

## REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON 18 JUNE 2009

# A

### 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 to be referred to the Regulatory and Appeals Committee for determination, an application recommended for approval under Regulation 3 of the Town and Country General Regulations 1992 four decisions made by the Secretary of State, and an enforcement enquiry closed by the Planning Manager (Enforcement & Trees) as Not Expedient to Pursue

The sites concerned are:

1	Lexicon, Bankside, Dock Lane, Shipley	Page 2	<b>Shipley</b>
2	Kirklands Community Centre, 119 Main St., Menston	Page 24	<b>Wharfedale</b>
3	93-93A Bradford Road, Shipley	Page 32	<b>Shipley</b>
4	Viewlands, 2 Langford Road, Burley in Wharfedale	Page 32	<b>Wharfedale</b>
5	The Manor, Sutton Drive, Cullingworth	Page 32	<b>Bingley Rural</b>
6	The Croft, Burley Road, Menston	Page 32	<b>Wharfedale</b>
7	Not expedient to pursue site(s)	Page 33	<b>(Shipley)</b>

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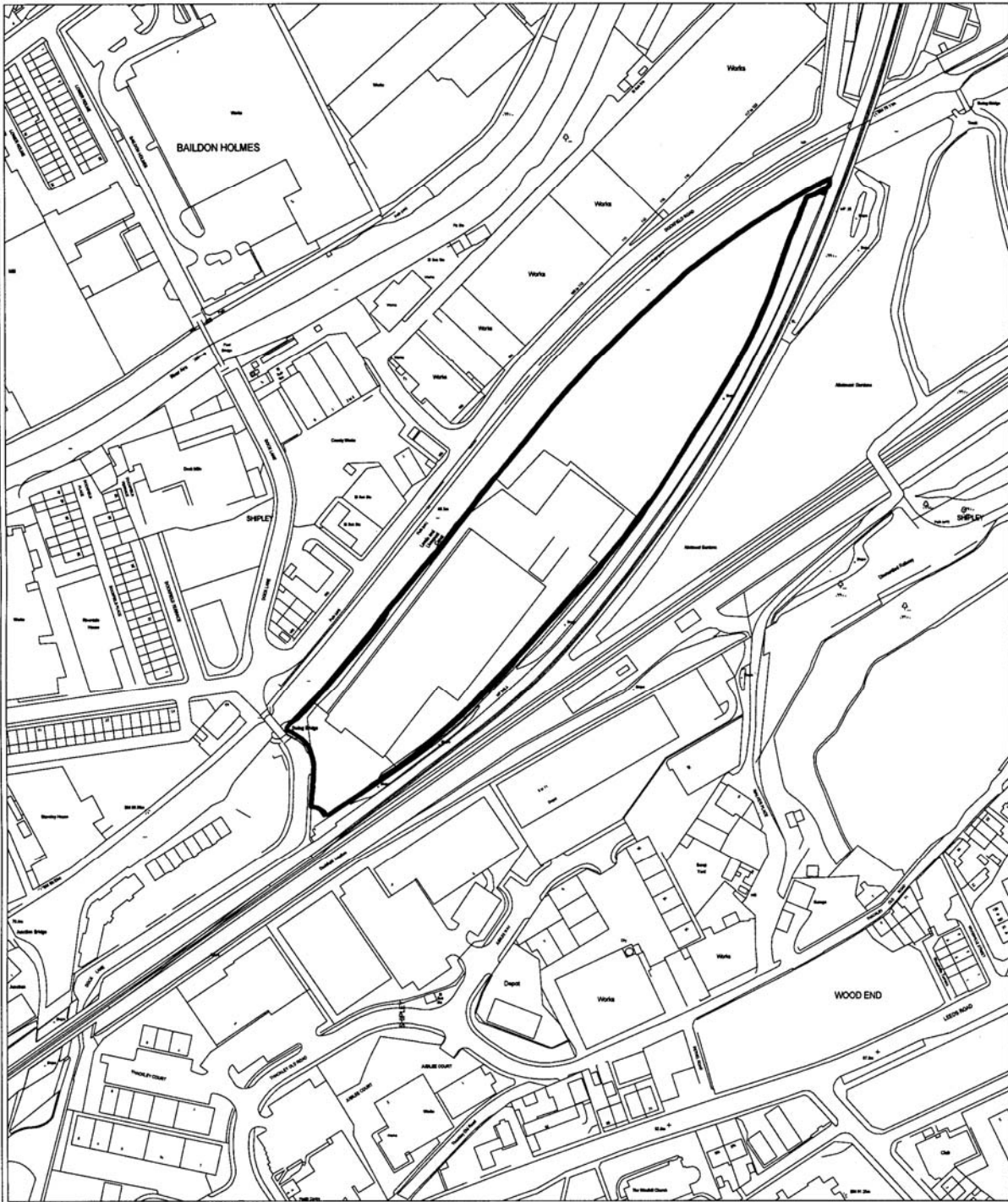
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# SHIPLEY AREA PLANNING PANEL

