

REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON 7 MAY 2009

AA

SUMMARY STATEMENT – PART ONE

Items in Part One of this Agenda include an application recommended for approval subject to a S106 Agreement of the Town & Country Planning Act 1990, an application recommended for refusal to be referred to the Regulatory and Appeals Committee for a final decision, a petition to report, a decision made by the Secretary of State, and a miscellaneous report on an enforcement case.

The sites concerned are:

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2	Granic Filling Station, Harden Road, Harden	Page 4	Bingley Rural
3	Langley Lodge, Station Road, Baildon	Page 11	Baildon
4	45 Saltaire Road, Shipley	Page 12	Shipley
5	19 Gilstead Lane, Bingley	Page 13	Bingley

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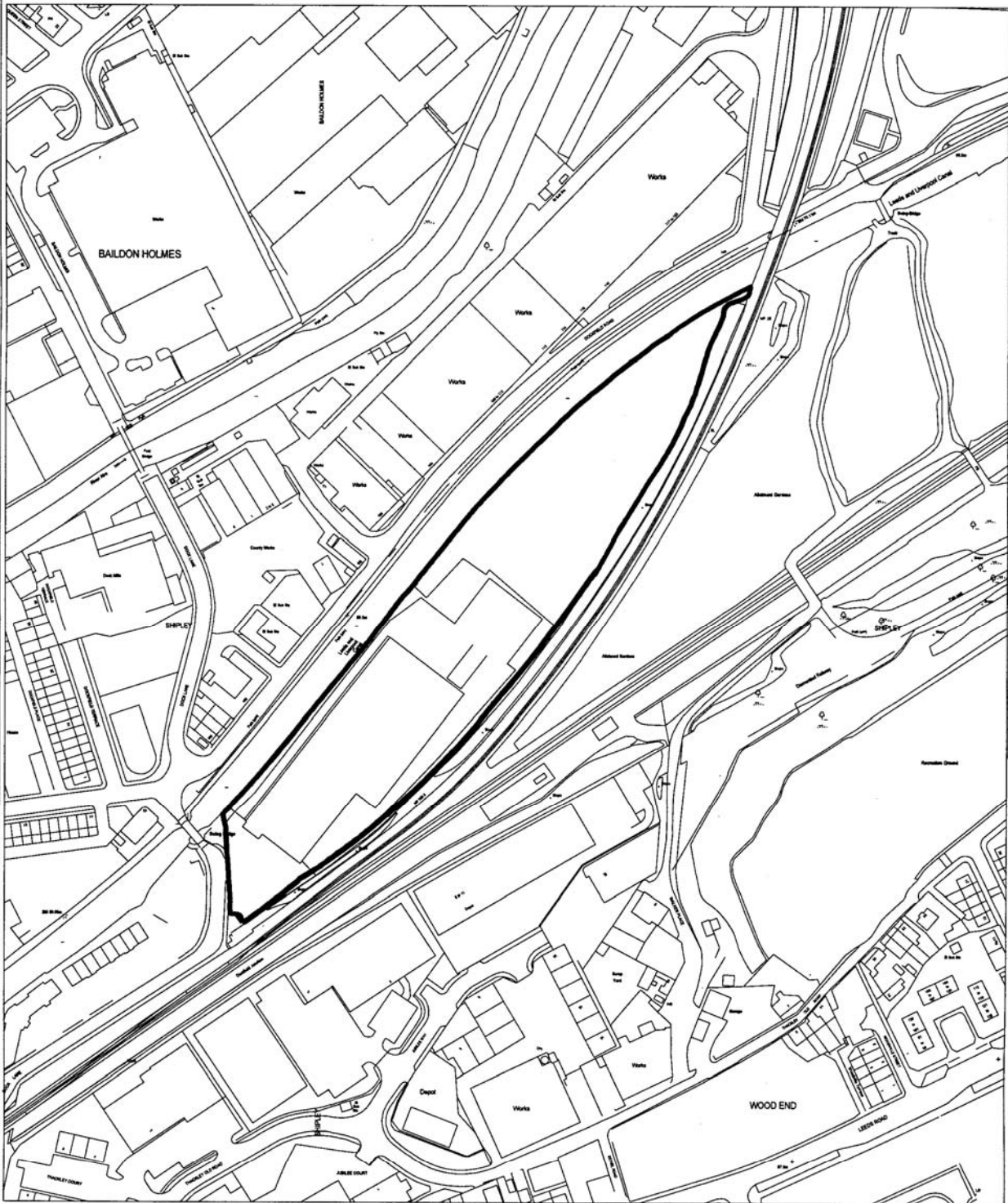
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Regeneration and Economy

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SHIPLEY AREA PLANNING PANEL

DATE
7 MAY 2009



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ITEM No. 1

LOCATION

LEXICON, BANKSIDE, DOCK LANE, SHIPLEY

7 MAY 2009

Item No: 1
Ward: SHIPLEY
Recommendation: TO GRANT PLANNING PERMISSION SUBJECT TO A S106 AGREEMENT OF THE TOWN & COUNTRY PLANNING ACT 1990

Application No: 08/07200/FUL

Type of application/Proposal and address:

A full application for the demolition of an existing commercial building and the construction of mixed use development including commercial and residential, and associated access roads at the Lexicon company, Bankside, Dock Lane, Shipley.

The full report will follow.

DATE: 07 MAY 2009
ITEM No: 1
WARD: SHIPLEY (22)
RECOMMENDATION: TO GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106 LEGAL AGREEMENT. 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 THIS IS A DESIGNATED EMPLOYMENT SITE/ZONE AND THE RESIDENTIAL ELEMENT OF THE SCHEME IS A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN

APPLICATION No: 08/07200/OUT

Type of Application/Proposal & Address

Outline application with access and scale to be considered
Demolition of an existing commercial building and construction of mixed use development including commercial and residential development and associated access roads at Lexicon, Bankside, Dock Lane, Shipley

Site Description

A 2.0 hectare relatively flat site which is currently occupied by a vacant building with associated hard standing in the south west part. The northern end of the site comprises grassland with a number of trees and bushes. This northern parcel of land is allocated as employment land (S/E1.15) in the Replacement Unitary Development Plan and the whole development site sits within a defined employment zone (identified as S/E6.3 in the Proposals for the Shipley Constituency). The building and parking in the southern half was previously occupied by Adare Lexicon Ltd as a printing warehouse. The large concrete yard in this part of the site was also utilised by Adare to provide space for delivery vehicles to manoeuvre.

The Leeds Liverpool Canal, a conservation area and site of ecological importance (SEGI), forms the north-west boundary of the development site. To the south and east the site is bounded by the railway line and to the west the site is bounded by the swing bridge over the Leeds-Liverpool Canal.

Access to the site is either via Dock Lane which leads from Leeds Road or via the swing Bridge off Dockfield Road which connects to the signalised junction with Otley Road (A6038). The canal towpath lies on the north bank of the Leeds-Liverpool Canal.

Dockfield Road itself comprises a mixture of residential/commercial properties of varying styles and heights. Various planning permissions have been granted for conversions of existing buildings and construction of new residential properties and office developments.

Relevant Site History

There is no relevant history for any specific redevelopment proposal on this parcel of land.

Replacement Unitary Development Plan (RUDP) Proposals and Policies

The whole development site is located within an employment zone with the north western part also specifically allocated as an employment site. The following policies are relevant: -

- UDP1 – Promoting sustainable patterns of development
- UDP2 – Restraining development
- UDP3 – Quality of built and natural environment
- UDP4 – Economic regeneration
- UDP6 – Continuing vitality of centres
- UDP7 – Reducing the need to travel
- UR2 – Promoting sustainable development
- UR3 – The local impact of development
- UR6 - Planning Obligations and conditions
- E1 - Protecting Allocated Employment sites
- E3 - Protecting Existing Employment Land and buildings in Urban Areas Office Development
- E6 – Employment Zones
- H7 – Housing Density – expectation
- H8 – Housing Density – efficient use of land
- H9 – Affordable housing
- TM1 - Transport Assessment
- TM2 – Impact of traffic and its mitigation
- TM8 - New Pedestrian and cycle Links
- TM11 – Parking standards for non-residential developments
- TM12 – Parking standards for residential developments
- TM13 - On Street Parking controls
- TM19A – Traffic management and road safety
- D1 – General design considerations
- D4 – Community safety
- D5 - Landscaping
- D6 - Meeting the needs of pedestrians
- BH7 – Development within or which would affect the setting of conservation areas
- BH10 – Open space within or adjacent to conservation areas
- BH20 - The Leeds and Liverpool Canal
- CF2 - Education contributions in new residential development

OS5 – Provision of recreational open space
NE4- Trees and Woodlands
NE5 - Retention of Trees on Development Sites
NE6 - Protection of Trees during development
NE9 - Other sites of Landscape or wildlife interest
NE10 - Protection of Natural features and Species
NE11 - Ecological Appraisals
NR16 - Surface Water Run Off and sustainable Drainage Systems

The Leeds and Liverpool Canal Conservation Area Assessment
Airedale Corridors: A Master plan & Strategy for Airedale

Town/Parish Council

Not applicable

Publicity and Number of Representations

Individual neighbour notifications were carried out and site notices have also been displayed with the overall statutory period for comments being 30 January 2009. One representation has been received to date.

Summary of representation

Concerned with regard to construction traffic along the roads especially across the swing bridge. Traffic from Dock Lane will be limited by the height of the railway bridge. Any remedial works to the swing bridge may cause considerable difficulties in accessing adjoining properties.

