

REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON 25 SEPTEMBER 2008



SUMMARY STATEMENT – PART ONE

Items include an application deferred from a previous Panel which is referred to Members to advise of the local implications to the Regulatory and Appeals Committee, an application with petitions, four decisions made by the Secretary of State and a list of Enforcement Complaints closed by the Area Planning Manager as Not Expedient to Pursue.

The sites concerned are:

1	Leeming Wells Hotel, Long Causeway, Denholme	(Page 2)	Bingley Rural
2	Bolton Woods Quarry, Bolton Hall Road, Bradford	(Page 12)	Windhill/Wrose
3	26 West Way, Nab Wood	(Page 26)	Shipley
4	Cottingley Bridge Stores, Beckfoot Lane, Bingley	(Page 26)	Bingley Rural
5	Ring O' Bells PH, Bradford Road, Shipley	(Page 26)	Shipley
6	194 Leeds Road, Shipley	(Page 26)	Windhill/Wrose
7	Not Expedient	(Page 27)	Various

Christopher Hughes
Assistant Director Planning

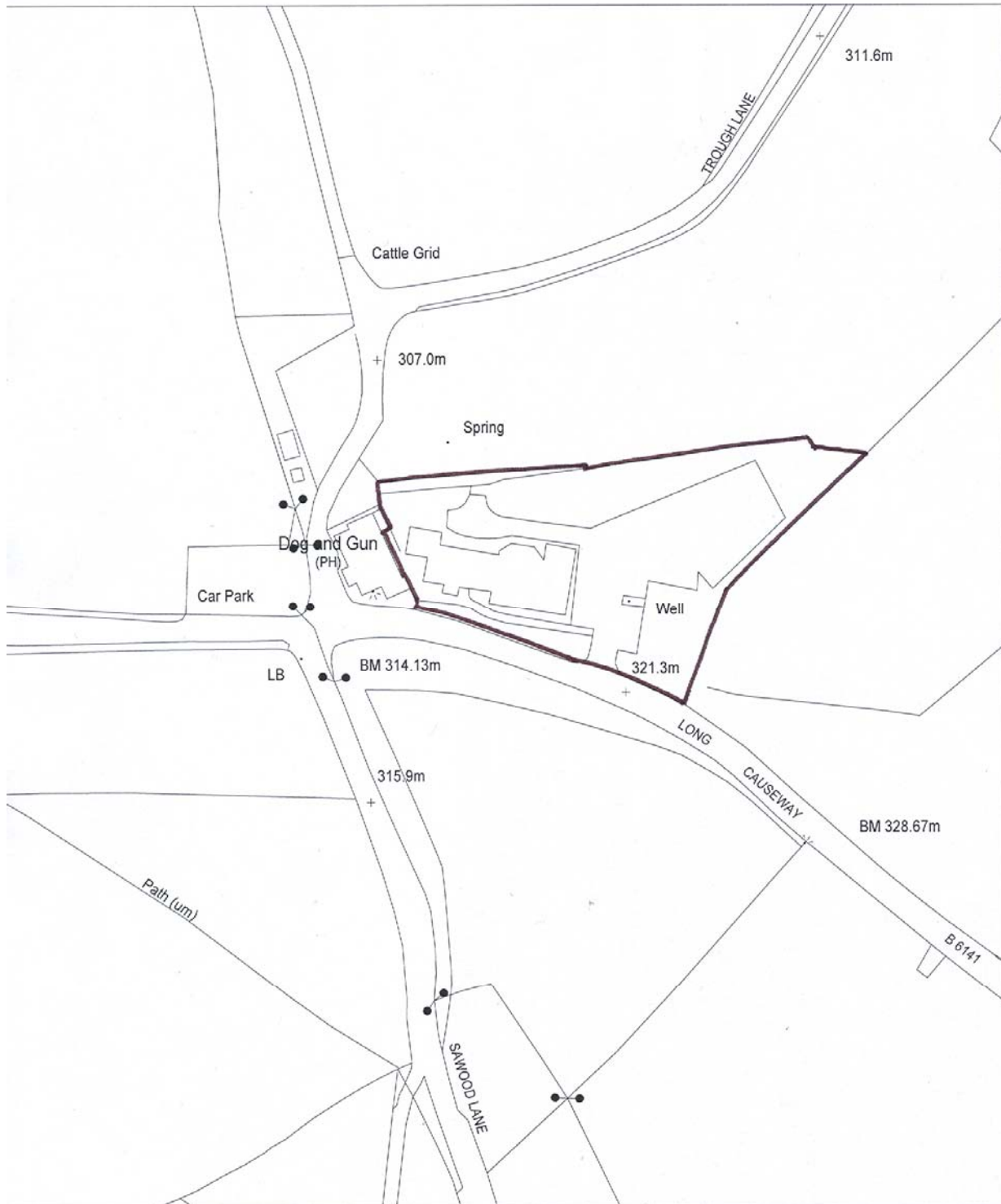
Portfolio
Environment

Report Contact: Ian Wilson
Phone: (01274) 437038
E-mail: ian.wilson@bradford.gov.uk

Improvement Area
Environment & Waste Management

SHIPLEY AREA PLANNING PANEL

DATE
25 September 2008



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LOCATION

ITEM No. 1

LEEMING WELLS HOTEL, LONG CAUSEWAY, DENHOLME

DATE: 25 SEPTEMBER 2008

ITEM No: 1

WARD: BINGLEY RURAL

RECOMMENDATION: REFUSE. THIS APPLICATION IS REFERRED TO THE PANEL SO THAT IT CAN ADVISE THE REGULATORY AND APPEALS COMMITTEE ON THE LOCAL IMPLICATIONS OF THE APPLICATION. THE APPLICATION MUST BE DETERMINED BY THE REGULATORY AND APPEALS COMMITTEE AS IT IS A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN

APPLICATION No: 08/03110/FUL

Type of Application/Proposal & Address

Full application for the construction of extension to hotel to form time-share accommodation (14 suites and 3 double bedrooms) and single storey extensions to existing restaurant and main bar at Leeming Wells Hotel, Long Causeway, Oxenhope

Site Description

An isolated existing small hotel which is sited adjoining an existing public house both of which are located within the green belt. The buildings are sited on Long Causeway, at its junction with Trough Lane, Denholme and are located between Denholme and Oxenhope. The hotel is located within the mixed upland pasture area of the Pennine Upland character landscape area, a sparsely inhabited landscape characterised by a large tract of elevated open moorland and sweeps of upland pastures.