DATE  
18 JUNE 2009



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**ITEM No. 1**

LOCATION

**LEXICON, BANKSIDE, DOCK LANE, SHIPLEY**

## **SUMMARY STATEMENT - PLANNING APPLICATION: 08/07200/OUT**

(Please note that a comprehensive planning report dealing all the issues is attached to this statement)

**The development site:** Lexicon, Bankside, Dock Lane, Shipley

**Type of Application:** Outline application with only access and scale to be considered

**The Proposal:** Demolition of an existing commercial building and construction of mixed use development including commercial and residential development and associated access roads

### **The Facts:**

This 2.0 hectare site adjoins the Leeds-Liverpool Canal Conservation Area

The whole site is located within an employment zone

Part of the site is also an allocated employment site

The remainder of the site has an existing employment use on it

The proposal is for a mixed use scheme of commercial and residential uses

The Employment Land review (a document commissioned by the Council to give up to date evidence of the suitability of existing allocated employment sites) advises that the site is poorly located for employment uses due to the access constraints

The Airedale Master Plan advises that the site should be redeveloped with a mix of residential and commercial uses

### **Main Issues to be considered:**

Whether it is considered appropriate to develop the site with a mix of residential and commercial uses instead of just commercial uses

The impact of the proposed mix of uses on the Leeds-Liverpool Canal Conservation Area

The impact on biodiversity on the site and the adjoining Canal area

Effects of the mixed use scheme on the surrounding locality

Highway safety – whether the form of mixed use development proposed at the site is acceptable in highway terms

Overall, whether this proposed mixed use scheme in the urban area of Shipley, in close proximity to several modes of transport provides significant regeneration benefits to this area of the District and as such whether it can be accepted as a departure to current Replacement Unitary Development Plan policies.

### **Recommendation:**

To recommend that planning permission is granted subject to conditions and a S106/278 agreement (details of which are outlined on paragraphs 37-44 of the attached planning report).

**DATE:** 18 June 2009

**ITEM No:** 1

**WARD:** SHIPLEY (22)

**RECOMMENDATION:** TO REFER THE MATTER TO REGULATORY AND APPEALS COMMITTEE FOR DETERMINATION WITH A RECOMMENDATION TO GRANT THE APPLICATION SUBJECT TO CONDITIONS AND A SECTION 106 & 278 AGREEMENT. THE APPLICATION MUST BE DETERMINED BY THE REGULATORY AND APPEALS COMMITTEE AS THIS IS A ALLOCATED 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. The north western part is also 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 29 May 2009. One representation has been received.

**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).

(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 policies E1, E3 and E6.

(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.

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 remains undecided as part of the outline proposal.

The western apex of the site demands a strong visual presence, promoting the development and making a positive visual statement. 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. 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.

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

(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.

(v) World Heritage Section - 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 *Saltaire 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 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. The nearest secondary school is Titus Salt School which is completely full. 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 = £521832 children x 6 year groups x 64/100 flats / 2 (flats) x £12688 = £48722 – TOTAL = £100905

If they are only 1 bedroomed flats then a contribution would not be required so the total would be £157664

(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 – 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 RUDP. Suggest conditions in any permission granted to ensure that there is an appropriate 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

Landscape

At present approximately half of this site is semi-natural open space. Birds, invertebrates and small mammals including bats are considered the most likely species to use this area of the site. 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 already identified in the Design and Access Statement the importance of using locally occurring native plant and tree species in the landscape proposals for the site. The accommodation of an 8m easement strip between the canal and any development will help to preserve the habitat along 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.