Consultations

(i) Highway (Development Control) Section – whilst there are some concerns with regard to the potential conflicts at the swing bridge, it is considered that there are no reasons to refuse the application bearing in mind the developer is offering the following in mitigation measures to ensure that the development is acceptable:-

- Metro cards for each residential unit for the first year of occupation
- strengthening of the Travel Plan to include car parking management strategy
- Provision of two bus shelters on Leeds Road in line with the request from West Yorkshire Passenger transport Executive (WYPTE)
- A contribution towards improved lighting under the railway bridge on Dock Lane.

It is considered that a review of Traffic Regulation Orders would also be required (both along the roads surrounding the development - Dock Land and Dockfield Road - and the proposed internal roads).

The above issues should be covered within any Section 106 Agreement and appropriate conditions with regard to highway issues should also be attached to any permission granted.

(ii) Policy Section - The policy issues raised through this application are;

1. Residential development in an employment zone
2. The demolition of a vacant building with an established employment use within an employment zone
3. The location of offices outside an existing centre
4. The suitability for mixed use residential/business use on an employment site in an employment zone
5. The suitability of the site for residential development proposed

The Employment Land Review indicates that the employment site should be re-allocated due to the constraints and access issues. This supports the mixed use scheme proposed. The site has been marketed for 12 months with no interest. This coupled with the access issues indicates that the site as it is, is not appropriate for some B2 and B8 employment uses, especially involving HGVs. The employment site is heavily constrained and the adjacent area is mixed use in nature. It is highly unlikely the site would be developed for only employment uses in the near future. The re-development of this site in terms of a mixed use office and residential scheme could contribute towards the canal side regeneration of the area and enhance the canal conservation area while still providing employment use in the form of B1 office on the allocated employment site.

Overall, the proposed scheme can be supported but it should be recognised that the proposal would be contrary to policies in the RUDP as it does not accord with policy E1, E3 and E6. Further supporting evidence has been provided in an Addendum Planning Policy Statement with regard to the proposed office use being located outside Shipley town centre. Policy in terms of the office use is governed by policy UDP6 of the Replacement Unitary Development Plan and by national planning policy in Planning Policy Statement 6: Planning for Town Centers. The proposed use is justified on the following basis:-

- Recent history of office development in Shipley indicates that there is limited available space within the town centre.
- The cumulative floor space of the proposal is not of sufficient size to have an adverse impact on the town centre.
- The application will deliver larger, more modern floor plates to meet the needs of an alternative market to the existing town centre occupiers.
- The Airedale Master plan provides direct support for the mixed use form of development in this location. The development is in close proximity to existing modes of transport, particularly Shipley Rail Station and to a frequent bus route on the Otley Road and Leeds Road.

Conditions can be attached in order to ensure the proposed office part of the development is completed alongside the residential part of the scheme to ensure that the employment site is developed for mainly employment uses.

(iii) Conservation Section – The site will benefit from an intensive form of development, relating it to the urban area of Shipley, and the urban character of the canal frontages to the west of the site.

Aesthetically, the key aspects are how the development is viewed from Dockfield Road, and from the canal, the primary public aspects.

It is noted that the application seeks approval for access and scale, but not layout. This poses some difficulties in assessing and commenting on the impact of the development in terms of overall scale and massing when layout apparently remains undecided as part of the outline proposal.

These comments therefore consider both the scale of development, but also design and heritage aspirations with regard to layout, massing and appearance.

The western apex of the site demands a strong visual presence, promoting the development and making a positive visual statement. The indicative layout, orientation and massing does not achieve this. A prominent and quality architectural statement in this location could be better achieved in a commercial building, and one wonders whether the land uses of the site would be better reversed (i.e. with the business use at the entrance to the site and residential on the northern part of the site).

On the canal frontage, structures with a strong physical and visual presence are vital, and conventional detached or domestic scale units would not be appropriate. Height can be informed by existing industrial and residential blocks in the vicinity with 4-5 stories being reasonable. Massing is also critical, and the indicative layout results in a monotonous appearance. The form and mass of the built elements need variety, to avoid a 'bookend' effect, but the guiding principle should be derived from industrial buildings in the locality. This needs to be tempered with a fenestration which provides some variety, but does not read as a jumbled blend of architectural styles, messages and materials.

A further consideration is orientation. Care is needed to avoid any public or amenity space on the canal edge, and the canal itself from being in shade for much of the day as this will reduce any amenity value of these spaces. Separation between built elements, orientation, height and massing will need to be balanced to achieve a desirable amenity space. Orientation also requires consideration to achieve sustainable buildings which can maximize natural energy provision, solar gain and energy efficiency. This could be an opportunity for a landmark sustainable development.

Whilst having regard to the canal edge, the indicative layout shows a footpath here, but boundaries separating this from parking courts presumably in the interests of designing out crime, result in a path that is not readily available to residents. If this path leads nowhere at its eastern end, it is of little benefit and

will become a backwater and maintenance liability. Unless a linkage can be made at the eastern end, in the interests of an active and sympathetic canal edge, this space may well be better enclosed at its western end, and serving the development as informal, permeable amenity space.

Materials should incorporate quality local natural elements forming part of a cohesive palette which complements inspiring contemporary design.

In assessing this submission, I am strongly of the belief that siting and layout should form part of the proposal in order to achieve a development with the necessary visual presence, relationship to the canal and sustainability credentials

(iv) Urban Design Section – An Indicative Layout has been submitted with the application and many aspects of this are supported such as the green corridor and pedestrian access alongside the canal and the terraced housing forms which appear to be suitable to this context.

It is acknowledged that this is an outline application and that the layout is purely for illustrative purposes. However it is felt that there is value at this stage in setting out those aspects which should be given further consideration prior to the preparation of a final layout at the reserved matters application stage. Issues which need to be considered are: entrance to the site, public access to the canal, design of the apartment blocks and the canal frontage, and parking

This is a long canal frontage ($\frac{1}{4}$ of a mile in length) and it is important that the most is made of the opportunity prior to the submission of a final layout at Reserved Matters stage.

(v) World Heritage Section - The setting of the Saltaire World Heritage Site, in which this development is proposed, is an important aspect of its significance facilitating understanding of its historic importance and contributing to its sense of place and character.

The setting of the World Heritage Site was analysed in 2006 to identify its capacity to accommodate change and the relative importance of different components of it. The findings of this survey, contained within the *Saltire Environmental Capacity Study*, have informed the following comments.

- The proposed development at up to 6 stories may impact on key views out of the World Heritage Site.
- It would not impact on key views into the World Heritage Site.
- It would not impact on the character or appearance of the Site by adversely affecting the immediate setting of the Site or key approach routes to it.

As such, the proposed development may adversely impact on views out of the

World Heritage Site. As part of a subsequent full planning permission application or reserved matters application the developer should submit photomontages showing the impact of the development on views eastwards out of Saltaire towards the development from Victoria Road (over the Caroline Street allotments) and eastwards from Caroline Street and Titus Street

(vi) Police Architectural Liaison Officer – No formal comments regarding the principle of this application subject to conditions regarding boundary, lighting, landscaping, CCTV, parking and access control treatments.

(vii) Police (Terrorism) Officer – No issues. There appears to be a clear separation of vehicles from people and buildings throughout the whole of the development. This principle is one which I would concur with.

(viii) Drainage Section – The site must be investigated for its potential for the use of sustainable drainage techniques. Conditions should be attached to any permission granted.

(ix) Environmental Protection (Contamination) – concur with the recommendations of the desktop study that an intrusive site investigation for contamination is necessary due to the sites historical use. Recommend conditions on any permission granted.

(x) Environmental Protection (Noise) - Confirm that the noise report appears thorough and the methodology and assessment procedures are excellent. There are no objections to this application but appropriate conditions should be attached to any permission granted.

(xi) Development and Enabling (affordable housing) Section – The affordable housing quota for Shipley is 30% and there is a need in the area for affordable 2&3 bed houses and 2 bed flats. Accordingly we would request that 30% of the new developable floor area be assigned to affordable housing in the forms of the above mix, to be sold to a nominated RSL at a discount of 35% of open market value. The actual number and mix of units will be determined at a later stage when the full scheme mix has been finalized and the affordable housing subsidy calculated.

(xii) Parks and Landscape Section – As the application is in outline only and no specific details given, assuming all the 114 properties are 2 bedroom we would ask the developer for £124,500 in order to meet the open space needs that the development would generate.

(xiii) Education Section - A contribution towards both primary and secondary educational resources is requested. The nearest primary schools are Shipley CE, St Walburga's and Wycliffe which are all completely full in all years and adding to this there is an increase in population within this area so a

primary contribution would be required. The nearest secondary school is Titus Salt School which is completely full plus there is an increase in population within this area so a secondary contribution would be required.

The calculation is based on 2 additional children per school year groups per 100 homes times costs.

Primary provision:

2 children x 7 year groups x 50/100 houses x £11648 = £81536

Secondary provision:

2 children x 6 year groups x 50/100 houses x £12688 = £76128

TOTAL = £157664

With regard to the contribution for the 64 flats if they are to be 2 bedroomed plus then the added contribution would be -

2 children x 7 year groups x 64/100 flats / 2 (flats) x £11648 = £52183

2 children x 6 year groups x 64/100 flats / 2 (flats) x £12688 = £48722

TOTAL = £100905

If they are only 1 bedroomed flats then no contribution would be required so the total would be £157664. If they are to be of mixed bedrooms flats then we would need to calculate this, so we would need the application back to make the amendments to the calculations.

