

## Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 16 December 2009

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### Summary Statement - Part One

#### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	1 Station Road Denholme West Yorkshire BD13 4DE [Approve] (page 1)	<b>Bingley Rural</b>
2.	Manywells Industrial Estate Manywells Brow Cullingworth Bingley West Yorkshire [Approve] (page 6)	<b>Bingley Rural</b>
3.	Methodist Free Church Micklethwaite Lane Bingley West Yorkshire BD16 3JN [Approve] (page 37)	<b>Bingley</b>
4.	Woodbank Harden Road Harden Bingley West Yorkshire BD16 1BE [Refuse] (page 45)	<b>Bingley Rural</b>

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**Portfolio:**  
Environment and Culture

**Improvement Committee Area:**  
Regeneration and Economy



**Area Planning Panel (Shipley)**

**09/04170/FUL**

16 December 2009



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ITEM NO. : 1	LOCATION: <b>1 Station Road Denholme</b>
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**16 December 2009**

**Item Number: 1**  
**Ward: BINGLEY RURAL**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
**09/04170/FUL**

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

Change of use application from A1 (retail) to A3 (restaurant & cafes) at 1 Station Road, Denholme.

**Site Description:**

1 Station Road is an amalgamated end terrace property at the end of a row of back to back properties. The property was, until earlier this year, used as a newsagent. The property is accessed off Station Road and is located at the junction of Station Road, Main Street (A629), Albion Street and Old Road. The properties in the vicinity are primarily residential terraced dwellings with no off street parking. A public house and associated car parking is located directly across Station Road. A self contained flat is located above the premises.

**Relevant Site History:**

08/05622/COU - Change of use from shop (Use Class A1) to cafe/hot food take-away (Use Classes A3/A5) – Refused 28.10.2008 on the grounds that;

‘The proposed change of use fails to provide any accommodation for the parking, loading/unloading of vehicles in connection with the proposal. Consequently this would result in increased vehicle manoeuvring and parking of vehicles within the highway, to the detriment of the safe and free flow of traffic on the highway and harmful to the amenity of the local residents. For this reason the proposal is unacceptable when measured against Policies TM19a and UR3 of the Council's Replacement Unitary Development Plan (2005).’

A complaint was received in April 2009 regarding the unauthorised use of the property as a café/hot food takeaway. The complaint was investigated but the owners advised that the premises were to be used as a sandwich shop. The premises were previously used as a newsagents (A1) and as such planning permission would not be required for the operation of a sandwich shop. However, once the premises were opened (as Granny Hardy's Kitchen) complaints were received stating that the use was a café and hot food takeaway. The premises advertised "Eat in of Take Out". These signs have now been removed. However, there is seating provided (3 tables, 6 chairs and a window seat) and a large proportion of the menu is hot food (not sandwiches). Authority was given under delegated powers to issue and Enforcement Notice to cease the use as a café and hot food takeaway on 4<sup>th</sup> November 2009.

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

**Allocation**

The site is unallocated on the Replacement Bradford Unitary Development Plan (2005) (RUDP).

**Proposals and Policies**

UR3 – Local Impact of Development  
TM2 – Impact of Traffic and its Mitigation  
TM19A – Traffic Management and Road Safety  
D4 Community Safety Implications

**Parish Council:**

Request referral to panel if minded to approve – Serious concerns regarding traffic and pedestrian safety.

**Publicity and Number of Representations:**

Advertised by neighbour notification letters and site notice with an overall expiry date of 28.10.2009.

The Council has received 4 letters of representation objecting to the proposal and one of support from a local Councillor.

**Summary of Representations Received:**

1. Highway Safety concerns; site is close to busy A629; predominantly terraced housing in area with no off street parking; street parking is allocated to residents only and not to the application property; cars park for long periods when occupants visit café; additional traffic restricts access to Taylor's Timber Yard by Heavy Goods vehicles, there has already been a fatal accident on the main road this year.
2. Premises opened without planning permission as a café and hot food takeaway. Menu and opening hours are continually changing. Opening times will be ignored if planning permission is granted.
3. Another food establishment is not required in Denholme as there are plenty of premises selling similar products.
4. Traffic will cause a nuisance to residents – noise traffic pollution and rubbish.
5. The trade waste bin blocks the pavement.
6. Use as a takeaway could encourage groups of youths to congregate and form gangs.

**Consultations:**

Highways – No objections subject to hours of operation being restricted to 08:00 to 17:00.

Environmental Protection – No objection. Suggest conditions to ensure the residential amenity of neighbours is protected, to include

Restriction of opening hours to between 07.00 hours to 18.00 hours Monday to Friday and 08.00 hours to 18.00 hours on Saturday with no operations on Sunday.

There should be no deliveries to the premises between the hours of 23.00 and 08.00.

**Summary of Main Issues:**

1. Impact on the Local Environment
2. Impact on residential amenity
3. Impact on highway safety
4. Community Safety Implications

**Appraisal:**

**Impact on Highway Safety**

The applicant has attempted to address the 'highway safety' reason for refusal of the previous application by making the following changes to the application;

Omitting the previously proposed hot food take away use.

Restricting opening hours from 08:00 to 17:00 Mondays to Saturdays with no opening on Sundays. The applicant has amended their opening hours submission to accord with the Highways Sections recommendations.

The provision of twelve parking spaces - four on street and a further eight within the car park of the neighbouring public house.

The omission of the hot food take away use will reduce the number of vehicles parking and manoeuvring in the vicinity of the premises.

The reduction in the opening hours will mean that vehicles are not parking and manoeuvring in the vicinity of the premises at peak traffic times. Furthermore, there is more on street parking capacity during the working day when many residents have left for work.

With regard to the applicants proposals for parking it is noted that none of the spaces are within the applicant's control. The applicant has given no indication that they can guarantee any of the spaces would remain available for customers of the café. As such the proposals must be considered on the basis that the premises have no off street car parking facilities.

Maximum parking standards are set out in Appendix C of the RUDP. Based on these standards and the amount of retail/dinning floorspace a maximum of 5 off street car parking spaces would be appropriate for a unit of this size.

As for the servicing of the site, the applicant has provided information that suggests that the level of servicing for the proposed use will be less than for the previous use. It is acknowledged that if a retail use continued at the property deliveries would take place on street and that it is unlikely that a café of the size proposed would be likely to generate a significantly higher number delivery vehicles than a retail use.

Notwithstanding that there is no off street parking provision it is considered that if the use is restricted to that of a café which is opened from 0800 to 1700 hours the proposal will not have a significant adverse impact on highway safety.

**Impact on Residential Amenity**

The application does not include any proposals to alter the external fabric of the building including the provision of external ventilation or extraction systems. The Councils Environmental Protection Team has not raised any objections to the proposal but has suggested a number of conditions to be attached to ensure the residential amenity of neighbouring residents is not adversely affected.

Concerns have been raised by members of the public regarding the siting of a waste bin, used in connection with the premises, on the pavement outside of number 1 Station Road causing an obstruction and creating smells.

The applicant has stated that the Managing Director of the public house, on the opposite side of the road, has agreed that the bin can be stored in the car park. However, Council Officers have noted, on a number of site visits, that the refuse bin remains on the highway. (It was also noted that the neighbouring residential properties had to store their wheelie bins on the pavement). As the business generates trade waste, which requires larger storage receptacles than domestic waste, it is considered that it should be stored off the pavement to prevent obstruction to pedestrians and reduce nuisance from smells. Provision can be made to store the bin either on neighbouring land or within the application premises and it is recommended that any consent is conditioned accordingly.

The proposed hours of operation are considered acceptable in term of impact on neighbour's amenities as they do not involve any late night or early morning opening and it is recommended that any approval is conditioned accordingly. Similarly, hours of deliveries should be controlled by condition to protect residential amenity in accordance with the advice from the Councils Environmental Protection Officer.

**Community Safety Implications:**

Concern has been expressed that the use will encourage youths to congregate in the area. Whilst it is acknowledged that the café may attract groups of people wanting to socialise there is nothing to suggest that the external environment will encourage groups to congregate. There are no apparent community safety implications arising from this proposal.

**Reason for Granting Planning Permission:**

It is considered that the proposed change of use, with the imposition of appropriate conditions is acceptable in terms of its impact on residential amenity, highway and pedestrian safety and acceptably accords with the provisions of the Replacement Unitary Development Plan Policies UR3, D1, TM2 and TM19A.

**Conditions of Approval:**

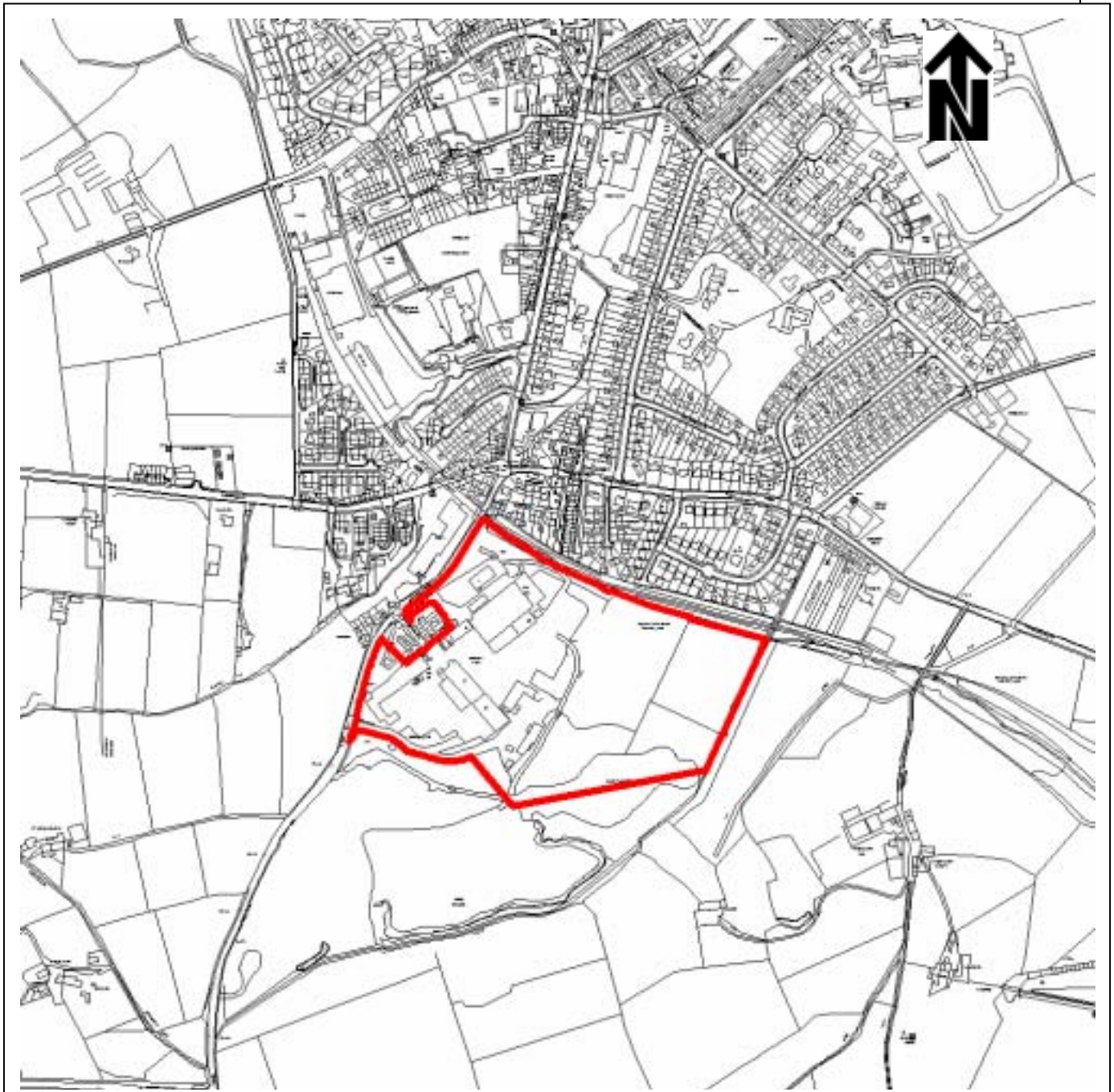
1. Implementation of consent within 3 years.
2. Hours of operation restricted to between the hours of 08:00 to 17:00 Monday to Saturday with no opening Sundays or Bank Holidays.
3. Details for waste removal, storage and disposal to be submitted to and approved in writing by the LPA. The approved scheme shall be implemented at the commencement of use and shall be thereafter retained.



