

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 10 March 2010

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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.	Bank Top Farm Rosedale Close Baildon West Yorkshire BD17 5TB [Approve] page 1	Baildon
2.	Land Adjacent To Cleasby Court Kirklands Close Menston Ilkley West Yorkshire [Approve] page 7	Wharfedale
3.	Manywells Industrial Estate Manywells Brow Cullingworth Bingley West Yorkshire [Approve] page 13	Bingley Rural
4.	Transco Compound View Croft Road Shipley West Yorkshire [Approve] page 44	Shipley
5.	30 Main Street Burley In Wharfedale Ilkley West Yorkshire LS29 7DT [Refuse] page 49	Wharfedale
6.	The Stone Yard Derry Hill Menston Ilkley West Yorkshire LS29 6AZ [Refuse] page 55	Wharfedale

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Portfolio:
Environment and Culture

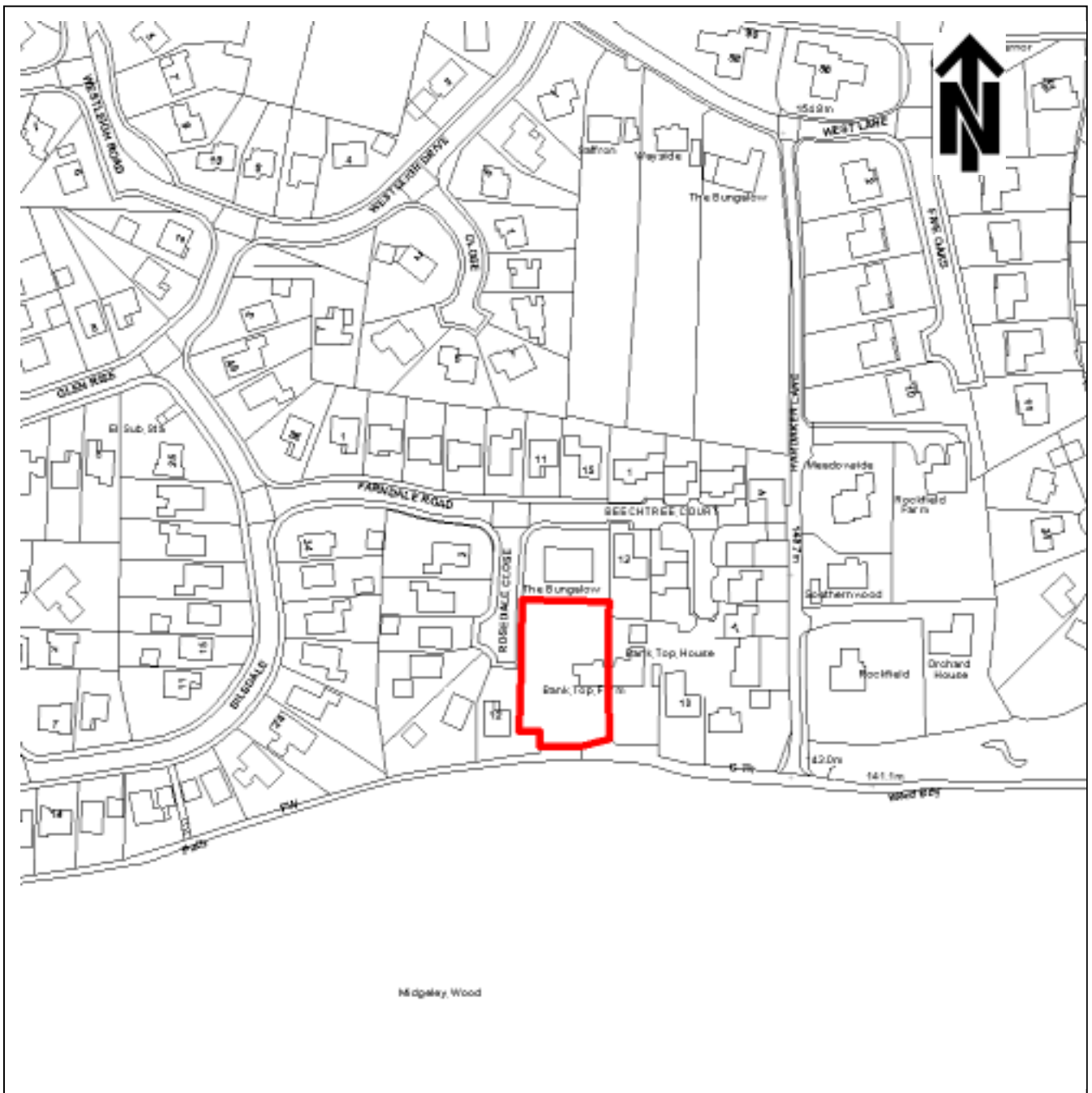
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