(xiv) Environment Agency – The Agency has no objections in principle to the proposed development but recommends that if planning permission is granted conditions are imposed

(xv) West Yorkshire Ecology – In this particular case the designated Leeds Liverpool Canal SEGI and its close relationship with the proposal site is a matter of fact, with direct links to the Key Principles of PPS9 and Policy NE9 of the Bradford UDP. Provided that the conditions are worded in a manner which conforms to the “6 tests” in the Government Circular, they offer the best method of ensuring the conservation of biodiversity.

In this case for example, a development of the scale of that proposed, will only be acceptable if conditions are associated with the decision which ensures that the biodiversity of the Leeds Liverpool Canal SEGI is adequately protected. To make this more precise it might require a condition such as, an assessment of the implications of the development on the canal and associated wildlife corridor, which sets out measures to avoid, mitigate, compensate and enhance biodiversity.

(xvi) Natural England (NE) - Sustainable Development

The Design and Access Statement outlines a number of elements of the proposal that will help to ensure that this is a sustainable development, such as links to existing transport routes, the provision of metro cards and the utilisation of native tree species in planting schemes. There is also mention of grey water recycling and sustainable drainage systems. NE wish to see that the design of the new built structures and open spaces had been informed by other sustainable building techniques and advise that full consideration be given to solar hot water heating systems and grey water collection.

Landscape

At present approximately half of this site is semi-natural open space. Although a Phase 1 Habitat Survey of this area has assessed it as being of limited ecological value, it is nonetheless an area of habitat available to local wildlife. Birds, invertebrates and small mammals including bats are considered the most likely species to utilise this area of the site. Since this open area will be lost when the site is developed it is the responsibility of the applicant to ensure that any areas of open space included in the site layout provide maximum benefit to the local wildlife populations.

The area of canal side habitat that forms part of the site will also require special attention to ensure that its biodiversity value is enhanced by the development of the site. This is particularly important given the designation of the canal as a regionally important wildlife habitat.

The applicant has already identified in the Design and Access Statement the importance of utilising locally occurring native plant and tree species in the landscape proposals for the site. Natural England believe that this approach can be taken one step further and would like to see the applicant draw inspiration for the landscaping proposals from documents such as the Local Biodiversity Action Plan (LBAP), and the citation relating to the Leeds and Liverpool Canal SEGI.

The accommodation of an 8m easement strip between the canal and any development will help to preserve the habitat along the canal bank. However, the applicant should seek to enhance this habitat by eliminating Japanese knotweed from the site and where possible via the planting of additional marginal aquatic plant species. The Leeds and Liverpool Canal SEGI citation should be available from the Local Authority Ecologist and will provide a list of all plant species associated with the canal side habitat. This document should form the basis of any planting scheme for the canal bank.

Ecology

The Extended Phase 1 Survey has concluded that the site is not suitable for badger, otter or water vole. Natural England is happy to accept these conclusions. This study also identified habitat at the site suitable for reptiles as well as trees with features suitable for roosting bats.

The dedicated reptile survey of the site was conducted at a sub-optimum time of year. The recommendations outlined in the reptile survey should certainly be followed; protected species' issues in relation to reptiles are adequately addressed.

Despite the Extended Phase 1 Habitat Survey identifying a number of trees on the site as having potential to support bats this was not followed up with a dedicated bat survey of the site. The Phase 1 Survey report goes on to state that further bat survey work, including dawn survey, will be carried out at the site. Natural England would expect these additional bat surveys to be submitted along with the full application for this proposal.

xvii) Yorkshire Wildlife Trust – As the development is situated on the Leeds Liverpool canal and near to potential habitat for a number of protected species the proposed mitigation is inadequate to enhance and improve biodiversity. Bradford Council has a duty to ensure that biodiversity enhancements are sought through the planning process to meet recently introduced duties under The Natural Environment and Rural Communities Act. We would recommend that more detailed plans are submitted and approved for enhancing the canal banks so that this important wildlife corridor is maintained and improved. Habitat for otter, water vole, reptiles, amphibians and many invertebrates could potentially be provided.

(xiii) Landscaping Section – It is important to carry out a fully comprehensive tree survey with a view to retaining as many trees as possible, in particular the riverside trees both for the stability of the banking and the visual impact. The emergency access road will serve as a footpath and to create a strong canal side character and this will need to be demonstrated in the detailed design. Stone walling would reflect the character on the opposite bank of the canal.

The Public open space is shown in a buffer position between the residential areas and the proposed office blocks, whilst this is desirable, consideration should be given to a pleasant design public space adjacent to the swing bridge which will enhance this focal point and be readily accessible.

(xix) Minerals and Waste Section - The site is situated 175m from landfill site ref: 12NE02. This site on Thackley Old Road was affected by the unauthorised deposit of waste materials.

The site is also situated 210m from landfill site ref: 13NE01. This site at Briggate Shipley, bounded by the Leeds/Liverpool canal to the north, was formerly a disused gas holding tank that was filled with inert excavation wastes during the mid 1980s. The site is currently operating as a builder's yard and waste transfer station.

The site is also situated 215m from landfill site ref: 13NE31. This site at Windhill

Old Station is a car breakers and scrap metal yard (planning permission 94/00816). There are no wastes handled at the site other than those associated with the above.

There are no significant concerns regarding the proximity of the above recorded landfill sites.

(xx) Metro - Some concerns have been raised to the sustainability of the site in terms of its location and proximity to public transport services.

The site is bounded by the rail line to the east and canal to the west. As a result access to the site is only available through Dock Lane which increases the walk distance for pedestrians accessing public transport services particularly for those located at the north east of the site.

Bus services are available on both the Otley Road corridor to the north of the site and Leeds Road to the south. Both have a good combined service level to allow access to Bradford and Leeds centres. However, both these corridors are outside the desired 400 metres walk distance to the site. Shipley rail station is approximately 1km from the site entrance. Again this is outside the desired 800 metre walk distance for rail services.

In terms of the impact on of the development on the public transport network the mixed use nature means that two way trips will occur at the peak periods. It is likely that some residents will drive to Shipley rail station. The car parking at the station is currently at capacity. Additional demand on the car park may lead to informal parking on the surrounding highway network and exacerbate the exiting problems with parking at the station.

The developer should therefore put measures in place encourage the residents to walk to the station. As discussed, the walk distance is over the desired 800m. In addition the route is not attractive via Dock Lane. The developer should be conditioned to improve the walk route though improved lighting and signage to make walking to the station (and bus services on Leeds Road) more attractive.

The bus stops located on Leeds Road should also be upgraded to shelters. This would improve the waiting environment for bus users and help compensate the extended walk distance. The developer should be conditioned to provide 2 shelters (ref, 24058, 24059) subject to a site visit should approval be obtained.

In summary Metro considers the site inaccessible by public transport based on the criteria set in RSS due to the distance to public transport access points. There is little chance of this being improved due to the rail and canal on the site boundaries. Notwithstanding this, due to the good level of service on the bus corridors and rail service through Shipley, we anticipate public transport will be used by resident and employees at the site subject to the improvements outlined.

Summary of Main Issues

Principle/sustainability

Density

Impact of development in terms of

- Leeds Liverpool Canal conservation Area
- Biodiversity/protected species
- Design/landscaping
- Surrounding locality including the setting of the World Heritage Site
- Adjoining properties/uses

(e) Highway/pedestrian Safety

(f) Other impacts

- Flooding
- Contamination
- Noise

(g) Heads of terms - s106 contributions/use of conditions

(h) Community Safety Implications

(i) Comments on the letter of representation

Appraisal

1. Only access and scale are to be considered as part of this outline application. Illustrative plans show that the site can accommodate 7563 sqm of commercial floorspace with associated parking spaces and up to 114 dwellings with associated parking along with public open space and the provision of a landscaped buffer and footpath along the canal side edge. It should be noted however that these illustrative plans inform that the scale of the development would range from between two to six stories in height.

2. Access to the site can be either via Dock Lane which leads from Leeds Road or via the swing Bridge off Dockfield Road which connects to the signalised junction with Otley Road (A6038).

Principle

3. Current Government policy expressed in PPS1 is to promote mixed-use development as a way of achieving sustainable development and improving the vitality and viability of urban areas. Within such areas it is important to ensure that a balance of uses is maintained in order for the objectives of mixed use to be achieved. The key principles of the document 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. In light of the above policies, it is considered that in general terms mixed use development should be promoted

especially when taking into account the regeneration of an area. However, despite the clear policy advice given above, full account must be given to existing uses of land and specific allocations of land within development plan policies.

4. Replacement Unitary Development policies seek to ensure that land and buildings that are currently in employment use are not lost for other non-employment uses. Policy E3 seeks to ensure that within urban areas the development of existing employment land or buildings for other uses will not be permitted unless:

- (1) the proposal is in a mixed use area shown on the plan; or
- (2) the proposal is within the defined city, town, district or local centers or the town centre expansion areas or within the valley road retail areas shown on the plan or
- (3) the proposal is within Bradford/ShIPLEY/Baildon or Keighley, is less than one hectare in size, and is not within an employment zone; or
- (4) the proposal is within the towns of Bingley, Ilkley, Queensbury or Silsden and is less than 0.4 hectare in size and not within an employment zone; or
- (5) the proposal contributes positively to the re-use of a listed building or other historic buildings in a conservation area; or
- (6) the proposal contributes positively to preserving or enhancing the character of a conservation area; or
- (7) it is no longer appropriate to continue as an employment use because of the adverse affect on the surrounding land uses; or
- (8) the building has become functionally redundant for employment use.

