

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 28 July 2011

C

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	Land At Thornhill Road Steeton With Eastburn West Yorkshire - 10/05872/MAF [Approve] – page 1	Craven
2.	118 Skipton Road Ilkley West Yorkshire LS29 9HE - 11/01315/VOC [Refuse] – page 30	Ilkley

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Environment and Culture

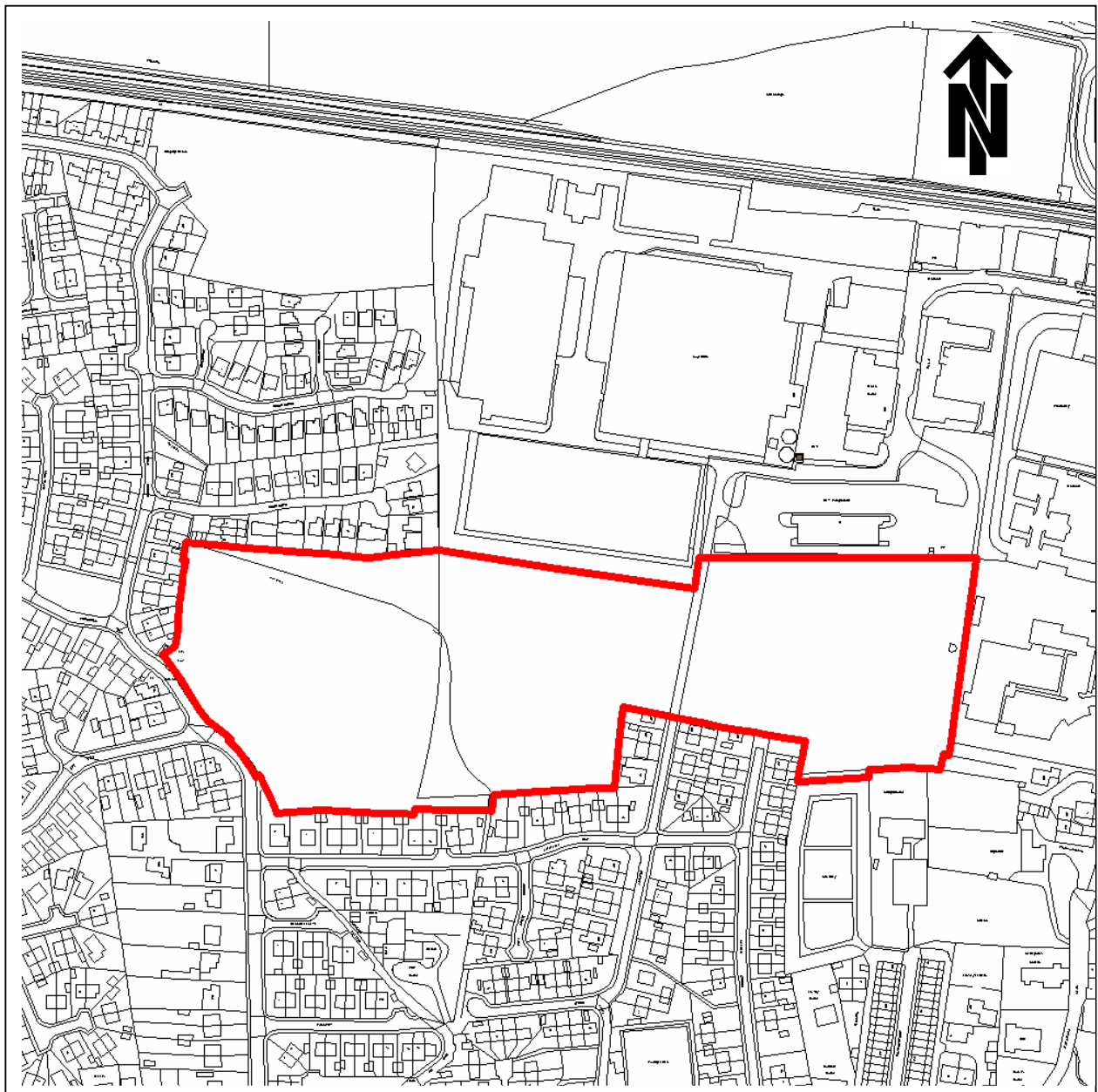
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley)

10/05872/MAF

28 July 2011



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ITEM NO. : 1

LOCATION:

**Land At Thornhill Road
Steeton With Eastburn**

28 July 2011

Item Number: 1
Ward: CRAVEN

Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106/S278 LEGAL AGREEMENT

Application Number:
10/05872/MAF

Type of Application/Proposal and Address:

A full application for the erection of 220 dwellings, access roads, cycle ways and open space on Land at North West of 51 Parkway, Steeton with Eastburn.

Applicant:

Redrow Homes Yorkshire Ltd

Agent:

Jonathan Dunbavin, ID Planning

Site Description:

A 6.02 hectare irregular shaped parcel of Greenfield land that is located within the settlement of Steeton with Eastburn. The site is comprised of a number of fields to the rear of properties on the north side of Halsteads Way that are used for grazing and as open pasture. It slopes gradually from the south down towards the north east and is located to the south east of Steeton Conservation Area.

A number of Tree Preservation Orders (TPOs) exist on the site which cover groups of trees - two of which cross the development site from north the south and the other is located adjacent to the Steeton Cemetery. A public footpath identified as Steeton with Eastburn 5 footpath crosses the western part of the site linking Halsteads Way to the south with Currer Walk to the North West. A large portion of the site is allocated in the Replacement Unitary Development Plan as a phase 2 housing site (upon which development can be brought forward from 2009).

Vehicular access to the site can be gained from the field gate on Thornhill Road. Remnants of the former use of the site as part of a cannon testing range during World War Two (associated within the former Royal Ordnance factory to the north of the site) are still visible. These include a WW2 pillbox sited in a field to the south of the former factory and two fire posts (also known as police or guard posts) one sited in the south west and one in the south east part of the site. These three structures are Grade 2 listed.

The site adjoins a variety of residential properties along most of its southern boundary, along its western boundary and part of the north western boundary. The remainder of the northern boundary and the eastern boundary of the development site abuts an industrial/commercial area. The south eastern corner of the site adjoins Steeton Cemetery and other properties which are located within the Steeton Conservation Area.

Relevant Site History:

Planning permission 09/01100/FUL was granted for the construction of 229 houses, access roads, cycle ways and open space subject to conditions and a S106/S278 legal agreement.

Planning application 08/02399/FUL – Construction of residential development with playing facilities, access roads - WITHDRAWN - from determination.

Replacement Unitary Development Plan (RUDP):

Allocation

Within the Proposals for the Keighley Constituency of the Replacement Unitary Development Plan, the majority of the site is allocated as a phase 2 housing site whilst the remainder of the site is unallocated within the Replacement Unitary Development Plan. Relevant policies include: -

- UDP1 – Promoting sustainable patterns of development
- UDP3 – Quality of build and natural environment
- UDP7 - Reducing the need to travel/sustainable transport choices
- UR2 - Sustainable development
- UR3 – The local impact of development
- UR6 - Use of conditions or S106 agreements to resolve obstacles to planning permission
- H5 – Residential Development of Land and Buildings not protected for Other Purposes
- H7 - Housing Density
- H8 - Housing Density
- H9 - Provision of affordable housing
- TM2 - Impact of Traffic and its Mitigation
- TM8 - New pedestrian and cycle links
- TM9 - Protection of routes
- TM12 - Car Parking Provision
- TM19A – Traffic and road safety
- D1 - Positive contribution of the Environment
- D4 - Safe and secure environment/reduction in the opportunities for crime
- D5 - Landscaping
- D6 - Meeting the needs of Pedestrians
- D7 - Meeting the needs of Cyclists
- BH4A – Setting of Listed Buildings
- BH7 - New Development in or affecting the setting of Conservation Areas
- CF2 - New housing proposals resulting in increased demand for educational facilities
- OS5 - Provision of recreation open space and playing fields in new development
- NE4 - Trees and Woodland
- NE5 - Retention of trees on development sites
- NE6 - Protection of trees during development
- NE10 - Protection of natural features and species
- NR15B - Flood Risk
- NR16 - Surface Water run off and sustainable drainage systems

Regional Spatial Strategy (RSS):

Policies

- YH2 – Climate Change and Resource Use
- YH3 – Working together
- YH4 – Regional Cities and Sub-Regional Cities and Towns
- YH6 – Local Service Centres and Rural and Coastal Areas
- YH7 – Location of Development

Parish Council:

- Drainage concerns: The parish council is still not convinced that the sewer capacity will support the additional effluent produced by the new houses. The parish council has photographic evidence that the sewer already overflows regularly in to fields between the northern end of Thornhill Road and the A629.
- Education: The parish council understands that a contribution through Section 106 will be made to education provision. Both primary schools in the parish are at capacity and the council requests information on where the additional primary school children will be accommodated, prior to determination.
- Recreation provision: The maintenance in perpetuity of the on-site facilities, the trim trail, is not specified. There should also be recreation provision off-site for such a large development and the parish council requests specific plans to be agreed for the off-site provision prior to determination.
- Access: The parish council has still not received any supported reasons why more than one access to the site cannot be provided either from Clough Avenue or Steeton Grove. The increased traffic flow generated by the development will exacerbate the current serious problem with traffic flow along Skipton Road as supported by the parish council's traffic survey. A single access will also exacerbate rat run problems along Halsteads Way.
- Highways proposals at the junction of Skipton Road and Thornhill Road have not been amended to take in to consideration the subsequent traffic surveys carried out by the parish council and Bradford Council and previous concerns expressed:
 - A definitive scheme has not been agreed. (The scheme presented is only proposed).
 - The TRO to restrict parking on Thornhill Road, close to the junction with Skipton Road, needs to be in place before the construction work begins.
 - There is significant local opposition to the removal of the trees on Skipton Road that would be required to carry out the highways proposals.
 - The position of the pedestrian refuges, required for pedestrian safety, will however have a significant impact on traffic flow and the passage of emergency vehicles.