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 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 in the locality of three landfill sites. It is however considered that there are no significant concerns regarding the proximity of the above recorded landfill sites.

(xx) Metro - 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.

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 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.

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.

(xxi) British Waterways - The siting and orientation of new buildings should positively address the waterway by fronting the water and providing an attractive facade. The new buildings should overlook the waterway and any adjoining open spaces to provide natural surveillance and policing. In this respect we welcome the proposed layout which is orientated towards the waterway allowing views into and out of the development. The creation of a new waterfront walkway will also increase access and enjoyment of the waterway

Our main concern is highways and access issues i.e. the Dockfield Swing Bridge, which is owned and maintained by British Waterways. Access to the site is restricted from the north via Dock lane over the single lane swing bridge and from the south as Dock Lane narrows under the railway bridge.

(xxii) Airedale Master plan - The Airedale Master plan identifies the Dockfield Road area for mixed use and states:

Dockfield Road contains a diverse mix of printing, plastic, engineering and digital firms. The intention would be to build on these successful businesses reintroducing R&D and business incubator facilities. The mood of this area would be to create vibrant waterside mixed use sites.' 'There is also a need for affordable accommodation for graduates entering into the work place in the valley.'

In this context the proposals for the redevelopment of the site would be supported by the Partnership.

It should be noted that one of the key projects in terms of improving connectivity and helping to promote more sustainable travel in the area and in particular locations close to train and bus interchanges is the development of the Airedale Greenway which aims to make better use of the Leeds Liverpool Canal tow path to encourage more walking and cycling in the area and to better connect to the town centres

### **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 meet part 1 of E6. As such, 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, subject to appropriate conditions, which justify approval of development which does not meet the requirements of policy E6..

14. The mixed use developed proposal comprises over 7500 sq m of B1 office use outside the Shipley town centre. 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. 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; (iii) 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 as this scheme will aid the regeneration of this part of the District. Moreover, the development is within the urban area of Shipley and 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. The up to date Review document therefore 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 those 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 and 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 Master plan 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.

22. 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, BH10 and BH20 of the Replacement Unitary Development Plan.

### Impact on the Leeds –Liverpool Canal Conservation Area

23. 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

24. 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, both of which are 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, BH10 and BH20 of the Replacement Unitary Development Plan.

### Impact on biodiversity

25. 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.

26. 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

27. The development is proposed within the the setting of the Saltaire World Heritage Site. Development up to six stories in height may 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.

28. 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

29. 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 site 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

30. 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.

31. 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.

32. 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.

33. 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 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, TM11, TM12 and TM19A of the Replacement Unitary Development Plan.

#### Other impacts

##### 34. 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.

##### 35. 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'.

##### 36. 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

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

38. 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.

39. Policy OS5 of the RUDP requires that new residential development be required to make appropriate provision of or equivalent commuted payment for recreational open space. Whilst some recreational space is shown on the indicative layout, in line with current standards a commuted sum of £124,500 would be required. This contribution sum is based on the provision of a maximum of 114 units being provided on the site. If the number of properties submitted as part of any Reserved Matters application were to be less than 114, it is considered appropriate to reduce the contribution figure accordingly, to be based on the number of units actually built. As such, it is considered that any S106 legal agreement should be worded appropriately. It should be noted at this stage that it is considered appropriate to attach a condition to any permission granted to ensure that a minimum of 75 units is achieved at the site to ensure it is developed in accordance with minimum density standards.

40. 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.

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

- 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 50% of the cost 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

42. 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 applicant's solicitor stresses that this is 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.

43. 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.

44. 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. Moreover, it should be noted that aside from necessary infrastructure costs associated with the development, the S106 agreement can be worded to ensure that the recreation and education contributions can be dependent on the number of dwellings approved under the Reserved Matters application. Clearly the provision of affordable housing is based on a percentage of the number of units built on the site and therefore is not dependent on the number of units proposed under this application.