**Area Planning Panel (Shipley)**

**09/04432/OUT**

16 December 2009



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ITEM NO. : 2	LOCATION: <b>Manywells Industrial Estate Manywells Brow Cullingworth Bingley</b>
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**16 December 2009**

**Item Number: 2**

**Ward: BINGLEY RURAL**

**Recommendation:**

**TO GRANT PERMISSION SUBJECT TO CONDITIONS AND SECTION 106 AGREEMENT**

**Application Number:**

09/04432/OUT

## **SUMMARY STATEMENT**

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

The Development Site: Manywells Industrial Estate, Manywells Brow, Cullingworth, Bingley

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

The Proposal: Construction of mixed use development comprising business (B1), general industrial (B2) and storage and distribution (B8) uses (approximately 9,990 sqm floor space); a nursing home (4,000 sqm floor space); residential development (60 dwellings maximum); 3.1 hectares of open space and structural landscaping (including the Bradford Wildlife Area), and; provision of associated access roads.

The Facts:

This 10.2 hectare site is sited to the south of Cullingworth village adjacent to the Great Northern Trail (a cycleway and footpath)

Part of the site is Brownfield land (upon which the existing industrial estate is located)

Part of the site is also an allocated employment site (S/E1.13) which also covers the existing industrial estate

Part of the site (to the east) is Greenfield and is an allocated employment site (S/E1.12) but is currently undeveloped

Part of the site is a designated Site of Local Nature Conservation Value (a Bradford Wildlife Area)

The proposal is for a mixed use scheme of commercial/employment generating uses 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 "the existing industrial estate is very poor quality with a number of buildings being close to the end of their useful economic life and others in a poor state of repair. It is questionable whether more employment land is required at this location or whether local demand can be satisfied through recycling of existing land through the redevelopment/refurbishment of existing stock".

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 in terms of loss of employment land

The impact on biodiversity on the site

Effects of the mixed use scheme on the surrounding locality and the adjoining Great Northern Trail



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 village area of Cullingworth, 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 agreement (details of which are outlined on in paragraphs 34-38 of the attached planning report).

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

Outline application with means of access to be considered for construction of mixed use development at Manywells Industrial Estate, Manywells Brow, Cullingworth, Bingley

**Site Description:**

A 10.2 hectare wedged shaped, steeply sloping site which is located approximately 500m from the centre of Cullingworth, a settlement located the north of the development site. The site is part Brownfield (5.5hectares in extent) and part Greenfield land (4.7 hectares). The Brownfield land comprises an industrial estate of approximately 11,000 sqm of industrial buildings, of which less than 50% is occupied with many of the buildings dilapidated and beyond their useful life. Only approximately 1.6 hectares of the Greenfield land is considered to be developable due to topographical constraints and a 1.1 hectares Bradford Wildlife Area.

The parcel of land to the north west of the existing industrial estate is allocated as an employment site in the Proposals for the Shipley constituency (reference S/E1.13). To the east, the Greenfield part of the site is allocated as an employment site under reference S/E1.12. The central northern part of the site is allocated as a Site of Local Nature conservation Value (Bradford Wildlife Area) under policy S/NE9.40. The remainder of the application site is not allocated but Manywells Industrial Estate is an existing employment site.

The site is located in the south of Cullingworth adjacent to a residential area which is characterised by dwellings of varying styles to the north west of the existing estate and detached, semi-detached and terraced housing to the north. To the east and west there are open agricultural fields which are allocated as green belt. To the south a mature woodland and former landfill site exist on steeply sloping ground.

The site is accessed off Manywells Brow. The Great Northern Trail cycleway/footpath runs directly adjacent to the north of the site. Public bridleway 216 is adjacent to the eastern boundary of the site.

**Relevant Site History:**

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

The site has however been subject to a number of planning applications for small scale industrial development and ancillary development related to the existing industrial estate.

Outline planning application 02/04367/OUT for a new secondary school and new dwellings on the Greenfield part of the site was withdrawn from consideration.

It should also be noted that there have been several applications for the landfill site to the south of the site (formerly a stone quarry). Recently planning permission 09/01181/FUL was granted (September 2009) for the remediation and restoration of the landfill site.

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

#### ***Allocation***

Two parcels of land on the application site are allocated for employment development. To the North West part of the existing industrial estate is allocated under S/E1.13 and the east, the Greenfield part of the site is allocated under S/E1.12. The central northern part of the site is allocated under policy S/NE9.40 which designates it as a Site of Local Nature conservation Value (Bradford Wildlife Area). The remainder of the application site is not allocated but Manywells Industrial Estate is an existing employment site which falls under policy E4 of RUDP. The following policies are relevant: -

#### ***Proposals and Policies***

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  
E4 - Protecting Existing Employment Land and buildings in Rural Areas  
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  
TM0 – Protection of Routes  
TM11 – Parking standards for non-residential developments  
TM12 – Parking standards for residential developments  
TM19A – Traffic management and road safety  
D1 – General design considerations  
D4 – Community safety  
D5 - Landscaping  
D6 - Meeting the needs of pedestrians  
D7A – Meeting the needs of Public Transport through design  
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  
NE12 – Landscape and wildlife enhancement  
NE13 – Wildlife Corridor Network

NR16 - Surface Water Run Off and sustainable Drainage Systems  
P5 – Development Close to Former Landfill Sites

**Parish Council:**

RECOMMEND REFUSAL of this outline planning application

A previous application relating to this site for change of use from Employment/Brownfield was withdrawn in 2005 following numerous objections from residents and Wildlife groups.

Following an objection from Bradford Urban Wildlife Group it was determined by the Inspector that there should be no change of status of this land. The existing designated Wildlife area is the only area within Bradford where Bee Orchids have been identified. The co-existence of the Bee Orchid with the flora and wildlife within this site are interdependent upon each other and the soil is a crucial element of the survival which cannot be replicated. This development would destroy a significant wild life area.

The Parish Council strongly oppose translocation of the Bee Orchids or any alteration of this protected wildlife corridor for the above reasons.

The proposed housing development is contrary to the very essence of the Local Authority Policy UDP2 (2) “The countryside which together with Urban and village green spaces, have an amenity, recreational or nature conservation value to the community which are protected and enhanced for their own sakes and for public enjoyment”

This site is immediately adjacent to the Green Belt which would be detrimental to the visual amenity and adversely impact upon the openness of the nearby Green Belt.

This application does not in our view satisfy Policy UDP7. Despite the continued growth of the population of Cullingworth a strategy has not been developed in order to deal with the impact of increased traffic upon the environment and improving the free and safe flow of traffic. The Cullingworth Parish Plan produced in 2004 clearly identified that due to poor public transport that 77% of the community relies upon motor vehicles. In the absence of any evidenced holistic strategy to assess the impact of increased vehicle movements within Cullingworth given the existing poor public transport provision. There is no evidence to suggest that there is any change in high percentage of residents using private vehicles as a primary means of transport.

The proposed development does not in our view satisfy Policy TM2

The proposed development is likely to have significant transport implications in accordance with para.89 of PPG13. This development does not explore adequately the Travel Plans for the reduction of car usage or increased public transport use will be achieved.

Many wells Landfill site was declared contaminated some 2004/5 there is an obligation for this site to be monitored for 30years. An EU Directive requires that housing development should not be within 250 meters of the contaminated landfill. The Parish Council also has concerns for those using the existing and proposed Industrial Units given their close proximity to the perimeter of the contaminated Landfill Site.

Policy OS7 is applicable as the green space adjacent to the wildlife corridor has historically formed an important local amenity, contributing to the character and setting of the village. Housing development upon this land would serve to extend the existing defined building line of the village now bordered by the Great Northern Trail. Equally Policy OS8 clearly states that "Development will not be permitted where it would result in the loss of open space which is important to the character, visual amenity and local identity of the settlement".

The topography of this site is likely to exacerbate existing flooding problems for the houses which border this site, Clayton Terrace, Manor Grove, Sutton Drive etc. The flooding problems surfaced during the construction of the Great Northern Trail. Residents still experience flooding development of housing beyond this building line given the numerous underground springs emanating from the Manywells site.

The Parish Council is concerned that the majority of residents within Cullingworth are under the impression that this development is purely focused upon upgrading the somewhat dilapidated Industrial Site. The residents are dissatisfied with the absence of any mention of housing upon this proposed site. They believed that phrases like 'mixed use' referred to the variety of industrial units.

The proposed construction of a Residential Home upon this site is inappropriate given it is near a contaminated landfill site, adjacent/close proximity to industrial units (noise/traffic movements) as well as a busy road.

**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 16 October 2009. Nine representations have been received which object or make comment on certain aspects of the proposals.

**Summary of Representations Received:**

- Overlooking
- Increase from flooding as a development of this size will have an impact on the ability of the land to absorb surface water
- Would like permanent boundary constructed between the development and the trail as thieves would not have easy escape routes
- If any trees are to be lost they should be replaced by same species on the boundaries of the development
- At peak times the villages facilities and roads are already overcrowded. The addition of so many new dwellings can only make matters worse.
- Bradford Urban Wildlife object to residential development either side of the Bradford Wildlife Area as it would impact on the common blue butterfly and the small areas of bee orchids
- Recognise that the site needs managing
- The development for housing is contrary to the Replacement Unitary Development Plan.
- The Inspector into the RUDP recommended that there was no change to the allocation of the land.
- The Great Northern Trail - The redevelopment of this site can only enhance the visual experience. Request that the Council consider a sum of money to be set aside from the developer to enable important biodiversity works on the Trail to be carried out
- Would not wish to see any flooding on the trail nor any surface run-off affecting residential properties nearby.

- The Village will lose its character if more development takes place
- The local schools are full – where would any children from the development be educated?
- Adding a third access in close proximity to the bend of Manywells Brow will substantially increase the risk of accidents.
- Cullingworth does not have the infrastructure to support such a large development.
- Toxic contamination of the landfill will lead to problems for many years
- Sewers already overflow during heavy rainfalls
- parking on Halifax Rod in Cullingworth already causes problems
- Additional traffic will create highway safety problems at an already difficult junction.

**Consultations:**

**(i) Highway (Development Control) Section**

This is an outline planning application for a mixed use residential and employment redevelopment of an existing industrial site. There are no objections in principle to this proposal. The application is accompanied by a Transport Assessment (TA) and a Travel Plan (TP). The TA assumes that the proposed development will comprise 12,780 sqm of a mix of B1, B2 and B8 employment use, 60 residential dwellings and a 50 bedroom nursing home. The contents of the TA are generally acceptable. Amended plans have been submitted.

1. Vehicular and pedestrian access – amended plans have been submitted to ensure that suitable visibility splays of 2.4m x 43m are provided for the new access road into the proposed residential part of the site and to service the proposed nursing home. Amended visibility splays of 2.4m x 43m are provided to the junction area of Manywells Crescent. It is considered that the use of these visibility standards are acceptable.
2. The proposals to widen footways on Manywells Brow and to link the site to the Great Northern Trail are welcomed. However, I think the developer needs to consider problems on other routes in the area which are likely to become worse as a result of developing this site. There are existing pedestrian crossing problems on Cullingworth Road between Sutton Drive and the mini roundabout which need considering.
3. Bus stops - will need to be brought up to DDA standards.
4. Travel Plan – Overall the travel plan is good and contains all the elements for this kind of development.

**(ii) Police Architectural Liaison Officer**

The Police would support the principle of a development of this type on this site but any subsequent application would need to demonstrate how crime prevention matters have been addressed and how the application complies with current policy and guidance.

**(iii) 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.

**(iv) Environment Agency**

No objections in principle subject to conditions regarding flood risk, groundwater and contaminated land and biodiversity being attached to any permission granted.

**(v) Yorkshire Water**

No objections in principle subject to conditions being attached to any permission granted.

**(vi) Environmental Protection (Contamination)**

The report and plans have been examined to identify information which demonstrates that:

- The site has been appropriately characterised to:
- Identify contaminants of potential concern and develop a conceptual model of potential contamination.
- quantify contaminants of potential concern sufficiently
- demonstrate an appropriate assessment of risk has been carried out
- The remediation proposals to manage contaminants of potential concern are practical, effective, durable and sustainable.
- The remedial works will be verified.
- Unexpected contamination will be dealt with appropriately if necessary.
- Long term management of pollutant linkage controls is defined.

The southern boundary of the site is adjacent to Manywells Landfill site which has been determined by CBMDC as contaminated land under Part IIA of the Environmental Protection Act 1990. Whilst the pollutant linkages are being managed and remediation of the landfill will commence imminently, awareness of the key pollutant linkages is acknowledged in the Sirius report submitted as part of this application.

**A. SITE CHARACTERISATION**

Report C1562 provides an overview of potential contamination issues at the site and uses the available site investigation data to develop the conceptual site model.

It is agreed that the recommendations made for further site investigation will be required prior to construction work commencing at the site. This is necessary to ensure that sufficient information is available to enable robust and sustainable remedial decisions.

The report acknowledges that there are insufficient samples to enable analysis of datasets for some zones.

The extent of the next stage of site investigation and the criteria for risk assessment must be tailored appropriately to the ground conditions and the final planned land use of different zones of the site.