09/05882/FUL

10 March 2010



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<p>ITEM NO. : 1</p>	<p>LOCATION: Bank Top Farm Rosedale Close Baildon</p>
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10 March 2010

Item Number: 1
Ward: BAILDON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
09/05882/FUL

Type of Application/Proposal and Address:

This is a full application for the construction a detached dwelling within the curtilage of Bank Top Farm, Baildon.

Site Description:

Bank Top Farm, Rosedale Close, Baildon is a traditional stone built semi-detached dwelling set in the South East corner of this residential cul-de-sac. The property has the advantage of a significant curtilage on all three sides and there is an existing vehicular access of Rosedale Close. There are slight level changes within the site and a notable level change between the neighbouring dwelling. The boundaries are predominantly marked by low stone walls although additional screening is provided by established planting and trees.

It is noteworthy that extensions to the front and rear of the existing property have recently been granted planning permission.

Relevant Site History:

04/01663/OUT – Proposed dwelling to be sited in the front garden – refused due to anticipated detrimental impact on neighbouring residents and a protected tree

07/07909/FUL – Various extensions – refused

07/07985/FUL – Proposed dwelling to the rear of the dwelling – refused on grounds of overdevelopment

08/07028/FUL – Various extensions – approved

Replacement Unitary Development Plan (RUDP):

Allocation

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

Proposals and Policies

Relevant policies are:

UDP1 – Promoting Sustainable Patterns of Development

UR3 – The Local Impact of Development

D1 – General Design Considerations

TM2 – Impact of traffic and its mitigation

TM12 – Parking standards for residential developments

TM19A – Traffic management and road safety

NE4 – Trees and Woodlands

The Revised House Extensions Policy

Parish Council:

Baildon Parish Council, response received no comments to make against the application.

Publicity and Number of Representations:

The application has been advertised by site notice and by letters to neighbours. The publicity expires on the 26.01.2010. Nine written representations have been received in objection to the proposal. Two local councillors have also raised objections, which include a request for the application to go before the Shipley Area Planning Panel.

Summary of Representations Received:

1. Overdevelopment
2. Overbearing
3. Loss of light
4. Loss of view
5. Parking
6. Loss of open space
7. Out of scale and character with the locality
8. Harmful to neighbouring amenity
9. Disturbance during construction

Consultations:

Design and Conservation – No response, although no detrimental impact is anticipated due to the sites position in relation to the world heritage site

Drainage – The developer must provide details and calculations to demonstrate the existing system is both hydraulically and structurally suitable to drain the proposal. The developer should clarify their proposed outfall, and the development shall be drained on a separate system.

Rights of Way – No objections. The applicant should ensure a minimum width of 1.8m shall be retained for the footpath and that the general construction guidelines in respect of rights of way should be adhered to. A footnote in respect of the construction guidelines will be attached to any planning approval.

Trees Team – Don not support this application as due to level changes the south side woodland will cast shadows on the amenity space reducing daylight and resulting in pressure on the woodland.

Summary of Main Issues:

1. Neighbouring amenity
2. Visual amenity
3. Highway safety
4. Trees

Appraisal:

The principle of the development is considered sound in this locality. The site is unallocated in the Replacement Unitary Development, and Rosedale Close, Baildon represents an established residential area where the siting of a new residential dwelling would conform with the principles of sustainable development and the key points of policy UDP1 (Promoting Sustainable Patterns of Development) of the RUDP.

Notwithstanding the above the proposed development must also be in accordance with the other relevant policies within the RUDP; the main issues will now be considered:

Neighbouring Amenity

This is the third application for the construction of a new dwelling within the grounds of Bank Top Farm, of the previous two, due to a change in the siting of the proposed dwelling, only one is of direct relevance to this application; this was refused by reason of overdevelopment in 2007.

The current proposal has endeavoured to overcome the previous reason for refusal by reducing the scale of the proposed dwelling and by lowering the land levels where the dwelling is to be positioned. These amendments are considered to improve the relationship with the neighbouring dwelling and in combination with the careful positioning of the new dwelling satisfactorily address concerns regarding neighbouring amenity.