### **Community Safety Implications**

45. 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**

46. 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 considered acceptable as the scheme, in principle, provides 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 can be made to accord with the sustainable location of the development whilst mitigation measures will 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) and overall 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 five 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. Development to be carried out in full accordance with amended travel plan details or as may be agreed in writing by the LPA.

18. 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.

19. 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

20 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.

21. 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.

22. 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.

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

24. 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.

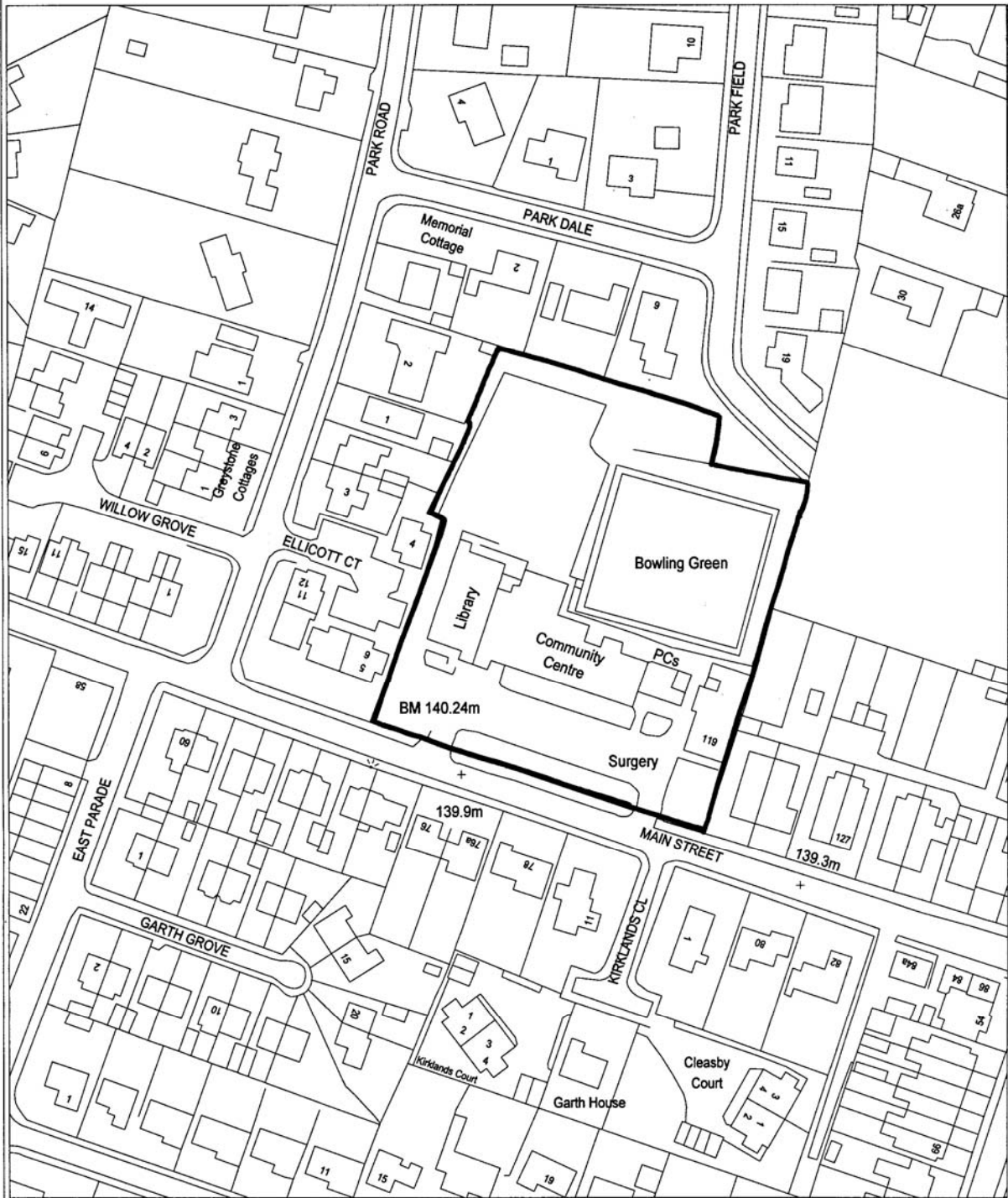
25. The development shall not begin until a plan showing the positions, design and materials of boundary treatments has been submitted to and approved in writing by the LPA. The treatments so approved shall then be provided in full prior to the first occupation of the buildings/dwellings and shall thereafter 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  
18 JUNE 2009