The report concludes that there is no current evidence to indicate any potential impact of contamination on controlled waters. However future site investigations should ensure that further evidence is gathered to substantiate

this, particularly from areas of the site which have thus far not been subject to detailed site investigation.

The further investigations identified in the Sirius report are:

- Test holes below existing buildings, to confirm soil profile/ contamination status
- Delineation of hydrocarbon 'hot spots'.
- Investigation of potential mine workings/entries
- Gas characterisation/continued monitoring.

The recommendations of the report are considered acceptable. Further works/investigations are also recommended along with specific conditions attached to any permission granted.

**B. REMEDIATION SCHEME**

THE Report C1562 identifies potential remediation options to include installation of a 1 metre capping layer including a basal 200mm 'no dig' layer across proposed garden and landscaped areas of the site. This may be refined once further information is available from the additional site investigation. The works proposed must provide appropriate and effective methods of remediating the site to control pollutant linkages. Importation of materials may be a part of the final development proposals. Procedures must be put in place to ensure that this does not result in the import of contaminated material.

It is recommended that conditions are attached to any permission granted to ensure an appropriate remediation scheme is submitted and implemented.

**C. VERIFICATION**

Once the agreed remedial works are completed, a verification report (referred to in PPS23 as a validation report) must be prepared and submitted to the Local Planning Authority. Conditions to deal with this aspect are suggested on any permission granted.

**D. UNEXPECTED CONTAMINATION**

Once development is underway it is still possible that previously unidentified contamination may be found. Conditions are recommended to ensure that if such contamination is found it is reported and dealt with appropriately.

**E. OTHER ISSUES**

Japanese Knotweed has not been identified on the proposed development site, but has been identified in the adjacent woodland zone. If Japanese Knotweed is subsequently found on other areas of the site, it must be treated in accordance with specialist expert advice as noted in the Sirius report.

**(vii) Environmental Protection (Noise)**

Having read the noise assessment report supplied by the applicant it is noted that the existing sound levels measured at Manywells Industrial Estate indicate a night time PPG24 noise exposure category (NEC) of 'B' and a daytime NEC of 'A'. This indicates that future occupiers of the proposed dwellings at the site are unlikely to be disturbed by noise currently emanating from the industrial estate.



On the basis of these conclusions there are no objections to the application at this stage. However the noise assessment report, by its own admission, only addresses the current noise climate at the site. The report does not address likely sound levels emanating from the commercial/industrial element of this application (i.e. proposed premises at the southern end of the site).

This being the case, the applicant should provide details of the predicted sound levels emanating from proposed commercial/industrial premises at the site in any reserved matters application.

**(viii) Natural England (NE) - Sustainable Development Designated Sites**

It is noted that part of the site is designated as a Site of Local Nature Conservation Value (Bradford Wildlife Area, BWA) in respect of its orchid population. In the Replacement Unitary Development Plan for the Bradford District (RUDP) Policy NE9 states that development likely to have an adverse effect on a Site of Local Nature Conservation (Bradford Wildlife Area) will not be permitted. The applicant recognises that there is a clear need to retain, enhance and carefully manage the nature conservation interest in accordance with this policy, and has submitted a report to address possible options for securing the long-term protection and management of the area's orchid population.

The Planning Statement submitted with the application sets out proposals for keeping the BWA as an open space/ecology area within a residential development. The Orchid Survey submitted gives details of the distribution of common spotted orchid and a small population of bee orchid in the centre of the BWA in an open grassland area.

The Orchid Survey puts forward four conservation options:

It is agreed that non-intervention (Option 1) would lead to the encroachment of willow and silver birch woodland which would increase shade and levels of soil organic matter. This would lead to the orchid population ultimately being lost in the process of natural succession because the habitat will be made unsuitable. In addition, if the area is left with no management it will not be an attractive area of open space for the new residents of the development.

Modification of BWA073' would provide the most viable option for the long-term conservation of bee orchid and common spotted orchid on the site. However, Natural England believes that Option 2 'Retention and Management' should be adopted instead.

Translocation of the orchid population, as suggested in both Option 3 and 4, is a high risk and high cost strategy. The exact location of the receptor site has not yet been chosen, but will need to have very specific conditions such as soil pH and fertility to make it suitable for orchid establishment, and will still need to be managed in order to maintain the population should it establish. The proposed Option 3 involving translocation, followed by management of the BWA as an open green space area for use by the local residents will still require active management of that area to avoid it becoming overgrown. It is advised that retention of the orchid population in the BWA should be pursued.

Adoption of management techniques such as closely mown paths following sensible desire lines will direct most users of the site around the site without unnecessary trampling. The area with the orchids could be left unmown until after the flowering season and then cut once a year with the arisings removed from site. This means that the site can remain in situ, and the residents get to have access to a good quality area of open space on their door steps, rather than just an area of amenity grassland.

## **Protected Species**

### **Bats**

No evidence of bats was found in any of the buildings on the Industrial Estate surveyed, although five of the buildings support several features that provide opportunities for roosting bats. No bats were seen emerging from the buildings during the emergence survey. A small number of common pipistrelles were recorded feeding at the south west corner amongst the woodland canopy next to footpaths on the boundaries of the site and on the disused railway line to the north. Although the potential roosting opportunities of the buildings will be lost during development, no evidence of bats was seen during the surveys and it is considered that demolition of the buildings will not have a negative impact on bats.

### **Birds**

A bird survey using methodology following the Common Bird Census devised by the British Trust for Ornithology was carried out. The site supports habitats which are known to support a range of breeding birds. The report states that in order to minimise the effect on breeding birds all clearance of vegetation is to take place during the winter months of September to February. If this cannot be avoided then an experienced ecologist should conduct a survey to ensure that nests are not disturbed. Natural England supports the recommendations made in the report and recommend a suitable condition on the mitigation strategy is attached to any permission granted.

### **Badger**

We note that the badger sett found is over 30m from the area proposed for development, but support the recommendation made by the applicant that opening up access in the area of woodland that contains a badger sett should be avoided.

### **Invertebrates**

The Phase 2 Ecology Report submitted by the applicant details that although there are no UK Biodiversity Action Plan species of invertebrate on the site, there are five Nationally Scarce species of invertebrate, the wall butterfly (proposed for addition to the UK Priority List of Species) and the green hairstreak which is listed in the Bradford Biodiversity Action Plan. Because of the presence of these species the report recommends that a Management Plan is prepared for the habitats of nature conservation within the site and the requirements of invertebrates, in particular the notable insects, are taken into account. However, no such management plan has been submitted. Natural England therefore recommends that a condition is put on any outline Planning Permission granted that states that a Management Plan addressing mitigation measures for the impact and/or loss of habitat for the invertebrate species found on the site must be submitted and evaluated before full Planning Permission is granted.

### **Lowland Heath**

It is noted that Phase 2 Ecology Survey Report submitted shows small patches of *Calluna vulgaris* – *Deschampsia flexuosa* lowland heath (H9a) to the eastern side of the site near the boundary. It is recognised that these are very small fragments of heathland, but would welcome proposals from the applicant to retain these as much as possible within the design of the development, which is not finalised at this stage. If these patches are to be lost to the development, then the proposal to mitigate for this by extending the area of lowland heath and acid grassland located on the south boundary would be supported. However, full details of the project are required, as mention is made of re-locating soils from the original patch of lowland heath, but it is not clear from the report if this is to occur.

### **Building in Biodiversity**

In the Planning Statement submitted with the application a statement is made that the generous provision of new landscaping (including new tree and shrub planting) will make a positive contribution to increasing biodiversity and nature conservation generally through the enhancement of existing and creation of new wildlife habitats. However, we would request that careful consideration is given to the landscaping, and the species selected, especially in relation to bird habitats as mentioned above. We would request that any trees and shrubs planted as part of the landscaping of the development are native species, of local provenance where possible. Any trees or shrubs that become diseased or die in the first five years after completion of the planting should be replaced with the same species in the same position.

### **Arboricultural Survey**

The Arboricultural Survey submitted was commissioned to assess the condition of the trees, their suitability for retention within a commercial and residential area and thereby aid the drawing up of the 'master plan' layout of the site. It recommends that a full Arboricultural Impact Assessment is undertaken once a site layout design has been produced. The survey concludes that the trees in the 14 individually identifiable areas of woodland are in a poor condition, and are dominated by willow *Salix caprea*, which is a pioneer species. We welcome the tree protection measures recommended for trees which are being retained, with reference to 'BS 5837 Trees in relation to construction (2005)'. When the final layout of the site is submitted details of any trees which are to be removed or affected by the development should be provided.

### **Sustainable Transport**

We support the concept of possible green pedestrian and cycle links from the Great Northern Trail to the north, through the site and to the footpaths/bridleways and proposed Country Park to the south. However, the type of footpath through the BWA should be considered in the context of our comments above relating to the orchid management.

### **(ix) Tree Section**

No objections in principle subject to detailed proposals including an arboricultural impact assessment, root protection areas and a site layout plan which need to clearly show the position of crown spreads of trees.

**(x) Parks and Landscape Section**

The provision of public open space on the site which would take the form of enhancing the on site provision to include the wildlife areas that already exists and providing other small pockets of woodland/open space on the site. A contribution of £30,000 is required towards off site playing pitches and play equipment in the locality.

**(xi) Development and Enabling (affordable housing) Section**

The affordable housing quota for Cullingworth (i.e. the villages) is 25% and there is a need in the area for affordable 2&3 bed houses. Accordingly we would request that 25% 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) Education Section**

A contribution towards both primary and secondary educational resources is requested. The calculation is based on 2 additional children per school year groups per 100 homes times costs.

- Primary
- Nearest primaries - Cullingworth & Wilsden - both full and oversubscribed.
- Primary Contribution 2 pupils x 7 year groups x 60/100 homes x £11,648 = £97,843
  
- Secondary
- Nearest secondaries - Parkside & Bingley Grammar - both full and oversubscribed.
- Secondary contribution 2 pupils x 6 year groups x 60/100 homes x £12,688 = £91,354
  
- TOTAL = £189,187

**(xiii) West Yorkshire Archaeology**

There are no apparent significant archaeological implications attached to the proposed development.

**(xiv) Landscaping Section**

The findings of the Landscape and Visual Assessment are concurred with.

In terms of the assessment of potential impacts to landscape character the applicant has advised that “as part of the site development, a landscape strategy will be implemented and establish new landscape features. This will include tree and shrub planting, the creation of amenity recreation space and general enhancements to the public realm”. It goes on to state that “the landscape strategy will establish new features which will provide better connections for wildlife and recreation, both internally within the site boundary and externally to the surrounding countryside.

In terms of visual impact the level of care and attention paid to building materials will play an important role in the actual visual impact of development. A low dry stone wall may be a favourable boundary treatment in this vicinity. The assessment of other viewpoints will also depend on materiality and landscape treatment.

The indicative landscape treatment shown on the photomontages is somewhat formal and urban in character. Generally speaking, a less formal, more rural approach is preferable. Advance landscape works (proposed structure planting), prior to development, would be preferable if feasible. The proposed planting on the embankment to the north of the tip which should develop into a significant feature is welcomed.

A planted buffer between the Great North Trail and the proposed housing, and the planting along the access road to the housing area, both shown as more solid features. I would also like to see more planting integrated into the employment areas which will be visible from the former tip site and from vantage points to the north.

The master plan indicates potential site footpath/cycleway connections directly to the Great North Trail and other off site routes. This also appears to show access to the former tip site. These features are desirable in the longer term.

**(xv) Rights of Way Section**

Public Bridleway Bingley 216 is adjacent to the site. This bridleway is part of the Calder Aire Link to the Pennine Bridleway, a National trail. The path is not directly affected by the proposals. However, the development may give the opportunity to enable the Bridleway to run in a wider corridor at this location.

**(xvi) Metro**

Do not object to the principle of development of this site. Would highlight that the anticipated public transport use as identified in the TA is very low. Peak public transport use needs to be addressed through a travel plan with greater modal split markers and conditioned incentives to improve the use of sustainable modes of transport. For instance a condition should be attached to any permission granted to ensure that the employment uses produce a travel plan and sign up to the travel Plan Network which will entitle employees to discounted Metro cards. This should include the residential care facility where staff should be encouraged to use public transport where practical.

The provision for bus shelters with raised kerbs needs to be provided as part of the development for stops 20088 and 20089. The cost of this would be £10-13K per shelter.

**(xvii) Biodiversity Section**

It is considered that Option 2 (of the orchid Survey dated July 2009 and submitted as part of this application ) for the orchids is the ideal and default position – i.e. retention and management of the orchid area in situ, the emphasis here being on the management of the successional vegetation which is currently out-competing the orchids. However, taking a pragmatic and realistic view that, bearing in mind the bee orchids are an ephemeral population in the district and IF a suitable location and substrates which have long-term viability can be found, then Option 4 (part translocation/part retention) might be acceptable. However, regarding the timing of this application and the preferred location within the CBMC Remediation Scheme adjacent, and the fact that no work has yet been undertaken on finding suitable materials or site for translocation, it is recommend that Option 2 is followed until such information is submitted.