5. The proposed development involves the demolition of a modern vacant building with an established employment use for re-development for residential uses. The building has been vacant since November 2007 and has been marketed, with evidence submitted from Savills of active marketing of the site for 12 months, with no offers. This part of the proposal, on the south western part of the development site would have to satisfy Policy E3 of the Replacement Unitary Development Plan. It is considered however, that the proposal does not meet points 1, 2, 3, 4 and 5 of policy E3. The applicants have argued that the proposal complies with point 6 in E3. Indeed, the site is adjacent to the Leeds-Liverpool Canal conservation area and it is considered that the proposed mixed use scheme would positively contribute to enhancing the conservation area. It should be noted however that the scheme is outline and the site is not within the conservation area itself, therefore, it is difficult to justify conformity with policy E3 purely based on the enhancing conservation area.

6. With regard to land use (criterion 7), the area to the North West of the development site is varied in character with some residential and employment

uses. To the south west of the development site, within the defined mixed use area, there has been recent residential development. There are employment uses to the north in the employment zone and beyond the train line further employment uses are evident to the south east of the site. Bearing in mind the above, it is considered that the current employment use does not have an adverse impact on surrounding land uses.

7. With regard to criterion 8 of policy E3, the applicant has argued that the site is not suitable for re-use as an employment site and that the site is functionally redundant. In the submitted Suitability for Mixed Use Development Summary Report it is stated that “it is not considered that the existing building is capable of re-use by a modern productive employment indicating functional redundancy by virtue of the significant access constraints on the site as a whole, particularly for industrial occupiers relying on significant HGV movements.” The applicant has submitted an Evidence of Active Marketing Letter and Employment Constraints Report in support of this. Whilst it is acknowledged there are severe access issues associated with the site and there have been no offers for the site despite active marketing for the past 12 months, it is questionable whether this demonstrates ‘functional redundancy’ of the building. There may be capacity for the re-use of the existing building and site for similar or other employment uses. The building is modern and it is hard to justify that it is functionally redundant.

8. Overall, it is difficult to argue that the current proposal is in conformity with policy E3 of the Replacement Unitary Development Plan. Therefore, this proposal should be considered a departure from the development plan. However, when considering the merits of the application and taking into account the access and site constraint issues and the benefits of re-developing a poor quality employment site with some employment uses, a departure from policy E3 can be justified in this particular case.

9. Policy E1 of the replacement unitary development plan seeks to ensure that proposals for employment development on sites shown on the proposals maps as employment sites will be permitted subject to policy E7. Proposals for other uses on these sites will not be permitted unless:

- (1) the site is below 1.0 ha in size; and
- (2) it is within the urban areas of Bradford/ShIPLEY/Baildon/Keighley; and
- (3) it is not within an employment zone; or
- (4) there has been a material change in circumstances which has arisen since the date of adoption of the plan or during the life of the plan, or,
- (5) the site is no longer appropriate for employment use because of possible adverse effects on surrounding land uses.

10. The proposed development shows office (B1) and part residential use on an allocated employment site within an employment zone.

Paragraph 4.79 in the submitted Planning Statement states that the site “measures 0.9ha in size and hence its partial redevelopment for residential purposes as part of this mixed use proposal complies with the requirements of policy E1.”

11. It is considered that although the site is below 1ha and is within the urban area of Shipley (complying with parts 1 and 2 of policy E1), the site is within an employment zone, and therefore the proposal does not comply with part 3 of policy E1. As such, the proposal must demonstrate that it conforms to criterion 4 and 5 of the policy. It is considered that no demonstration has been provided that there has been a material change in circumstances since the adoption of the plan and that the current employment use does not currently have an adverse impact on surrounding land uses. Nevertheless, despite the fact that the proposal does not fully conform to adopted planning policy, when taking a balanced view of the development as a whole, and taking account of the fact that the majority of the development on the allocated employment site comprises mainly B1 office the proposal is considered to be acceptable.

12. Policy E6 of the replacement unitary development plan seeks to ensure that within the defined employment zones on the proposals maps new employment uses will be permitted provided that the development accords with policy E7. Other uses will not be permitted unless it can be demonstrated that the proposal:

- (1) relates to a use which supports the function of the employment zone as a predominantly industrial and commercial area and the development would bring positive environmental improvements; or
- (2) contributes positively to the reuse of a listed building or other historic building in a conservation area; or
- (3) contributes positively to preserving or enhancing the character of a conservation area; or
- (4) accords with the plan’s retail policies and proposals reports which permit the expansion of adjoining retail centers.

13. The proposal is for mixed use scheme comprising residential and B1 office use on a site in an employment zone. It is considered that the proposal would not support the predominantly industrial and commercial nature of the employment zone, therefore not meeting part 1 of E6. However, it is difficult to argue conformity of the scheme with policy E6. Therefore, this proposal would be a departure from the development plan. However, once again, when taking into account the significant benefits of the overall scheme, taking into account the access and site constraint issues and the benefits of re-developing a poor quality employment site with some employment uses, it is considered there are very special circumstances in this case justifying approval of development which does not meet the requirements of policy E6 subject to appropriate conditions.

14. The mixed use developed proposal comprises over 7500 sq m of B1 office use out-side the Shipley town centre. Policy in terms of the office use is governed by policy UDP6 of the Replacement Unitary Development Plan and by national planning policy in Planning Policy Statement 6: Planning for Town Centers. Further supporting evidence (in the form of an Addendum Planning Policy Statement).has been provided by the applicants with regard to this out of centre provision. It is considered that the proposed use can be justified on the following basis: - (i) Recent history of office development in Shipley indicates that there is limited available space within the town centre; (ii) the cumulative floor space of the proposal is not of sufficient size to have an adverse impact on the town centre, and; the application will deliver larger, more modern floor plates to meet the needs of an alternative market to the existing town centre occupiers.

15. Overall, the proposed scheme can be supported with regard to economic policies although it should be noted that the support of this proposal would be contrary to policies in the Replacement Unitary Development Plan Policies as it does not accord with policy E1, E3 and E6. The Airedale Master plan provides direct support for the mixed use form of development in this location. The development is in close proximity to existing modes of transport, particularly Shipley Rail Station and to a frequent bus route on the Otley Road and Leeds Road.

16. In addition to the above arguments, the Employment Land Review also indicates that the employment site should be re-allocated due to the constraints and access issues. This supports the mixed use scheme proposed. The site has been marketed for 12 months with no interest. This coupled with the access issues indicates that the site as it is, is not appropriate for some B2 and B8 employment uses, especially involving HGVs. The employment site is heavily constrained and the adjacent area is mixed use in nature. It is highly unlikely the site would be developed for only employment uses in the near future. The re-development of this site in terms of a mixed use office and residential scheme could contribute towards the canal side regeneration of the area and enhance the canal conservation area while still providing employment use in the form of B1 office on the allocated employment site.

17. With regard to the principle of residential development on part of the site, it is considered that as the proposal for residential is mainly on brownfield land i.e. previously developed land. it would therefore support the goals of protecting greenfield sites from housing development and supporting development on brownfield land. The site is also relatively well located close to Shipley town centre and public transport connections including train and bus. This would potentially reduce the amount of trips by car. There has recently been residential development of flats alongside the canal in the mixed use area adjacent to the south of the site and the canal-side setting of the application site could provide an attractive location for the development of residential units.

18. Moreover, the principle of housing being located in Shipley is supported by the Regional Spatial Strategy and Replacement Unitary Development Plan policy and settlement hierarchy which give priority to locating development within the main urban areas of Bradford/Shipley/Baildon. The proposal also supports the contribution to the housing delivery aims of national and regional policy and the housing requirement set out in the Yorkshire and Humber Plan.

19. A further material consideration to guide development principles of this site is the Airedale Master plan. The Masterplan identifies and advocates the site as forming part of a large mixed use area of Dockfield Road where an appropriate mix of uses would be 50 percent office and 50 percent residential split.

Density

20. Within the urban settlement areas and to accord with Planning Policy Statement 3 and policy H7 of the Replacement Unitary Development Plan, it is usual that a minimum density of 50 dwelling per hectare should be achieved. The proposal for up to 114 units would provide a density of up to 88 units which clearly complies with this requirement

Design/landscaping

21. Matters of detailed design and landscaping are reserved and as such do not fall within this application to be considered. Only matters of scale inform the design process at this stage in order to establish the principle of development within certain limited parameters across the site. The proposed development is between two and six stories in height. Whilst the majority of the immediate surrounding area consists of low rise industrial buildings, there is a 4 storey residential development to the south. There are also taller structures including chimneys to Regent Mill along Dockfield Road. The application is accompanied by a design and access statement in which the applicant states that "the scale of development has carefully been designed to create strong vistas, not to dominate or overpower the existing area... and that the form of the illustrative massing gives an indication of the contemporary approach to this development". The Local Planning Authority concurs with this argument and considers that a strong visual presence along the canal frontage along with aspects such as the green corridor and pedestrian access alongside the canal and the terraced housing forms are appropriate to this sensitive location. It is also considered that the relatively high density which may be achieved on the site makes efficient use of the land and helps to provide sustainable development. Illustrations at this stage show that buildings can be orientated within 40 degrees of due south to maximise solar gain and the possibilities of natural water heating technologies. As such, it is considered that the proposed scale of development up to six stories in height is appropriate and allows flexibility in the design of development at the reserved matters stage. As such, the proposal is considered to be in conformity with policies UR3, D1, BH7 and BH20 of the Replacement Unitary Development Plan.