Publicity and Number of Representations:

Site notices were displayed at the site with individual neighbourhood notifications also being carried out. The statutory period for this original publicity was until 3 February 2011. Substantial numbers of representation have been received – 103 individual letters of objection.

Following the receipt of amended plans (primarily regarding house types/layout), the amended application was again advertised by individual notification of surrounding neighbouring properties. The statutory period for the expiry of publicity was 14 July 2011. 6 additional letters of objection have been received. Any additional representations which may be received after the publication of this report will be reported orally at the planning panel.

Summary of Representations Received:

Objections

- Getting into and out of the top of Thornhill Road is increasingly difficult – with 300 extra cars trying to get in and out the whole estate could become gridlock.
- There is adequate access via Steeton Grove from the site giving a quick route to the bypass and the station.

- There is a history of sewage overflowing in this area. The construction of 200 more houses will exacerbate the situation.
- Where are over 300 children going to attend school.
- Yorkshire water has not given a positive response to your requests. Believe that they cannot as the main sewers cannot cope now.
- The public Inquiry stated that there should be access from Clough Avenue and there should also be access from Station road which would alleviate some of the queues at the traffic lights. There are queues for most of the day at Steeton top traffic lights and to and from Airedale Hospital.
- There are bats in the locality and the situation should be rechecked
- The proposed house at the rear of my existing property is too near the boundary wall.
- The housing market is stagnant – why have apartments been included in this scheme?
- There is no spare capacity at GP services at Steeton health Centre.
- Why doesn't Bradford Council use the unoccupied houses within the District
- The development should be built to Code 6 not just code 3.
- Residents are being ignored on every account – this site was designated as a school
- Steeton has already given up a considerable amount of land for housing.
- Steeton is a village and cannot sustain more load in terms of services than it currently does.
- Allowing a development which results in children not getting school places in their local school is morally wrong
- Parking charges at the hospital result in more people parking on the main road.
- It should be a firm condition for any development on this land that all construction access is via Steeton Grove with no construction parking allowed on Thornhill Road.
- In order for the development to be in keeping with the character of the area there should be a greater use of natural materials.
- There is a need for green space in the locality for dog walking and leisure
- This large development is an infringement on human rights
- The area is liable to flood
- The Thornhill Road junction with Skipton Road is already an accident waiting to happen
- There is already congestion in the locality
- The drains and sewers in the locality are simply inadequate
- The local schools are full
- The development will merely become an overflow for Steeton Railway Station and Airedale Hospital
- Emergency vehicles will struggle to get to the site and along Skipton Road
- There is a major gas pipeline which goes under the site
- The fire boxes do contain bats
- The houses are completely out of character.
- Loss of trees
- There is already a glut of houses and flats on the market but they are not selling.

Statement of Community Involvement

Members should also be aware that a community consultation exercise was undertaken by the applicants and their agents on 4th November 2010. A total of 154 letters were sent to local residents, the Parish Council and Ward Members notifying them of a public consultation event that was to be held in Steeton Hall Hotel. 37 written responses were received.

A summary of the main issues from the SCI are:- the traffic impact (the means of access onto Thornhill Road being inadequate to serve the development and will increase congestion); there should be fewer dwellings; there is an absence of bungalows in the scheme; the effect of constriction and traffic on local residents, local schools are at capacity as is other infrastructure; drives onto Thornhill Road will cause highway problems; drainage and flooding problems in the area; there is a need for a footpath/cycleway to the station, the scheme will overlook and overshadow existing properties and; finally, the site is of ecological/wildlife interest.

Consultations:

(i) Environment Agency – Our previous comments to proposals on this site dated 4 August 2009, our ref RA/110192, your ref 09/01100 (as detailed below) still apply. It is our understanding that the July 2009 FRA has been re-issued with an October 2010 coversheet:

The proposed development will only be acceptable if the following measure(s) as detailed in the Flood Risk Assessment dated July 2009 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

(ii) Yorkshire Water – No objections in principle subject to appropriate conditions. Advise that there are public sewers, which cross the site and that the presence of the sewer affects the layout of any scheme. In light of the above comments suggest a planning condition to adequately protect the pipes from being built over or near to.

(iii) Drainage Section – No objections in principle to the developer's drainage proposals, however, I note from the flood risk assessment submitted by Paul Waite Associates, ref 10118 that the surface water drainage scheme has not yet been finalised & that the developer's preferred option is dependent upon Yorkshire Water adopting the existing highway drain serving Thornhill Road, consequently, no development shall take place until the proposed surface water drainage scheme, including details of any balancing works and off-site works has been finalised & submitted to and approved by the local planning authority. A suitable condition to ensure this happens should be attached to any permission granted.

An additional condition for the provision of construction details of the proposed culvert diversion to be submitted to and approved in writing by the Local Planning Authority and the Environment Agency prior to works commencing on site.

(iv) Rights of Way Section - Public Footpath No. 5 (Steeton with Eastburn) crossed the red outline site, as shown on the plan below. The footpath links Robin Drive with Halsteads Way. From Halsteads Way the legally recorded line of the footpath runs through an area proposed as public open space then follows the proposed highway with a link to Robin Drive at the northwest corner of the site. The path that links from the end of the estate road to Robin Drive should be surfaced in tarmac to adoptable standards.

The legally recorded line of the footpath is shown crossing the area of public open space on the Planning Layout plan - Drawing 4703-16-02-01 Rev D labelled 'existing public right of way maintained'. The plans also show a proposed surfaced link across the area of public open space, near to but not entirely following the legally recorded route of the footpath. It is understood that the line of the surfaced footpath has been moved away from the legally recorded route of the footpath due to concerns about potential damage to trees adjacent to the public right of way. The provision of a surfaced route within a few metres of the legally

recorded route will in no way constitute an official diversion of the legally recorded route of the footpath. Rather this is likely to lead to two routes being available to the public crossing this area - the legally recorded route, which the Council has a duty to assert and protect and the new surfaced route.

Rights of Way officers are satisfied that the maintenance schedule for the public open space should result in the legally recorded route of this public footpath being available for the public to use should they choose to.

A pedestrian and cycle link between the Thornhill Road area and the railway station has been much requested in the past. It is noted that the plans show a cycle link and emergency access 3.5 metres wide running north from the proposed turning head at Parkway to the proposed estate road with a cycle link continuing north of the estate road to meet Steeton Grove. The Turning Provision Plan Drawing 4703-16-02-20 shows demountable bollards where the route leaves the turning head to prevent misuse by motor vehicles. It is also noted the Planning Layout plan shows a cycle link from the end of the estate road to the north-eastern corner of the site to form a possible link to Millennium Business Park. Other than the bollards at the end of Parkway there are no details given with regard to bollards or other form of restriction where the cycleway leaves the estate roads to prevent possible misuse by motor vehicles. An appropriate control structure will also be required where the cycle link connects to Steeton Grove on the northern boundary of the site.

It is noted that the fencing adjacent to the cycle links is of a low open style to promote overlooking and natural surveillance of the routes. Details for the surfacing of the routes should form part of the S106 agreement.

(v) Design Enabler – Original comments raised concerns regarding design details within the scheme: these were house types, sustainability and space standards. On the Building for life assessment a score of 10 out of 20 was originally given. The plans have been subsequently amended and the score has risen to 13 due to improvements being made.

(vi) Parks and Landscape Section – Overall request that an off site contribution of £172,349 is made in lieu of public open space. If POS and children's play area are to be provided on site but no playing pitch it is requested that a contribution towards playing field facilities is made. The council would not wish to take on the future maintenance of the areas on site and they would be best managed under the auspices of a management company.

(viii) Education Section – in assessing the situation in this area confirm that contributions to primary educational resources are required. The nearest primary schools are Eastburn, Steeton, Aire View Infants and Hothfield Junior and they are all completely full. The nearest secondary schools are Holy Family and University Academy Keighley. Although Holy Family is full there is spare capacity at University Academy Keighley.

The calculation is based on 220 x 2-4 bed houses.

Primary provision: 2 children x 7 year groups x 220 /100 houses x £11,648 = £358,758

(ix) Housing Section – The above site falls in the housing market area where affordable housing quota is 25%. Analysis suggests that there is a need for two and three bedroom houses. Therefore the housing department request on site provision and is looking for 25% of the number of units to provide a mix of two and three bedroom houses to help accommodate the need for affordable provision. These houses will primarily be targeted for families who live in the local and surrounding areas of Steeton.

(x) Highways (Development Control) Section – The existing priority junction between Skipton /Road and Thornhill road is substandard in terms of its geometric layout i.e. carriageway widths, tight kerb radii and intervisibility around the bend for vehicles turning left onto Thornhill road and visibility from Thornhill road onto the major road network. Despite the fact that some minor improvements to this junction have already been carried out by the council in the form of build outs onto Skipton Road, this still does not achieve the visibility requirements for this type of road. As such, the improvements to the Skipton Road/Thornhill Road junction via an improved priority junction design as shown on drawing R/TH/MH/67600/SK-1A is considered acceptable in terms of highway and pedestrian safety.

It was considered that the original proposal could lead to an increase in vehicular movements through the streets between Thornhill road and Clough Avenue in an attempt to avoid any queuing at the Thornhill Road/Skipton road junction. Promoting some new TROS would effectively make some short lengths of roads one way and could help discourage rat running.

Revised plans showing an amended internal layout on the site are now considered acceptable.