In any case the design of the BWA will need to take account of protection and management for the orchids, regardless of full retention or partial translocation. Therefore I would suggest that a detailed design for this area is submitted, to show how the BWA can be 'designed' to manage public access but maintain and enhance its biodiversity. It should be noted that there are concerns that the long-term viability of the biodiversity value of the BWA will be compromised by housing on both sides – currently there is no public access to this site.

The current system of BWAs and SEGIs is being re-evaluated, in line with national guidance, into a composite Local Sites System and all sites will be reassessed against agreed criteria. The Council should therefore ensure that this site is not lost from the proposed System through inappropriate development. The best long term option for the orchids/BWA would be via employment use (with retention/management of the BWA area) rather than housing as per the RUDP, but if partial housing is found to be acceptable then the scheme should ensure that the orchids/BWA are fully protected and enhanced.

**Summary of Main Issues:**

1. Principle/sustainability
2. Density of housing/provision of affordable housing
3. Impact of development in terms of
4. Biodiversity/protected species
5. Design/landscaping/Rights of way
6. Surrounding locality
7. Adjoining properties/uses
8. Flooding
9. Contamination issues
10. Noise
11. Highway/Pedestrian Safety
12. Heads of terms - s106 contributions/use of conditions
13. Community Safety Implications
14. Comments on the letters of representation

**Appraisal:**

Only access is to be considered as part of this outline application. Permission is sought for the construction of mixed use development comprising:-

- 4.4 hectares of business (B1), general industrial (B2) and storage and distribution (B8) development (approximately 9,990 sqm floor space);
- 0.7 hectares for a nursing home (4,000 sqm floor space);
- 2.0 hectares of residential development (60 dwellings maximum);
- 3.1 hectares of open space and structural landscaping (including the Bradford Wildlife Area), and;
- provision of associated access roads.

Indeed, illustrative plans have been submitted showing that the site can clearly accommodate up to 14,000 of employment floor space which could provide up to 288 jobs (221 jobs more than exist at present) with associated parking area and up to 60 dwellings with associated parking along with public open space and the provision of a landscaped buffer and footpath connections to the existing Public bridleway and the Great Northern Trail.

Access to the commercial B1, B2 and B8 uses will be via the existing access off Manywells Brow whilst a new access will be created further down Manywells Brow to serve the proposed residential uses and the nursing home. The exiting access at the corner of Manywells Brow and Manywells Crescent will be closed and Manywells Crescent will therefore only serve the two small terraces of dwellings which currently existing in this location.

### **Principle**

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.

### **The Policy Background**

The principle/policy issues raised through this development are:

- (i) Residential development on an allocated employment site (policy E1 of the RUDP),
- (ii) Residential development on an existing and operational employment site (policy E4 of the RUDP)

Indeed, Replacement Unitary Development policy E1 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.

Furthermore, Policy E4 seeks to ensure that within rural areas not subject to green belt policies, the development or redevelopment of existing employment land or buildings for other uses will not be permitted unless:

- (1) the proposal contributes positively to the reuse of a listed building or other historic buildings in a conservation area; or
- (2) the proposal contributes positively to preserving or enhancing the character of a conservation area; or



- (3) it is no longer appropriate to continue as an employment use because of the adverse effect on the surrounding land uses; or
- (4) the building has become functionally redundant for employment use

### **The employment aspect of the development**

The existing Manywells Estate comprises 5.5 hectares of which, 0.94 ha are allocated for employment under Policy S/E1.13. A further 4.27ha are allocated for employment under S/E1.12 which potentially provides a total employment area of 9.77ha. The applicant considers that 1.9 ha can not be developed because of topographical constraints. A further 0.77ha is in the Council's ownership and is included in the remediation and reclamation of the former tipped area for open space and environmental improvement purposes. The optimum employment area therefore amounts to 7.1ha. The applicant considers that at present, 2ha of the allocated site S/E1.12 is unlikely to achieve development aspirations because of access constraints through the existing industrial estate. As such, it is considered that overall employment site which can potentially achieve development is reduced to 5.1 ha which is approximately 72% of the physically developable site.

From an analysis of the employment allocation, the figures also present some concern. The allocated sites S/E1.12 and S/E1.13 comprise a total of 5.12 hectares. As indicated above, 0.77ha are included in a landfill remediation scheme. The applicant considers 1.9 ha incapable of development because of topography constraints and that a further 2 hectares are unlikely to attract developers because of access constraints. This leaves only .54ha of the allocated employment land brought forward for development. It is a considerable loss of employment land which is allocated through RUDP Policy E1.

### **Policy Considerations with regard to the proposed development**

#### **(i) Policy E1**

A residential development on a site of this size and in this location is contrary to Policy E1. In addition, there has been no material change in circumstances over the plan period that would effect any alterations to policy. Demand still exists for employment land across the District. Also, it has not been sufficiently demonstrated that the site is no longer appropriate for employment uses. However it has been shown that a precedent has been set by allowing part of the allocated site to be redeveloped for open space use, thus reducing the importance of the site as a strategic employment location. Although not published yet, the Council's Employment Land Review which independently assesses the site from a market perspective allows pertinent conclusions can be drawn. The Employment Land Review considers that the surrounding uses and conditions around site E1.13 are poor. It adds that the existing industrial estate is of very poor quality with a number of buildings being close to the end of their useful economic life and others in a poor state of repair. The review considers it questionable whether more employment land is required in this location (referring to sites S/E.1.12 and E1.13) or whether local demand can be satisfied through recycling of existing land through the redevelopment and refurbishment of existing stock. However, this is a market perspective at the time (2007) and not a conclusion that the allocated sites are inappropriate for employment development.

**(ii) Policy E4**

This policy resists redevelopment of employment land or buildings for other uses except in special circumstances such as historic building and conservation area enhancement, factors which are not applicable in this instance. A third exception may be that employment use is no longer appropriate because of local environmental impacts. This has not been demonstrated.

The fourth exception to policy is functional redundancy of the buildings. It is agreed, both by the comments from the Employment Land Review and from the surveys carried out by the applicant that the buildings are nearing the end of their economic use and many are functionally redundant. Whilst this is accepted, Policy E4 includes both buildings and the land (although the wording of the policy could be a lot more prescriptive). Whilst the footprints of the individual buildings are expendable, the continued use of the surrounding land for employment purposes still remains a key factor. It is therefore considered that the existing industrial land is still protected for this purpose.

**The benefits of the redevelopment proposals**

The need for extensive environmental improvements including reconfiguration of the existing industrial estate and provision of a modern employment offer with improved access together with the reclamation of the former quarry for public open space is the key driver of this redevelopment scheme. The site has been a local eyesore for many years and various endeavours to secure redevelopment on a single employment basis has proved futile. Whilst there has been some minor piecemeal developments the site has continued to decline as economic operation and requires a structured approach to development. However, it has been demonstrated that this can only be achieved by including a high value land use in the scheme and in this case, housing provides the most appropriate solution. Given this principle, the proposals should be considered against prevailing Replacement Unitary Development Plan Policy as discussed above and special or mitigating circumstances considered.

**(i) Policy E1**

Whilst the proposals are contrary to policy, the comments in the Employment Land Review are an updated market approach to the Council's allocated sites. Although the sites have been identified as appropriate for employment, they have been allocated for industrial use since 1986 (including Lower Airedale Local Plan) without attracting any strong developer interest. The Employment Land Review accepts that there should be a continued supply of employment sites for local demand and sustainability principles but the prime location for new, more strategic employment sites should be centred on the M606 corridor and in Bradford North and Airedale. The Employment Land Review assessment for future employment needs for the District was based on an unconstrained economic growth scenario and resulted in a need for a further 51 hectares of employment land. However the recent economic downturn is representative of a constrained growth scenario, a situation in which the Employment Land Review considered that there was an over supply of employment land in the District of 14.6 hectares. The loss of 4.58 ha of employment land at Manywells, a less well located and less strategic settlement, would seem acceptable in Employment Land Review terms.

**(ii) Policy E4**

As part of the land proposed for housing has been a long established industrial estate, the proposals also conflict with Policy E4. In this respect it is useful to assess the overall loss of employment space in terms of operational buildings given that the existing estate is badly configured, is wasteful of land, and many of the buildings are in a poor state of repair. The total floor space of the existing buildings is 10,890 sqm of which only 49% is occupied (5290sqm). It attracts low quality, short term employment and only 67 jobs are based on the site. Updated figures for employment density ratios would indicate that a workforce of 166 would be employed in modern general industrial accommodation of this size. The new proposal includes a total employment floor space area of 13,990 sqm which includes 9,990 sqm of industrial buildings, with a potential workforce 288 jobs. This modern offer will provide a better quality working environment and a sustainable development providing local jobs and will present a more efficient use of the site and an improved environment for adjacent residents. Whilst there is a policy conflict, it is considered that there are special circumstances to support the development.

**The residential aspect of the proposals**

The site is not allocated for residential development in the Replacement Unitary Development Plan and is affected by E1 as discussed above. In terms of the locational principles in relation to strategic patterns of development, Cullingworth is last in the sequence of priorities for the identification of housing sites and as such, development should be provided to meet local needs only. The Council has commenced work on the new LDF and the Regional Spatial Strategy is key to these preparations. The RSS has set out a target of 54,000 new dwelling units for the District over the plan period and the priority is for development in the main urban area and on previously developed land. Although the core strategy has not been fully developed as yet, it is likely that Cullingworth will continue to be considered, as a settlement where housing development will need to be provided for local needs. As a consequence, the addition of 60 units through this application will make a valuable contribution to local demand whilst also acting as a driver to deliver economic development on the remainder of the application site. Conditions are suggested if planning permission is granted to ensure that a certain quantum of development (50 %+ ) is carried out on the employment generating uses prior to the occupation of not more than 30 dwellings.

The Strategic Housing Land Availability Assessment has included the site within the general portfolio of potential sites for consideration at the request of the landowner. Whilst the site is certainly available, is also achievable, it is still to be assessed regarding its suitability.

Overall, the proposed scheme can be supported in principle 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 policies E1 and E4 of the Replacement Unitary Development Plan.

**Density/provision of affordable housing**

Within the settlement areas such as Cullingworth 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 30 dwelling per hectare should be achieved. The proposal for up to 60 units would provide a density of up to 30 units per hectare which clearly complies with this requirement.

H9 of the Replacement Unitary Development Plan seeks to achieve affordable housing provision within development sites in The Villages of 25%. The housing enabling section has also identified a need for 2 and 3 bedroom properties in the area. It is considered appropriate that affordable housing is provided within the scheme to accord with relevant planning policy. The provision of this affordable will form part of any S106 legal agreement and will be addressed later in the report.

**Impacts:-**

**Biodiversity/Protection of species**

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.

The application site has within it a site of local nature conservation value (Bradford Wildlife area) in respect of its orchid population. In the Replacement Unitary Development Plan for the Bradford District (RUDP) Policy NE9 states that development likely to have an adverse effect on a Site of Local Nature Conservation (Bradford Wildlife Area) will not be permitted. Ecological surveys have been submitted as part of this application and Natural England, The Environment Agency and the Councils own biodiversity specialist officers 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 type and scale of that proposed, can be acceptable if conditions are associated with this outline decision to ensure that the biodiversity of the BWA is adequately protected and biodiversity measures part of the reserved matters design process.

Four conservation options are put forward in the orchid survey submitted by the applicant which sets out proposals for keeping the BWA as an open space/ecology area with a residential development. Natural England, whose statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, have advised that they agree that the non-intervention (option 1) would lead to the encroachment of willow and silver birch woodland which would increase shade and levels of soil organic matter. This would lead to the orchid population ultimately being lost in the process of natural succession because the habitats will be made unsuitable. Natural England considers Option 2 which is the retention and management of the area to be the most viable option for the long term conservation of bee orchid and common spotted orchid on the site. As such, it is recommended that a condition is attached to any permission granted to ensure that a suitable management plan which incorporates option 2 and essentially provides a full design of the Bradford Wildlife Area is in place prior to any development taking place on the site.

With regard to other biodiversity issues/aspects on this site, appropriate recommendations regarding bats, invertebrates, nesting birds, badgers and lowland heath have been made in the specialist reports put forward in the application and or been made by Natural England.

As such, conditions regarding the bird mitigation strategy, submission of a management plan to deal with impact on the invertebrate species which must be submitted to and evaluated before any full or reserved matters planning permission is granted and that a full arboricultural impact assessment is undertaken once a site layout has been produced are recommended to be attached to any permission granted. Bat measures can also be pursued through enhancements measures in a future building design for bats which are known to be foraging in the area e.g. bat tiles.