Impact on the Leeds –Liverpool Canal Conservation Area

22. Government advice in Planning Policy Guidance Note no. 15 is that Local Planning Authorities should have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. Within Bradford district, it is acknowledged that there is a rich and diverse historic environment and policies within the Replacement Unitary Development plan seek to ensure that the essential characteristics of local distinctiveness and environmental identity are appropriately preserved. These elements are highly valued today for the positive contribution they make to the quality of the environment. Replacement Unitary Development policies include preserving the setting of a conservation area which is very important to its special interest. Settings are often planned to include gardens, grounds, views and vistas of the buildings best features as well as displaying its wider visual context

23. It is considered that the site will benefit from an intensive form of development, relating it to the urban area of Shipley, and the urban character of the canal frontages to the west of the site. Aesthetically, the key aspects are how the development is viewed from Dockfield Road, and from the canal, the primary public aspects. It is noted that the application seeks approval for only access and scale at this stage and it is considered that the proposed variety of scale proposed (between 2 and 6 stories in height) will allow for a future design with a strong physical and visual presence along the canal frontage. As such, the proposal is considered to both preserve and enhance the setting of the adjacent conservation area and to be in conformity with policies BH7 and BH20 of the Replacement Unitary Development Plan.

Impact on biodiversity

24. ODPM Circular 06/2005 to accompany Planning Policy Statement 9 Biodiversity and Geological Conservation states 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all material planning considerations may not have been addressed in making the decision.' In addition, Policy NE9 of the Replacement Unitary Development Plan seeks to ensure that the substantive nature conservation value of a site or adjoining sites is not damaged and that in order to protect wildlife habitats planning conditions/obligations will be attached to any permission granted to provide adequate mitigation and/or compensation measures.

25. The development is located immediately adjoining the designated Leeds Liverpool Canal SEGI. Ecological surveys have been submitted as part of this application and Natural England, West Yorkshire Ecology, The Environment Agency and Yorkshire Wildlife Trust have all made comments on the findings, the application site, its sensitivity and put forward ways of ensuring the conservation of biodiversity. It is considered that whilst the impacts of any proposed scheme are not fully known at this stage (until a detailed design is put forward for the site), a development of the scale of that proposed, can be acceptable if conditions are associated with this outline decision to ensure that the biodiversity

of the Leeds Liverpool Canal SEGI is adequately protected and biodiversity measures part of the reserved matters design process.

Effects on the surrounding locality including the World Heritage Site

26. The development is proposed within the the setting of the Saltaire World Heritage Site. Development up to six stories in height does have the potential to impact on key views out of the World Heritage Site; however, as this scheme is merely in outline with detailed design aspects reserved for a future application, it is considered there are no undue adverse impact which would arise out of the grant of outline planning permission on this site in the manner proposed. As part of a subsequent full planning permission application or reserved matters application the developer will be required to submit photomontages showing the impact of the development on views eastwards out of Saltaire towards the development from Victoria Road (over the Caroline Street allotments) and eastwards from Caroline Street and Titus Street

27. In general, it is considered that the proposed mixed use development of this site will help regenerate a part brownfield site by providing a development which will, in principle, preserve and maximise development of this key waterfront site whilst also enhancing the appearance of the adjacent conservation area. As such, no undue detrimental impacts will be created on the surrounding mixed locality. The proposal is considered to be in conformity with established planning policies.

Effects on the adjoining residential/commercial properties

28. Residential properties are sited to the north and south of the application site on the other side of Dockfield Road and Dock Road. It is considered that no undue loss of amenities would be created on any of these properties as they are proposed to be sited at least 22m away from any potential property on the site. Similarly whilst there are several businesses in Dockfield Road, these are located on the opposite side of Dockfield Road, beyond the Leeds - Liverpool Canal. As such, it is considered that the proposal complies with policy UR3 of the Replacement Unitary Development Plan.

Highway Safety

29. Whilst the application is in outline, the means of access to the site is to be considered and an illustrative scheme which indicates the scale of the proposed development – a 7500+ sqm commercial building and up to 114 dwellings all with associated parking. It is noted that the current accesses to the site both from Dock Lane and across the swing bridge are not good which is why the Employment Land Review indicates that the employment site should be re-allocated due to the constraints and access issues.

30. There is no highway objection in principle to this mixed use development. A Transport Assessment and Travel Plan have been submitted as part of the application. Further amendments to these documents have also been submitted

and in order to mitigate the highway impacts of the scheme the following mitigation measures are proposed: metro cards for each residential unit, strengthening of the travel plan to include car parking management strategy, provision of two bus shelters on Leeds Road and a contribution towards improved lighting under the railway bridge on Dock Lane. These measures in addition to the provision of Traffic Regulation Orders are considered to go some way to encouraging public transport usage and discouraging car trips.

31. The Travel Plan promotes the integration of travel modes, to improve the accessibility of the site by means other than the single person occupied car, to ensure that the travel plan framework meets the needs of the residents and employees, to make residents and employees aware of the benefits to be derived from the travel plan, to minimise the level of vehicular traffic generated by the development and to enable the development to protect and enhance the environment as far as practically possible. It is considered that the provision of a travel plan will ensure that the development of this site in the mixed use manner proposed encourages, as far as practically possible, sustainable practices in this location in accordance with Planning Policy Statement 1 and Planning Policy Guidance Note 13. A condition regarding the implementation of a travel plan for this development is suggested on any permission granted.

32. An internal spine road is proposed along the eastern boundary of the site which is adjacent to the railway line. Parking is shown in small courtyards, but it should be noted that layout is not to be considered as part of this application. The indicative scheme does however highlight that a suitable design philosophy for a detailed scheme can be put forward in order is to create a high quality pedestrian area in this space via the provision of a footway which leads along the Canal frontage and an area of public open space. . Suitable surface treatments and turning heads can be provided throughout the site along with sufficient parking. As such, it is considered that the scheme for the development of the site in the manner proposed is acceptable in highway terms, will not unduly prejudice highway and pedestrian safety and will accord with policies TM2 and TM19A of the Replacement Unitary Development Plan.

Other impacts

33. Flooding

There are no main rivers or ordinary watercourses within the site boundary or in the immediate vicinity of the site. The Leeds-Liverpool Canal forms the northern boundary. A flood risk assessment has been submitted with the application and the Environment Agency has no objections in principle to the development subject to conditions. Being attached to any permission granted.

34. Contamination

Former industrial/manufacturing uses have been evident on the site. A Phase I contamination report has been submitted as part of this application and conditions are recommended (which include the submission of a Phase II

intrusive survey) to ensure that the site is remediated appropriately and development of this site is 'fit for purpose'.

35. Noise

The site is adjoining the main railway line along the Airedale corridor. In accordance with advice contained in PPG24, it is considered acceptable and appropriate to attach conditions to any permission granted regarding measures to improve sound insulation to the proposed residential properties. This will ensure that there is minimal conflict between the proposed residential uses and the established railway use.

S106 contributions/Heads of Terms/Use of conditions

36. 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, metro cards/transport infrastructure and educational contributions.

37. Policy H9 of the Replacement Unitary Development Plan seeks to achieve affordable housing provision within development sites in Airedale of 30%. 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. The applicants have argued however that falling values of both residential and commercial property could have a serious impact on the viability of the scheme as a whole. These comments about viability of the scheme will be addressed at the end of this section.

38. 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. Whilst some recreational space is shown on the indicative layout, in line with current standards a commuted sum of £124,500 would be required.

39. Further development contributions also include: -

(i) Metro cards and public transport infrastructure investments in order to promote sustainable modes of transport. Usually, one metro card is provided per unit with the developer paying 50% of the list price (+ 10% administration charge) for the first year of occupation of the unit. The funding of two bus shelters on Leeds Road and a contribution towards improved lighting under the railway bridge on Dock Lane are also offered as part of the scheme to encourage use of public transport. In addition, the funding of Traffic Regulation Orders (both inside and outside the development site) has been proposed.

(ii) 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 both primary and secondary level, are full and a contribution of £157,664 is therefore sought. It should be noted that this figure relates to the proposed houses on the site and does not include the flatted element of the scheme.

40. 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: -

- Payment of off site recreation contribution to be used in the near locality;
- Provision of full details of arrangements for the provision of affordable housing on the site;
- Payment of a contribution to increase educational facilities in the locality, and;
- The funding of a metro card (for train and bus) per residential unit for zones 1-3 for the first year of occupation of the unit;
- The funding of Traffic Regulation Orders (both inside and outside the development site);
- Provision of two bus shelters on Leeds Road
Contribution toward improved lighting under the railway bridge (or nearby vicinity) on Dock Lane

41. Although no financial appraisal of the potential scheme has been submitted by the applicant, they have argued generally that the market situation in Shipley suggests that sales values for both residential and commercial developments have fallen. It is argued that these falling values have a serious impact on the viability of the scheme as a whole as there has not been a comparable decrease in build costs over the same period. Therefore, in order to regenerate and re-use this site as part of a variable scheme, Adare Lexicon (the applicants) request that the Council take the current market situation into consideration and benefits the site would bring when re-used in setting the requested level of S106 contributions. The applicants solicitor stresses that this in an outline application being made on behalf of the owners of the land and premises rather than a proposed developer and it is therefore essential that any obligations to be included in the Agreement will enhance rather than hinder the likelihood of the final development of the site.