Relevant Site History

(i) Planning application 07/07806/FUL for the construction of extension to hotel to form time-share accommodation and single storey extensions to existing restaurant and main bar was withdrawn from determination prior to a decision being made on the scheme. The scheme was recommended for refusal for the following reasons: -

- The construction of time-share accommodation and extensions in the manner and location proposed is unacceptable and inappropriate because the introduction of such a development would significantly impact on the openness of the green belt. It is considered there are no special circumstances to justify a departure from green belt policy; as such, the proposal is contrary to Planning Policy Guidance Note 2, Planning Policy Statement 7 and policies GB1, GB2, UDP3, D1, NE3, NE3a and UR3 of the Replacement Unitary Development Plan. In the absence of any special circumstances that would warrant an exception to green belt policy, the proposal is, by definition harmful to the green belt.
- The construction of development in the manner and location proposed is unacceptable because of its undue prominence in this mixed upland pasture landscape. Indeed, the site is highly visible in this valley and the proposal would create a substantial building mass and form a sea of car parking, at an elevated level which intensifies the impact of building development in this open, sensitive and attractive rural area and seriously detracts from the

character and appearance of a distinctive upland landscape. In addition, the proposal would create a detrimental impact on the openness of the green belt and comprise the enjoyment of persons using the extensive network of rights of way in this locality; as such, the proposal is contrary to Planning Policy Guidance Note 2, and policies GB1, GB2, UR3, NE3, NE3a, UDP2, UDP3 and D1 of the Replacement Unitary Development Plan.

- The proposal to erect timeshare accommodation in this relatively isolated location is considered unacceptable in principle. Indeed, the proposal is located a substantial distance away from existing facilities in both Oxenhope and Denholme, in an area with very restricted public transport. As such, the proposal is considered contrary to Planning policy Statement 1, Planning Policies Statement 3, and policies UDP1, UDP3, UDP4, UDP7, UR2, UR3, UR4, E8 and D1 of the Replacement Unitary Development Plan

(ii) A planning application for a hotel extension was withdrawn from determination in 1993.

(iii) At the adjacent public house, the Dog and Gun, planning permission (04/04929/FUL) was granted for the erection of extensions to the side of the building and alterations following demolition of the existing outbuildings. It was considered that there were special circumstances that existed to justify the proposals (04/04929/FUL). These comprised the development being of a modest scale and massing, the design and materials of the extensions being substantially better than the buildings which they replaced and an improvement to tourist facilities.

Replacement Unitary Development Plan (RUDP) Proposals and Policies

The site is allocated as green belt. Relevant policies include: -

UDP1 – Promoting sustainable patterns of development
UDP2 – Restraining development
UDP3 – Quality of built and natural environment
UDP4 – Economic regeneration
UDP7 – Reducing the need to travel
UR2 – Promoting sustainable development
UR3 – The local impact of development
UR4 – The sequential approach to accommodating development
E5 – New employment uses in rural areas
E8 – New tourist facilities
E10 – Small hotels and guesthouses
TM2 – Impact of traffic and its mitigation
TM10 – National & Local cycle network
TM11 – Parking standards for non-residential developments
TM19A – Traffic management and road safety
D1 – General design considerations
D4 – Community safety
GB1 – New buildings in the green belt
GB2 – Siting of new buildings in the green belt
NE3 – Landscape character areas
NE3A – Landscape character areas

Town/Parish Council

It should be noted that the application site falls within the Parish of Oxenhope due to Parish boundary changes in 2006. The application was referred to Denholme Parish Council for comment as the scheme would also be highly visible from within that Parish.

Oxenhope Parish Council – Objected on the same grounds as minuted at the meeting held in October 2007 (see statement below) and also added that the development would increase traffic flows on the narrow roads which lead to and from Leeming Wells.

The PC objected as the extension (1) does not preserve the openness of the Green Belt and therefore does not accord to policy GB1 of the rUDP, (2) is located in an obtrusive position on the landscape and therefore contrary to policy GB2, (3) would adversely affect the character of the landscape and would cause an unacceptable visual intrusion and therefore does not accord to Policies NE3 and NE3a, (4) would not be well related to the existing character of the location in terms of scale and massing and therefore contrary to policy D1, (5) is not on a scale appropriate to the locality and therefore does not accord to policy E8, (6) does not retain or enhance the existing character of buildings and therefore contrary to policy E5.

Denholme Town Council – no objections to lodge.

Publicity and Number of Representations

A site notice was displayed at the premises with the statutory period for comments being 15 August 2008. No representations have been received.

Consultations

- Yorkshire Water (comments carried forward from application 07/07806/FUL) – no objections in principle subject to conditions attached to any permission granted
- Drainage Section – The site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. The public sewer adjacent to this site is designated as foul water only – if sustainable drainage techniques are found to be impracticable for this site, the developers, must clarify their proposal for surface water disposal.
- Police Architectural Liaison Officer (comments carried forward from application 07/07806/FUL) - Although the Police have no fundamental objection to this development, the application does not fulfil the guidance contained in Circular 01/06. The following issues need to be addressed in this application: - (i) design and layout – clear and robust definition between semi private and fully private areas of the site. This is to prevent casual intrusion to the rear that would increase vulnerability to the bedrooms on that side. (ii) Access control to the new block must be adequate, and (iii) car parking immediately to the right is vulnerable due to the lack of natural surveillance.
- Highways (Development Control) Section (comments carried forward from application 07/07806/FUL) - Although the proposed development does not fully achieve the recommended standards, the highways safety requirements of the application are not severe enough to warrant refusal on highway grounds. No

details have been submitted with regard to shift patterns. However, notwithstanding the above, the site is not located in a particularly sustainable location in terms of public transport links and therefore the provision of 1 parking space per 5 staff is likely to lead to an overall shortfall in the parking provision for staff. Some off street parking is available at the adjoining public house and bearing in mind that the other parking requirements of the site have been met; the perceived shortfall is unlikely to raise any undue highway safety concerns. Conditions are recommended for any permission granted.

Summary of Main Issues

Appropriate development in green belt
Impact in green belt
Effects on the character of the landscape
Sustainability
Highway Safety
Provision of tourist facilities
Creation of employment uses
Very Special circumstances
Community Safety

Appraisal

1. Permission is sought for the erection of the following development: -
 - (i) construction of time-share accommodation to form 14 suites and 3 double bedrooms within a part single- part two storey building 32.7m in length x 14m in depth;
 - (ii) construction of 'L' shaped single storey bar extension with maximum dimensions of 7m x 5.2m, and;
 - (iii) construction of single storey rear extension to existing restaurant with maximum dimensions of 14.25m x 3.7m.

Materials are of natural stone, artificial stone slates and timber fenestration.

Development in green belt

2. Within the Green Belt there is a general presumption against inappropriate development and a requirement that proposals will not harm the distinctive identity of Bradford's countryside. Therefore, except in very special circumstances, planning permission will not be given within the green belt other than agriculture and forestry, essential facilities for outdoor sport and outdoor recreation or for other uses that preserve the openness of the green belt and which do not conflict with the purposes of including land in it.