(xi) West Yorkshire Ecology Section – There are no biodiversity objections to the proposed scheme and appreciate the landscape design which seeks to retain existing trees within the structure of the site.

(xii) Tree Section – The further amendments along the central spine of trees are welcomed. The house positions in relation to the trees are acceptable. There are still concerns that the proximity of the “island” edges (and therefore grade changes), hard standing and turning heads are within RPAs that do not comply with industry standard minimum distances, but given where the original proposals were and where we are now Trees Team has no further objections for this area.

Further amendments to the through road have been undertaken. It is commendable that the developer is attempting to push the road and footpath through without having to fell any trees. However the road design has resulted in a much wider building footprint than is necessary and will result in almost certain terminal damage to the “third” tree down, terminal damage to the smallest tree and significant damage to the “top” tree. From practical point of view the road layout simply does not work. It is clear that the developer wants to safeguard the trees in this area in order to provide a visually important focal point to the development. In order to achieve this design goal the road must be pushed through in a straight line through the smallest tree. This will result in the loss of the smallest tree but should give the much more important adjacent trees a chance. The smallest tree is the least visually important tree in the line and should not significantly affect amenity whereas the current proposals will impact on the three adjacent trees and will probably lead to the loss of at least two and significant damage to the third.

There are no amendments to the plots 158 or 132. Therefore Trees Team position is same as before. Approximately 75% of the garden of plot 132 will be overhung by protected trees, which will worsen because trees grow and the owner will have no control over the growth of large off site protected trees. Shading to Plot 158 will also be severe. As a compromise the amalgamation of plots 158/159 and plots 131/132 into two detached units would work better as the houses would then have reasonable sized gardens and alleviate some of the pressure

off the important south side trees. It is noted that plots 155-157 are detached. It might just be a case of swapping the unit types over.

Road widening to Skipton Road will require the removal of approximately 7 street trees. These trees are early mature and have strong presence in the street scene. The collective removal of these trees will result in a poorer and less visually attractive local environment. The developer should submit a CAVAT valuation of the trees being removed so that a commuted sum can be calculated. The commuted sum would be used to plant trees elsewhere (or nearby if possible) within the ward to compensate the loss of amenity.

(Xiii) Landscaping Section –The central green area appears to have been thoroughly re-considered and I fully support the revised design. I look forward to reviewing full landscape details in due course.

(xiv) Metro – Due to the size of the site, it is inevitable that part of the site will fall outside the desired walk distances to access public transport. Whilst this cannot be avoided in some instance, the issue can be addressed through ensuring the permeability of the site to ensure that public transport is easily reached.

Pedestrian access to the Steeton and Silsden rail station may be available through the north east of the site via Steeton Grove. The attractiveness of this route, particularly at night, is questionable and would require significant improvements to lighting and landscaping to make it attractive to rail users. This should be investigated and improvements provided by the developer.

Would like to request provision of metro cards and a contribution of £20,000 to be used by Metro towards the provision upgrading and maintenance of CCTV at Steeton and Silsden Railway station.

(xv) Environmental Protection (noise)
Suggest conditions in any permission granted regarding construction noise.

(xvi) Environmental Protection (contamination)
Suggest conditions in any permission granted. A phase 2 intrusive site investigation and sampling for contamination and ground gases are necessary. Based on the findings of the phase 2 investigation, a quantitative risk assessment and remediation strategy will need to be formulated.

(xvii) West Yorkshire Archaeological Service – The area of proposed development lies partially within the site of a 1939-45 Royal Ordnance Factory and contains a rare two storey pillbox and two single storey watch posts. The two storey pill box is unique in the district and is also rare nationally. The site also lies in an area which may contain evidence of prehistoric settlement activity.

Recommend that the developer be required to prove to the LPA with an evaluation of the full archaeological implication the proposed development preferably prior to determination. The two storey pill box should be retained. If the LPA is minded to grant permission recommend a suitable condition is attached to the permission. (Note – this suggested condition is attached as condition 33 in the report below)

(Xviii) *Heritage and Conservation Section* - The application site is located immediately to the north of Steeton conservation area. There are three listed structures within the site, a WWII pill box and two fire boxes. These structures are Grade II listed.

The development site will impact on the setting of the conservation area as the eastern part of the site borders the northern boundary of the conservation area. There is a substantial band of trees along this part of the boundary and therefore short distance views between the cemetery and the proposed housing site will be limited.

There are likely to be longer distance views from the higher ground around High Street across the valley. Whilst the loss of the green space will remove an open and currently agricultural setting from the conservation area the application site is also bound by relatively modern development to its other sides and therefore the impact of this loss of setting will be limited. The open agricultural setting to the south and east of the conservation area has a more significant impact on the conservation area.

The listed structures within the application site are important surviving examples of World War II defensive structures. The proposals show the listed structures within areas of open space. At the moment no information has been given about how these structures will be protected during construction or how the landscape finish in the immediate area about the structures will be dealt with. These details should be provided and agreed to prior to development commencing.

A Maintenance and Management strategy must be drawn up and agreed to to ensure the future security and management of the buildings. This should also include any immediate repairs that may be required in the short term. Some kind of interpretation of the buildings will be welcome though this should be sensitively located and subject to agreement prior to development commencing.

IMPACT: Subject to the above advice being followed the proposal is considered not to harm the setting of Steeton conservation area or the setting of the listed buildings. The proposal is therefore considered to accord with Policies BH4A, BH7 and BH10.

Summary of Main Issues:

- (a) Principle of development
- (b) Density
- (c) Impact of development in terms of:-
 - Grade II listed structures and the adjoining Conservation Area
 - Protection of definitive rights of way
 - Design/Preserved trees (TPOs)/landscaping inc open spaces
 - Adjoining properties/uses
 - Flooding and drainage aspects
 - Biodiversity
- (d) Highway and pedestrian Safety
- (e) Creation of pedestrian and cycle linkages through to Steeton Station
- (f) The Heads of Terms of a s106 legal agreement including provision affordable housing, recreation and education contributions
- (g) Community Safety Implications
- (h) Comments on representations made

Appraisal:

1. Permission is sought for the erection of 220 dwellings on this 6.02ha site comprising the following elements:

- A range of unit sizes has been proposed within five distinct zones to form a development which takes into consideration the existing natural features of the site.
- Zone 1 comprises primarily semi-detached and detached units although some terraces frame a central parking courtyard in the heart of this zone.
- Zone 2 comprises built form which frames the central public open space on the site and provides a sense of place to this location on the site. Two storey terrace units and three storey apartment buildings at the northern end of the open space in order to minimize the visual impacts of the industrial buildings in the employment sites beyond this allocated housing site.
- Zone 3 is a cul de sac of dwellings which forms well defined connections to the open space on the site
- Zone 4 has at its heart the existing mature trees running north to south across the site. The building form is orientated towards the focal trees in this zone and cycle and pedestrian links are provided from Parkway across the site to the railway station.
- Zone 5 primarily comprises a terraced form of dwellings which are sited close to the street frontage to allow for tighter knit development which reflects the adjoining conservation area of Steeton. Three storey flats are proposed adjoining the buildings on Millennium Business Park whilst the remainder of the built form is two stories. Parking courtyards are well designed to safely accommodate vehicles within the design. Pedestrian and cycle links are proposed at the end of the site boundaries.
- Materials are a mix of masonry, render and artificial stone.
- Two areas of public amenity space are to be provided in the development with these spaces providing a setting to the existing preserved trees on the site the majority of which are to be retained.
- The listed fire boxes are all to be retained within appropriate settings.
- Access to the site is via Thornhill Road via an improved priority junction leading from Skipton Road.

Principle

2. The site is a Greenfield site, the majority of which was allocated as a phase 2 housing site in the Replacement Unitary Development Plan with the remainder left as unallocated. The history of this unallocated parcel of land was fully explained when planning permission was granted on this site in 2010 for the whole of the site to be developed with 229 houses. Moreover, from a current policy point of view, it is considered appropriate to consider both parcels as suitable for housing development as discussed in paragraph 3.34 of the draft planning brief which stated "in the event of a school no longer being required, this area of the site should be developed for housing". Indeed, this unallocated parcel of land should form part of the development of the phase 2 housing site to ensure a suitable comprehensive development can be satisfactorily achieved at this sustainably located site now it is no longer identified for educational purposes.

3. Policy UDP1 itself sets out locational strategy and an important tool in promoting sustainable patterns of development is the phasing of development sites on the basis of their sustainability. Applying this strategy to the provision of housing is supported through Planning Policy Statement No. 3 and Regional Planning Guidance and helps promote effective use of sites and buildings in more sustainable locations. As such, the Council is committed to ensuring that phase 1 and phase 2 sites are developed before other potential development sites and safeguarded land, in accordance with policies of the Replacement

Unitary Development Plan. There is no objection in principle to the development of the development site for housing. Indeed, there is an extant planning permission already granted on this site for the construction of 229 houses with associated open space./

Density/affordable housing

4. Within the urban areas close to good quality transport corridors it is usual that a minimum density of 50 dwelling per hectare should be achieved to accord with policy H7 of the Replacement Unitary Development Plan. Planning Policy Statement No. 3 also seeks to ensure that land is used effectively and efficiently (paragraph 69). On those sites close to public transport links, such as the application site, and within town centre locations, higher densities should be achieved. This development covers 6.02 hectares, which provides a density for this site area of 36.5 dwellings per hectare. Due to the constraints of the site i.e. two groups of preserved trees on the site, access via residential roads and the necessity to protect the amenities of existing properties as far as practically possible, it is considered that this density is appropriate within this sustainable location and maximises development potential on this site whilst also reflecting the need for housing in the District.