42. The applicants have essentially requested that the council exercises a flexibility of approach in assessing the obligations to be inserted in any Agreement given the precise details of the development will not be known until an application is submitted in the future (e.g. for approval of Reserved Matters). The applicants have requested that affordable housing, education and recreation

contributions are finalised at the reserved matters stage when the form of development is confirmed.

43. It is considered that whilst the Local Planning Authority is clearly mindful of the present market situation, the current application is in outline only and has no undue abnormal costs e.g. land contamination involved with the development of the site. Furthermore, there is no timescale attached to when any development might take place on the site. As such, it is clearly prudent for the Council to pursue a s106 legal agreement in the usual manner on this site as it would be rather difficult to assess the value of a development when the form of that development remains unknown, the timescale of the start of the development was unknown and as such the building/material costs were also unknown. If development were to be actively pursued in the form of a reserved matters application the above s106 matters could be reassessed in light of development conditions at that time and a deed of variation to the existing s106 agreement applied for if a case for different contributions could be proven. Similarly if a full application were to be submitted any such application would consider a development appraisal which related to conditions at that particular time.

Community Safety Implications

44. As the scheme is in outline only, it is considered that issues of detail with regard to (i) defensible space and the clear definition, differentiation and robust separation of public, private and semi-private space including appropriate boundary fences; (ii) access control and postal arrangements to the communal buildings; and (iii) lighting of the development can be satisfactorily resolved when the reserved matters application is submitted. Overall, the proposal will accord with the spirit of policy D4 of the Replacement Unitary Development Plan.

Comments on the letter of representation

45. The issues raised have been covered within the highway section of above report. It is suggested that conditions are attached to any permission granted to ensure that full details of construction traffic management are submitted to and agreed in writing by the LPA prior to the commencement of any development on the site.

Reasons for the Grant of Planning Permission

The development of this site with a well conceived mixed use residential and business scheme is considered a beneficial reuse of an underutilised and visually unattractive site that gives the opportunity to provide a sustainable pattern of housing and commercial development within the existing urban fabric of Shipley. The effect of the proposal on the conservation area, the Site of Special Ecological Interest, the surrounding locality and the adjacent neighbouring properties has been assessed and is acceptable with the scheme, in principle, providing a positive enhancement of the conservation area and the waterfront. The provision of an access in the manner and location proposed is appropriate and parking provision has been made to accord with the sustainable location of

the development and the mitigation measures to encourage public transport usage. As such, the proposal, whilst failing to fully comply with policies E1, E3 and E6 of the Replacement Unitary Development Plan, is considered acceptable in that it proposes a mainly employment use (B1) on an allocated employment site, allows for the redevelopment of a heavily constrained employment site with employment uses (B1), allows for the redevelopment of a Brownfield site in a sustainable location by the delivery of a mixed use scheme. Overall, it is considered that the provision of a mixed use scheme in the manner proposed is in conformity with the principles outlined within the Replacement Unitary Development Plan.

Approval is recommended accordingly subject to a section 106 legal agreement and the following conditions: -

Conditions of approval

1. Application for approval of the matters reserved by this permission for subsequent approval by the LPA shall be made not later than the expiration of three years beginning with the date of this permission
2. Time limits on commencement of work – within the expiration of five years from the date of this notice or the expiration of two years from the date of the approval of the matters reserved by this permission.
3. Before any development is begun plans showing the appearance, landscaping and layout must be submitted to and approved by the LPA
4. Removal of permitted development rights – classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning Order (as amended)
5. The development hereby permitted shall not be commenced until such time as a scheme to improve the existing surface water disposal system has been submitted to, and approved in writing by, the Local Planning Authority. Sustainable Drainage Systems (SUDS) should be utilised to reduce the existing peak surface water run-off rate by at least 30% up to and including 1 in 100 year return period rates. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.
6. Drainage – foul and surface: to be provided before development commences
7. The landscaping and layout reserved matters application will be accompanied by a management plan covering all areas of public open space; the canal corridor within the proposal site; and any compensation habitat outside of the proposal site. This will set out the biodiversity objectives for each area and prescriptions for maintaining and enhancing the ecological interest. It should also include long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens). The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local

planning authority.

8. Any noise from fixed plant/ machinery at the proposed commercial blocks A&B shall not exceed 34dB (A) when measured at the nearest residential premises between the hours of 07:00 and 23:00 and 26dB (A) between the hours of 23:00 and 07:00.

9. For habitable rooms facing Dock Lane, double glazed units shall be installed consisting of the following specification to meet both BS8233 "Good" and $L_{AF\ max}$ criteria for the night time period (1900 -0700) only:

Living rooms 4mm glass – 12mm airspace – 4mm glass

Bedrooms 6mm glass – 8mm airspace – 6.4mm acoustic laminate

10. For habitable rooms facing Dockfield Road and the railway line, double glazed units shall be installed consisting of the following specification to meet both BS8233 "Good" and $L_{AF\ max}$ criteria for the night time period (1900-0700) only:

Living rooms 4mm glass – 12mm airspace – 4mm glass

Bedrooms 4mm glass – 12mm airspace – 4mm glass

11. Hours of construction including demolition shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays and 0730 and 1300 on Saturdays and at no time on Sundays and Public Holidays, unless specifically agreed otherwise in writing by the LPA.

12. No development shall take place until plans detailing arrangements for access; layout and parking shall be submitted to and approved by the LPA

13. The areas to be used by vehicles including parking, loading and unloading areas shall be surfaced, sealed and drained before the development is occupied/brought into use and thereafter retained to the satisfaction of the LPA

14. The garage or parking space intended to serve the dwellings shall be provided and the parking spaces shall be drained, sealed and surfaced in accordance with details to be approved by the LOA before the dwellings are occupied and shall not thereafter be used for any purpose other than parking and turning of vehicles

15. Prior to construction commencing, a schedule of the means of access to the site for demolition/construction traffic shall be submitted to and approved in writing by the LOA. The schedule shall include the point of access for demolition/construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule through the period of construction.

16. Prior to development commencing, a details scheme for the proposed new junction of the estate road with Dock Lane shall be submitted to and approved in writing by the LPA. The scheme shall include full section, details of speed reducing features, construction specifications, drainage workings, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work, unless otherwise agreed in writing by the LPA all of the agreed works shall be implemented before any part of the development is first brought into use.

17. Full details of a phasing plan for the development shall be submitted and approved in writing by the Local Planning Authority before commencement of development. As part of the phasing on the site, the approved employment units shall be built and be ready for occupancy prior to the occupation of 30% of the dwellings or as may be agreed in writing by the LPA.

18. Development to be carried out in full accordance with amended travel plan details or as may be agreed in writing by the LPA.

19. As part of any reserved matters submission and prior to development commencing, a bat survey shall be submitted to the LPA for consideration and approval. If the survey shows that mitigation measures will be required, such works shall be carried out prior to development commencing, or in accord with a timetable agreed with the LPA.

20. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(i) A preliminary risk assessment that has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

(ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved

21 Prior to development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

23. The site shall only be developed for the mix of uses shown on dwg. M2980(PL) 11 (schematic) submitted on 08 December 2008. For clarification, not less than 0.8 hectares (net developable area) of the site shall be developed for employment use with a minimum of 7563 sqm of commercial floorspace.

24. There shall be a minimum of 75 dwellings but a maximum of 114 dwellings on the site.

25. The landscaping and layout reserved matters applications will be accompanied by a detailed ecological assessment which sets out the measures to be taken to ensure that the impact on biodiversity is minimized. This will set out how avoidance, mitigation, compensation and enhancement measures will contribute towards the conservation of biodiversity of the Leeds Liverpool Canal SEGI and associated wildlife corridor in the proximity of the proposal site.

26. The landscaping and layout reserved matters applications will include measures for surface water attenuation which will reduce run-off by 20% from existing rates (including an allowance for climate change) from that of the current proposal site. It will incorporate at least one wetland feature with habitat links to the canal, which serves the dual function of water attenuation and wildlife refuge.