3. It is considered that the construction of a large block of time-share accommodation and the construction of extensions to the existing hotel restaurant and bar which significantly extends the extent of built development on the site, would compromise the openness of the green belt in this isolated location and would amount to inappropriate development in the green belt. Inappropriate development is, by definition, harmful to the green belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. These issues will be considered in the report below.

Impact on the green belt

4. The scheme has been redesigned from that which was originally submitted under application reference 07/07806/FUL and now incorporates more traditional elevational details. Notwithstanding the design detailing of the building, it is considered that the physical impact of the built structure would be detrimental to the openness of the green belt in this very exposed, elevated location. Essentially, the construction of a two-storey structure over 32m in length, together with the existing building mass, would create a substantial building mass that would be highly visible in the locality and would clearly compromise the openness of the green belt. The proposal, which is tantamount to the creation of 14 x 1 bedroomed apartments, is considered to have a materially greater impact than the present use on the openness of the green belt and its impact amounts to inappropriate development within the green belt contrary to policies GB1 and GB2 of the Replacement Unitary Development Plan. Very special circumstances advanced by the applicant will be discussed in the report below.

Effects on the character of the landscape

5. Aside from the fundamental issues arising from the principle of the development being inappropriate, policies NE3 and NE3a regarding impact on landscape characteristics must also be taken into consideration. This landscape area can be characterised as a Pennine Upland landscape of mixed upland pasture (fields and moor land). Indeed, the area is a sparsely inhabited landscape characterised by a large tract of elevated open moorland whose landform is highlighted by the strong field pattern of stonewalls. There are no settlements other than isolated farmsteads in this landscape area, a factor that contributes to its simple character. The landscape is however, facing major pressures for change due, in particular to agricultural change, and diversification. It is important that the distinctive character of the Districts landscape is conserved and enhanced and that development which occurs is sympathetic to its character.

6. It is considered that development of the site in the manner and location proposed is unacceptable because of its undue prominence in this mixed upland pasture landscape. Indeed, the site is highly visible, from both roads and the extensive network of footpaths in the locality in this high sided valley, and together with the existing buildings, the proposal would create a substantial elongated building mass, at an elevated level which intensifies the impact of building development in this open, sensitive and attractive rural area and seriously detracts from the character and appearance of a distinctive upland landscape. It is also clear that the proposal would necessitate the formation of a sea of car parking which, due to the topography of the site, would be extremely prominent in the landscape. As such, the proposal would create a detrimental impact on the openness of the green belt and is contrary to Planning Policy Guidance Note 2, and policies GB1, GB2, UR3, NE3 and NE3a of the Replacement Unitary Development Plan.

7. The applicants have argued that any detrimental impact on the landscape can be mitigated through the provision of appropriate and comprehensive plant screening. They have also put forward the argument that there are footpaths in the vicinity of the Bankfield and Hollings Hotel hotels (which are both also located in the green belt). It is considered however, that in terms of landscape character around the hotels that are cited by the applicant are in completely different areas from the application site. The key landscape elements of the Pennine Upland landscape character area wherein the application site is located include an absence of trees and woodland except in steep wooded cloughs. Indeed, it is considered that in this landscape character area "the general lack of vertical

structures or landmarks is important and the treeless, heather dominated vegetation of the moorland accentuates the bleak, windswept wilderness nature of the landscape whilst the wide-open skyline emphasises the scale of its setting” (Replacement Unitary Development Plan for the Bradford District - Proposals for the Keighley Constituency). As such, it is considered that woodland or indeed, any type of planting in this elevated location to screen any built development would be inappropriate to the open views and sense of remote bleakness of the location.

Sustainability

8. The approach to planning for sustainable development is set out in Planning Policy Statement 1 (PPS1). Planning Policy Statement 7 (PPS7) also sets out the government’s objectives for sustainable development in rural areas, such as the application site. The key principles of both documents are that are that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. Accessibility should be a key consideration in all development decisions. Most developments that are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the overall aim is to protect the countryside for the sake of its character and beauty and the diversity of its landscapes.

9. Planning Policy Statement note 7 also specifically seeks to ensure that most tourist accommodation requiring new buildings is located in, or adjacent to, existing towns and villages. This would help meet sustainable development objectives by benefiting rural businesses, communities and visitors and which utilise and enrich but do not harm the character the countryside.

10. It is considered that the proposed development fails to meet the sustainability criteria outlined in established national and local policy. The site is remote from facilities in both Oxenhope and Denholme and due to its isolated location is likely to generate significant amounts of car borne traffic. This form of transport will undoubtedly be the most preferred mode of travel available to both patrons of the business and staff, the latter of which will probably be operating on a shift system, because of its ease of use especially to the remote location of the facility. It should also be noted that the existing bus service to this locality is very limited in extent and frequency.

11. The applicants have argued that there will be a facility of a mini bus to supplement existing public transport and that this provision could be controlled through a Grampian condition. However, it is considered that such a facility could not be adequately controlled through the planning system, as the planning system is not designed to compel persons to board a mini bus that will operate on a fairly limited basis. The planning system seeks to locate development in the most appropriate sustainable place in the first instance and it is considered that it the development of what is tantamount to 14 x 1 bedroom apartments and an additional 3 double bedrooms in this location would erode the historic environment of the Bronte landscape that it is seeking to promote. Moreover, although the applicants have argued that the site is well placed to visit Haworth, Saltaire and the centre of Bradford, the argument must be made that it would be much more sustainable to provide new high quality hotel accommodation with associated facilities at the end of the steam railway line, in the heart of Keighley itself which is located in a more sustainable location.

Such a development in Keighley is outlined and encouraged in the Master plan & Strategy for Airedale which seeks the “provision of highway quality hotel accommodation in three town centres to encourage overnight stays for tourists and business uses alike, the provision of conference and leisure facilities”. Timeshare accommodation could also be facilitated in this manner to ensure that it is positioned in the most appropriate location.

Highway Safety

12. Although the proposed development does not fully achieve the recommended standards, the highways safety requirements of the application are not severe enough to warrant refusal on highway grounds. However, notwithstanding the above, the site is not located in a particularly sustainable location in terms of public transport links and therefore the provision of 1 parking space per 5 staff is likely to lead to an overall shortfall in the parking provision for staff. Some off street parking is available at the adjoining public house and bearing in mind that the other parking requirements of the site have been met; the perceived shortfall is unlikely to raise any undue highway safety concerns. As such, the proposal is considered to be in accord with the spirit of the highway policies contained within the Replacement Unitary Development Plan.

Provision of Tourist facilities/ Creation of employment uses

13. Tourism plays an important role in the diversification of the districts economy and its growth does generate a range of economic activity and new job opportunities. The demand for tourist accommodation tends to be for smaller premises in the main centres and smaller attractive outlying villages. It is acknowledged that although tourism is providing a growing source of employment in the District, it does create problems and the advantages the tourism can bring to the District has to be balanced against the likelihood of environmental damage that increased tourism can bring. As such, Replacement Unitary Development Plan policies seek to ensure that tourism related development in the countryside is considered in the context of the Plans aims of controlling development in the Green Belt, protecting landscape and other environmental matters.