For reference only (Crown Copyright)

ITEM No. 2

LOCATION

KIRKLANDS COMMUNITY CENTRE, 119 MAIN ST., MENSTON



**DATE:** 18 June 2009  
**ITEM No:** 2  
**WARD:** WHARFEDALE  
**RECOMMENDATION:** TO GRANT PERMISSION SUBJECT TO CONDITIONS  
**Application No:** 09/01886/REG

**Type of Application/Proposal & Address:**

Regulation 3 application on behalf of Bradford Council (Early Years, Childcare and Play) to construct a single storey, rear extension to provide a new children's centre comprising activity room, office space, storage and toilet facilities; external play deck; reorganisation of parking areas at front and rear and resiting of recycling area at the rear of Kirklands Community Centre, Main Street, Menston.

The proposal has been amended with revised plans showing an amendment of the car parking and recycling bin layouts, and omission of proposals to extend car parking under mature trees on the site frontage.

**Site Description:**

The existing main building comprising Kirklands Community Centre is set back some 23.5 metres from Main Street. It occupies a large site with an open frontage containing large horse chestnut trees, grassed areas and planting, and parking for up to 29 cars. It provides a community centre and library and there is a small medical centre in a separate building at the eastern side of the site, with a bowling green, recycling facilities and overspill parking at the rear. The site is in a primarily residential area, in the centre of Menston. It is not located within the conservation area and contains no listed buildings.

**Relevant Site History:**

83/07552/FUL: permission granted for bottle bank.

94/00550/REG: Erection of garage. Granted

04/04607/REG: Granted, change of use of first floor flat at community centre into storage, changing room and rehearsal space.

09/00706/REG: Withdrawn (7 April 2009), previous application for similar extension to that now proposed, to allow for amendments and further consultations.

**Replacement Unitary Development Plan (RUDP):**

The site is unallocated in the RUDP. Relevant policies are:

UDP 3 – Quality of the built and natural environment

UR3 – The local impact of development

CF3 – Community uses

D1 – General design considerations

D5 - Landscaping

TM11 – Parking standards for non-residential developments

TM19A – Traffic management and road safety

NE4/NE5/NE6 – Trees and woodlands/Retention of trees on development sites/Protection of trees during development.

**Parish Council:**

Menston Parish Council recommends refusal on the grounds that the proposed extension would be too intrusive. It recommends that the plans are amended from a single storey to a two storey structure, with a smaller footprint and with a basement for storage facilities. The Parish Council also has concerns about the proposed parking provision, particularly the removal of some grass at the front of Kirklands, alleged effect on trees, and a

perceived threat to the memorial garden. They recommend that grassed areas adjacent to the medical centre and on the right hand side of Kirklands are included in parking areas.

### **Publicity and Number and Details of Representations:**

Notification was undertaken by means of site and press notices expiring 29<sup>th</sup> May 2005. 10 objections have been lodged by 8 local residents, Menston Arts Group and Menston Community Association.

A Ward Councillor has referred the application to Panel if recommended for approval.