### **Design/landscaping/Rights of Way**

Matters of detailed design and landscaping are reserved and as such do not fall within this application to be considered. A parameters plan has been submitted which advises of the areas where the different uses will be sited. A condition should be attached to any permission granted to ensure that the proposed uses only take place in these identified locations. Appropriate phasing conditions should also be attached to any permission granted to ensure that this extensive site is only developed in accordance with the phase. This will ensure that any proposed development can be suitably controlled whilst also allowing flexibility in when each of the difference phases is programmed to come forward. Such a condition will also ensure that the further specialist reports which are required can be tailored to that part of the phase which development is proposed at that time. This will ensure greater clarity and focus in dealing with the most sensitive parts of the site adjacent to the BWA.

The proposed industrial development is predominately under two stories in height and the proposed housing is between two and two and a half stories in height although it should be noted that these issues are not before the Local Planning Authority to determine at this particular stage.

Landscaping is not to be considered as part of this application but the Planning Statement submitted within the application stated that the generous provision of new landscaping will make a positive contribution to increasing biodiversity and nature conservation generally through the enhancement of existing and creation of new wildlife habitats in addition to ensuring that appropriate measures are put into place to retain existing trees on the site. An outline landscape strategy has been submitted which at this stage provides a strong guide for future landscaping works which need to be submitted as part of any reserved matters application. Such works include planning on the embankment to the north of the tip which should develop into a significant feature, the integration of potential site footway/cycleway connections directly to the Great Northern Trails and other off site routes. Landscaping measures to ensure a (i) planted buffer between the Great North Trail and the proposed housing, (ii) the planting along the access road to the housing and (iii) more integrated planting into the employment areas which will be visible from the former tip site and from vantage points to the north, should also be pursued via any future reserved matters application dealing.

Connections from the Great Northern Trail and existing public Bridleway through the development site are welcomed and will form part of any S106 legal agreement. Such linkages would be welcomed and would fully integrate the application site into the adjoining community and allow public access to the open spaces on the site. In the longer term, whilst there is no indication of the development of footpaths within the existing woodland to the south west of the site, it would be desirable to eventually achieved public access tot his area if feasible.

### **Effects on the surrounding locality**

The development is proposed within the the setting of Cullingworth Village. In principle, development of the site for the uses is acceptable. Indeed, 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 from both Cullingworth village and surrounding green belt locations. Such views and impacts will depend on the use of building materials and landscape treatments - both aspects need to be dealt with in a comprehensive manner in any future detailed application.

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 site in Cullingworth Village whilst also enhancing the appearance of the locality. As such, it is considered that 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**

Residential properties are sited to the north and North West of the application site on the other side of the Great Northern Trail and Manywells Brow. 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 northern boundaries of the site. Detailed design matters regarding the exact position and orientation of the nursing home and residential properties will be dealt with in a future reserved matter application. Similarly with regard to any proposed employment building, it should be noted that these can be sited in an appropriate position in relation to existing residential properties in Manywells Crescent. As such, it is considered that the proposal complies with policy UR3 of the Replacement Unitary Development Plan.

### **Flooding**

There are no main rivers or ordinary watercourses within the site boundary or in the immediate vicinity of the site. 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. The suggested condition regards no commencement of development until the improvement of the existing surface water disposal system is submitted to and approved in writing by the Local Planning Authority. Indeed, the Environment agency are advising that on the 5.5ha Brownfield area of the site there must a minimum of a 30% reduction of the surface water peak discharge from the site. This applies for up to and including the 1 in 100 year rainfall event. For the Greenfield element of the site, Greenfield run off rates must be maintained. Once a scheme for surface water drainage has been submitted and approved this scheme shall be fully implemented and subsequently maintained in accordance with the phasing arrangements embodied within the scheme. It is considered the suggested condition will prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and comply with policies UR3 and NR16 of the Replacement Unitary Development Plan.

### **Contamination issues**

The submitted report and plans have been examined to identify information which demonstrates that the site has been appropriately characterised to:

- (i) identify contaminants of potential concern and develop a conceptual model of potential contamination,
- (ii) quantify contaminants of potential concern sufficiently,
- (ii) demonstrate an appropriate assessment of risk has been carried out,
- (iv) the remediation proposals to manage contaminants of potential concern are practical, effective, durable and sustainable,
- (v) the remedial works will be verified,
- (vi) unexpected contamination will be dealt with appropriately if necessary, and
- (vii) long term management of pollutant linkage controls is defined.

It should be noted that the southern boundary of the site is adjacent to Manywells Landfill site which has been determined by CBMDC as contaminated land under Part IIA of the Environmental Protection Act 1990. Whilst the pollutant linkages are being managed and remediation of the landfill will commence imminently, awareness of the key pollutant linkages is acknowledged in the Sirius report submitted as part of this application.

An overview of potential contamination issues at the site has been provided and it has been recommended by the applicants consultants and by the Environment Agency and the Councils own Environmental Protection team that further site investigations will be required prior to construction work commencing at the site. This is necessary to ensure that sufficient information is available to enable robust and sustainable remedial decision. The extent of the next stage of site investigation and the criteria for risk assessment must be tailored appropriately to the ground conditions and the final planned land use of different zones of the site. As such, conditions regarding site investigation methodology, submission of a site investigation report, submission of a remediation scheme, implementation of any approved remediation scheme, implementation of approved remediation scheme and verification and reporting of unexpected contamination are recommended to be attached to any permission granted.

Whilst Japanese Knotweed (a notifiable weed) has not been identified on the proposed development site, it has been identified in the adjacent woodland zone. A condition should be attached to any permission granted to ensure that if Japanese Knotweed is subsequently found on other areas of the site it must be treated in accordance with specialist expert advice.

### **Noise**

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 or commercial premises if necessary. This will ensure that there is minimal conflict between the proposed residential uses and the established/proposed commercial uses. Currently the existing sound levels measured at Manywells Industrial Estate indicate low noise exposure categories and as such future occupiers of the proposed dwellings at the site are unlikely to be disturbed by noise currently emanating from the industrial estate. As such there is no objection to the application at this outline stage.



It should be noted however that the noise assessment only addresses the current noise climate at the site and does not address likely sound level emanating from the commercial/industrial element of this application. A condition regarding submission of noise level data for each phase of development and how that development will affect existing/other permitted uses should be submitted as part of the detailed consideration of each phase of the development.

### **Highway Safety**

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 – c14,000 sqm of employment uses in a variety of commercial buildings and a nursing home and up to 60 dwellings all with associated parking. It is noted that the current access to the site from Manywells Brow which serves the existing industrial estate is also considered acceptable to serve the new employment uses. Permission is sought for the creation of a new access approximately 70m to the north of Manywells Crescent. The reason for providing the new access is because the junction of Manywells Crescent with Manywells Brow has relatively poor egress visibility.

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 the plans have also been submitted and in order to mitigate the highway impacts of the scheme by ensuring the appropriate visibility splays are shown of 2.4m x 43m for the new access and part of the existing access off Manywells Crescent are provided on this rural road. The following mitigation measures are also proposed: provision of two bus shelters on Manywells Brow and a raising of the kerbs associated with these shelters. These measures are considered to go some way to encouraging public transport usage and discouraging car trips.

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.

Two internal spine roads are proposed - one which serves the proposed commercial/industrial uses which is sited to the south of the application site and one which is sited along the southern boundary of the proposed residential and nursing home uses. Layout is not to be considered as part of this application and as such no parking provision is shown at this stage. The parameters plan 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 around the Bradford Wildlife areas which can appropriately integrate into the great northern trail with the provision of suitable pedestrian/bridleway linkages. 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, TM8 and TM19A of the Replacement Unitary Development Plan.

### **S106 Contributions/Heads of Terms/Use of Conditions**

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

Policy H9 of the Replacement Unitary Development Plan seeks to achieve affordable housing provision within development sites in The Villages (such as Cullingworth) 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.

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 and valuable pedestrian/cycleway links are shown throughout the site, in line with current standards a commuted sum of £30,000 would also be required. This contribution sum would be put towards the provision of playing fields in the near locality and is based on the provision of a maximum of 60 units being provided on the site.

Further development contributions also include: -

- (i) Public transport infrastructure investments in order to promote sustainable modes of transport. Usually, one metro card is provided per unit however, in this instance, due to limited bus network in this locality, it is considered more appropriate to require the funding of two bus shelters on Manywells Brow and a subsequent rising of the kerbs associated with that shelter which will benefit all users of the proposed mixed use development as well as existing residents/workers in the locality.
- (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 £189,187 is therefore sought.

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 (£30,000);
- 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 (£189,187) to be paid in two phases each related to the development of the housing land only, and;
- Provision of two bus shelters on Manywells Brow (including raising of kerbs)

**Community Safety Implications:**

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**

The issues raised in the letters of representation received have been covered within the relevant sections of the above report .e.g. the principle of development, the protection of the biodiversity of the BWA, flooding, contamination etc. It is suggested that conditions are attached to any permission granted to ensure that full details of flooding measures, biodiversity protection, contamination issues are submitted to and agreed in writing by the LPA prior to the commencement of any development on the site

**Reason for Granting Planning Permission:**

In granting permission for this development the Council has taken into account all material planning considerations including those arising from the comments of many statutory and other consultees, public representations about the application and Government Guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and the content and policies within the Supplementary Planning Guidance and The Development Plan consisting of The Yorkshire and Humber Plan - regional Spatial strategy 2008 and the Replacement Unitary Development Plan for the Bradford District 2005.

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

The development of this site with a mixed use residential and commercial scheme is considered a beneficial use of an underutilised existing industrial estate which is a visually unattractive site whilst also providing the opportunity to provide a sustainable pattern of housing and more viable commercial development within the existing urban fabric of Cullingworth. The effect of the proposal on the Site of Local Nature conservation (Bradford Wildlife Area), 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 area. The provision of accesses to the site in the manner and location proposed is appropriate whilst mitigation measures will encourage public transport usage. As such, the proposal, whilst failing to comply with policies E1 and E4 of the Replacement Unitary Development Plan, is considered acceptable in that it proposes employment uses (B1, B2 and B8) on an existing industrial estate and partly on an allocated employment site, allows for the redevelopment of a very poor, failing industrial estate with a mix of job creating uses and overall allows for the development of a part 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 regeneration principles outlined within the Replacement Unitary Development Plan.

**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. Prior to the commencement of development, a phasing scheme for the carrying out of works shall be approved in writing by the Local Planning Authority. Following approval, the works shall be carried out in accordance with the phasing scheme, unless otherwise agreed in writing by the Local Planning Authority.
4. Before any development is begun plans showing the:
  - i) appearance,
  - ii) landscaping,
  - iii) layout, and
  - iv) scalehave been submitted to and approved in writing by the Local Planning Authority. Each phase or the development or any part thereof shall not be carried out otherwise than in accordance with the approved details.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no development falling within Classes A, B, C, D and E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.
6. The development hereby approved shall only be carried out in accordance with the parameters plan 4315 GA (00)20 Rev C received by the Local Planning Authority on 23 November 2009 which identifies defined areas of residential, employment, nursing home and amenity/landscaping spaces unless otherwise agreed in writing by the Local Planning Authority. For clarification, no more than 2 hectares of the site shall be developed for residential purposes unless otherwise agreed in writing by the Local Planning Authority.
7. Any application for the reserved matter of layout shall include plans showing the following:
  - i) adequate cross sections of the site,
  - ii) details of the existing and proposed ground levels,
  - iii) proposed finished floor levels of buildings,
  - iv) levels of any paths, drives, garages and parking areas,
  - v) height of any retaining walls,and the development shall be carried out in accordance with the details so approved.
8. Prior to the occupation of not more than 30 dwellings, 7,000 sqm of employment floor space falling within Use Classes B1, B2 , B8, or C2 (restricted to a residential care home facility only ) shall be built and ready for occupancy.
9. The landscaping and layout reserved matters applications for the development or any particular phase or part of the development will be accompanied by a detailed ecological assessment of the application site as relevant to that phase or part of the development, 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 Bradford Wildlife Area and wildlife corridors in the proximity of the proposal site.

10. 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.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent equivalent legislation) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling without the prior written permission of the Local Planning Authority.
12. Before any phase or part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site and completed to a constructional specification approved in writing by the Local Planning Authority.
13. Before any phase or part of the development is brought into use, the proposed car parking spaces for that phase or part of the development shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the residential and commercial development is in use.
14. No phase or part of the development shall begin until a plan showing the positions, design and materials of boundary treatments for that phase or part of the development has been submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the first occupation of the development and shall thereafter be retained.
15. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.
16. 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.
17. 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 LPA. 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.
18. A site investigation methodology to identify contaminants of potential concern, shall be submitted and agreed in writing with the Local Planning Authority, prior to commencement of enabling works. The methodology should outline how the site investigation, including gas monitoring and characterisation, will be implemented taking into account the potential for areas of contamination to become apparent when site re-profiling takes place.