14. Whilst local plan policies support tourist development in the appropriate locations, it is considered that the proposal for timeshare/holiday accommodation in this rural location is inappropriate development within the green belt and would clearly compromise this landscape character area.

Very Special Circumstances

12. The premises are located within the green belt wherein development is severely restricted. The applicants need to demonstrate that very special circumstances exist which justify the proposals as an exception to established national and local plan policy in such areas. It is considered that no substantive justification has been given. The proposed development relates to a substantial amount of built development at the site over and above the existing facility that clearly compromises the openness of the green belt and landscape in this locality.

13. The applicant argues that hotel capacity has been significantly reduced in the locality due to the closure of the Five Flags Hotel (at the other end of Trough Lane) and the Three Sisters Hotel in Haworth. However, at the time of the applications for the change of use of both these premises, arguments were made about the viability of these hospitality businesses. Despite arguments being put forward in this application regarding the benefits of tourism, it is considered that the operation of a timeshare facility is a rather

limited tourist facility (the applicant has advised that they have a client base of 7000 families). Moreover, 14 of the 17 suites/rooms have cooking facilities and are essentially small self-contained residential units. The applicants have argued that timeshare accommodation is a new and unique form of accommodation in this part of the District. However, a definition of timeshare given by www.timesharebeat.com is that “timeshare at its core is essentially a group of people sharing the cost of a vacation home”. This form development is clearly inappropriate development in the green belt.

14. The applicants have also argued that very special circumstances exist because of the Councils own tourism policy and the fact that a hotel already exists on the site. The Council does have tourism policies that seek to promote appropriate development in suitable locations. These policies however specifically state that the advantages of tourism have to be balanced against the likelihood of environmental damage that increased tourism can bring. In particular the tourist development must not detract from the visual amenity of the locality and be well located to the public transport network to ensure ease of access to the facilities by all sections of the population.

Community Safety Implications

15. There is no objection in principle from a community safety point of view. Appropriate conditions can be attached to any permission granted to deal with the issues of defining public/private space and access control.

16. It is considered that the proposal would amount to an unsustainable form development which is wholly inappropriate in this sensitive, green belt location and which would compromise the landscape quality of the area. No very special circumstances exist to justify a departure from established national and local policies and it is recommended that the application be refused.

Reasons for Refusal

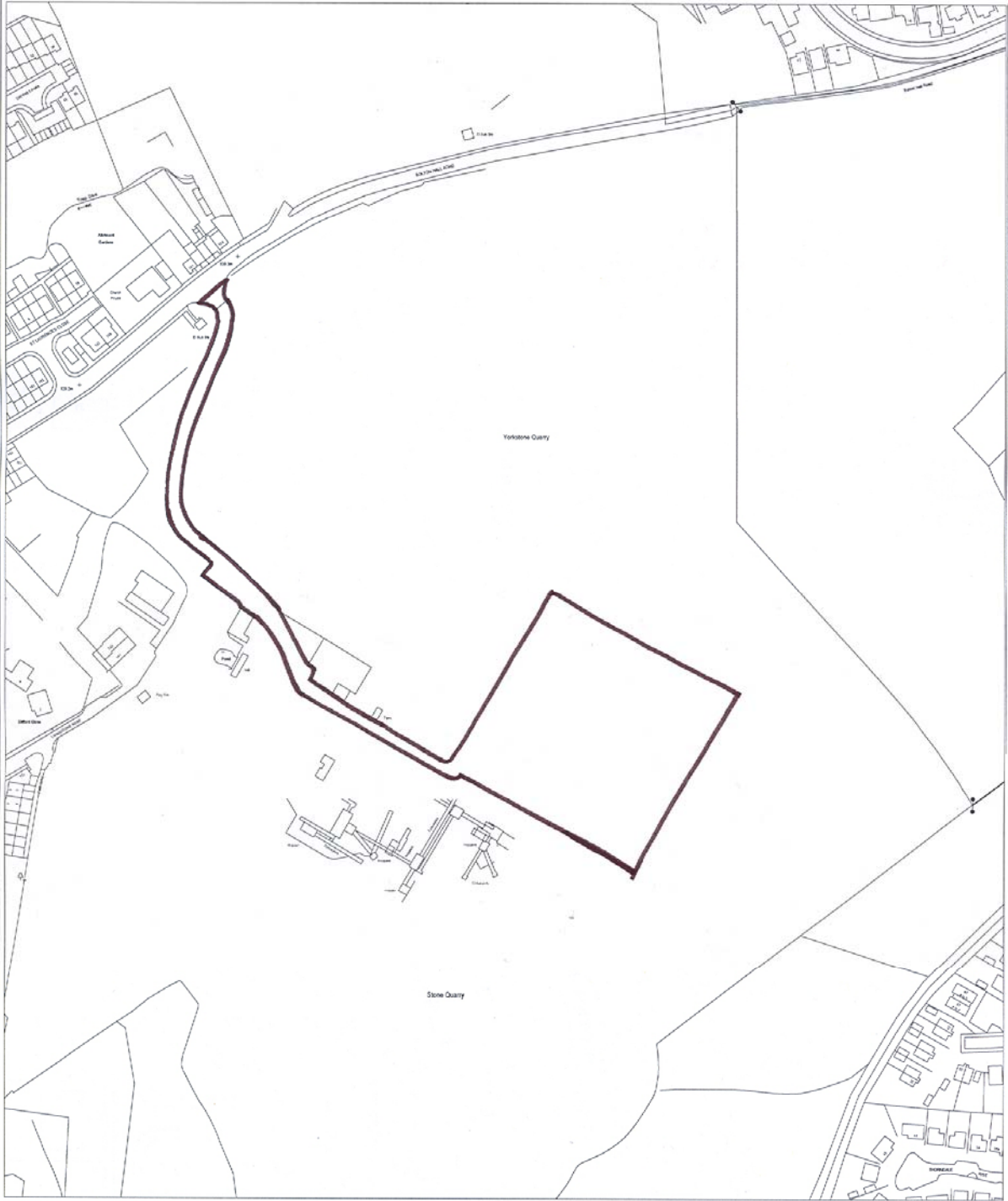
01. The construction of time-share accommodation and extensions in the manner and location proposed is unacceptable and inappropriate because the introduction of such a development would significantly impact on the openness of the green belt. It is considered there are no special circumstances to justify a departure from green belt policy; as such, the proposal is contrary to Planning Policy Guidance Note 2, Planning Policy Statement 7 and policies GB1, GB2, UDP3, D1, NE3, NE3a and UR3 of the Replacement Unitary Development Plan. In the absence of any very special circumstances that would warrant an exception to green belt policy, the proposal is, by definition harmful to the green belt.