### **Summary of Representations:**

Points of continuing concern or opposition from the Menston Community Association and neighbours can be summarised as follows:

- This facility is not needed in Menston – “it is the wrong site, and the wrong village”. It is unsuitable and is a waste of resources.
- If it is to be in Menston at all, Menston Hall should be used instead.
- The scheme will cause maximum stress, anxiety and disruption to local residents.
- The extension should be designed to take less of the site.
- Loss of some grass at rear to reposition the recycling area and risk of consequent loss of light adversely affecting the tree, plant and grass growth.
- Resiting the recycling area will create a nuisance, as it would be nearer to adjacent houses.
- Refuse area should not be next to boundary with house in Ellicott Court.
- Scheme creates areas suitable for young people to congregate and vandalise.
- Increased noise levels from children will affect library users.
- Alleged overlooking of an adjacent house.
- Possible adverse effect on war memorial garden, and loss of grassed areas at front because of alterations to the parking on the site frontage.
- Car parking would be inadequate. The proposed facility takes away car spaces and does not provide sufficient for its needs.
- There is existing congestion and on street parking on Main Street in the evenings particularly or at times of exhibitions. This will increase due to the extra activity and loss of car park spaces for the proposed building.
- If permission is given, parking restrictions on Main Street should be introduced.
- Assurances sought that the current buggy storage room would still be available by community groups/nursery.
- Alleged loss of shelf space by library.
- Objections to the design of the building - Dislike of render and “polished blockwork”.

### **Consultations:**

Highways DC - The amended layout is acceptable in highway terms. No objections in principle subject to standard conditions including provision of parking before the development is first used, and prior approval of details relating to the management of construction traffic.

### **Summary of Main Issues:**

1. Purpose of facility and proposal details.
2. Appropriateness of design, materials and landscaping.
3. Effects on neighbours.
4. Parking and highway safety.

## **Appraisal:**

### 1. Purpose of the facility and proposal details

The proposal is part of a Bradford-wide initiative to provide children's centres for families with young children. Sites have been selected to relate to areas with high numbers of children under 5 years of age and, as far as possible, to "cluster" with other facilities and services. This is in line with RUDP Policy CF3 which suggests a sequential approach to such new provision, looking first to existing buildings and then to an unallocated but previously developed site. The centres are intended to provide outreach to isolated parents, carers and children, information and advice to parents and carers, support to childminders, activities for children and parents, and improved access to community health facilities.

The proposal at Kirklands is designed as a single storey contemporary style extension projecting from the back elevation of the existing community centre and library onto a large tarmac area behind the building. It would provide a 56m square activity room to accommodate a maximum of 20 parents and children, office space for a maximum of 7 staff, new storage, disabled persons' and children's toilets and baby change, all operating between 8.30am and 5pm. There would be separate ramped access to the rear for the new facility. There would be shared use of the existing community centre adult toilet, kitchen and meeting room, thus reducing the extent of new build. There would be a new centralised coffee lounge for the community centre, opening off the community hall. The existing library entrance at the front would be modified to provide a combined access for both the library and community centre.

The existing mature planting at the site would not be disturbed although there would be some encroachment of car park spaces onto existing grassed areas at the front of the building and a conifer bush growing up against the building would be removed. New screen planting is proposed alongside 2.1 metre high fencing to the recycling area. There would be improved grassed and planted areas at entrances to off set some loss of grassed areas elsewhere on the frontage, additional planting immediately west of the memorial garden and an extra 2 metres width of grassed area added at the front of the memorial area.

In keeping with the contemporary style of the extension, the main facing materials to the new building would be render with a plinth of fair faced polished blockwork. There would be limited use of oak boarded panels, glass blocks and coloured glazed rooflights.

### 2. Appropriateness of design, materials and landscaping

The extension would not be visible from the front of the site or be readily seen from any public vantage points. It would be lower in height than the main building and flat roofed, like much of the main building to which it would be attached. It would be located a minimum 19m. from any boundary. Although the original old house at Kirklands is an elegant sandstone building, the new structure would be attached to a modern extension on the side and the back elevation of this existing building is of unremarkable design and built in an undistinguished light brown brick. The main materials for the extension of polished blockwork (of natural aggregates) with render above would produce a marked contrast to the existing building but it is considered this would be appropriate in this location – producing an extension that is attractive and interesting in its own right. Although render does not feature on the existing buildings at Kirklands, it is much used on houses and other buildings in Menston. In the context of this site, use of modern materials and render is considered acceptable.

Objectors, including the Parish Council, have suggested changing the building to 2-storey to reduce its footprint and so save car parking space, but this would increase its dominance and make it less useful and accessible as a children's centre.