The aspect of the new dwelling is also an important consideration sited directly to the east of the neighbouring dwelling and to the south west of Bank Top Farm overshadowing is not anticipated to reach a level that would justify a planning refusal, and furthermore the dwelling has been positioned and designed to meet the council's stipulated 45° line in respect of both properties.

The reduction in land levels and the siting of the dwelling are also considered to address any concern regarding an overbearing relationship. The main impact is anticipated to be on the amenity of the existing dwelling, but this is only a proportion the amenity space available, and the subsequent relationship is not that dissimilar to that which exists between the adjoining plot and no.10 Beechtree Court.

By containing windows to the front and rear elevation the levels of overlooking anticipated as a result of this development are deemed acceptable and no habitable rooms will be directly impacted.

It is also worth noting that even with the previously approved extensions; adequate amenity space for the exiting dwelling would be retained after this development.

An anticipated disturbance during construction work is also noted in the representations received however this is not a material planning consideration, but a condition controlling when construction occurs is proposed.

Visual amenity

Several of the representations received raise concerns regarding a potential overdevelopment of the site and that the resulting development will be out of scale and character with the rest of Rosedale Close. However it is the view of officers that positioned in the corner of cul-de-sac, in what in essence is a plot that corresponds with the lay out of the cul-de-sac this would not be the case, and it is considered that the proposal subject to the use of suitable materials would have a negligible impact on the appearance of the street scene, this is not withstanding previous planning approvals on the existing dwelling.

It is acknowledged that the proposed dwelling is slightly larger than the majority of the prosperities on Rosedale Close, although these are not uniform in their layout or scale, however the siting of the new dwelling means the proposal is unlikely to appear dominant or out of place within the street scene. The reduction in scale of the dwelling from the previous application also allows for a gap between the side boundaries of the site which is also in keeping with the remainder of the cul-de-sac.

In addition to the above points representations also make reference to the loss of open space and view, the land is not protected open space and as such a refusal on these grounds alone would not be justifiable, the loss of a view is not a material planning consideration.

Highway Safety

The parking and access arrangements have been amended since the previous planning application, the existing dwelling will now have a single garage, and a single off street parking space, the new dwelling will also have the same provision. This is in line with the council's requirements for off street parking.

It is noted that the area to the front of the garage is likely to be required to provide access to the new dwelling, but as a further off street parking space is provided and a turning facility is provided within the curtilage of the new dwelling this is not deemed to result in conditions prejudicial to highway safety.

Trees

It is acknowledged that the council's tree officer raises concerns in respect of the woodland to the rear of the site, and specifically that by allowing this development there will be an increase in pressure to lop or fell the trees, however with consideration given to the existing relationships within this locality, which in some case are closer to the woodland it is not foreseen that by approving this development would lead to a future demand for the trees to be felled. The aspect of the dwelling also works in the proposals favour as the affected garden will be south facing.

Conclusion

In conclusion the proposed development is not considered to result in a significant detrimental impact on neighbouring or visual amenity. It is also considered that the development will not result in a harmful impact on highway safety or the protected trees on or beyond the site. As such the proposal is deemed acceptable when measured against RUDP policies UDP1, UR3, D1, TM2, TM12, TM19A, NE4 and guidance contained in the revised House Extensions Policy.

Community Safety Implications:

None anticipated as a result of this development

Reason for Granting Planning Permission:

The development would be appropriate and in accordance with policies UR3, D1, TM2, TM12, TM19A and NE4 of the Replacement Bradford Unitary Development Plan (2005)

Conditions of Approval:

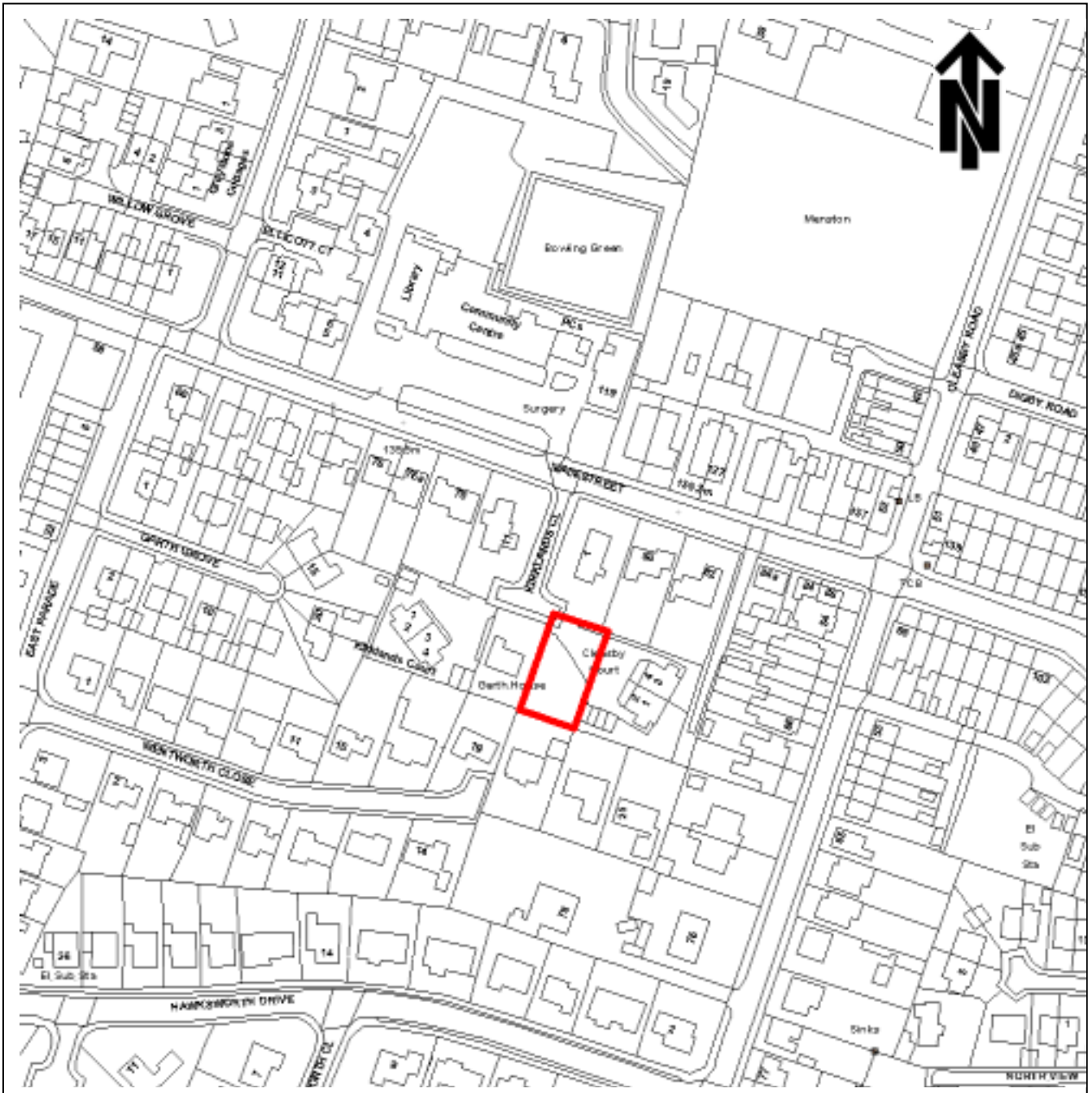
1. 3-year time limit on commencement of development
2. All Materials to be approved
3. Trees no chopping or lopping
4. Parking porous area provided before use

5. Access and turning area to be constructed prior to occupation
 6. Balcony obscure glazed barrier and thereafter retained
 7. PD rights removed general
 8. PD rights removed Windows
 9. Drainage to be on a separate system
 10. Drainage: provide details before development
 11. Covered bin store
 12. Construction times
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Area Planning Panel (Shipley)

09/05594/FUL

10 March 2010



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ITEM NO. : 2	LOCATION: Land Adjacent To Cleasby Court Kirklands Close Menston
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10 March 2010

Item Number: 2
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
09/05594/FUL

The application has been referred to panel at the request of Menston Parish Council and a Ward Councillor.

Type of Application/Proposal and Address:

Full application for the construction of a two storey detached dwelling on land at Cleasby Court, Kirklands Close, Menston.

Site Description:

Kirklands Close is a short hammerhead cul-de-sac leading from Main Street in the centre of Menston and providing access to Cleasby Court to the west, Kirklands Court to the east and, at the head of the cul-de-sac, "Garth House"; a mature detached two storey dwelling. The two Courts each comprise a modest, two storey block of 4 flats constructed in the 1960's from brick and concrete tiles. Cleasby Court is positioned on a rectangular area of land approximately 0.15ha in total, with the proposed development site occupying roughly a third of this. Cleasby Court presently comprises the block of flats (which is set back close to the far boundary with some garden space behind) a large unsegregated tarmaced parking/turning area, a block of 4 garages and a lawned garden area which is the site of the proposed dwelling. The site is bounded on all sides by mature evergreen hedging to a height of approximately 2.5m.