02. The construction of development in the manner and location proposed is unacceptable because of its undue prominence in this mixed upland pasture landscape. Indeed, the site is highly visible in this valley and the proposal would create a substantial building mass and form a sea of car parking, at an elevated level which intensifies the impact of building development in this open, sensitive and attractive rural area and seriously detracts from the character and appearance of a distinctive upland landscape. In addition, the proposal would create a detrimental impact on the openness of the green belt and comprise the enjoyment of persons using the extensive network of rights of way in this locality; as such, the proposal is contrary to Planning Policy Guidance Note 2, and policies GB1, GB2, UR3, NE3, NE3a, UDP2, UDP3 and D1 of the Replacement Unitary Development Plan.

03. The proposal to erect timeshare accommodation in this relatively isolated location is considered unacceptable in principle. The proposal is located a substantial distance away from existing facilities in both Oxenhope and Denholme, in an area with very restricted public transport. As such, the proposal is considered contrary to Planning policy Statement 1, Planning Policies Statement 3, and policies UDP1, UDP3, UDP4, UDP7, UR2, UR3, UR4, E8 and D1 of the Replacement Unitary Development Plan

SHIPLEY AREA PLANNING PANEL

DATE
25 September 2008



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ITEM No. 2

LOCATION

BOLTONWOODS QUARRY SOUTH, BOLTON HALL ROAD, BRADFORD

Date: 25 September 2008

Item Number: 2

Ward: WINDHILL & WROSE

**Recommendation: TO REFUSE PLANNING PERMISSION
APPLICATION WITH PETITIONS**

Application Number: 08/00835/FUL

Type of Application/Proposal and Address

The application is for the recycling of inert construction, demolition and excavation waste for secondary aggregate and soil making material.

Site Description

The proposed site covers an area of 1 hectare and is contained within Bolton Woods Quarry. Bolton Woods Quarry is located to the north of Bradford city centre.

The nearest main road is the A6037 Canal Road, which lies approximately 500m west of the site. Access to Bolton Woods Quarry is taken from the A6037, via Livingstone Road/Gaisby Lane and Bolton Hall Road. The site is accessed within the quarry by a tarmac haul road that leads past the office buildings and to the wheel wash. At this point, access around the site is via an unmade road.

Bolton Woods Quarry is largely surrounded by housing including a new development adjacent to Bolton Hall road. The proposed recycling facility is located within the quarry, on the quarry floor. The surrounding quarry faces rise a significant height above the quarry floor and the proposed recycling activities.

The site of the proposed recycling facility is currently used to store materials, both saleable minerals and mineral waste.

Relevant Site History

Bolton Woods Quarry has a long and complex planning history. Quarrying has taken place in the area since the mid to late 1800s and therefore prior to planning legislation. The size of the quarry has grown over time and the specific area worked at any one time has moved around within the overall site, now known as Bolton Woods Quarry.

These different areas have been worked (for stone) and limited areas filled under a combination of old mineral permissions and permitted development rights enabled through contemporaneous planning legislation, particularly the 1977 General Development Order (the 1977 GDO).

Permissions relevant to the site have been subjected to the Review of Mineral Permissions, under the Environment Act 1995. The relevant permission references are:

- 10100, dated 25 July 1956;
- 29292, dated 5 June 1967; and
- 78-5-05904, dated 13 October 1978.

These applied separately to three adjoining areas; two of which were situated along the southern boundary of the quarry, with the third located toward the north east corner.

The three areas (and therefore also the permissions) were consolidated into one (reference: 97/02719/MIN) and referred to as Bolton Woods Quarry (South). Updated planning conditions for this area (reference: 97/02719/MIN) were determined on 30 March 2000. These were appealed by the applicant (reference: 00/00089/APPCON) with new conditions issued by the Secretary of State on 23 September 2002. The winning and working of minerals has been restricted to this area and is required to have ceased, and for site restoration to have been completed, by 21 February 2042. Details for a low level restoration scheme are required to be submitted within fifteen years of the determination date (23 September 2002).

The current proposal site straddles both the area covered by permission reference 00/00089/APPCON and the area identified by the applicant as covered by the 1977 GDO. This fact is pertinent to consideration of this application. The current relevance of the 1977 GDO is disputed between the applicant and the case officer.

A previous planning application for the recycling of inert construction, demolition and excavation waste for secondary aggregate and soil making material (Reference: 06/00352/FUL) was refused on 9th February 2007. Many of the details the subject of the current application are the same as those previously submitted.

National, Local and Replacement Unitary Development Plan

National Policy

Planning Policy Statement 1: Delivering Sustainable Development (PPS1). PPS 1 was published in January 2005, it sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system

Mineral Planning Statement 1: Planning and Minerals (MPS1). MPS1 was published in November 2006, it sets out the government's policy on minerals and planning issues.

It is Government policy to encourage the greatest possible use of alternatives to primary aggregates.

Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10). PPS10 was published in July 2005, after the adoption of the RUDP. It sets out the

Government's policy that needs to be taken into account by waste planning authorities and forms part of the national waste management plan for the UK.

Regional Policy

The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS) was adopted in May 2008

The RSS is a statutory planning document with a key role in shaping the Yorkshire and Humber Region. Its core principle of sustainable development is reflected in the vision and approach of the document and again encourages the use of alternatives to primary aggregates.

Local Policy

The Replacement Unitary Development Plan for the Bradford District (RUDP).

The proposal site lies within Bolton Woods Quarry, which is allocated under policy NR1. It is also located within the Aerodrome Safeguarding Area, policy TM23.

Policies that are relevant to this application are:

- UDP1 – Promoting Sustainable Patterns of Development
- UDP8 – Use of Natural Resources and Renewable Energy
- UDP9 – Management of Pollution, Hazards and Waste
- UR2 – Promoting Sustainable Development
- UR3 – The Local Impact of Development
- TM1 – Transport Assessment
- NR7 – Aggregate Produced from Recycled Material
- P1 – Air Quality
- P5 – Development Close to Former Landfill Sites
- P7 – Noise
- P8 – Waste Management Facilities
- P12 – Waste Management – Operational Matters
- P13 – Inert Waste - Landfill
- P15 – Landfill Operational Matters

Parish Council

N/A

Publicity and Number of Representations

The application was advertised in the press as a major development and through site notices. The notification period expired on the 28th March 2008.

A public meeting was held on 8th May 2008 with Jonathan Hayes as the Chairman. There were 92 members of public and 3 Councillors in attendance. Kirsten Berry attended on behalf of City of Bradford Metropolitan District Council. The applicant, Edward Marshall also attended. The views expressed at that meeting have been included in the summary of representations presented below.

A substantial number of representations have been received.

Summary of Representation Received

Approximately 55 individual representations have been received, stating objection to and/or concerns with the proposed development. In addition, 4 petitions have been submitted, totalling some 1437 signatures (one petition contained approximately 1139 signatures). 11 signed pro-forma letters have also been received. Some of those writing to object to the proposal have signed a petition or a pro-forma letter more than once.