5. The provision of affordable housing can be achieved on the site in line with Replacement Unitary Development Plan policies and the needs of the locality as advised by Housing Strategy (25% of dwellings proposed for the site). Indeed, a mix of 55 two and three bedroomed dwellings is proposed as part of this application. This mix fits in line with the strategic affordable housing assessment of the District and will be primarily targeted for families who live in the local and surrounding area of Steeton. The mix of units is to be pepper-potted throughout the site.

Impact of development

Listed Structures/Heritage/conservation issues

6. One of the principle differences between this current application and the former one for 229 properties is the fact that the two storey pill box and fire boxes are now grade II listed structures. These listed structures are noted as important surviving examples of World War II defensive structures.

7. The proposals show the listed structures within areas of open space and the landscape proposals and maintenance and management strategy proposed as part of the S106 legal agreement will ensure the future security and management of the buildings. The strategy should also include any immediate repairs that may be required in the short term and an interpretation of the buildings would also be welcome.

8. From a conservation area point of view, it is clear that the development site will impact on the setting of the conservation area as the eastern part of the site borders the northern boundary of the conservation area. There is however a substantial band of trees along this part of the boundary and therefore short distance views between the cemetery and the proposed housing site will be limited. There are likely to be longer distance views from the higher ground around High Street across the valley. Whilst the loss of the green space will remove an open and currently agricultural setting from the conservation area the application site is also bound by relatively modern development to its other sides and therefore the impact of this loss of setting will be limited. The open agricultural setting to the south and east of the conservation area has a more significant impact on the conservation area.

9. A PPS5 statement has been provided which appropriately deals with the heritage issues and as such, it is considered the proposal is considered not to harm the setting of Steeton

conservation area or the setting of the listed buildings. The proposal is therefore considered to accord with Policies BH4A, BH7 and BH10.

Rights of Way

10. Public Footpath No. 5 (Steeton with Eastburn) crosses the site linking from Halsteads Way to Robin Drive. From Halsteads Way the legally recorded line of the footpath runs through an area proposed as public open space then follows the proposed highway with a link to Robin Drive at the northwest corner of the site. The path that links from the end of the estate road to Robin Drive is to be surfaced in tarmac to adoptable standards.

11. The legally recorded line of the footpath is shown crossing the area of public open space on the Planning Layout plan - Drawing 4703-16-02-01 Rev D labelled 'existing public right of way maintained'. The proposals also show a proposed surfaced link across the area of public open space, near to but not entirely following the legally recorded route of the footpath. It is understood that the line of the surfaced footpath has been moved away from the legally recorded route of the footpath due to concerns about potential damage to trees adjacent to the public right of way. The provision of a surfaced route within a few metres of the legally recorded route will in no way constitute an official diversion of the legally recorded route of the footpath. Rather this is likely to lead to two routes being available to the public crossing this area - the legally recorded route, which the Council has a duty to assert and protect and the new surfaced route.

Rights of Way officers are satisfied that the maintenance schedule for the public open space should result in the legally recorded route of this public footpath being available for the public to use should they choose to.

12. As such there is no objection to the proposed scheme from a Rights of Way point of view. Further pedestrian and cycleway links are also proposed leading from this proposed new estates and the existing village. These linkages are welcomed and achieve the aspirations of the Council and accord with policies TM8, TM9 and TM10 of the Replacement Unitary Development Plan.

Design/Trees/Landscaping

13. It is considered that the scheme is well conceived housing development within a mix of zones and providing a mix of units across the site which range from more tightly knit terraced dwellings to more spacious detached houses. The Design and Access statement provided for this scheme is critical of the previous housing scheme (09/01100/FUL) because of its lack of private amenity space etc. It is considered however the previous scheme sought to emulate the more traditional areas of the district by trying to move away from standard suburban housing and focussing on more traditional design traits such as terraces with yards etc which can be found in the adjoining conservation area.

14. It is considered that the current proposal reflects the more modern housing estates which surround the site rather than the existing conservation area of Steeton. It is considered however that this approach is acceptable with the layout being clearly specific to the site, the focus on a spine road with focal open spaces which ensure that the development overall is coherent and well structured. The car parking is well integrated and situated in order to support the street scene in addition to the public spaces and pedestrian routes being well overlooked and as such feeling safe.

15. As noted in the urban design comments for the scheme, In terms of building for life standards the scheme scores 13 out of 20 – scoring highly in all categories except design

and construction. Overall, the proposal is considered to be an appropriate development which meets the challenge of providing zones character areas to provide visual diversity and choice and in order that a range of housing types can be spread across the zones with a mix of densities in line with their context.

16. Many of the trees are outstanding specimens of significant visual amenity and every effort to ensure their successful retention and incorporation into this development should be made. The scheme has been amended to ensure protection of as many trees as possible. Indeed, the further amendments along the central spine of trees are welcomed. The house positions in relation to the trees are acceptable. There are still concerns that the proximity of the "island" edges, hard standing and turning heads are within RPAs that do not comply with industry standard minimum distances, but given where the original proposals were and where we are now there is no further objections for this area.

17. From a tree perspective, it is commendable that the developer is attempting to push the road and footpath through without having to fell any trees. However the road design has resulted in a much wider building footprint than is necessary and will result almost certain terminal damage to the "third" tree down, terminal damage to the smallest tree and significant damage to the "top" tree. It is clear that the developer wants to safeguard the trees in this area in order to provide a visually important focal point to the development. In order to achieve this design goal the road must be pushed through in a straight line through the smallest tree. This will result in the loss of the smallest tree but should give the much more important adjacent trees a chance. The smallest tree is the least visually important tree in the line and should not significantly affect amenity whereas the current proposals will impact on the three adjacent trees and will probably lead to the loss of at least two and significant damage to the third. Further amended details showing this element of the design will be tabled at the Planning Panel meeting for Members to discuss. A condition requiring fencing to protect root protection areas should be attached to any permission granted to ensure the proposal is in conformity to policies NE5 and NE6 of the Replacement Unitary Development plan.

18. The garden of plot 132 will be overhung by protected trees and shading to plot 158 will also occur however it is considered that the proposals are considered appropriate and will not create an undue impact on the TRO trees themselves.

19. Road widening to Skipton Road will require the removal of approximately 7 street trees. These trees are early mature and have strong presence in the street scene. The collective removal of these trees will result in a poorer and less visually attractive local environment. The developer should submit a CAVAT valuation of the trees being removed so that a commuted sum can be calculated. The commuted sum would be used to plant trees elsewhere (or nearby if possible) within the ward to compensate the loss of amenity.

20. Landscaping is an important design element in any development and contributes to the character and local identity of local areas whilst contributing to the quality of the public realm. It is considered that the formation of two areas of public open space that are very usable and integrated into the scheme is welcomed and helps make a positive contribution to the sense of place in this development scheme. Linkages to the footpath network are also welcomed. Maintenance and management of these spaces will be via a management company to ensure a co-ordinated strategy and consistency in design.

Character of the locality/impact on surrounding properties

21. The character of the immediate surrounding locality is mixed residential and commercial. It is considered that the scheme takes the opportunity to create a creative solution in order to provide a suitable density on the site whilst not detracting from the existing established residential properties which share boundaries with the development site. Direct impacts on the surrounding properties have been minimised as far as practically possible by the creation of spatial distances between the proposed and existing properties. Furthermore, the proposed properties are primarily two storeys in height and have been designed to reflect the different building styles in the surrounding community. Three storey apartment buildings have been strategically placed adjoining those areas of the site which back onto existing industrial/employment uses in order to provide a suitable screening impact for the development and to ensure that a sense of place is appropriately provided.

22. A long section of the southern boundary of the site is hared with the former HGV testing station. Although the testing station is now vacant, it does have an established use for HGV testing and as such, an acoustic boundary fence is proposed to be placed along the boundary to ensure that noise impacts to the proposed residential properties are minimised. This will also ensure that any commercial use on the site should not be compromised in its operations by the positioning of residential properties in reasonably close proximity.

23. In general it is acknowledged that when a development site is being built out over a number of years, there are noise impacts from the construction works. A condition is recommended in any permission granted to ensure that construction works on the site for its preparation for future development are limited. Such a restriction will protect the amenities of the surrounding properties. The following condition is suggested: 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. A condition controlling where the entire construction traffic and site compound is located is also proposed.

Flooding/drainage

24. Development has the potential to cause major water pollution problems however, through the development control process, and with close liaison with bodies such as the Environment Agency and Yorkshire Water, such pollutions problems can be avoided. The Environment Agency considers that the scheme is acceptable from a flooding point of view providing a suitable condition is attached to any permission granted. This is attached at the end of this report as condition 22.

25. Yorkshire Water has also advised that they have no objections in principle to the development and has suggested conditions be attached to any permission granted. These suggested conditions are attached as 16, 17, 18, 19, 20 and 22 in the paragraphs below. Overall, the submitted details show the scheme can be built without increasing the risk of flooding whilst providing appropriate sewerage and surface water measures.

26. Officers are mindful that drainage/flooding issues remain a particular concern within the community. A senior officer from the Councils drainage section attended the Panel meeting in October 2009 to address the specific concerns of Members whom then resolved to grant planning permission subject to appropriate conditions. Once again, the text below identifies, in a straightforward manner, the drainage situation at the site itself:-

- Yorkshire Water has identified a suitable connection to the existing sewer network on the north east side of Millennium Business Park. It is proposed that foul flows from

the Thornhill Road development will flow freely into the existing sewer network. Yorkshire Water has been provided with details of the drainage proposals for the development and has not advised of any surcharge issues within the existing sewer network.