Relevant Site History:

None

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated.

Proposals and Policies

Relevant rUDP Policies are:

UDP3 – Quality of Built and Natural Environment
UR3 – The Local Impact of Development
D1 – General Design Considerations
D2 – Energy Efficiency and Sustainable Design
D4 – Community Safety
H7 – Housing density – Expectation
H8 – Housing density – Efficient use of land
TM2 – Impact of Traffic and its mitigation
TM12 – Parking standards for residential developments
TM19A – Traffic management and road safety

Relevant National Planning Guidance:

PPS 1 – Delivering sustainable development

PPS 3 – Housing

Parish Council:

Menston Parish Council recommend refusal of the original submission and requested that the application be determined by the Area planning Panel if it was recommended for approval. The amended plans have been sent to the Parish Council but they have been unable to comment prior to the completion of this report. Any further comments will be presented verbally to the Panel.

Publicity and Number of Representations:

Neighbour notification letters and a site notice giving an overall expiry of 29.01.2010. Five representations have been received, four from a local residents and one from the Menston Community Association.

Summary of Representations Received:

- There is an error on the site plan – the extension at Garth House is not shown. Contrary to what is said there is no open space between the proposed and existing dwelling
- The proposed house will unbalance the symmetry of the current layout of Kirklands Close, Kirklands Court and Cleasby Court. There will be a strikingly obvious unbalanced and unacceptable view from the street
- The site plan fails to show the width of the existing hedge separating Garth House from the site
- If the building is constructed in the position shown the hedge will not survive thus allowing overlooking into our amenity space
- The plans fail to show the access to the existing flats and deliberately mislead by including areas where access should be
- The plans show ownership lines into the street where clearly ownership does not exist
- The plans fail to show alterations to parking provision and turning areas within this existing flats which we believe will be affected by the proposal
- The scale and proportions are not in keeping with surrounding houses, the surrounding houses are sized to suite the site they stand in from a vertical and horizontal perspective. The new house is not and would appear out of scale and character
- The excessive amounts of render show that the house is out of context with its surroundings
- The use of Juliet balconies is not common to the area and will date the building to the present era
- The development would have an adverse impact on the occupants of surrounding properties due to overlooking and overshadowing
- The distance to the property at Wentworth Close at 21m is less than the minimum guideline. The drawing fails to recognise the conservatory at this property in this distance
- The obscure glazed rear first floor windows could be reversed without planning permission it should not therefore negate the overlooking and overshadowing issues which would otherwise prevent approval
- The development would overshadow the flats to an enormous extent, remove their outlook and the facility of the communal garden

- The plans are inaccurate and not to scale
- There are no sight lines at the junction of Main Street whatsoever, the addition of a family house will increase existing problems to a dangerous level
- The provision of a house on what is currently the parking area for Cleasby Court will lead to cars being parked on Kirklands Close
- Two large trees were cut down prior the application being submitted – no landscaping plans are included
- The plans should only be approved when matters relating to materials, design, distance to Garth House and permeable surfacing have been addressed

Consultations:

Drainage The closest public sewer to this development is situated in Kirklands Close. Connection to this sewer will require the provision of an off-site drain. If it is proposed to discharge flows to an outlet other than the public sewerage system then that outlet must be proved both hydraulically and structurally adequate. Separate drainage system required within the site boundary.

Highways No undue highway safety problems foreseen and no objections raised. Before the dwelling is brought into use the access and parking should be laid out, hard surfaced, sealed and drained.

Summary of Main Issues:

1. Principle of development
2. Impact on local and residential amenity
3. Design
4. Impact on highway safety

Appraisal:

Principal of Development

The site is unallocated and is within the built up area of Menston. The plot, whilst small, is of a reasonable size and there are no policy reasons to oppose the principle of constructing of a dwelling on it subject to all relevant material considerations.

Impact on local and residential amenity

The proposal is for a modest two storey dwelling to be constructed on a lawned garden area at Cleasby Court. The plot, at approximately 0.05ha, is similar in size to that of neighbouring dwellings and the scale and massing of the proposed dwelling is likewise similar. The dwelling would be positioned 21m from the adjacent dwelling to the rear; an acceptable minimum distance which is slightly greater than that between the adjacent dwelling at Garth House and its rear neighbour. The rear first floor windows would be obscured and a mature 2.5m hedge provides a good level of screening to the rear ground floor. It is not considered, therefore, that an unacceptable level of overlooking would result.