The main issues raised are:

- ***Impact on Amenity***

- concerns over the dust impacts on local residents and buildings;
- concerns over the dust impacts on residents' health, there are already examples of respiratory illness in the area, this proposal is believed to exacerbate the problem;
- concerns that residents are already suffering from intrusive noise and dust from present works;
- requests for constant monitoring of air quality;
- concerns of the increase of noise impacting on the daily life of local residents;
- mud impacts on residents;
- cumulative effects on local residents; and
- loss of privacy.

- ***Impact of vehicle movements***

- all wagons should have a load cover;
- the likelihood of a fatal accident is greater if this planning application is approved;
- request a reduction of speed limit to 10mph;
- request traffic calming measures;
- request wagon weight restrictions;
- road congestion in the area and on Bolton Hall Road;
- roads already need repairing, they will get worse if this application is approved;
- increase in the number of vehicles specifically using Gaisby Lane, Bolton Hall Road and Livingstone Road;
- drivers using Mexborough Road as a short cut;
- the roads leading to the quarry are unsuitable for high volumes of traffic;
- an increase in traffic will lead to high level of pollutants as well as dust and noise which will cause a reduction in quality of life;

- large volumes of traffic are causing vibration issues which are damaging houses;
- lorries are damaging residents' cars;
- lorries arrive at the quarry early and sit outside with their engines on; and
- access to the site passes a school, community centre, small playground and a public house, an increase in heavy vehicles will lead to injury and health problem for people and children using these facilities.

- **Miscellaneous**

- request free car washing for residents;
- request for compensation to residents;
- request for play areas for children;
- increased community liaison;
- residents to be informed of movements of large machinery so cars can be remove before hand;
- seems to be the same as the 2006 application, therefore should be rejected;
- impact on wildlife;
- effects on the conservation area and listed buildings;
- impact on the local landscape;
- loss of right of way/public access;
- loss of trees;
- there are already recycling facilities in the local area more conveniently located away from residential housing;
- the proposed plans would affect future plans to develop the canal side;
- the site is at odds with the Government's focus on social inclusion;
- slag heaps are getting bigger and bigger; and
- operator tunnelling under the buffer zone.

In addition, 62 individual representations have been received in support of the application. Of these, 31 were one of two pro-forma letters. Of the 62 supporting representations, 30 originated from suppliers and/or sub contactors, 17 of these representations did not contain a postal address. A further 27 letters originated from employees of the current minerals operations, 17 of these did not contain an postal address. The remaining five supporting representations do not state their association with the applicant, one of these letters did not contain an address. The main points raised in these representations are:

- the potential loss of skilled jobs if the application is not approved;
- the additional recycling will reduce the amount of waste going to landfill, bringing environment benefits;
- to reduce carbon footprint; and
- the proposed recycling activity would not have any visual, dust or noise impact on local residents as it is well situated with in a quarry.

Representations that cannot be managed through this application

Objections have been received that the proposed development would result in a decrease in property value. The financial value of private property is not a planning matter.

Consultations

Environment Agency -The Environment Agency has no objections subject to conditions, including the requirement that the material is inert.

Highways Development Control – raise significant concerns and suggest that the current proposal is likely to lead to a significant increase in the number of HGV movements to and from the site on parts of the highway network, which in their current form are not suited to the movement of this form of traffic. This is likely to result in conditions prejudicial to pedestrian and highway safety.

Highways Development Control has suggested that alternative access points into the site should be investigated. This option would require further investigation by the applicant in order to ensure that there would be no conflict with the proposed uses of these sites or other site allocations within the direct vicinity.

Drainage -No comment.

Environmental Protection – Has expressed concern, stating the proposed waste recycling operation is likely to increase the numbers of HGV entering and leaving the site and increase the potential for disturbance to residents, especially on Livingstone Road. Conditions are required if planning permission is granted.

Structures -The Structures Officer notes that there are anomalies and has required further information. Some clarification has been received.

Landscape Design -It appears from the information that there will be no affect on visual amenity.

Department of Regeneration - On February 26th 2008 the Council's Executive approved a report on the comprehensive regeneration proposals for the Canal Road Corridor. In summary the Executive agreed the importance of the initiative and have high expectations for the Canal Road Corridor's regeneration potential.

Anything that could prejudice the project needs to be carefully considered, i.e. the prospect of significant numbers of HGV going through existing residential areas and future high quality mixed use development.

If an alternative access to the quarry could be found which suits the operator and the future regeneration of the Canal Road Corridor then this could give all concerned the potential for a 'win win' solution.

Consequently the Department of Regeneration would welcome the opportunity for the consideration for such an alternative access to be investigated.

Yorkshire Water - No comment.

Summary of Main Issues

The Main Issues are

- Principle and policy
- Impact on local amenity
- Impact on to pedestrian and highway safety

Appraisal

Proposal

The planning application seeks consent for the recycling of inert construction, demolition and excavation waste for secondary aggregate and soil making material.

The planning application site is located within Bolton Woods Quarry and is one hectare in size, the site will accommodate the crushing and screening equipment to produce numerous single sizes and blends of recycled material.

It is proposed that 100,000 tonnes per year of inert wastes will be imported with 60% of this exported, potentially with primary aggregate. The secondary aggregate is intended to augment the virgin aggregate worked from the quarry.

Policy Appraisal

All policy that contributes to consideration of this application is outlined above. This section of the report makes reference to policy of most relevance to the recommended decision.

PPS1 advises that it is Government policy to encourage the prudent use of natural resources; it is advised that this is key to delivering sustainable development. MPS1 advises that it is Government policy to encourage the greatest possible use of alternatives to primary aggregates. It is advised this can be achieved by adopting a hierarchical approach to minerals supply. PPS10 supports this further and one of the key planning objectives is to help deliver sustainable development through driving waste up the waste hierarchy. The RSS (Policies ENV4 and ENV12) seeks to increase the use of materials alternative to primary aggregate. RUDP Policies UDP9 and NR7 also provide a policy

framework encouraging the use of recycled materials to displace the need for primary aggregate. The proposed development would deliver these national, regional and local policy objectives.

The **location of the proposed facility**, within an existing quarry and close to the urban area, is also in conformity with the RSS (Policies ENV13 and ENV14) and the RUDP (Policies UDP1 and NR7 (1) and (2)). However, the reference to the proximity principle in policy NR7 (2) has been superseded by PPS10.

It is considered that the application does not properly address the **potential for harm to local amenity**, particularly in respect of access to the site via Bolton Hall Road. This is contrary to RUDP Policies UR3, TM1, NR7(3), P1, P7, P8 and P12.

The submitted application proposes the continued use of the current **access via Bolton Hall Road**. For much of its length this road is characterised by rows of terraced properties fronting directly on to the road. The properties have limited garden areas and do not have the benefit of off-street parking. The limited garden areas mean that children often play in the street and additional HGV traffic would be detrimental to local amenity.