The parking layout has been amended to delete encroachment of tarmac areas onto the roots of the important horse chestnut trees on the site frontage. The war memorial tablets are unaffected although there would be some loss of existing grass to the front and side of the memorials. Loss of grass verges to improve parking on the frontage appears minimal and should have no significant impact on the overall setting of the site. Some improvements to planted areas are proposed.

The proposal seems a reasonable, modern but low key addition to a building of mixed styles and materials on a large site and appropriate to the character of the existing buildings and the area as whole. It is considered acceptable when tested against RUDP Policies D1 and D5.

### 3. Effects on neighbours

Although visible from some adjacent houses, the extension would be set well inside the boundaries of the site and would not unduly over shadow, overlook or dominate any of the neighbouring houses or gardens. The encircling houses and bungalows are all relatively well screened by intervening mature boundary planting. All the trees which help to provide screening would remain. Neighbours have objected to the necessary resiting of existing recycling facilities within the site. The proposed recycling area would be less haphazard and more compact than at present, and better screened from houses to the west. It would be at least 12m. from any boundary. It is not accepted that the resiting of the existing recycling facilities would have any significant impact on neighbours compared with the existing situation.

There is the possibility of some additional noise from the external play area, but the intended hours of operation of the Children's Centre are such that this would be limited to normal working day hours. The decked play area serving the children's centre would not be prominent and would be secured against misuse by fencing.

In response to one neighbour objection, a refuse area is now shown on the amended plan to be re-sited away from its suggested position hard against a residential boundary to a position nearer to the extension's rear entrance.

### 4. Parking and highway safety

Observation of the site and comments made by neighbours suggest that car parking concerns are mostly related to occasional big scale events at Kirklands. It is acknowledged that not all these events take place exclusively in the evenings. It is also acknowledged that there is a reluctance of existing users to make much use of the rear car park even when front spaces are full, leading to parking on Main Street.

The existing car park facilities are not marked out. Parking at both the front and rear of the site tends to be somewhat haphazard meaning that the area available for parking is not used efficiently. The plans now provide for an efficient marking out of the rear car park (not marked out at present) to allow for 27 spaces, and for an increase in marked spaces at the front from 22 to 39. In total the amended plans show that 66 spaces would be available after the development is complete.

The siting of the main entrance to the children's centre at the rear would also encourage new users to make use of the car park at the rear rather than staff or parents parking on Main Street.

Hours of use of the extension are planned as 8.30am to 5pm, times which would not clash with high attendance at evening activities or most big events at Kirklands. It is considered that the extra demand for parking likely to be generated by the Children's Centre would be

small compared with overall activities at Kirklands Community Centre, and some joint trips (for instance to the medical centre) could be expected - an advantage of the location. It is still possible that occasional combinations of the proposed use with big events would add to on street parking, which occurs now, but on the information available, this possibility does not seem likely to be a frequent problem.

On balance, it is considered that the operation of the Children's Centre alongside the existing Community Centre would not lead to very many occasions when parking had to overspill so that it became a significant problem. Loss of parking behind the building to accommodate the building will be offset by the proposed reorganisation and better usage of the available space.

For these reasons, the proposals are not opposed by the Council's Highway Officer subject to standard conditions.

### Other Matters

The pre-school play group at Kirklands are said to be supportive of the proposals, and the issue of loss of library shelving was addressed in discussions between the applicant and the principal librarian before submission of the proposal. The internal changes to the building shown could all be carried out without planning permission.

It is acknowledged that the proposal is part of a District-wide initiative by Early Years, Childcare and Play to provide children's centres for families with young children but that objectors say such a facility is not needed in Menston. However, this is not a matter for the Local Planning Authority. The consideration of this planning application revolves around whether the proposed use works on this site and is appropriate, in land use terms, to the surrounding area. The conclusion of Officers is that the revisions and clarifications now shown on this resubmitted application are acceptable in planning terms.

### **Community Safety Implications:**

None apparent. The decked play area would be secured against misuse by a 2.1m high fence.