The proposal has been amended twice; once at the request of officers and latterly at the initiative of the applicant who was attempting to address issues raised by the objectors. The plans now show the dwelling positioned away from the boundary with Garth House to ensure that the mature hedge along this boundary can be retained. To provide space for this the garage which was originally detached from the dwelling is now integral. Garth House has a single storey extension alongside this boundary which is included on the amended drawing. The only window on the side elevation of Garth House is a secondary window and it is not considered that the proposed dwelling would result in unacceptable levels of overshadowing of Garth House. The amended plans have omitted the originally proposed Juliet balconies. It is the opinion of officers that these balconies would have been acceptable as they did not give rise to concerns about overlooking and the design was considered acceptable; nevertheless these do not feature on the latest set of amended plans. The amended plans also show a lowered and altered roofline and amendments to the materials; it is now proposed to construct the building from stone with a slate roof in place of the previously proposed render. Two trees were removed from the site prior to the application being submitted. These were not protected and the scheme includes plans for two replacement trees in the rear garden of the new dwelling.

To the east of the proposed dwelling is the existing two storey block of flats with approximately 18m separating the two buildings. This distance is considered to be large enough to ensure that the proposed dwelling would not have an oppressive impact on the residents of the flats or result in significant levels of overshadowing.

The dwelling will be visible in views from Main Street however it is not considered that this would have detrimental impact on the street scene.

The proposal is considered to comply with policies UDP3, UR3, TM12, TM19a, NE4 and D1 of the Replacement Unitary Development Plan and the national planning guidance contained within PPS3 "Housing".

Design

The scheme, as amended, features a stone built two storey dwelling with timber windows, a front projecting gable and small pitched roof dormer windows to the front and rear and a ridge line slightly lower than that of Garth House. The design and materials are considered appropriate and the agent has submitted a document which outlines the efforts made to use energy saving, recycled eco friendly materials including FSC approved timber, reclaimed rubble and sand, porous asphalt, recycled steel support beams etc. Despite the comments of one of the objectors the plans are accurate and are to scale.

The scheme as proposed is considered to comply with policies UDP3, D1, and D2 of the Replacement Unitary Development Plan and the national guidance contained within PPS3 "Housing".

Impact on highway safety

Whilst the entrance to the site from Kirklands Close has limited visibility due to the presence of tall mature hedges it is not considered that the addition of a single dwelling to this quiet and lightly trafficked cul-de-sac would result in conditions prejudicial to highway safety. The level of parking proposed for the new dwellings is adequate and the development will not result in a loss of parking for the flats at Cleasby Court.

Community Safety Implications:

No apparent community safety implications.

Reason for Granting Planning Permission:

The proposed dwelling will have no significant adverse effects on local amenity or neighbours. The design is considered sympathetic to its setting in terms of design, scale, height, massing and materials and its sustainable design features are considered to be a satisfactory response to the guidance contained within the Councils adopted Sustainable Design Guide. The level of parking provision is adequate and it is not considered that the development will have a detrimental impact on highway safety. It complies with Policies UDP3, UR2, UR3, TM12, TM19a, NE4, D1 and D2 of the Replacement Unitary Development Plan.