On-street parking is common along both sides of the road, significantly reducing the usable carriageway width. Highways Development Control and the case officer observe that there is insufficient width for two vehicles to pass along the sections where vehicles are parked. Additionally, the gradient of Bolton Hall Road is quite steep. The overriding view is that Bolton Hall Road is not suitable to carrying large numbers of heavily loaded HGV and is not an appropriate access route for a development of this type.

Furthermore, a letter dated 20th February 2007 from Highway Consultants Ltd to Fennell Green & Bates, and submitted as part of the application, identifies that there are highway safety implications for the proposed development. The letter also reiterates that at times Bolton Hall Road is congested with parked cars and two way traffic flow can be difficult especially for large vehicles.

RUDP policy TM1 requires a detailed transport assessment to be submitted with applications that are likely to be significant generators of traffic. A report titled 'Traffic Impact Assessment for Bolton Woods Quarry in Idle, Bradford' has been submitted. This is not a detailed assessment and not all of the assumptions used to draw conclusions are agreed with by either the case officer or the Highways Team.

It is recognised that there are currently no conditions limiting the number of HGV movements to and from the quarry. However, these movements can only be made in respect of mineral operations. This fact does not make it acceptable to grant permission for development that would increase the number of lorries, related to another purpose, using an unsuitable access road.

The applicant has been asked to address concerns regarding number of vehicles proposed to use Bolton Hall Road and to consider alternative access routes. These concerns were further discussed at a meeting the case officer had with the applicant on 9 May.

This matter is addressed by the applicant in letters dated 7 and 15 July 2008. In the first of these letters, the applicant states that an alternative access cannot be used because the applicant does not own the land. In the latter reference is made to the Inspector's decision letter for application 29292. This letter recognises that there would be approximately 100 lorries per day leaving the site each day (paragraph 35) and that alternative access should be sought via either Bolton Hall Road or Livingstone Road (paragraph 34). The case officer does not consider that this decision letter exempts the applicant from properly considering transport impacts that would occur as result of the proposed development.

The number of vehicle movements appears to be a reflection of information that the Inspector has been provided with by the appellant of that time. There is not recognition of whether that number of vehicles is acceptable or not, it is just a statement of fact. Furthermore, the Inspector was not considering whether 100 vehicles per day was acceptable on Bolton Hall Road, as the application for an alternative access was still to be submitted. The case officer accepts that permission has been granted for vehicles related to the minerals extraction to use Bolton Hall Road, but this is not considered to be an acceptable route for additional vehicle movements, related to a different development, to use. The applicant has not addressed that concern to the satisfaction of the case officer.

In the 7 July letter, the applicant also provides further comment on the number of vehicle movements expected to occur. The total movements, with no 'lead back', for secondary aggregate is expected to be 54 movements per working day (with 'lead back' this is expected to be reduced to 40 movements per working day). The dimension stone operations are estimated to generate 8 movements per working day. The primary aggregate operation has had vehicle movements as low as 10 per working day but as high as 170 per working day as material is supplied on a campaign basis. The applicant estimates that on average the amount of primary aggregate supplied by the quarry is 200 tonnes per working day, which equates to 20 movements per working day.

The applicant concludes discussion of vehicle movements by suggesting that on average there would be no more than 80 movements per working day. The text of the letter presents this latter estimation as an inconsistency with submitted details which suggest an average of 40 vehicle movements per day. The case officer believes that the reference to 80 vehicle movements includes those in relation to both the existing quarrying activities and the proposed waste facility – however it is not clear from the submitted information.

In short, the additional information submitted by the applicant does not address the concerns raised by the case officer. The proposal does not sufficiently address the affects

on the existing transport infrastructure and there are no acceptable improvements to overcome any adverse impacts, contrary to policy TM2.

Local residents have submitted a significant number of objections to the proposal regarding highway safety, noise, diesel fumes, and dust and that Bolton Hall Road is not constructed to a suitable standard to carry HGV. Some respondents also suggest that many of these impacts could be addressed through use of a different access.

A significant level of objection has also been raised on the grounds of **impact on local amenity through noise and dust** from the workings and the health impacts from deposit of dust. These concerns, along with mitigation proposals, have also been raised through internal officer and external representations. The case officers considers that the submitted information (in the risk assessment, dust report and noise report) does not adequately address the potential impact of noise and dust which will result in a detrimental impact on local residential amenities.

Local residents also state that the area is substantially disadvantaged and in need of regeneration. They are concerned that the proposed scheme would have a detrimental impact on regeneration projects, such as the Bradford Canal Scheme. This is also highlighted by internal officer representations which state that anything that could prejudice the Bradford Canal Scheme should be carefully considered. It is considered that the proposed development, located within the quarry need necessarily impact detrimentally on regeneration schemes for the area. Further, there are potential benefits to be gained: synergies of using the proposed facility for recycling construction and demolition waste arising from the regeneration development and for providing secondary aggregate in construction of such a scheme. However, it is not considered that the detrimental impact on amenity, caused in large part by the proposed use of Bolton Hall Road, would be out weighed by these potential benefits.

The **application site** is indicated by a red line on the submitted plans. It comprises a square shaped area for all recycling activities, including associated storage, and access road. There is concern that there is not enough space within the application site to properly undertake all recycling activities and that recycling activities could 'spill out' beyond the application area. The application as originally submitted does not present an area for the disposal of waste and nor does the description of the development include reference to the disposal of waste.

The applicant is aware of these concerns and has responded in letters dated 7 July and 15 July 2008. Much of the substance of these letters is concerned with historical legislation, which is considered to have been superseded such that the applicant is no longer able to rely on the permitted development rights set out in it. The applicant also considers that they would not be depositing waste but a product, as the materials would have been through a treatment process. On this basis, the applicant considers that materials can be deposited anywhere within the quarry, for example repairing haul roads.

The case officer partly agrees with this suggestion i.e. that a beneficial material should be gained by the recycling activities, but considers that the responses are not sufficient. There will remain some waste materials that will require disposal – the application does not cater for that disposal. Furthermore, the application does not resolve concerns about the ability to appropriately manage minerals and waste operations on site.

In any event, the use of the quarry as an inert landfill would result in many of the same impacts on local amenity as identified above. Furthermore, the submitted application does not provide any information for restoration or aftercare proposals. As such, the development would be contrary to RUDP Policies P13 and P15.

The application details state that the application area is located within the planning permission granted under the **GDO rights prior to 1948**. As well as recycling construction and demolition wastes, the proposal includes disposing of wastes from the recycling activities against the face of the quarry, under an exemption from waste licensing. This report is concerned with a planning application and therefore does not discuss the waste licensing regulatory framework further. However, the GDO rights prior to 1948, as referred to by the applicant have been superseded by more recent legislation (particularly the General Permitted Development Order 1995, the GPDO 1995) and so are not considered to be extant or useful to the applicant today. Under the GPDO 1995 quarry operators do not benefit from permitted development rights to dispose of imported waste materials, except within limited circumstances, none of which have been presented to Bradford Council or within this application.