19. A site report prepared in accordance with the agreed investigation methodology, shall be submitted and agreed in writing with the Local Planning Authority prior to commencement of construction works. The findings must include:-
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) assessment of the potential risks to all appropriate receptors;
  - (iii) appraisal of remedial options, and proposal of the preferred option(s).The investigation and reporting must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.
20. A detailed remediation scheme to bring each zone of the site to a condition suitable for the intended use, by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.' It should also identify any requirements for longer term monitoring or pollutant linkages, maintenance and arrangement for contingency action
21. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of construction, unless otherwise agreed in writing by the Local Planning Authority.
22. Where importation of material is necessary for remediation or as part of site reprofiling, then such material must be sampled and analysed prior to importation to ensure that contamination is not brought onto the site. Proposals for sampling Authority including sample density and parameters for analysis must be submitted in writing to the Local Planning Authority. Approval of proposals and of analysis results is a prerequisite to commencement of importation.'
23. The approved remediation scheme must be carried out in accordance with its terms unless otherwise agreed in writing by the Planning Service. Following completion of measures identified in the approved remediation scheme, a verification report which demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.' The verification must include details of proposals for the long term monitoring if these are recommended in the agreed remediation scheme.
24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Planning Service.
25. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
26. 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. On the 5.5ha Brownfield area of the site there must be a minimum of a 30% reduction of the surface water peak discharge from the site. This applies for up to and including the 1 in 100 year rainfall event. For the 4.7 ha of Greenfield land, Greenfield run off rates must be maintained.

- If it is discovered that there is no existing connection to the watercourse, the whole site must discharge at Greenfield run off rates.
27. The recommendations of the Phase 2 ecology survey report July 2007 should be incorporated into the design and methodology of the proposal to ensure protection of existing habitats and species and provide mitigation for lost habitats with biodiversity in mind.
  28. Option 2 of the orchid survey which seeks to retain and management the orchids in the existing BWA shall be adopted. Any proposed change from option 2 shall be submitted and approved in writing by the LPA.
  29. The development shall be carried out strictly in accordance with the mitigation strategy provide in support of the application.
  30. A management plan addressing mitigation measures for the impact and/or loss of habitat for the invertebrate species found on the site must be submitted, evaluated and approved before any detailed planning permission/approval is granted.
  31. As part of any reserved matters application full details of the proposed tree protection measures shall be submitted along with a full arboricultural impact assessment for the development or part development of that phase.
  32. A reserved matter application dealing with layout shall submit appropriate noise level data of the proposed uses and how this could impact on the surrounding residential uses.
  33. The development shall be drained using separate foul sewer and surface drainage systems.
  34. No phase or part of the development shall begin until details of a scheme for foul drainage for that phase or part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.
  35. Surface water from the vehicle parking and/or manoeuvring area shall be drained using petrol/oil interceptors of adequate capacity prior to completion of the approved foul drainage works. The interceptor shall be installed before the development is brought into use.
  36. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the LPA before development commences.
  37. Invasive plant species such as Japanese Knotweed may be present on site. If they are present a programme of control should be agreed with the local planning authority prior to development commencing on the site which shall include the following details:
    - a) Extent of the Japanese Knotweed within the site boundary.
    - b) The removal and disposal procedures for the Japanese Knotweed and/or giant hogweed, to ensure that the existing made ground and any surrounding areas are not contaminated by seeds, the rhizostomas or their root formations.
    - c) Disposal documentation to a registered landfill site.
    - d) Chemical analysis of the made ground to show that all traces of the Japanese Knotweed has been removed from the site.
  38. Submission of travel plan details for both the residential use and the employment uses on the site.
  39. Submission and approval of construction plan details prior to commencement of any development or phase of development on the site.

40. Before any of the development to be constructed as part of the development is commenced, the visibility splays hereby approved for the new access to served the residential/care home facility and the changes to the existing sightlines at Manywells Crescent shall be laid out, hard surfaced, sealed and drained within the highway and retained for the duration of the uses.
41. There shall be no more than 60 dwelling built on the site.

**Informatives:**

Sustainable design principles for minimising environmental impact  
Bat measures

Heads of terms of agreement - S106

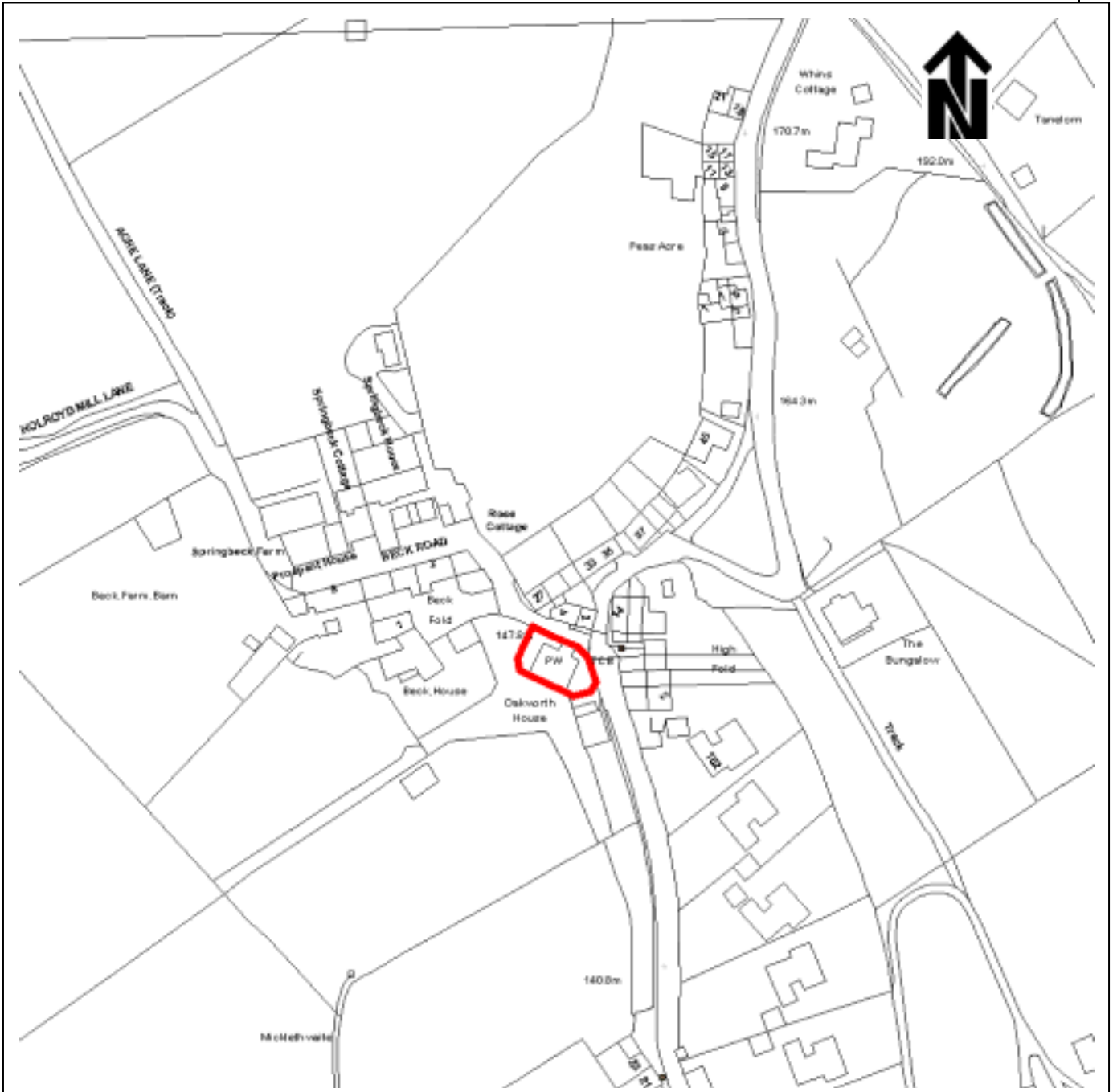
- Payment of off site recreation contribution to be used in the near locality (£30,000);
  - Provision of full details of arrangements for the provision of affordable housing on the site;
  - Payment of a contribution to increase educational facilities in the locality (£189,187), and;
  - Provision of two bus shelters (including raised kerbs) on Manywells Brow
-



Area Planning Panel (Shipley)

09/04563/FUL

16 December 2009



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<p>ITEM NO. : 3</p>	<p>LOCATION: <b>Methodist Free Church</b> <b>Micklethwaite Lane</b> <b>Bingley</b></p>
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**16 December 2009**

**Item Number: 3**

**Ward: BINGLEY**

**Recommendation:**

**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

**Application Number:**

**09/04563/FUL**

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

Full application for the conversion of a former Methodist Church to form two apartments (2-bedrooms) with parking, including the demolition of existing outbuildings and formation of a new driveway at the Methodist Free Church, Micklethwaite Lane, Micklethwaite, Bingley.

**Site Description:**

The site is a disused Methodist Free Church, a key unlisted building located centrally within the Micklethwaite conservation area and built in 1875. The site is situated at the junction of Micklethwaite Lane and the unadopted Beck Road. The building is detached and along with a collection of associated outbuildings is built of local stone with a stone slate roof and painted timber windows. The church has a single storey front elevation, but on all other sides is two storey's in height due to the topography of the land. The small outbuildings to the north and west are to be demolished as part of the conversion to make way for two off road parking spaces and external amenity space. The site is within the Micklethwaite Conservation Area, approved Green Belt and the type of landscape is described as "Enclosed Pasture" by the Airedale Landscape Assessment.

**Relevant Site History:**

No site history.

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

***Allocation***

The site is situated within the Green Belt defined by the RUDP Proposals Map and within Micklethwaite Conservation Area.

***Proposals and Policies***

UDP3 – Quality of the Built and Natural Environment

UR3 – Local Impact of Development

BH7 – Conservation Areas

D1 – General Design Considerations

D4 – Community Safety

GB3 – Infill in Green Belt

GB4 – Conversions in Green Belt

TM2 – Impact of Traffic and its Mitigation

TM12 – Parking Standards for Residential Developments

**Parish Council:**

The site is not within a Town or Parish Council area.

**Publicity and Number of Representations:**

Advertised by press and site notice and neighbour notification letters. The statutory publicity period expired on 13<sup>th</sup> November 2009.

Nine representation letters have been received, eight are objecting to and one is supporting the application.

**Summary of Representations Received:**

**Objectors**

Opposition due to lack of parking in this area which has narrow streets and properties are already dependent on parking on the street.

The scheme does not have enough parking. Occupiers of these flats will have more than 1 car.

Overlooking will be cause from the proposed flats to neighbouring properties. Existing windows facing nearby homes are presently opaque. And the windows of the flats must also remain opaque.

Hazardous new access proposed to Beck Road which is very narrow.

Disruption to other residents and access to properties during construction works. Working hours must be restricted to avoid problems for neighbours.

Light intrusion from lighting bollards on the proposed terrace and lawn will be caused.

**Support**

A sympathetic development which enhances the conservation area.

**Consultations:**

Heritage Conservation Officer – The Methodist church is a key unlisted building in Micklethwaite, the only public building in the village and one of the few buildings of any significant presence. A careful balance is required to ensure its retention whilst maintaining its character and very distinctive traditional appearance. Conversion is supported in principle and clear efforts have been made to maintain the appearance and setting of the building, and avoid upsetting its established presence in the village. The intervention involving removal of small outbuildings and formation of access and parking to the rear will not harm the character of the conservation area. Stipulation is required that all visible faces of walls must be faced with reclaimed coursed local stone. A sample panel of pointing applicable to both the building and boundary structures should be conditioned. Full details of all windows and doors would be best obtained prior to determination, and all must have a painted finish. As shown, the lower casement sections do not relate adequately to the upper sections, the windows are one of the single most significant features of this building and must be right.

The Juliet balcony railings must be set within the window reveals, and not on the face of the walls. Rainwater goods, gutters and fallpipes must be in cast iron or cast aluminium.

Information is also needed on the positioning of all extraction and ventilation flues. Subject to the satisfactory attention to the above, the character of the conservation area will be maintained by this proposal.

Rights of Way Section – Public Footpath 56 abuts the site. If planning permission is granted the affected public footpaths/bridleways must not be obstructed by any plant, materials or equipment. (However, the public footpath is beyond the site boundary wall and is unlikely to be so affected.)

West Yorkshire Ecology – The bat survey which accompanies this application has been undertaken to a reasonable standard and has not found the property to be used by bats. No further work is considered necessary on protected species.

Drainage –Applicant should investigate use of porous materials for car park surfaces.