- Surface water drainage proposals for the development involve connection of an existing highway drain at the start of the new drainage system, at Thornton Road.
- The new surface water drainage system will also collect rainwater from roof, highway and other paved areas within the new development. It is proposed that the surface water network will direct flows to Steeton Beck.
- The Environment Agency and BMDC require that surface water flows into Steeton Beck are restricted to the pre-developed rates i.e. flows that run off the site presently.
- A return period is defined as the average length of time separating rainfall events of a similar magnitude. For example, a 1 in 2 year rainfall event will occur on average once every 2 years. Likewise, a 1 in 30 year rainfall event will occur on average once every 30 years. In addition, rainfall during the 1 in 30 year event will be much heavier and therefore there will be more flow, than during a 1 in 2 year event.
- For the 1 in 2 year event, which is an industry standard measure, the pre-developed flow rate has been calculated to be 86 litres per second. When the rainfall event increases, the amount of flow increases to Steeton Beck as the existing flows are restricted only to the pipe diameter of the outfall. Therefore the discharge from the new development will be restricted to the Greenfield pre-developed runoff rate of 86 litres per second. Flows in excess of this will be stored on site before being allowed to flow into Steeton Beck, without being allowed to exceed the pre-development runoff rate.
- After development, flows into Steeton Beck for periods of rainfall which are heavier than that occurring during the 1 in 2 year event will be reduced, resulting in betterment on the existing situation.

27. Overall, it is considered that there is no change in circumstances since planning permission was granted in January 2010 for 229 houses on this site and the proposal is considered to accord with established local plan policies UR3 and NR16.

Biodiversity

28. West Yorkshire Ecology has no objections in principle to the development and appreciates the landscape design which seeks to retain existing trees within the structure of the development. The use of species rich grassland being used in part of the landscaping is welcomed and is an important component to meeting the requirements of Planning Policy Statement 9. There are records of bats in the 2 km search areas around the site. An updated assessment has been made of the trees which are proposed to be felled or be affected by the development which is an addendum to the originally submitted surveys (which also included the two storey pill box). No bat roosts were discovered during the tree survey however, three trees have suitable features for use by bats. As such bats may use the trees for roosting throughout the years and for this reason it has been agreed that providing no bats were discovered using the features and no signs of use by bats were found, the entrances of the features will be blocked using plastic membrane. This will then allow the

tree contractor to fell the trees at any time up to 3 months after blocking the features without any concerns of bats using the features in the interim. A condition attached to any permission granted to ensure that an up to date bat survey is submitted for the site prior to the felling of the trees is considered an appropriate way forward.

29. On the original permission the development had the potential to impact on any bats utilising the pillbox/fireboxes. Now the structures are listed, these are to be retained within this development. Works to these features will include the blocking up of the main accesses to the structures to ensure they are made secure by design and do not attract antisocial behaviour. As such, it is considered that the presence or/ or not of bats within the structures will not be compromised.

30. A condition is recommended in any permission granted to ensure that construction works on the site for its preparation for future development are limited. Such a restriction will protect the amenities of the surrounding properties. The following condition is suggested: 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. A condition controlling where the entire construction traffic and site compound is located is also proposed.

Highway Safety

31. The submitted Transport Statement demonstrates that the traffic generation from the proposed new development is less than that which would have been generated under the existing planning permission. Indeed, the planning permission which as already been granted on the site (in 2010) was granted in the knowledge that providing suitable highway improvements to the junction of Skipton Road and Thornhill Road were carried out (details which form part of the S106 legal agreement) the operation of the junction between these two roads could operate safely and within adopted highway standards. These already approved details which are highlighted.

32. Questions were raised in the earlier application (09/01100/FUL- granted in 2010) and again in this application as to why there is only one access to the site via Thornhill Road from Skipton Road (issue A) and what the junction works along Skipton Road will comprise of (issue B) . These issues can again be answered with the following points:-

- A. It is considered that the proposed single point of access to the site is satisfactory and will not compromise highway and pedestrian safety. The use of Steeton Grove to provide a vehicular access to the site is not supported in highway terms. The use of Parkway is also considered unsatisfactory as a general access to the site as such a road would severely compromise the retention of part of the belt of preserved trees in this location and undermine the visual amenity of this part of the site. Moreover, it is the junction at Thornhill Road/Skipton Road which is being improved as part of this development scheme and as such, traffic exiting the development site is less likely to be engaged in rat running if the entrance to the development site is onto Thornhill Road.
- B. A dedicated right turning lane is to be provided from Skipton Road into Thornhill Road. The existing retaining wall along Skipton Road will be realigned to facilitate the road improvements. 7 trees will be impacted upon by the proposed new road layout. Two

of the trees are only marginally affected by the proposed development and should survive the works with little change of any future problems or implications occurring. Two further trees are a little more significantly impacted upon. However, the level of root loss expected would be survivable by the trees. Three further trees would lose approximately 20-25% of their rooting area. There is the possibility that this may have some impact upon the trees. However, rather than recommending the removal of these trees from the start, it is suggested that the excavations be undertaken carefully, avoiding root damage, in the presence of a specialist consultant and a decision be made on the retention of the trees dependent on the feasibility of keeping them when the level of root disturbance which is required is fully known. These trees form an attractive feature along Skipton Road and their retention if feasible after excavation is recommended. The treatment of all the trees affected by the works with Mycorrhizal fungi would help mitigate the loss of any feeding roots and therefore lessen the impact of the works carried out close to the trees.

33. It was considered that the development of the housing site could lead to an increase in vehicular movements through the streets between Thornhill road and Clough Avenue in an attempt to avoid any queuing at the Thornhill Road/Skipton Road junction. The existing permission on the site 09/01100/FUL and its associated S106 legal agreement sought to control this by requiring the funding of TROs in this area if it was deemed necessary. The application currently before Members also includes the promotion some new TROs would effectively make some short lengths of roads one way and could help discourage rat running which in turn would facilitate rat running of sub-standard junctions. The TRO contribution will again form part of the S106 legal agreement (see sections below).

34. Overall, the improvements to the Skipton road/Thornhill Road junction via an improved priority junction design as shown on drawing which will form part of the S106 legal agreement works are considered acceptable. The works to Thronhill Road itself to form an access into the development site are also considered to be acceptably designed.

35. It is considered that the proposed level of parking for the scheme is appropriate. Overall, the proposal complies with the principles outlined in policies TM2, TM19A and TM12 of the Replacement Unitary Development Plan.

Creation of pedestrian and cycle linkages through to Steeton Station

36. The developer is to provide for the provision of a cycleway through the development site. The provision of the cycleway/pedestrian linkages from the boundary of the development site to the railway station will be funded by a Local Transport Plan (LTP) initiative. The budget is in place for this project and can be drawn down once it is clear that the internal linkages within the development site can be put into place. As part of the proposed S106 legal agreement for the site, it is suggested in any permission granted to ensure that a timetable for bringing the internal cycleway forward on the development site shall be submitted to any agreed in writing by the Local Planning Authority.

Heads of Terms/S106 contributions

37. Development of the scale proposed inevitably involves physical infrastructure works, management plans and social infrastructure works such as recreation provision and affordable housing. In line with policy UR6 of the Replacement Unitary Development Plan it is usually appropriate that the developer should enter into a Section 106 to address the following issues – affordable housing, recreational provision, transport infrastructure and educational contributions.

38. Policy H9 of the Replacement Unitary Development Plan seeks to achieve affordable housing provision within development sites in the Villages of 25%. The housing enabling section has also identified a need for 2 and 3 bedroom properties in the area. It is considered appropriate that affordable housing is provided within the scheme to accord with relevant planning policy (see above paragraphs for details).

39. Policy OS5 of the RUDP requires that new residential development be required to make appropriate provision of or equivalent commuted payment for recreational open space. Two parcels of recreational space are shown on the layout which helps form a sense of place within this scheme. Play/trim trail facilities on the largest of these parcels of land will be required to be provided as part of any s106 legal agreement. An additional commuted sum towards playing field upgrades/provision in the locality will also be required.

40. Further development contributions on this scheme also include: -

(i) Educational provision - Under policy CF2 of the Replacement Unitary Development Plan, new housing proposals that would result in an increased demand for educational facilities that cannot be met by existing schools and colleges should contribute to new and extended school facilities. The nearest schools, at primary level, are full and a contribution of £358,758 requested. Education services consider that the payment of the contribution does not have to be payable on commencement of development and can be paid whilst the development progresses at various trigger points which will be earmarked within the S106 legal agreement. Essentially the prime consideration is that the contribution is paid within an agreed timescale in order that Education Services are able to factor the contribution into their budgets.

(ii) Provision of footways/cycle way through the site leading from the estate and the village through to Steeton railway station.

41. Head of terms of any agreement should therefore include the above mentioned development contributions along with the issues raised in the report regarding the highway mitigation measures: -

- Provision of on site recreation equipment (specifications to be agreed with Bradford Council);
- Provision of a contribution of £30,000 towards the upgrading/or provision of new playfields in the locality;
- -Provision of 55 affordable housing (2/3 bedrooms at a discount of 35% of Open market value or equivalent);
- -Payment of a contribution to increase educational facilities in the locality - £358,758 to be paid at trigger points throughout the development;
- Provision of a management plan agreement to ensure that all the open/communal spaces on the site are fully maintained by an appropriate management company specially set up for the task.
- -The provision of a public footpath/cycle way through the site (to include full details of the barrier mechanisms at each boundary of the path);
- The funding of a Traffic Regulation order (up to £15,000) on those streets between (and inclusive of)the highways known as Thornhill Road and Clough Avenue;
- -The funding of a Traffic Regulation order at the junction of Skipton Road/Thornhill Road; and, and:

- -The carrying out of junction priority improvements to the Skipton Road/Thornhill Road junction.

Community Safety Implications

42. In order to ensure that the scheme is in accord with Secure by Design principles e.g. specific boundary detailing etc, conditions are suggested on any permission granted to ensure that the measures proposed within the scheme are retained once the development is built and occupied. As such, it is now considered that the proposal will pose no undue community safety implications and accords with Policy D4 of the Replacement Unitary Development Plan.