27. Permitted development rights removed for walls and fences without the prior agreement in writing of the LOA.

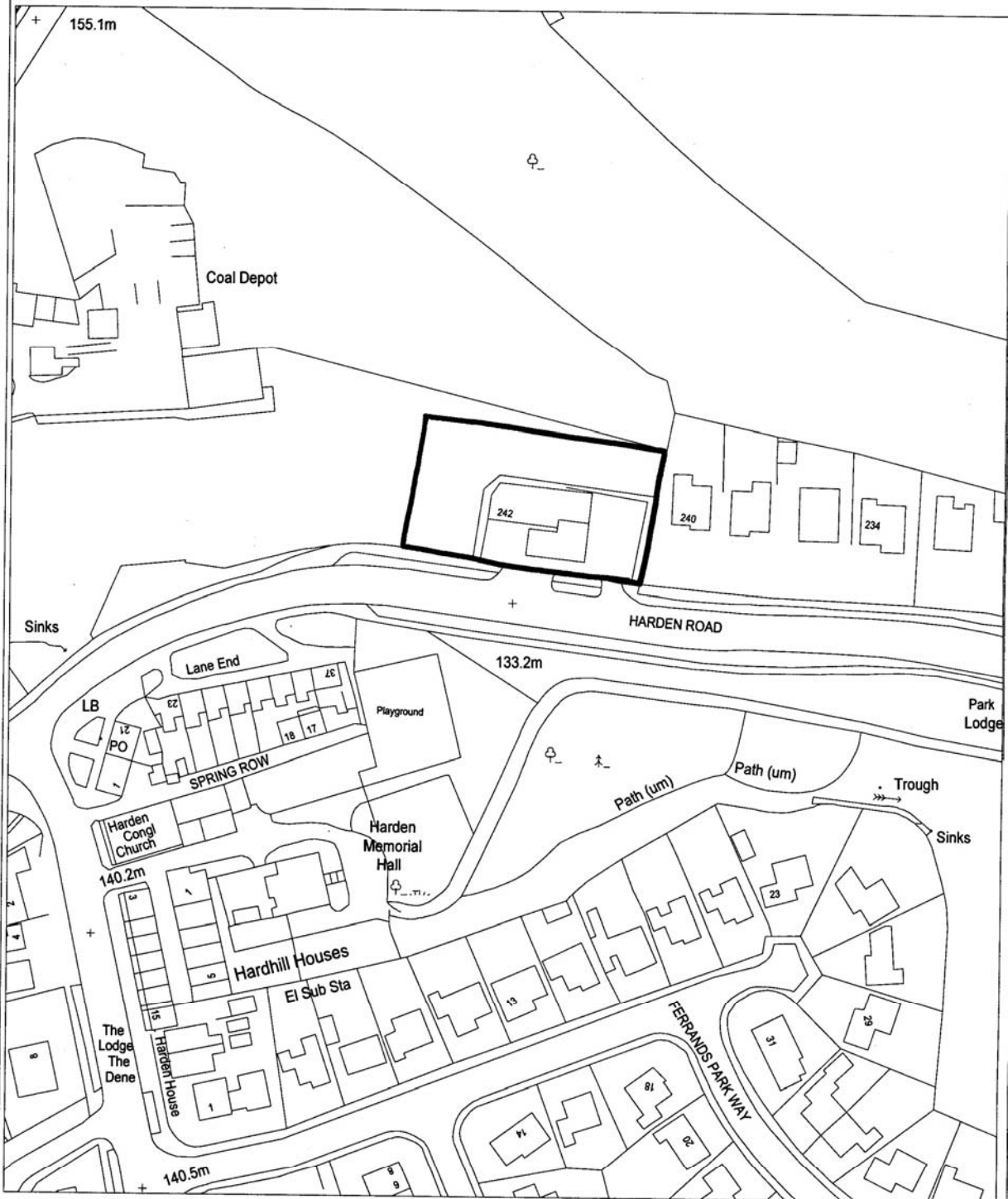
28. The development shall not begin until a plan showing the positions, design and materials of boundary treatments has been submitted to and approved in writing by the LPA. The treatments so approved shall then be provided in full prior to the first occupation of the buildings/dwellings and shall thereafter be retained.

Heads of terms of agreement

- Payment of off site recreation contribution to be used in the near locality;
- Provision of full details of arrangements for the provision of affordable housing on the site;
- Payment of a contribution to increase educational facilities in the locality, and;
- The funding of a metro card (for train and bus) per residential unit for zones 1-3 for the first year of occupation of the unit;
- The funding of Traffic Regulation Orders (both inside and outside the development site); ,
- Provision of two bus shelters on Leeds Road
Contribution toward improved lighting under the railway bridge (or nearby vicinity) on Dock Lane

SHIPLEY AREA PLANNING PANEL

DATE
7 MAY 2009



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LOCATION

ITEM No. 2

GRANIC FILLING STATION, HARDEN LANE, HARDEN

7 MAY 2009

ITEM No: 2
WARD: BINGLEY RURAL
RECOMMENDATION: THAT PLANNING PERMISSION BE REFUSED.
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.

The item is referred to Panel for consideration by a Ward Councillor

Application No: 08/06823/FUL

Type of Application/Proposal & Address:

Full planning permission is sought for the redevelopment of the existing Granic Filling Station at 242 Harden Road, Harden, Bingley to provide eight x three-storey three-bedroom houses.

The proposed development would comprise two rows of four houses in stone and slate, set back from Harden Road behind a 1 metre high dry stone wall. Each house would benefit from a private rear garden accessed from first floor level due to the change in levels. The two existing vehicular accesses to the filling station would be closed off. A single new access would be formed in the centre of the site frontage, leading to a shared vehicular access and turning head which, in turn, would serve the driveway and integral garage within each house.

Site Description:

The site comprises a filling station and adjacent land on the north side of Harden Road at the northern edge of the village. The site is opposite the recreation ground which lies to the south across the road. The filling station comprises a flat roofed canopy covering two pumps with a sales kiosk behind. To one side is a large repair garage used in conjunction with a domestic oil supply company. The filling station is set in to the hillside and is bound on the west, north, and eastern sides by stone retaining walls. The application site includes additional grassland on the west and north sides above the retaining walls.

Abutting the site to the east at an elevated level is a row of detached bungalows fronting Harden Road. These dwellings are set in good sized, well-planted gardens, some with basement garages dug into the ground. From this eastern approach to the village along Harden Road, the site is seen against rising grazing land which extends to Keighley Road, beyond which is housing including three storey premises on the site of former mill premises.

To the south west of the site is a row of cottages set low to the road. The site is not within or adjacent to a conservation area and contains no listed buildings or protected trees.

Relevant Site History:

07/03317/FUL – Planning permission for four x three-storey, five-bedroom detached houses, each with two car parking spaces (one in an integral garage), granted 5th July 2007.

Unitary Development Plan (UDP) Proposals & Policies:

The majority of the site (i.e. the area occupied by the filling station) is unallocated on the Replacement Bradford Unitary Development Plan (2005). That part of the site which sits on top of the retaining walls is designated as Safeguarded Land. Relevant policies include:

UDP 1 – Promoting sustainable patterns of development

UDP3 – Quality of built and natural development

UR3 – The local impact of development

UR5 – Safeguarded land

H7 – Housing density

D1 – General design considerations

D4 – Community safety

D5 – Landscaping

CF5 – Protection of rural shops and community facilities

P4 – Contaminated land

TM2 – Impact of traffic and its mitigation

TM12 – Parking standards for residential developments

TM19A – Traffic management and road safety

Town/Parish Council:

Harden Parish Council - the proposal would be an overdevelopment of the site, out of keeping with the character of the area, and would create traffic and parking issues to add to problems already encountered at that point. It was considered that there was inadequate parking within the site and this would likely lead to vehicles parking on the highway. It was noted that existing householders already had difficulty entering/exiting their premises at times due to the traffic flow.

Publicity, number and summary of representations:

The proposal was advertised as a departure to the development plan by neighbour letters and site and press notice. The expiry date for receipt of representations was 20th February 2009.

Five letters of objection have been received. Concerns can be summarised as follows:

- Inadequate parking provision – The provision of 2 car parking spaces per house includes a garage per property but people tend not to park in garages. Coupled with the lack of parking provision for visitors, this is likely to lead to cars parking on Harden Road close to a mini roundabout and bus stop, in addition to existing on street parking by residents of Long Row. This would obstruct visibility for neighbours entering and leaving Harden Road which is busy and subject to speeding vehicles and would be dangerous for pedestrians and road users.
- Overdevelopment – Eight three-storey houses would appear cramped, overpowering and out of keeping with the area. The proposal would be more than the site and road could handle.

- Residential amenity – being forward of the bungalows at 234 – 240 Harden Road, the proposal would restrict westward views, particularly from 240 which would face on to a solid stone wall.
- In the current market the properties could stand vacant for some time being subject to vandalism and theft.

There was general support amongst respondents for the extant permission for four detached houses which, it is considered, would be more suitable for the locality and better able to cope with parking pressures having more space around them.

Consultations:

Environmental Health Scientific and Technical Services – There are high levels of hydrocarbon contamination present on site. A remediation method statement is required to show how this issue is to be addressed, followed by a comprehensive verification report on completion of development illustrating how remediation has been carried out prior to discharge of any condition(s) which should be set regarding site contamination.

Drainage – Separate drainage system required within site boundary. Details of foul and surface water drainage required. No change to overland surface water flow patterns to the detriment of adjacent landowners.

Highways – The proposal is acceptable subject to standard conditions.

Summary of Main Issues:

The main issues to be considered relate to i) the principle of development, ii) general amenity and local character, iii) residential amenity, iv) land contamination, and v) traffic and pedestrian safety.

Appraisal:

The main issues will now be considered.

i) Principle of development

The extant permission has established that the residential redevelopment of this site is acceptable in principle.

Part of the site is safeguarded land under RUDP policy UR5. Such land is defined in the development plan as land between the built up area and the green belt which is safeguarded since it may be required for longer term development needs. This provision arises from PPG2 – Green Belts and is intended to ensure that existing green belt boundaries can remain unaltered well beyond the plan period. Policy UR5 prohibits development of such land where it would prejudice the potential longer term need to utilise the land for housing or employment purposes. During the plan period development will be restricted to that which is necessary for the operation of existing uses.

In this case, permission already exists for residential development on the safeguarded land which forms a minority part of the application site. Further, it is not considered that the proposed development would – in principle – necessarily prejudice future development of the wider safeguarded area were its safeguarded status to be changed. For these reasons, it is not considered that the modest area of safeguarded land included within the application site area should, in itself, prohibit this current development.

Because development of safeguarded land represents a departure from the RUDP, the application should be determined by the Regulatory and Appeals Committee.

ii) General amenity and local character

The extant permission comprises four large detached houses spread across the full width of the application site and set in to the hillside. The height of the houses was set at the same height as the adjacent bungalow (240 Harden Road). The four houses each have space around them and views would be available between them to the hillside beyond. Given this, and since the contours of the fields abutting the site provide natural screening to the lower part of the dwellings, it was not considered that the development would appear obtrusive, nor that the massing of the dwellings would be out of keeping with their surroundings. It was also accepted that the appearance of the development would represent a visual improvement over the existing filling station.