Highways – HDC Officer considers that two car parking spaces per unit would be more appropriate for this location but recognises that this is unlikely to be achieved due to the site constraints. One space per unit would be permissible to allow this building to be brought back into use, but these spaces need to be operationally practicable. With Beck Road being fairly narrow it could be difficult to manoeuvre in and out of these spaces. Also the external walls will ideally need to be 900mm or less to ensure good visibility in accessing and egressing these parking spaces. It is understood that there is a desire to preserve the raised kerbing on Beck Road. This kerbing will need to be strengthened where it is accessed by vehicular traffic.

**Summary of Main Issues:**

1. Principle of change of use of the building
2. Impact on the character and appearance of Micklethwaite Conservation Area
3. Impact on amenity of neighbouring occupants
4. Adequacy of car parking and implications on local highway safety

**Appraisal:**

**Proposal**

The proposal is the conversion of the former Methodist Church to form two, two- bedroom apartments with parking formed through the demolition of some minor existing outbuildings and formation of a new driveway from Beck Road. One apartment would be formed on the first floor and one on the ground floor.

**Principle**

The existing Methodist Church was built in 1875 and although not listed, the Conservation Area Appraisal identifies it as a key building in Micklethwaite Conservation Area. It is the only non-domestic building in what is a tightly clustered group of traditional cottages and houses lining the narrow streets through the village. According to the applicant, the Chapel has not been used for 5 years. Although in reasonable condition, this situation is unlikely to continue indefinitely and it is important to find a viable new use for the Chapel if it to survive as part of the Conservation Area. National Planning Guidance in “Planning and the Historic Environment” (PPG15) recognises that the best way of securing the upkeep of historic buildings is to keep them in active use.

However, the building stands on a tightly constrained plot and any new use of this building is likely to cause a degree of difficulty due to the acknowledged problems of parking congestion caused by the narrowness of the village streets and the lack of alternative space for existing residents and visitors to leave vehicles.

The re-use of the Chapel for only 2 dwellings is likely to be the least intensive new use that could be envisaged. Such use would certainly cause less potential traffic and congestion problems than would the lawful resumption of a use of the building for religious worship or for any of the other uses also permitted under Class D1 of the Use Classes Order within which the previous use would fall.

### **Impact on the character and appearance of the Conservation Area**

The conversion of the Chapel to two apartments would require few changes to the external appearance of the building. Its form and character would be maintained and the important walled space to the front would be retained intact. The small outbuildings to be removed to make space for car parking are not prominent or architecturally significant features and there are no objections to removal of these structures given the need to provide some parking space.

The agent has followed pre-application advice from Planning and Conservation Officers and the few additional window openings are designed in proportion to the existing features of the Chapel. Stone walls are a common boundary feature in the Conservation Area and the walls and railings defining the curtilage of the Chapel would be retained and re-modelled where necessary. The attractive ashlar stone gate piers in the Beck Road frontage are to be re-positioned within the site to form a gated private entrance to the lower ground floor residential unit. Where existing stone outbuildings are proposed to be demolished the stone walls and stone slate roof coverings are to be reused in forming new stone boundary walls and repairing the main building. The damaged timber windows are to be replaced like for like with double glazed timber casement windows matching the pattern of the existing windows and with a painted finish. The Juliet balcony guards are to be installed between the reveals of the existing windows as recommended by the Council's Conservation Officer and will be painted to complement the existing boundary railings.

The proposal includes the construction of a new private driveway off the existing pedestrian access on Beck Road. The existing stone drainage channel along Beck Road will be retained in situ with the level of the proposed driveway working in accordance with existing topography. The driveway is proposed to be formed using locally sourced paving, however it will be conditioned that the proposed parking spaces should be surfaced in permeable materials thereby contributing to a sustainable development and in accordance with Drainage Officer recommendations.

The proposed domestic dwellings incorporate design arrangements giving sufficient area for garden and for recycling facilities.

In conclusion, this is a well thought out scheme for conservation and re-use of the building and the agent/applicant have responded very positively to recommendations of the Conservation and Planning Officer to design a scheme that will preserve and enhance the character and appearance of this building and its setting in the Conservation Area.

### **Green Belt Considerations**

As the development is a conversion of an existing church and no new build is proposed it is considered that this development is acceptable in this Green Belt location. The conversion can be achieved without major or substantial reconstruction and the height, form and materials of the building would remain essentially unchanged. Micklethwaite is identified by RUDP Policy GB3 as being appropriate for limited infill development and there are no conflicts with the green belt policies (GB4 and GB3) of the RUDP.

### **Ecology**

A bat survey has been commissioned and confirms that no bats are present in the building.

### **Impact on Neighbouring Occupants**

Due to the age and setting of the village, a number of adjacent properties front directly onto Beck Road and are close to the windows in the side and front of the building. Therefore the issue of overlooking from the Beck Road (north east) and front (south east) elevations of the building has been a consideration. Historically, the Chapel has had obscure windows fitted along the side elevations - as local residents have pointed out. It has been recognised that windows along the south east and south west elevations need to be retained as such to safeguard the privacy of existing residents. The solution is to propose that the casement section of these windows, at first floor level, should be obscure glazed. As far as possible, new windows have been proposed in the north-west elevation to provide daylight and outlook from the affected rooms and reduce reliance on the side windows.

It is not thought desirable to require these openings to be completely walled up as they are such a striking feature of the character of the building.

The remaining existing and proposed windows in the south west and north west elevations would not cause any direct or significant overlooking and comply with the Council's normal standards of separation. One objection relating to overlooking to the north west towards Beck House has been received and no obscure glazing is proposed on this elevation. However, the proposed new windows look towards the garage and parking area and the windows are a significant distance away so that any overlooking could not be deemed significant. It is therefore considered that no obscure glazing is required to this elevation.

No additional overshadowing to neighbours will occur as the scale, massing and height of the building will remain as existing.

One objection in relation to light intrusion has been received due to the proposed lighting bollards on the terrace and lawn adjacent to Beck Road. However, this lighting is purely for security and will be operated on a movement sensor and timer, and will therefore only be operational for short periods of time.

It is accepted that due to the proximity to existing homes, the Council's standard condition setting a limitation on construction hours would be reasonable in this case.

### **Impact on Highway Safety**

It is acknowledged that the largest number of objections refer to the lack of parking and problems of congestion in the tight-knit residential area surrounding the proposed development. However, residential development produces a low intensity of traffic in relation to other uses – including those within the existing D1 Use Class. As the building currently has a D1 use, other permitted uses to which the Chapel could lawfully be put without the need for planning permission would include clinics, health centres, crèches, day nurseries, day centres, schools, art galleries, museums, libraries, halls, places of worship, church halls, law court and non residential education and training centres. All of these uses would produce a much higher intensity of traffic movements to and from the site, and put increased pressure on the surrounding area for parking facilities.

If the building is to be brought back to productive use, some degree of parking pressure and traffic is bound to be generated but its use for two dwellings would generate significantly less traffic than would a resumption of its use as a place of worship and would be well within the capacity of the surrounding highway network, albeit that the narrowness of Beck Road and other constraints identified by local objectors are fully appreciated.

Ideally, the Highways Development Control Officer would have liked to have seen 2 car parking spaces for each of the dwellings to be created. However, the site is too constrained to achieve any more than 2 parking spaces in total (1 per dwelling). In the circumstances, and given the heritage constraints preventing any additional demolition or disruption of the area at the front of the building, it is accepted that, in this instance, a lesser ratio of car parking can be accepted.

Vehicle tracking plans have been provided and show that vehicles can manoeuvre into both proposed parking bays. Beck Road is a very quiet, unadopted road which due to its uneven road surface limits the speed of traffic using it to a minimum. The proposed dwellings each have a parking space therefore providing adequate space for one vehicle from each dwelling to park off the highway.

The Council's Highway Officer did recommend the height of the boundary wall on Beck Road be reduced to 900mm to improve visibility when exiting the proposed parking areas. However, due to the importance of the boundary walls within the setting of the Conservation Area it is considered that the wall should remain at its existing height. Due to the slow speed of traffic on Beck Road it is considered that vehicles will be able to manoeuvre safely in and out of the proposed parking areas without adversely affecting the safe flow of traffic or public safety.

Therefore, on balance, it is considered that a residential use for the building would be the lowest trip generating use and is the most realistic and least problematic option for the reuse of the building.

**Community Safety Implications:**

The proposal poses no apparent community safety implications and is considered to accord with Policy D4 of the Replacement Unitary Development Plan.

**Reason for Granting Planning Permission:**

The proposal for the conversion of the disused church into two residential properties is considered an acceptable means of bringing a key, unlisted building in Micklethwaite Conservation Area back into productive use. The proposed physical changes to the fabric of the building and its surroundings will preserve and enhance the character and appearance of the Conservation Area. Subject to the imposed conditions, the proposal will have no significant adverse impact on the living conditions of occupiers of neighbouring dwellings. Given the constraints of the site and the value of the building to the Conservation Area, the car parking provision is, on balance, deemed satisfactory and it is not considered that the development will adversely affect local road safety. As such the development is considered to comply with Policies UDP3, UR3, BH7, D1, D4, GB3, GB4, TM2 and TM12, of the Bradford Replacement Unitary Development Plan.

**Conditions of Approval:**

1. 3 year time limit for development to begin.
2. Prior to occupation of the building, obscure glazing is to be fitted to the windows in the north east and north west elevations as is indicated on approved drawing 7264/01 Revision B and thereafter retained.
3. The existing ashlar gate piers and the gates shall be reused in the scheme.
4. The off street parking facilities shall be provided as shown on the approved drawings before the dwellings are occupied.

5. Parking areas shall be surfaced using permeable materials.
6. Standard condition to restrict hours of construction.
7. All areas of repair and reconstruction shall be carried out using matching reclaimed stone facing materials and roof slates.
8. Pointing sample panel to be submitted
9. Windows to be timber and joinery details to be submitted and approved prior to commencement of development.
10. Juliet balcony rails are to be set within window reveals as shown.
11. Rainwater goods, gutters and fallpipes must be cast iron or cast aluminium.
12. Separate systems of drainage required for foul and surface water.

**Footnote:**

Adjacent right of way should not be obstructed during building works.

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**16 December 2009**

**Item Number: 4**  
**Ward: BINGLEY RURAL**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
**09/04833/FUL**

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

Full application for the construction of split level detached dwelling on land at Woodbank, Harden Road, Harden.

**Site Description:**

The site lies to the south of Harden Road and is accessed via a long single track private drive serving Woodbank and Woodbank Barn. Woodbank Nursery is located directly to the north. Occupying a sloping site where levels fall towards the south adjacent to a large pond and stream beyond. Woodbank is a large grade II listed property set within extensive grounds and bordered by mature trees. The site of the proposed dwelling lies approximately 50 metres to the west of Woodbank and is a partially cleared banked area above a large pond.

**Relevant Site History:**

None Recent

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

***Allocation***

The site is within the Greenbelt and a site of Local Nature Conservation Importance –a Bradford Wildlife Area in the Replacement Bradford Unitary Development Plan (2005) (RUDP).

***Proposals and Policies***

GB1 – New Building in the Green Belt  
BH4A – Setting of Listed Buildings  
UR3 – Local Impact of Development  
D1 – General Design Considerations  
NE5 – Retention of Trees on Development Sites  
NE6 - Protection of Trees During Development  
NE9 –Sites of Local Nature Conservation Value  
NR15B – Flood Risk  
TM11 – Parking Standards for non-residential development  
TM19A - Traffic Management and Road Safety  
D4 – Community Safety

**Parish Council:**

The Parish Council objects to the application on the grounds that the proposed dwelling is within the green belt, contrary to the RUDP and is within an area of wildlife interest. The applicant has failed to demonstrate adequate special circumstances to allow a grant of planning permission.

**Publicity and Number of Representations:**

Advertised by neighbour notification letters, site and press notice with an overall expiry date of 27.11.2009.

The Council has received one representation from a local ward Councillor.

**Summary of Representations Received:**

It is requested that the application be considered by the Planning Panel as the applicant has advanced very special circumstances in support of the application. In addition a high quality design is proposed which will ensure that the dwelling is sympathetic to and in keeping with the character of the area

**Consultations:**

**Design & Conservation** – The proposal would result in a neutral impact upon the conservation area.

**Drainage** – Clarification of proposals for foul water disposal required. A watercourse fed pond exists along the site boundary and consequently a flood risk assessment is required in accordance with PPS25.

**West Yorkshire Ecology** – Do not support the proposal, no survey undertaken for water vole, great crested newt, and white clawed crayfish. Do not consider that the applicant adequately demonstrates that the need for the application clearly outweighs the nature conservation value of the site.