Comments on Representations

43. The majority of the issues raised in the letters of representation have been covered in the above report. The majority of the site is allocated as a phase 2 housing development. Phase 2 housing sites were released for development early 2009 and thus it is part of established planning policy that this site should be brought forward for development in a comprehensive way. Specialist drainage engineers from the environment agency, Yorkshire water and BMDCs own officers concur that the site can be appropriately developed and the information provided satisfactorily deals with the potential flooding risks from the site. In addition, Yorkshire Water considers that the site may be satisfactorily developed in terms of its impact on sewerage and drainage.

44. With regard to highway issues, the Councils highway engineers consider that the junction design can safely accommodate traffic from Skipton Road to Thornhill Road. Planning permission has already been granted for the servicing of the whole of this site from Thornhill Road via Skipton Road and as such it is acceptable in principle to achieve an access from Thornhill Road only as per the extant permission.

45. The Education, Schools and Capital manager attended the Panel meeting in 2009 to discuss and answer specific questions from Members. It should be noted that the same circumstances apply now on this current application that applied on the earlier application i.e. that there is currently substantial strategic planning occurring across Children's Services to ensure that BMDC have sufficient schools places for all children which is one of our statutory responsibilities. It may mean that BMDC will begin consulting on a number of proposals for changes over a number of years as BMDC prioritise to meet the demand as the population of Bradford continues to grow significantly. The timing of any proposed changes will need to be scrutinised to ensure BMDC meet this demand bringing together and factoring in all funding streams to ensure that works are completed. It is not possible to confirm which school(s) would be enlarged or remodelled or which dates it may be that Education services need to make temporary arrangements prior to completion of work, and it may be that Education Services need to plan the dates funding is available which may be the case for Steeton depending on a number of factors.

46. It should also be noted that children living in Steeton attend a number of schools in other areas/villages which include Eastburn, Silsden and parts of Keighley itself, often by choice. BMDC do have to take into account parental wishes and preferences for schools. Maps and tables provide this evidence, which is why education services cannot say where any section 106 monies would be spent at this stage but can say that it would be used in the Keighley area/Constituency to increase primary educational provision. All schools are organised into planning groups and locality areas and work together as children living in areas may attend any of the schools not necessarily the most local one. Essentially the prime consideration is

that the contribution is paid within an agreed timescale in order that Education Services are able to factor the contribution into their budgets.

Reasons for Granting Planning Permission:

In granting permission for this development the Council has taken into account all material planning considerations including those arising from the comments of many statutory and other consultees, public representations about the application and Government Guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and the content and policies within the Supplementary Planning Guidance and The Development Plan consisting of the Replacement Unitary Development Plan for the Bradford District 2005.

The Council considers that the following matters justify the grant of planning permission:

The development of this site with a well conceived residential scheme which offers a suitable mix of properties across the site proposes efficient and effective use of land and is considered a good opportunity to provide a sustainable pattern of housing development within the existing urban fabric of Steeton. The effect of the proposal on the adjoining conservation area, the listed structures within the site, the surrounding locality and the adjacent neighbouring properties has been assessed and is acceptable. The provision of an access, both from Skipton Road into Thornhill Road and from Thornhill road into the development site, in the manner and location proposed is appropriate. Parking provision has been made to accord with established policies and the provision of suitable pedestrian/cyclist linkages to the station has been included. As such, the proposal is in conformity with the principles outlined within the Replacement Unitary Development Plan and subject to appropriate conditions it is considered that the proposal complies with policies UDP1, UDP3, UDP7, UR2, UR3, H5, H7, H8, H9, BH4A, TM2, TM8, TM9, TM12, TM19A, D1, D4, D5, BH7, NR15B and NR16.

Permission is recommended accordingly subject to: - a s106/S278 agreement and the following conditions: -

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

3. The development shall not be begun, nor shall any site preparation, ground works, materials or machinery be brought on to the site until the Tree Protection Plan measures as detailed on Method Statement Tree Protection Plan appendix 5 (amended - ref: 8479B/EJ) submitted by JCA Ltd have been implemented.

The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan and shall not move or

be moved for the duration of the development, or as may be agreed in writing by the Local Planning Authority. The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in accordance with the approved Tree Protection Plan. No development, excavations, engineering works and storage of materials or equipment shall take place within the Root Protection Areas for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

4. In the first planting season following the occupation of each residential unit, or as otherwise specified by the Local Planning Authority the trees to be planted within that residential curtilage shall be planted in accordance with the approved tree planting scheme.

Any trees becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

No other tree shall be removed from the site except with the written consent of the Local Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

Reason: For the maintenance of tree cover and in the interests of visual amenity and to accord Policies D5 and NE12 of the Replacement Unitary Development Plan.

5. No dwelling shall be occupied until the boundary treatments as shown on drawings 4703-16-02-02 Rev B received 25 May 2011 relating to that particular curtilage has been provided in full, unless other details have been agreed in writing by the Local Planning Authority. The approved boundary treatments shall thereafter be retained.

Reason: In the interests of amenity and privacy and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

6. The acoustic barrier shall be provided along the boundary of that part of the site which adjoins the current vehicle testing stations as shown on drawing 4703-16-02-02 Rev B. All approved details shall be implemented prior to the occupation of any of these dwellings and retained for the duration of the residential use unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and privacy of the residential units, to ensure that the proposed residential use hereby permitted does not unduly prejudice the use of the existing vehicle testing station and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

7. Prior to commencement of development on site, a timetable for the provision of the cycle ways through the development and full details of the footpath/cycle way surfaces, barriers at the northern boundary and bollards at the end of Parkway shall be submitted to and

approved in writing by the Local Planning Authority. The details shall be implemented as approved in accordance with the agreed timetable.

Reason: In order to ensure a suitable timetable and specification for the provision of the cycle ways/footways through the site and to accord with policies TM8 and TM10 of the Replacement Unitary Development Plan.

8. The landscape maintenance schedule identified as LDS 1660LMS (to be read in conjunction with drawing LDS166-02) but, for the avoidance of doubt, also to include all communal/public open space areas on the site including the open space around the listed fire boxes, approved as part of this permission shall be first implemented within 3 months of the first occupation of any dwelling on the site, unless an alternative timetable is agreed in writing by the Local planning Authority. . The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent equivalent legislation) no development falling within Classes A, B, C, D, E and F of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with Policy UR3 of the Replacement Unitary Development Plan.

10. Before the occupation of each dwelling, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of each dwelling in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority. Those visitor car parking spaces located within 30 meters of a dwelling shall be provided in full prior to the occupation of that dwelling.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

11. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access between Thornhill Road and the development site hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 4703-16-02-01 Rev D (unless otherwise agreed in writing by the Local Planning Authority) 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 UR3, TM2 and TM19A of the Replacement Unitary Development Plan.

12. Before any development works commence on site, full details of the phasing of the construction of the development including the means of access to each phase shall be submitted to and approved in writing by the Local Planning Authority. The dwellings hereby

approved which form part of each phase shall not be occupied until the proposed means of vehicular and pedestrian access hereby approved for that phase has been laid out, hard surfaced, sealed and drained within the site 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 TM19A of the Replacement Unitary Development Plan.

13. Before any part of the dwellings to be constructed as part of the development are occupied, the priority junction improvement between Skipton Road and Thornhill Road shall be laid out, hard surfaced, sealed and drained in accordance with the approved plan numbered R/TH/MH/67600/SK-1A 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 for the development to be served in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

14. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a construction plan 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 delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) 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;
- vii) 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: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

15. Prior to the occupation of any residential unit, full details of the proposed bin stores shall be submitted to and approved in writing by the Local Planning Authority. The provision of the bin stores on the site shall be implemented and retained for the duration of the use as approved

Reason: In the interests of visual amenity of the site, to ensure that appropriate facilities are provided for each dwelling for the disposal of waste and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

16. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

17. No dwelling shall be occupied until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works

Reason: To ensure that the development can be properly drained, to ensure that no foul water discharges take place until proper provision has been made for its disposal and to accord with policy UR3 of the Replacement Unitary Development Plan.

18. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the sewers that cross the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to accord with policy UR3 of the Replacement Unitary Development Plan.

19. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority within 3 months of the commencement of development.

Reason: To ensure that the site is properly drained and to prevent overloading of the local sewerage network and to accord with policy UR3 of the Replacement Unitary Development Plan.

20. Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for its disposal and to accord with policy UR3 of the Replacement Unitary Development Plan

21. 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 and to accord with Policy UR3 of the Replacement Unitary Development Plan.

22. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge, (or measures otherwise agreed in writing by the Local Planning Authority).

Reason: In the interests of satisfactory drainage and to accord with policy UR3 of the Replacement Unitary Development Plan.

