm to trees and visual amenity, to accord with Policy EN5 of the Bradford Local Plan Core Strategy.

14. Prior to the occupation of the building(s) hereby permitted, details of the type, colour and finish of all hard surface materials, including those to parking areas, access driveways, forecourts, parking and turning areas, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate hard surfacing materials in the interests of visual amenity and to accord with Policies DS1 of DS3 of the Core Strategy Development Plan Document.

15. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

16. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings.

17. Before any development commences on site, full details of arrangements for wheel cleaning of construction vehicles and equipment, including the location of such a facility in relation to the highway and arrangements for disposal of contaminated surface water shall be submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be installed, maintained in good operational condition and used for wheel cleaning whilst ever construction or delivery vehicles are leaving the site.

Reason: To prevent mud being taken on to the public highway in the interests of highway safety.

18. Before any development commences on site, details of the signing arrangements for access and egress of construction traffic (eg. IN, OUT, NO ENTRY, NO EXIT signs) showing the size, type, colour and location of such signs shall be submitted to and approved in writing by the Local Planning Authority and those approved arrangements shall be installed before the development is brought into use.

Reason: To avoid any misunderstanding arising from the entrance/exit arrangements in the interests of highway safety..

19. Development above damp proof course level of any buildings on the site shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell;
- ii) Details of proposed new trees and details of new shrub and grass areas - including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety;

- iii) The extent, types and heights of the means of enclosure to all curtilages.
- iv) Details of types of hard surfaces within the development other than those within the domestic curtilages.
- v) Details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved details.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

20. Prior to the occupation of any part of the development, a schedule of landscape maintenance for all amenity and recreation open space areas within the site and covering a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a plan to define all communal hard and soft landscaped areas to be maintained under the maintenance regime, an outline of maintenance works to be undertaken and the frequency of those works, together with details of responsibilities for implementing the maintenance regime by a Management Company or other agency. It shall provide email, postal address and telephone contact details of such a company or agency.

Landscape maintenance of the identified areas shall subsequently be carried out in accordance with the approved schedule for the period agreed.

Reason: To ensure effective future maintenance of the landscaped areas in the interests of visual amenity and to accord with Policies DS2, DS3 and DS 5 of the Core Strategy Development Plan Document.

21. The existing wall(s) along the boundary of the site shall be retained during and after completion of the development and those parts of the boundary wall that are damaged or removed shall be made good using materials of similar appearance, and to a similar coursing to the remaining wall, prior to the first occupation of the development hereby permitted.

Reason: In the interests of visual amenity and privacy and to accord with Policies DS2, DS3 and DS5 of the Core Strategy Development Plan Document..

22. Notwithstanding the details contained in the supporting information, no development to take place until full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its effect on the water environment. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be restricted to a rate agreed with the LLFA. The details to be submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: To ensure appropriate consideration of sustainable drainage methods.

23. The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document to be submitted to the Lead Local Flood Authority for approval.

Reason: To ensure appropriate surface water drainage management.

24. The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: To ensure a phased approach to drainage strategy.

25. Notwithstanding the details contained in the supporting information, no development to take place until full details and calculations of the proposed means of disposal of foul water drainage, have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: To ensure appropriate foul water disposal.