**Countryside and Biodiversity** – Recommend refusal due to lack of information.

**Summary of Main Issues:**

1. Principle of Development
2. Biodiversity
3. Impact on Trees
4. Flood Risk
5. Setting of a Listed Building
6. Traffic and Highway Safety

**Appraisal:**

The application seeks permission for a detached split level residential property within the curtilage of Woodbank. The proposal would be located within a clearing into a banked area populated with trees and overlooking a large pond. The property would be constructed in reclaimed natural stone with natural stone slates and appear single storey to the north elevation and two storey to the south.

**Principle of Development**

The application site comprises garden land adjacent to the large residential property, Woodbank. Consistent with guidance in *Planning Policy Guidance 2: Green Belts (PPG2)* Policy GB1 of the adopted *Replacement Unitary Development Plan (RUDP)* indicates that except in very special circumstances, permission will not be granted for development in the Green Belt other than for certain specified categories of development or other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.

The proposal does not fall within any of the categories of development specified in the RUDP. Accordingly the proposal represents inappropriate development in the Green Belt, which paragraph 3.2 of PPG2 states is, by definition, harmful to the Green Belt. It also requires those undertaking inappropriate development to show why permission should be granted. It continues to advise that very special circumstances to justify such development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has submitted a supporting statement with the application which accepts that the proposal represents inappropriate development in the Green Belt and which puts forward the following points to demonstrate that there are very special circumstances;

- The purposes of including land in the green belt is to check urban sprawl, prevent towns from merging, assist in safeguarding the countryside from encroachment, preserve the setting of historic towns and urban regeneration. It is not considered that this proposal would cause any harm to the purposes of including land in the green belt.
- With regard to impact on openness it is considered that there are two relevant appeal decisions on the issue. Both cases related to residential development in the green belt and in both cases the Inspectors put substantial weight on the lack of visibility of the developments as a result of screening and approved the developments. The application site is hidden owing to the local topography and the number of trees surrounding the site. Taking into account the site and screening and the finding of the Inspectors in the appeal cases it is considered there will be no adverse impact on either the openness or visual amenity of the green belt.
- The dwelling would be of high quality design to reflect the character of its surroundings.
- It is intended to follow the principles of the Code for Sustainable Homes through the introduction of various energy efficient techniques – Photovoltaic glazing for the creation of electricity, collection and re-cycling of 'grey' water, ground source heat pump and energy efficient lighting.
- Personal circumstances – the applicant's parents both have serious health problems and there is a need for them to live close to the applicants (who live at Woodbank) in order that care and assistance can be provided. The alternative would be to look at a log cabin which case law has held benefits from permitted development rights but this would not fit appropriately within the grounds of the property.

It is considered that the approval of this proposed dwelling in the green belt would be in direct conflict with the purposes of including land in the green belt in that it constitutes encroachment in the countryside. Furthermore, whilst granting permission for one dwelling in the green belt may not have a significant impact on urban regeneration it would set an undesirable precedent. In cases where circumstances are similar to this proposal, there would be pressure for green belt development and the cumulative effect of such development would prejudice development in the more sustainable urban areas of the district.

The applicant has referred to the fact that the site is well screened and as such does not affect the openness or visual amenity of the green belt and that this has been a determining factor in two recent appeals relating to residential development in the green belt. Firstly, it should again be noted that PPG2 states that inappropriate development is, by definition, harmful to the Green Belt. The fact that development is not visually prominent in the green belt is not considered to be a reason to approve such development. There are many such sites in the green belt and dwellings could be built underground to reduce their visual impact.

The applicant has referred to two appeal decisions where the inspector took account of the prominence of the site in the green belt. One proposal (Aspley Guise) related to the replacement of a bungalow and commercial building with 3 dwellings. The inspector did take into account the fact that the site would be effectively screened by existing vegetation but he also took into account the fact that there would be a reduction in floorspace and the area occupied by buildings on the site which meant that openness would be improved. In the second case (Cheltenham) for a chalet bungalow in a garden the Inspector referred to the fact that the site was surrounded by gardens on three sides and a residential estate road on the fourth side. He noted that the site was landlocked. He considered that the existing screening and the sites location in the built up area of the village amounted to very special circumstances outweighing the presumption against inappropriate development. Neither of these cases are comparable with the application site which is undeveloped and in a sensitive rural location.

Furthermore, appeal cases can be found which indicate that the prominence of a proposed dwelling in the greenbelt is not a determining factor in whether a development is acceptable. An underground dwelling was proposed in a green belt area in Tonbridge & Malling . At appeal the inspector felt that no matter how unusual, inconspicuous or insignificant the dwelling may be, it would nonetheless add to sporadic development in the countryside and increase domestic activity. There were no special circumstances outweighing restrictive policy (Tonbridge & Malling 21/6/93 DCS No [034759196](#) ).

The fact that the dwelling is of high quality design and incorporates energy efficient measures are not considered to be special circumstances which justify development in the green belt. All development proposals should and could aspire to these principles.

Whilst sympathizing with the personal circumstances of the applicant's parents they are not, in themselves, so exceptional as to outweigh the harm that would be caused by the proposal to the green belt. Personal circumstances do not warrant overriding the strong planning objections to the creation of an undesirable addition to scattered development beyond the built-up area of a settlement. The supporting statement indicates that there is an alternative of locating a log cabin in the grounds as 'permitted development'. However, it should be noted that there are no permitted development rights to erect freestanding buildings within the cartilage of a listed building.

It is considered that the proposal is inappropriate development within the Green Belt and that the harm by reason of the inappropriateness and the encroachment into the Green Belt are not clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development. The proposal would therefore conflict with the aims of both local and national planning policy, in Policy GB1 of the RUDP and PPG2 respectively.

## **Biodiversity**

This application is for the construction of a property in the middle of Woodbank Harden Bradford Wildlife Area (BWA). Policy NE9 states that 'development likely to have an adverse effect on a site of local nature conservation value (Bradford Wildlife Areas) will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site. Where development is permitted which would damage the nature conservation value of the site, such damage will be kept to a minimum. Where appropriate the Council will consider the use of conditions and/or planning obligations to provide adequate mitigation and/or compensation measures.'

The BWA is the only site for breeding grey herons in Bradford District. Herons are vulnerable because they are colonial breeders and are very faithful to the same breeding sites. The numbers nationally are not declining. The proposal has been accompanied by an ecological assessment which identified a significant badger sett within the site. It also recognises that the pond complex scores highly against the great crested newt habitat suitability index (no survey was undertaken). The survey does not seem to consider the harm that may result from the construction of the property on the steeply sloping land running into one of the ponds.

As mentioned above, the site has been designated as a Bradford Wildlife Area because of the location of a *heronry*, i.e. a roosting/nesting area for herons, and is possibly one of the main roosts in the Bradford area. Herons mostly roost communally and the birds may congregate in significant numbers. However, although reference was made in the applicant's Biodiversity Assessment to the heronry, no further information was included. Although herons are not a 'protected species' or 'priority' species on the UK Biodiversity Action Plan, they are particularly vulnerable to human disturbance, especially during nesting, and the proposed development is likely to result in more human activity both during construction and post development through lighting and general increase in human (and potentially dogs) presence on the site. Therefore it is considered that a survey is required to assess the potential impact of the development on herons.

With regard to bats, the Council's Countryside Team has raised concerns about the potential impact of lighting on the local population of foraging bats around the watercourse. Unfortunately the Biodiversity Assessment does not include a bat survey, justifying this by reason that there were no records within the study area and that no trees would be felled and the proposal is a new build development. The Biodiversity Assessment doesn't appear to have included a wider search for bat records. However, according to the countryside officers' record there are three bat records, including two roosts within 400m of the development and it is therefore very likely that there will be a roost within the existing dwelling/outbuildings at Woodbank. Water bodies with adjacent/overhanging trees will be very attractive to foraging bats and, although the proposed dwelling is set back from the water's edge, there is likely to be light spill which would cause disturbance to foraging bats. Recent research has shown that bats are extremely sensitive to even low levels of light due to their eye physiology. Bats are a European Protected Species and have a high degree of legal protection under various UK and European legislation. Although conditions for security/external lighting could be conditioned, these would be difficult to adequately enforce. The Council's Countryside Officer has recommended that a bat survey should be undertaken, to establish the location of any existing nearby roosts and foraging behaviour before the application is determined, in accordance with ODPM Circular 06/2005 and the Natural Environment and Rural Communities [NERC] Act 2006.

Although the applicants Biodiversity Assessment states that no trees will be felled or have cavities/crevices suitable for roosting bats in view of the line of proposed access route and the relationship of the trees to the dwelling it is likely that some tree felling may be required and that some trees would be damaged by construction vehicles especially through compaction of tree roots. As such the bat survey should also include assessment of bat roosting potential of any trees within the vicinity of the proposal.

The Countryside Officer is satisfied with the assessment made with regard to the badger sett on the site and would support the recommendations made with regard to safeguarding the sett with marker tape during construction.

The Biodiversity Assessment submitted with the application also evaluated the pond adjacent to the development as having good suitability for great crested newts. However, no further surveys were submitted to substantiate their presence or absence. Likewise, the desktop survey found records of white-clawed crayfish within 2km, but no further surveys or evaluation were submitted in this respect. The Countryside Team recommends that surveys are undertaken for both of these (European) Protected Species to establish if there is need for any mitigation.

West Yorkshire Ecology are concerned that this proposed development has been sited poorly, far too close to one of ponds. This would appear to be an unsympathetic development proposal within a designated site. The close proximity of the development to the heronry and other wildlife interest within the site would seem likely to have a detrimental impact. In this respect it is not considered the possible general biodiversity enhancement measures which are included within the ecological survey; address the obvious problem that the house has been badly positioned.

In conclusion it is considered that there has been insufficient information submitted regarding the potential effects of the development on Protected Species and the Bradford Wildlife Area. As it is not deemed appropriate under ODPM Circular 06/2006, para 99 to condition surveys for Protected Species, it is considered that the proposal fails to accord with Policy NE9 of the RUDP.

### **Impact on Trees**

The proposed dwelling is located within a wooded bank and whilst the applicant has stated that the proposal would not involve the removal of any trees. However the submitted site location plan shows the proposed access and dwelling under the canopy spreads of mature trees without submitting methodology or assessment of the impact of the development and its construction upon on site trees. The proposal therefore fails when measured against Policies NE5 and NE6 of the RUDP.

### **Flood Risk**

The site of the proposed dwelling is within a banked area where at the closest point the property would lie 7 metres north of a large pond (approx 1100m<sup>2</sup>) fed by a watercourse. The Councils drainage section has been consulted on the application and have stated that in accordance with PPS25, as a watercourse fed pond exists on the site boundary a flood risk assessment should be submitted.

The information submitted is insufficient to enable its proper determination in respect of potential problems regarding flood risk. As such the proposal fails against Policies UR3 and NR15B of the RUDP.

### **Setting of a listed building**

The Councils Design and Conservation Team have been consulted on the application to comment on the likely impact upon the setting of the grade II listed property Woodbank and have indicated that they believe the proposal would have a neutral impact on the setting of the listed building Woodbank.

The proposed dwelling would be set within the wooded area approx 50 m to the SW of the listed building. The proposed dwelling is detached enough from the host building and will be well screened by existing trees and therefore is unlikely to have detrimental impact on its setting.

In terms of design the dwelling has been designed in a very traditional style to mimic the features and details of a vernacular cottage whilst incorporating some more modern elements (such as the French doors) on the southern elevation.

The design and materials proposed are considered acceptable and appropriate for this location. Reclaimed stone walls and stone slates are proposed for the roofing materials. The proposal would not be considered to have a harmful impact upon the setting of the adjacent listed building and acceptably accords with Policy BH4A.

### **Traffic and Highway Safety**

The proposal includes the formation of a new access, branching off the private drive for Woodbank and hard standing around the property itself.

The access road to the proposed dwelling itself includes a pull in area and whilst the site plan does not specifically show the two allocated parking spaces which are stated in the application form to be provided, it is considered that there is sufficient space to the north of the proposed dwelling to park and manoeuvre at least two vehicles.

Condition could be attached to require details to show the parking spaces.

Accordingly, it is considered that the proposed development provides the required levels of off street parking and it is not felt that the proposal would be detrimental to highway safety. It therefore accords with RUDP policies TM2 and TM19A.

### **Community Safety Implications:**

There are no significant community safety implications arising from this proposal.

### **Reasons for Refusal:**

The proposed development would constitute inappropriate development for purposes of Policy GB1 of the Bradford Replacement Unitary Development Plan (the RUDP) and subject to the guidance contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). It is considered that the development would amount to an encroachment of development into the green belt and conflict with the purposes of including the land in it. Its encroachment and inappropriateness within the Green Belt would not be outweighed by any very special circumstances that would warrant an exception to this policy. The development is therefore contrary to Policy GB1 of the RUDP.



Further the proposal provides insufficient information to enable its full consideration in terms of its likely impact on biodiversity, flood risk and trees contrary to Policies UR3, NR15B, NE5, NE6 and NE9 of the RUDP.

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