23. The development shall only be carried out in accordance with the Flood Risk Assessment dated July 2009 (reissued with an October 2010 coversheet) and the following mitigation measure detailed within the Flood Risk Assessment:

Limiting the surface water run-off to 4.5 litres/second/hectare so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This rate applies for up to and including the 1 in 100 year (plus climate change) rainfall event.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

24. The development hereby approved shall only be carried out in accordance with the following plans:

4703-16-02-01 - location plan
4703-16-02-01 Rev D – planning layout
4703-16-02-02 Rev B – enclosures plan
4703-16-02-04 – planning cross sections
4703-16-02-07 – bin stores
LDS 166-01 – landscaping master plan (for clarity's sake: referring to landscaping details only)
LDS 166-02 – public open space
4703-16-02-20 – turning provision detail
A1 type floor plans
A1 type elevations
A2 type floor plans
A2 type elevations revision A
T1 type floor plans
T1 type elevations revision A
T2 type floor plans
T2 type elevations revision A
T3 type floor plans
T3 type elevations revision B
T4 type floor plans
T4 type elevations revision A
T5 type floor plans
T5 type elevations revision A
T6 type floor plans
T6 type elevations revision A
T7 type floor plans
T7 type elevations revision A
T8 type floor plans

T8 type elevations revision A
T9 type floor plans
T9 type elevations revision A
T10 type floor plans
T10 type elevations revision A
T11 type floor plans
T11 type elevations revision A
T12 type floor plans
T12 type elevations revision B
T13 type floor plans
T13 type elevations revision A

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

25. The Travel Plan shall be implemented in accord with the travel plan administration and promotion details and travel plan measures set down in the travel plan framework document submitted by Bryan G Hall (ref: 08-160-002.03. The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

Reason: To promote sustainable travel options, minimise reliance upon the private car and reduce traffic congestion and demand for on street parking in the locality, in the interests of highway and pedestrian safety.

26. Prior to the commencement of the junction works between Skipton Road and Thornhill Road, a detailed tree planting scheme for the planting of semi-mature trees along the Skipton Road frontage (in the vicinity of the retaining wall) shall be submitted to and approved in writing by the Local Planning Authority.

In the first planting season following the completion of the development or as otherwise specified by the Local Planning Authority the trees shall be planted in accordance with the approved tree planting scheme.

Any trees becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

No other tree shall be removed from the site except with the written consent of the Local Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

Reason: For the maintenance of tree cover and in the interests of visual amenity and to accord Policies D5 and NE12 of the Replacement Unitary Development Plan.

27. Samples of all facing and roofing materials shall be approved in writing by the Local Planning Authority before the development commences, and the development shall be constructed in the approved materials. Notification that the samples of materials are available at the site to view shall be given in writing to the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

28. Prior to development commencing a Phase 2 site investigation and risk assessment scheme to assess the nature and extent of any land contamination on the site, along with a remedial options appraisal scheme where necessary must be submitted and approved in writing by the Local Planning Authority.

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 comply with policy UR3 of the Replacement Unitary Development Plan.

29. A Phase 2 site investigation and risk assessment must be completed in accordance with the approved scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The written phase 2 report shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing..

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

30. Prior to development commencing 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 UR3 of the Replacement Unitary Development Plan.

31. The remediation verification report 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 being brought into occupation.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

32. 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 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 UR3 of the Replacement Unitary Development Plan.

33. No development shall take place with the area indicated until the applicant or their agents or successors in title have 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: To investigate the historical value of the site in a coordinated comprehensive manner and to ensure that any archaeological remains are appropriately recorded.

34. Prior to development commencing full construction details of the proposed culvert diversion shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure proper drainage of the site, in the interests of flood control and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

Heads of Terms of the S106/278 legal agreement

- Provision of on site recreation equipment (specifications to be agreed with Bradford Council);
- Provision of a contribution of £30,000 towards the upgrading/or provision of new playfields in the locality;
- Provision of 55 affordable housing (2/3 bedrooms at a discount of 35% of Open market value or equivalent);
- Payment of a contribution to increase educational facilities in the locality - £358,758 to be paid at trigger points throughout the development;
- Provision of a management plan agreement to ensure that all the open/communal spaces on the site are fully maintained by an appropriate management company or other appropriate mechanism specially set up for the task.
- The provision of a public footpath/cycle ways through the site (to include full details of the barrier mechanisms at each boundary of the path);
- The funding of a Traffic Regulation order on those streets between (and inclusive of) the highways known as Thornhill Road and Clough Avenue (at a contribution cost of £15,000);
- The funding of a Traffic Regulation order at the junction of Skipton Road/Thornhill Road (at a contribution cost of £5000); and:
- The carrying out of junction priority improvements to the Skipton Road/Thornhill Road junction.

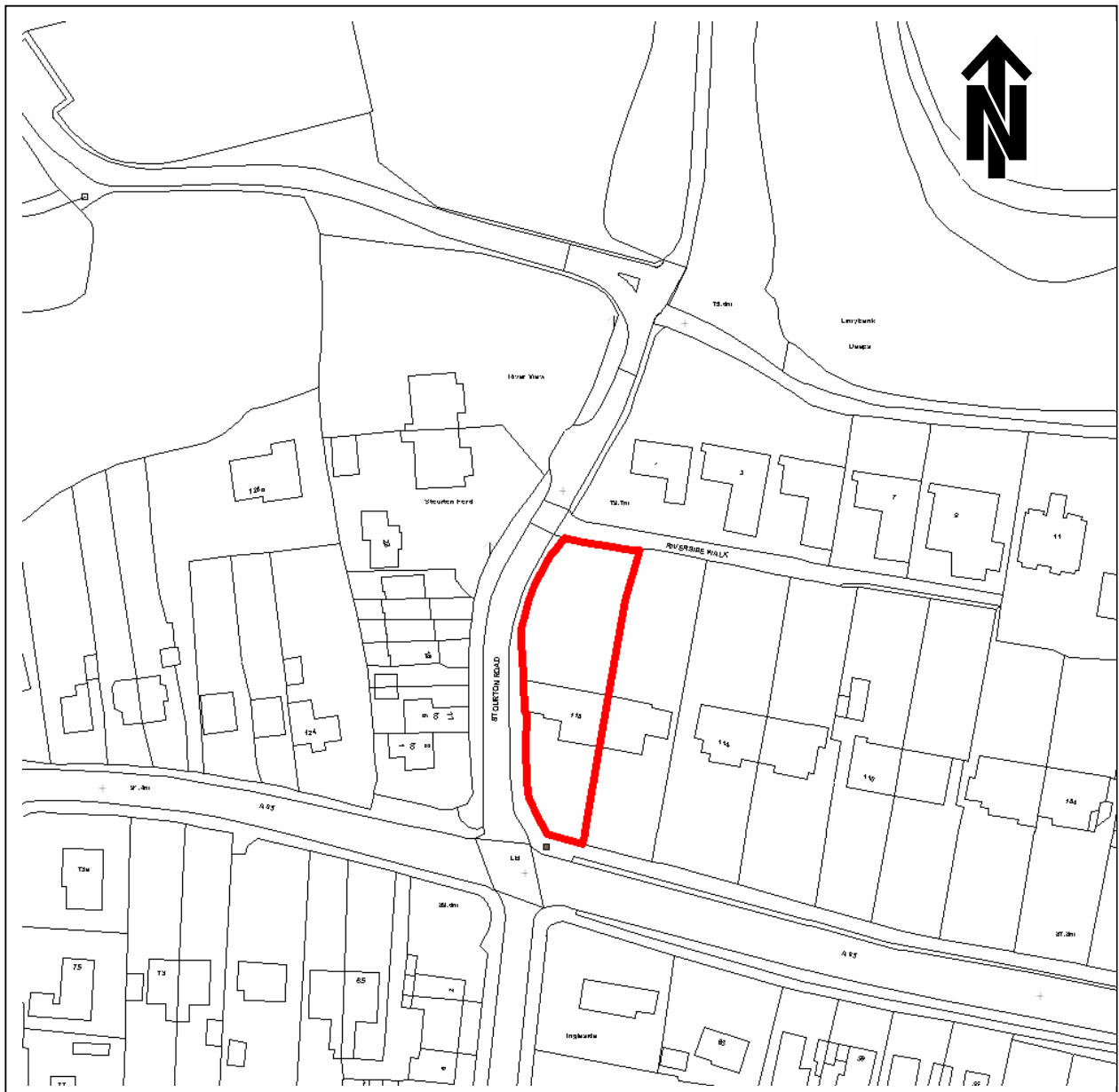
Footnote:

Members should be aware that a Village Green application is currently submitted on this land. The submission and subsequent determination of the Village Green application does not have any bearing on the consideration and determination of this planning application.

Area Planning Panel (Keighley)

11/01315/VOC

28 July 2011



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ITEM NO. : 2

LOCATION:

**118 Skipton Road
Ilkley**

28 July 2011

Item Number: 2
Ward: ILKLEY
Recommendation:
TO REFUSE PERMISSION TO VARY CONDITION

Application Number:
11/01315/VOC

Type of Application/Proposal and Address:

A variation of condition application to vary condition 2 of planning approval 03/03483/COU - to increase the number of children from 16 to 19 (07:00 to 15:00 hours) and up to 22 (15:00 to 19:00 hours) and to allow an increase in the number of child care assistants from 5 to 8 at "Hickory House", 118, Skipton Road, Ilkley LS29 9HE.

Applicant:
Mrs Poonam Cant

Agent:
None named.

Site Description:

The site consists of a large semi-detached Victorian property, located on Skipton Road to the west of Ilkley on the corner of Stourton Road. Stourton Road gives access to a number of residential properties, an elderly person home and Ilkley Tennis Club. Access to the property is via a drive from Skipton Road and there is a small parking area for around 6 vehicles in the front garden of the site. The lower ground floor level of the building has been in use as a child minding business since 2003 when retrospective planning permission was granted for this use. An extension to the lower ground floor level was granted permission in 2010. The operator occupies the rest of the dwelling and the majority of this substantial house is in use as a conventional family dwelling. The surrounding area is mainly residential, however, there is a school (All Saints) close to the site. The site is in Ilkley Conservation Area.

Relevant Site History:

10/02926/VOC: Variation of condition 2 to increase the number of children and carers on site at any one time attached to previous planning approval. Refused 01.09.2010

This previous application to vary the condition was refused for the following reason

'The proposed variation of the condition to permit an increase in the number of child places and staff numbers at the premises would enable a significant intensification in the use of the site for purposes of child minding. Insufficient off street car parking provision exists within the site to accommodate a more intensive use without detriment to highway safety and a larger number of children would increase potential noise nuisance affecting the living conditions of neighbouring residents. The proposal is therefore considered prejudicial to highway safety and the amenity of occupiers of adjoining residential properties and contrary to saved policies UR3, TM2, TM11 and TM19a of the Bradford Replacement Unitary Development Plan'.