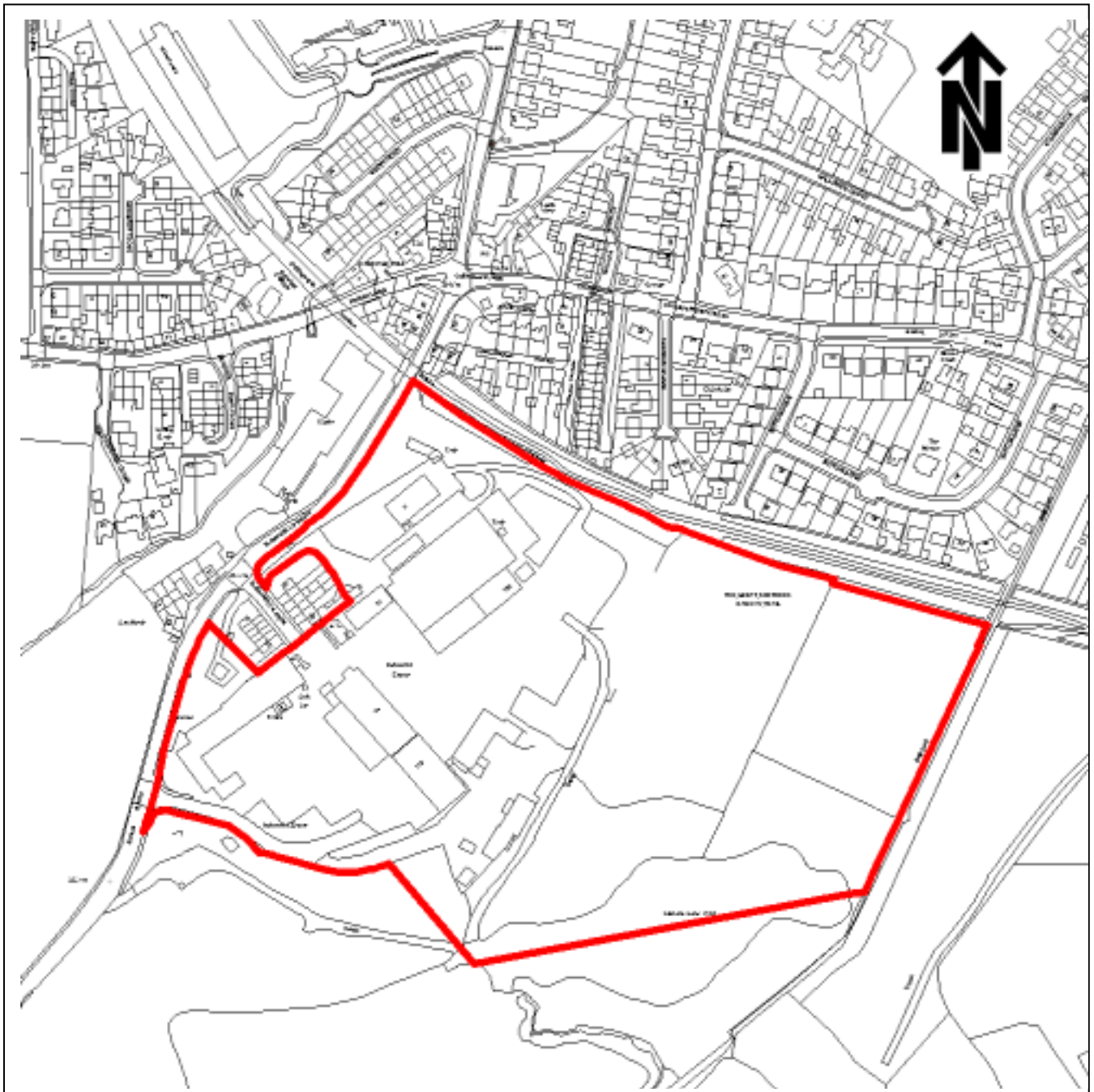
Conditions of Approval:

1. Standard 3 year time limit
 2. Compliance with amended plans
 3. Access and parking areas to be laid out, surfaced and drained prior to occupation
 4. Hardsurfaced areas to be porous or drained to garden.
 5. Two trees to be planted in the first available planting season following completion of the development
 6. Separate drainage system required within the site boundary
-

Area Planning Panel (Shipley)

09/04432/OUT

10 March 2010



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ITEM NO. : 3

LOCATION:

**Manywells Industrial Estate
Manywells Brow
Cullingworth Bingley**

10 March 2010

Item Number: 3
Ward: BINGLEY RURAL

Recommendation:
TO GRANT THE APPLICATION SUBJECT TO CONDITIONS AND SECTION 106 AGREEMENT

Application Number:
09/04432/OUT

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

SUMMARY STATEMENT

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

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).

ADDENDUM REPORT

(Please note that the original comprehensive planning report which deals with all the planning issues is attached to this statement for reference)

UPDATE:

At Shipley Area Planning Panel on 16 December 2009, Members resolved to grant planning permission for the development subject to the conditions and a Section 106 legal agreement outlined in the officers report and the following changes/additions:-

Additional condition

That separate access roads for the commercial/industrial use and the proposed residential and nursing home shall be provided.

Additional S106 requirements

To include the heads of terms set out in the Strategic Director, Regeneration's technical report plus the following additional provisions:

- (i) That a pedestrian crossing shall be provided on Cullingworth Road, near to Sutton Drive along with a vehicle activated speed sign;
- (ii) No more than 30 dwellings on the site shall be occupied until at least 7,000 square metres of the employment floor space has been completed and is ready for occupation; and
- (iii) The contributions for education and recreation are primarily spent in Cullingworth.