Adjacent residential development on the north side of Harden Road is characterised by low density bungalows set in good sized and well-stocked gardens. The impression when approaching Harden from Bingley is of low-rise, low-density residential development set against rising countryside and trees. Views above, between, and beyond the existing dwellings very much characterise this semi-rural aspect that dominates the approach to the village and which is continued on the south side of Harden Road where the park also presents an open, treed, aspect. Being set behind landscaped front boundaries, with deep recessed elements set well back behind the main front gable features, and with a 'permeable' façade across the site (allowing views through to the rear), the extant scheme – with a residential density of 25 dwellings per hectare - would represent a more appropriate continuation of the existing residential development.

The current proposal seeks to double the number of units on the site, resulting in a density of 50 dwellings per hectare which is at the top of the range (i.e. 30 – 50 dwellings per hectare) sought by RUDP policy H7. Rather than four detached houses, two rows of four houses would be provided with a one metre gap between the rows and a reduced distance between the proposed side elevation and 240 Harden Road (reduced from 1.65 to 1.07 metres at the closest point) where a gable rather than hipped roof arrangement would face the neighbour. The overall height of the houses would be the same as approved (9.3 metres to the ridge) but there would be less articulation and a greater sense of mass since the main bulk of the rows would be set back by only 2 metres from the projecting gabled elements as opposed to 7 metres in the approved scheme.

Despite being set further back into the site from Harden Road (by 1 metre at the nearest point), the proposed development would present an unrelieved three-storey wall of development to the street in stark contrast to adjacent bungalow development and the lower-density approved scheme. Views through the site would not be possible and the semi-rural aspect of the site – which is retained even despite the presence of the filling station – would be lost. It is not considered that the welcome proposal to provide a dry stone boundary wall and tree planting to the frontage would satisfactorily overcome these concerns.

It is noted that there is terraced and three-storey development within sight of the proposed development, including recent development on Keighley Road and the low, historic Spring Row. However, this recent three-storey development reflects the scale of former mill buildings and there is a precedent for such scale. Further, this development is seen against, and as part of, the wider built-up village centre rather than an open area of

countryside. As such, it is not considered that the scale and form of this nearby development should act as a precedent for the current proposal which conflicts with RUDP policies UDP3, UR3, D1.

iii) Residential amenity

Neighbours have expressed concern that their outlook and amenity would be adversely affected by the development since it would project forward of the existing bungalows at 228-240 Harden Road. The proposed development would project forward of the nearest bungalow by 1.25 metres. This is less than the extant scheme where the projection is 4.6 metres, although at a distance of 1.65 metres from the boundary as opposed to 1.07 metres in the current scheme. It is not considered that this forward projection of the proposed development would result in unacceptable detriment to the amenity of neighbours through loss of outlook, or as a result of overlooking. In these respects, the proposal would accord with RUDP policies D1 and UR3.

The proposal has been amended in order to increase the size of some rear gardens which would otherwise be unacceptably limited. The revised extent of external amenity space and the standard of internal accommodation are sufficient to ensure that the proposed dwellings comply with RUDP policy D1.

iv) Land contamination

Being a petrol filling station there is a high level of hydrocarbon contamination present on site as verified by the submitted phase 2 investigative site survey report. Environmental Protection confirm that development would need to be subject to a remediation method statement confirming how this issue was to be satisfactorily addressed. This would need to be followed - on completion of development - by a comprehensive verification report illustrating how remediation had been carried out. Were development acceptable, then these issues could properly be dealt with via a condition sufficient to meet the requirements of RUDP policy P4.

v) Traffic and pedestrian safety

The proposal exceeds RUDP requirements by providing two car parking spaces per unit.

Each house would be served via a shared access road and turning head with a single access from Harden Road. This is preferable to the existing filling station and the approved scheme which has – or would maintain – two vehicular access points. The concerns of neighbours are noted. However, given the satisfactory amount of parking provision, and subject to standard conditions (requiring the provision of access, turning, and parking areas before occupation; no outside storage except in designated areas; adherence to an approved construction plan; and maintenance of the site access and internal road to an adoptable standard) it is not considered that the proposal would prejudice traffic or pedestrian safety to any unacceptable degree. As such, the proposal complies with RUDP policies TM2, TM12 and TM19A.

vi) Other matters

In terms of 'Secured by Design', the proposal includes external rear access to four houses. Such access is sensible in a practical sense but could have implications for crime and security if not properly secured. Conditions could ensure that appropriate measures were employed to satisfy RUDP policy D4 were the development acceptable.

Community Safety Implications:

These issues are considered above.

Conclusion:

Residential development on this site is considered to be acceptable in principle. However the specific proposal would fail to maintain or enhance the existing character and quality of the street scene and immediate vicinity by introducing an overly dominant, insufficiently relieved, three-storey wall of development across the majority of the 50 metre frontage which would be in stark contrast to adjacent lower-density residential development and, by blocking countryside views through and across the site, would be detrimental to the semi-rural aspect and character of the site. As such, the development conflicts with policies UDP3, UR3, and D1 of the Replacement Bradford Unitary Development Plan (2005).

Recommendation:

That Regulatory and Appeals Committee be recommended to refuse planning permission for the following reasons:

1. The proposal represents an overdevelopment of the site. It would fail to maintain or enhance the existing character and quality of the street scene and immediate vicinity by introducing an overly-dominant, insufficiently-relieved, three-storey wall of development across the majority of the 50 metre frontage which would be in stark contrast to adjacent lower-density residential development and, by blocking countryside views through and across the site, would be detrimental to the semi-rural aspect and character of the site. As such, the development conflicts with policies UDP3, UR3, and D1 of the Replacement Bradford Unitary Development Plan (2005).

7 MAY 2009

Item No: 3
Ward: BAILDON
Recommendation: THAT THE PETITION BE NOTED

Application No: 09/00627/COU

Address/Description of Development;

Change of use from public highway to residential curtilage and installation of wrought iron gates at Langley Lodge, Station Road, Baildon.

Report:

A petition in objection signed by 97 people has been received in respect of the above proposal. The petition organiser collected the signatures at Baildon Station, on Fairfield Drive and in the village centre.

The primary objection cites the loss of a direct well-used pedestrian route to and from the station. In addition to rail commuters and schoolchildren, local residents have used this section of highway for many years.

A secondary objection raised by Baildon Local History Society relates to the loss of the ability to view Langley Lodge, a listed building, to the detriment to public amenity.

The planning application was recently refused under delegated powers for the following reasons:

1. The proposal would result in the loss of a well used direct pedestrian route to Baildon station which, with no suitable alternative provision being made within the site, would be contrary to Policies D6 and UR3 of the Council's Replacement Unitary Development Plan.
2. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular there is inadequate information on the detailing of any walling or railings to physically implement the road closure and future treatment of the unadopted highway. The impact of the development on the adjacent protected trees and setting of the listed building cannot be fully assessed. The proposal is therefore considered to be contrary to Policies BH4A and NE5 of the Council's Replacement Unitary Development Plan.
3. The proposed change of use to domestic curtilage could result in increased pressure to remove adjacent protected trees which are of high amenity value to the detriment of visual amenity and the character of the surrounding area. The proposal therefore conflicts with Policy NE5 of the Council's Replacement Unitary Development Plan.

Since the decision accords with the objectors' wishes, Panel members are asked to note the petition and the outcome of the application.

DECISIONS MADE BY SECRETARY OF STATE

Item No	Ward	Location
APPEALS ALLOWED		
N/A		
APPEALS DISMISSED		
4	Shipley	<p>45 Saltaire Road, Shipley</p> <p>Appeal against enforcement notice issued for the unauthorised installation of externally mounted roller shutter boxes to front and side elevations. Requirements of the Notice are to: Remove the unauthorised externally mounted roller shutters; Remove the unauthorised roller shutter boxes; Remove all resulting materials from the land; Make good any damage caused to the building.</p> <p>Appeal dismissed and enforcement notice upheld.</p> <p>08/00207/APPENF</p> <p>Period for compliance: 14 days</p>

7 MAY 2009

Item Number: 5
Ward: BINGLEY (02)
Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference:
07/01488/ENFUNA

Site Location:
19 Gilstead Lane, Bingley

Alleged Breach of Planning Control

Unauthorised erection of a raised timber platform with enclosing rail and supporting structure

Circumstances:

In November 2007 the Council received an enquiry regarding alleged unauthorised development works at the rear of the property.

An inspection was made and it was noted that raised timber platform had been erected at the rear of the property, for which planning permission was required. The owner was contacted regarding the matter and a retrospective planning application for the raised timber platform, reference 08/02071/FUL, was submitted. The retrospective planning application was refused by the Council in May 2008.

No appeal was made against the Council's decision to refuse to grant retrospective planning permission and the owner was requested to demolish the unauthorised raised timber platform. No action was taken within the given timescale, therefore on 2nd February 2009 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to take Enforcement (Legal) Action as the unauthorised raised timber platform is detrimental to residential amenity by virtue of its height and position, contrary to Policies UR3 and D1 of the Council's adopted Replacement Unitary Development Plan.

An Enforcement Notice was issued by the Council on 31st March 2009. The Notice requires that the unauthorised raised timber platform, enclosing rail and supporting structure be removed from the property by 2nd June 2009, unless an appeal is made beforehand.