10/02919/VOC: To vary condition 2 attached to planning approval 03/03483/COU relating to number of children and childminders. Refused 01.09.2010

10/00976/FUL: Construction of single storey rear extension GRANT 29.04.2010

03/03483/COU : Change of lower ground floor area to childminding facility. Granted 11.2.04

Replacement Unitary Development Plan (RUDP):

Allocation

Ilkley Conservation area.

Proposals and Policies

UR2	Promoting Sustainable Development
UR3	Local Impact of Development
D1	General Design Considerations
D4	Community Safety
D5	Landscaping
TM2	Impact of traffic and its mitigation
TM11	Parking standards for non-residential developments
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
BH7	Development in conservation areas
P7	Noise

Relevant National Planning Policy:

Planning Policy Statement 1:	Delivering sustainable development
Planning Policy Guidance Note 13:	Transport
Planning Policy Guidance Note 24:	Planning and Noise
Planning Policy Statement 4:	Planning for sustainable economic growth

Town/Parish Council:

Ilkley Parish Council:

No objection provided the application does not exceed the numbers of children and childminders previously approved under applications 03/03483/COU 10/02926/VOC and 10/02919/VOC.”

Publicity and Number of Representations:

The application has been publicised by individual notification letters and site and press notice. Expiry of the publicity period was 28 April 2011. A total of 21 individual letters of representation had been received; 10 objections and 11 letters of support for the development proposal. In addition, a written communication of objection has been received from a local Ward Councillor.

Summary of Representations Received:

Objections to the scheme

1. Adverse effect on amenity caused by the increase in numbers of children.
2. Boisterous small children cause noise. The noise created from the external play areas which adjoin the neighbouring properties are said to be especially problematic and disturbance will be made worse by the increase in children.
3. Highway safety implications due to insufficient off-street parking provision. Parents often park on the road outside Hickory House making road conditions and access to adjoining properties hazardous.

4. The independent transport statement submitted by the applicant demonstrates the extent of traffic volumes arriving and leaving the facility on a quarterly hour basis every weekday. This is shown to be up to 44 traffic movements in one hour
5. The proposals for increasing the car parking and arguments about proximity to bus and cycle routes are as the majority of staff and parents delivering/collecting children do so by car.

In support of the scheme

1. The site provides an invaluable resource and facility for local parents.
2. The site provides employment and training opportunity for local people.

Consultations:

Highways Development Control :

The current proposal should be refused for the same reasons as 10/02926/VOC. The proposed variation of the condition to permit an increase in the number of child places and staff numbers at the premises would enable a significant intensification in the use of the site for purposes of child minding. Insufficient off street car parking provision exists within the site to accommodate a more intensive use without detriment to highway safety.

Summary of Main Issues:

1. Circumstances.
2. Impact on residential amenity.
3. Impact on highway safety.
4. Impact on visual amenity.
5. Comments on representations received.

Appraisal:

1. Circumstances

Planning permission for the use of the lower ground floor level of this residential property as a child minding business was first granted in 2003. This application was retrospective, there had been complaints about the use when it began. The 2003 application was considered by Keighley Area Planning Panel and Councillors made a visit to the site. The application was granted subject to a condition imposed to limit the child minding use so that it was to accommodate a maximum of 16 children (excluding the applicant's children already resident at the building) and a maximum of 5 child minding assistants (excluding the property occupier) were to be engaged at the premises at any one time.

The Condition says:

The child minding use hereby permitted shall be limited to the care of no more than 16 children, not including children normally resident as part of the occupier's family, and no more than 5 childminders or assistants (other than the property occupier) shall be engaged at the premises at any one time.

Reason: Insufficient off street car parking provision exists within the site to accommodate a more intensive use without detriment to highway safety and a larger number of children would increase noise nuisance to neighbouring residents contrary to Policy GP2 of the Unitary Development Plan.

2. The applicant's case

The childminding facility is said to be fully compliant with Ofsted requirements. The applicant seeks to increase the number of children at the facility during the day by 3 to 19. The business also operates an after-school club and the request is to enable up to 22 children be at the facility after 3 pm. The applicant says that the request to increase the numbers of children is in response to demand by families in the area and is to enable siblings to stay together. The applicant says the numbers specified in the condition is not viable in the longer term.

The number of child minding staff (other than the applicant) present at the site would need to be increased to cater for the increase in children in accordance with staff : children ratios set by Ofsted.

2. Residential amenity

The condition was imposed partly to mitigate the effects of the child minding use on adjoining residential properties. The proposed variation of condition 2 would increase the number of children and therefore the noise and disturbance created at the site. After 3 pm, it is proposed to cater for up to 22 children, this being 6 additional children above the limit set on the 2003 planning permission. This is considered to be a significant intensification on the original planning permission which was itself seen as the upper limit of acceptability. Due to the proximity of the surrounding residential dwellings, including the immediately adjoining property which is subdivided into flats, any increase in the number of children at the site would have an impact on amenity. While a degree of noise insulation exists between the building and adjoining residential properties, the objectors' points regarding their exposure to noise from the external play areas at the rear of the house are valid. The increased numbers of carers and children will also generally increase comings and goings and activity at the site, to the detriment of the amenity of surrounding occupiers.

3. Visual amenity

No external changes are proposed to the building as part of this application and it is therefore considered that the character of the conservation area will be maintained. As part of the transport assessment submitted, additional parking spaces are proposed on Stourton Road but no details are given as to the proposed materials for their surfacing. However, it would be possible to condition such materials to be sympathetic to the conservation area and that there would not be a significant impact on its character and appearance.

4. Highway safety

Adequacy of off street car parking

At present, the site can provide about 6 car parking spaces on an informal parking area at the front that is accessed off Skipton Road (A65). The transport assessment submitted with the application proposes additional parking. However, the spaces indicated are substandard, and following an examination of the Transport Statement (TS) and Travel Plan (TP) submitted, the Council's Highway Officer can see no compelling arguments that the previous highway objections have been overcome. The site plan within the TS shows the new proposal to extend the available on site parking from 7 spaces to 9, although the TS only mentions 8. However current guidance recommends that each parking space should have a clear 6m in front for access / egress. The proposed layout fails to achieve this and will actually result in 2 of the existing parking spaces no longer meeting the above requirement. Therefore there is no overall change in the level of workable parking being provided within the site despite the fact that approval for intensification in the use is being sought.

The Council's Highway Officer points out that the assessment of the current use of parking submitted by the applicant shows that at its busiest time there are no more than 7 vehicles in the car park at any one time. However this has been based on the fact that some parents pick up more than just one child or 2 or 3 children from one family. This obviously cannot be conditioned or controlled and there could quite easily be an increase in the number of cars visiting the site when existing pupils leave and new ones start who are not from the same families.

The TS also states that all staff currently park off site and that this practice will continue. It is not said where the staff park. It is presumably in nearby streets. The purpose of the on site parking is not only to provide facilities for visitors to the site but also to cater for employee parking so that there is no increase in on-street parking on the A65, which is a busy classified road, or the adjoining Stourton Road, which is unadopted and substandard in its layout. Despite what might actually be happening on site at present, the Council's Highway Officer would not wish to support an increase in the size of the business that would endorse these practices due to the potential highway safety problems these could arise.

Other highway arguments

The assessment by the applicant's consultants also suggests measures to reduce the number of vehicles on the site at any one time by staggered times for the arrival/departure of parents. It also makes assumptions that some users will access the site via public transport. Whilst the site is located in a reasonably sustainable location, with buses passing along Skipton Road, it is difficult to see how parent could be forced to bring children to the child minding facility by bus. There would be no effective planning control over the method of travel to the site. Similarly, the proposal to stagger arrival times of parents could not be easily controlled by any planning permission condition. The enforceability of such a condition is open to question and the applicant has not indicated any mechanisms for its enforcement. It is considered, therefore, that there are no convincing arguments within the statements submitted and no effective controlling methods that would allow the recommendations of the transport assessment to be implemented and which would outweigh the highway safety implications of the intensification of the use of the site.

The conclusion of the Council's Highway Officer is therefore that the proposal should be refused.

5. Other considerations

The applicant provides statements to suggest that the increase in the number of children at the site would be necessary for the viability of the child minding business. This based upon funding requirements, staff numbers and children-staff ratios. The applicant has referred to increasing fixed costs that need to be covered and an Ofsted requirement to have a supernumerary member of staff. The applicant refers to the benefits of the facility offering childcare to local families and the shortage of this type of facility - as confirmed in the various letters of support that have been received including one from the nearby school. Weight has been given to the need to support enterprise and promote sustainable economic growth as expressed in PPS4. However, it is considered that these arguments would not outweigh the harm that the intensification of use of the site would cause in terms of residential amenity and highway safety.

Community Safety Implications:

None significant.

Reasons for Refusal:

1. The proposed variation of the condition to permit an increase in the number of child places and staff numbers at the premises would enable a significant intensification in the use of the site for purposes of child minding. Insufficient off street car parking provision exists within the site to accommodate a more intensive use without a detrimental impact on highway safety and effect on the safe and free flow of traffic on the A65 Skipton Road. The proposal is therefore contrary to policies TM2 and TM19A.

 2. An increase in the number of children would increase potential noise nuisance affecting the living conditions of neighbouring residents. The proposal is therefore considered prejudicial to the amenity of occupiers of adjoining residential properties and contrary to saved policies UR3, P7 and D1 of the Bradford Replacement Unitary Development Plan.
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