In his letter of 7 July 2008 the applicant suggests that the Waste Management Licence incorporates planning conditions which permit related activities. This is an erroneous suggestion. Waste Management Licences and planning conditions are prepared under separate legislation and cannot be considered as able to be used in place of each other.

Letters received in support of the application suggest that the proposed development is beneficial in providing **jobs in the area**. It is possible that with additional facilities operating on site, that more jobs would be generated. However, the type of work related to inert waste recycling is very similar to that of virgin aggregate production. Further, the application proposes mixing both secondary and virgin materials. Therefore, it is more likely that current employees would be deployed to the recycling facility as and when required. The case officer does recognise the benefits of job creation and development plan policy stating commitment to a sustainable economy. This application must be assessed against all material considerations, of which this is just one, evidenced by the policy requirement to balance employment opportunities with concern for local amenity and site appropriateness. Furthermore, the Yorkshire and Humber Plan identifies that full time job numbers are predicted to increase above the UK average.

There are a **number of anomalies** in the application details, principally regarding the amount of material to be handled, missing details on submitted plans and inconsistencies

of the depth of the deposit of waste against the quarry face. The applicant was requested to address these issues, firstly in a letter dated 01 May 2008 and secondly at a meeting on the 09 May 2008. A response by the applicant (letter dated 07 July 2008) was received which clarifies some of the anomalies regarding amount of material to be handled, details on submitted plans and the depth of the deposit of material against the quarry floor.

A further letter was received on the 11 July 2008 from the applicant presenting a scheme that improves the existing drainage in the area around the top of the access road and to minimise the amount of material which is leaving the site and being deposited on the access road.

The applicant has submitted a separate application, received on 10 September 2008, proposing to use the wastes from the proposed recycling operations to construct an internal haul road. It appears to just give an alternative of how the residue wastes from the recycling proposal will be used within the quarry. This application has been poorly prepared and does not address the issues regarding the deposit of waste, or vehicle movements relevant to the recycling proposal and is currently invalid.

Summary

The application proposes the recycling and recovery of inert wastes. In principle, recycling and recovery of waste materials is to be encouraged and these operations benefit from a positive national, regional and local planning policy framework. The proposed location, within the Bolton Woods Quarry, would also appear to be advantageous in principle, as there are synergies between aggregate recycling and mineral operations, not least the potential to share machinery and to make most efficient use of HGV movements.

However, it is considered that the submitted proposal would result in a detriment impact to local amenity, particularly as a result of access to the site being gained via Bolton Hall Road. Furthermore, the application and subsequent correspondence does not properly address the issue regarding the number of HGV movements that would result in the operation of the facility.

RUDP policy makes reference to the best practicable environmental option and requires this to be demonstrated through submitted applications. The policy also makes reference to objectives including the proximity principle. These principles have been largely superseded by the principles within PPS10, principally the key planning objectives (KPO, as set out above). The proposed development would help to deliver many of the KPO, including implementation of the waste hierarchy. However, the appraisal of this proposal also indicates that it fails to enable waste to be disposed of in one of the nearest appropriate installations, to reflect the concerns and interests of the community or to ensure the design and layout of the new development supports sustainable waste management.

Finally, the proposed development includes the disposal of waste for which there are no submitted details; the operator/applicant does not benefit from permitted development rights for this activity. It is also considered that the tipping of materials as a result of this development would be prejudicial to a properly prepared restoration scheme for the quarry.

Community Safety Implications:

It is considered the proposal would prejudice highway safety.

Recommendation and reasons for refusal

It is recommended that planning permission for application 08/00835/FUL be refused for the following reasons:

- 1) the proposal as submitted would give rise to unacceptable adverse impacts on people and the environment by means of noise and dust, in particular on Bolton Hall Road, with no appropriate mitigation measures contrary to policies UR3, NR7(3), P1, P7, P8 and P12 of the City of Bradford Metropolitan District Council Replacement Unitary Development Plan 2005.
- 2) the proposal is contrary to policies TM1 and TM2 of the City of Bradford Metropolitan District Council Replacement Unitary Development Plan 2005, as it would have an unacceptable adverse impact on highway safety and the free flow of traffic on the approach roads to the site, in particular Bolton Hall Road.
- 3) the proposal is contrary to policies P13 and P15 of the City of Bradford Metropolitan District Council Replacement Unitary Development Plan 2005 in that the disposal activities would give rise to unacceptable adverse impact on people and the environment, in that there is no detailed scheme for restoration and landscaping and that the proposed activities would prejudice other restoration schemes of the Bolton Woods Quarry;
- 4) the proposal is contrary to policies P8 and P12 of the City of Bradford Metropolitan District Council Replacement Unitary Development Plan 2005 in that the application as submitted includes insufficient and contradictory information such that it fails to demonstrate how the proposed development would be properly carried out or how detrimental impacts on local amenity by means of noise, dust and highway safety would be mitigated to an acceptable degree.

DECISIONS MADE BY SECRETARY OF STATE

Item No	Ward	Location
APPEALS ALLOWED		
3	Shipley	26 West Way, Nab Wood, Shipley Four bedroom detached house. 07/07242/FUL
4	Bingley Rural	Cottingley Bridge Stores, Beckfoot Lane, Bingley Change of use of a shop to a dwelling with addition of a first floor 08/00038/COU
APPEALS DISMISSED		
5	Shipley	Ring O' Bells PH. 3 Bradford Road, Shipley Freestanding, double-sided 6-sheet poster unit, with internal illumination. 07/07914/FUL
6	Windhill/Wrose	194 Leeds Road, Shipley A pole-mounted double-sided 6-sheet poster unit, with internal illumination. 08/01964/ADV

**ENFORCEMENT COMPLAINTS CLOSED BY THE
AREA PLANNING MANAGER AS NOT EXPEDIENT TO PURSUE**

Date: 25 September 2008

Item No: 7

Address: Runnymede Bradford Road Cottingley Bingley

Ward: Bingley Rural (03)

Complaint Ref No: 08/00402/ENFUNA

Recommendation: That the report be noted

Description: Unauthorised boundary fence in rear garden area

Reason:

It is considered that the breach of planning control would not cause significant amenity issues to warrant Enforcement (Legal) Action.

Date Enforcement File Closed: 4th September 2008

Address: 68 Greenfield Avenue Shipley

Ward: Windhill and Wrose (28)

Complaint Ref No: 08/00966/ENFUNA

Recommendation: That the report be noted

Description: unauthorised rear boundary fence

Reason:

It is considered that the breach of planning control would not cause significant amenity issues to warrant Enforcement (Legal) Action.

Date Enforcement File Closed: 9th September 2008