### **Reasons for Granting Deemed Consent:**

The proposal would provide for an additional community facility in an existing, appropriate location in the centre of the settlement. The design is considered appropriate to the character of this part of the existing building and the context of the surrounding area, and it is considered that proposals for reorganising existing parking facilities sufficiently compensate for potential increased use of the site. Amended plans have reduced the impact of development on trees and landscape features. Subject to the recommended conditions, the proposal is considered acceptable having regard to RUDP Policies UDP3, UR3, D1, D5, TM11, TM19A, CF3 and NE4/NE5/NE6.

### **Conditions of Approval:**

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

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

2. The development hereby approved shall only be carried out in accordance with the amended plan numbered 309/14/P02 revision B received by the Council on 3 June 2009 showing an amendment of the car parking and recycling bin layouts and omission of proposals to extend car parking under mature trees on the site frontage.

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

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the development commences, and the development shall be constructed in the approved materials.

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

4. The development shall not be begun, nor shall there be any demolition, site preparation, groundworks or bringing of materials or machinery on to the site until temporary fencing for the protection of trees has been erected on site in accordance with a plan showing Root Protection Areas and location of temporary protective fencing for trees and hedges which shall first have been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall be to a minimum standard as indicated in BS 5837 (2005) "Trees In Relation To Construction" and show the temporary Tree Protective Fencing being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed in writing with the Local Planning Authority). The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan and shall not be moved for the duration of the development. The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing.

No development, excavations, engineering works or storage of materials or equipment shall take place within the Root Protection Areas for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period in the interests of visual amenity, in accordance with Policies D1, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

5. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 309/14/PO2 revision B. The car parking facilities so approved shall be kept available for use while ever the approved development is in use.

Reason: To ensure that suitable and sufficient facilities are made available to serve the needs of the development in the interests of highway safety and to accord with Policies TM11 and TM19A of the Replacement Unitary Development Plan.

6. 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 Local Planning Authority.

Reason: In the interests of the safe and free use of the highway and to accord with policies TM19A and UR3 of the Replacement Unitary Development Plan.

7. Prior to the commencement of construction, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of 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 Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: To ensure the provision of appropriate access arrangements in the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with policies UR3, TM2 and TM19A of the Replacement Unitary Development Plan.

8. The refuse storage area for the facility shall be sited immediately adjacent to the building in the position marked R on the amended plan numbered P02 revision B, away from the western boundary of the site.

Reason: To reduce adverse impact on the amenities of nearby residents and to reduce opportunities for crime, in accordance with Policies UR3, D1 and D4 of the Replacement Unitary Development Plan.

## DECISIONS MADE BY SECRETARY OF STATE

Item No	Ward	Location
<b>APPEALS ALLOWED</b>		
N/A		
<b>APPEALS DISMISSED</b>		
3	Shipley	93-93A Bradford Road, Shipley  Appeal against a condition attached to application 07/02915/FUL –change of use from physiotherapy and a dwelling to two 2 bed and two 1 bed flats- which stated that the lower ground floor of the premises shall only be occupied or used with and ancillary to the approved flats and at no time shall be severed and occupied as a separate independent unit. 08/01383/VOC
4	Wharfedale	Viewlands, 2 Langford Road, Burley in Wharfedale  Erection of detached house in the back garden. 07/08850/FUL
5	Bingley Rural	The Manor, Sutton Drive, Cullingworth  Erection of two detached dwelling houses with single garaging. 08/02588/FUL
6	Wharfedale	The Croft, Burley Road, Menston  Change of use of part of field to the rear of The Croft to a flat lawned garden. 08/04286/COU



**ENFORCEMENT ENQUIRIES CLOSED BY THE PLANNING MANAGER  
(ENFORCEMENT & TREES) AS NOT EXPEDIENT TO PURSUE**

**Date:** 18 June 2009

**Item No:** 7

**Ward:** Shipley (22)

**Recommendation:** That the report be noted

**Address:** 1 Parkwood Road Shipley BD18 4SS

**Complaint Ref No:** 09/00165/ENFUNA

**Description:** Erection of fencing

**Reason:**

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

**Date Enforcement File Closed:** 1<sup>st</sup> June 2009