Subsequent to the Planning panel meeting, the applicants have raised concerns with regard to one of the aspects of the resolution of the Area Planning Panel, namely item 1.2(ii). It should be noted that the applicants accept the additional condition required by Members that separate access roads should be provided for the commercial/industrial uses and the proposed residential and nursing home. In addition, the applicants accept the requirements of item 1.2.(i) to provide an aide to pedestrian crossing on Cullingworth Road and item 1.2.(iii) that the contributions for education and recreation be primarily spent in Cullingworth.

The main issue raised by applicants is that in accordance with paragraph B51 of Circular 05/2005 (Planning Obligations) a condition should be pursued and this should not be reinstated in an obligation as such obligations entail unnecessary duplication and could frustrate a developer's right of appeal. This guidance is further reiterated in the Governments consultation document 'Improving the use and discharge of Planning Conditions' published 21 December 2009. Furthermore, paragraph B51 of circular 05/2005 states that

"...if there is a choice between imposing conditions and entering into a planning obligation, the imposition of a condition which satisfies the policy test of circular 11/95 is preferable because it enables a developer to appeal to the Secretary of State regarding the imposition of the condition... The enforcement of conditions is also more straightforward since it generally involved the use of the planning enforcement system, as opposed to private contractual action in the courts"

Furthermore, the applicants have argued that the Government's recent consultation document 'Improving the Use and Discharge of Planning Conditions' re-enforces the guidance set out in circular 05/2005. Paragraph C020.1 states that *"if, when seeking to overcome a planning objection to a development, there is a choice between imposing conditions and entering into a planning obligation under Section 106 of the Act, the imposition of a condition which satisfies the policy tests is preferable. This is because it enables a development to appeal to the Secretary of State regarding the imposition of the condition or to make an application under Section 73 of the Act for planning permission to develop land without comply with a condition previously imposed on a planning permission. Additionally, conditions can be enforced using a breach of conditions notice. These provide a more efficient tool than seeking a remedy under contract law for failure to meet the terms of a Section 106 obligation"*.

The applicants have advised that they are neither willing nor able to enter into a Section 106 agreement on the basis of the resolution of the Area Planning Panel. As such, they have requested that this matter regarding the delivery of the amount of employment floor space prior to the completion of not more than 30 houses is delivered by condition rather than through a Section 106 agreement.

The applicants have advised that every reasonable effort will be made to comply with the terms of a condition following the grant of permission. To this end the applicants have already discussed a marketing strategy for the employment land with officers from the Council's economic development section. Whilst these discussions do indicate intent of the applicants to pursue a robust marketing strategy for the employment land, Members should note that it is not possible for this strategy to be the subject of a condition.

RECOMMENDATION:

Members have two options:-

Option A: To resolve to grant planning permission subject to a S106 legal agreement to provide the following:-

Payment of an off site recreation contribution to be used primarily in Cullingworth (£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 primarily in Cullingworth (£189,187);

Provision of two bus shelters (including raised kerbs) on Manywells brow, and;

No more than 30 dwellings on the site shall be occupied until at least 7,000 square metres of the employment floor space has been completed and is ready for occupation.

Option B: That Members resolve to grant planning permission subject to a S106 legal agreement:-

Payment of an off site recreation contribution to be used primarily in Cullingworth (£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 primarily in Cullingworth (£189,187), and;

Provision of two bus shelters (including raised kerbs) on Many wells Brow.

And attach the following condition to the planning permission regarding phasing of the development:

No more than 30 dwellings on the site shall be occupied until at least 7,000 square metres of the employment floor space has been completed and is ready for occupation.

Should the s106 agreement not be signed within 3 months of the date of the Panel's decision, that authority be delegated to the Assistant Director Planning to refuse to grant planning permission, on the grounds that the applicants have failed to demonstrate that the essential requirements of the planning permission can be delivered.

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.

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.

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.

Bus stops - will need to be brought up to DDA standards.

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 set 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 set 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 recommended 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.

6. 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 to this 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, (iii) 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 notifyable 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.

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.

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

Conditions of Approval:

1. Application for approval of the matters reserved by this permission for subsequent approval by the LPA shall be made not later than the expiration of five years beginning with the date of this permission
2. Time limits on commencement of work – within the expiration of five years from the date of this notice or the expiration of two years from the date of the approval of the matters reserved by this permission.
3. 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

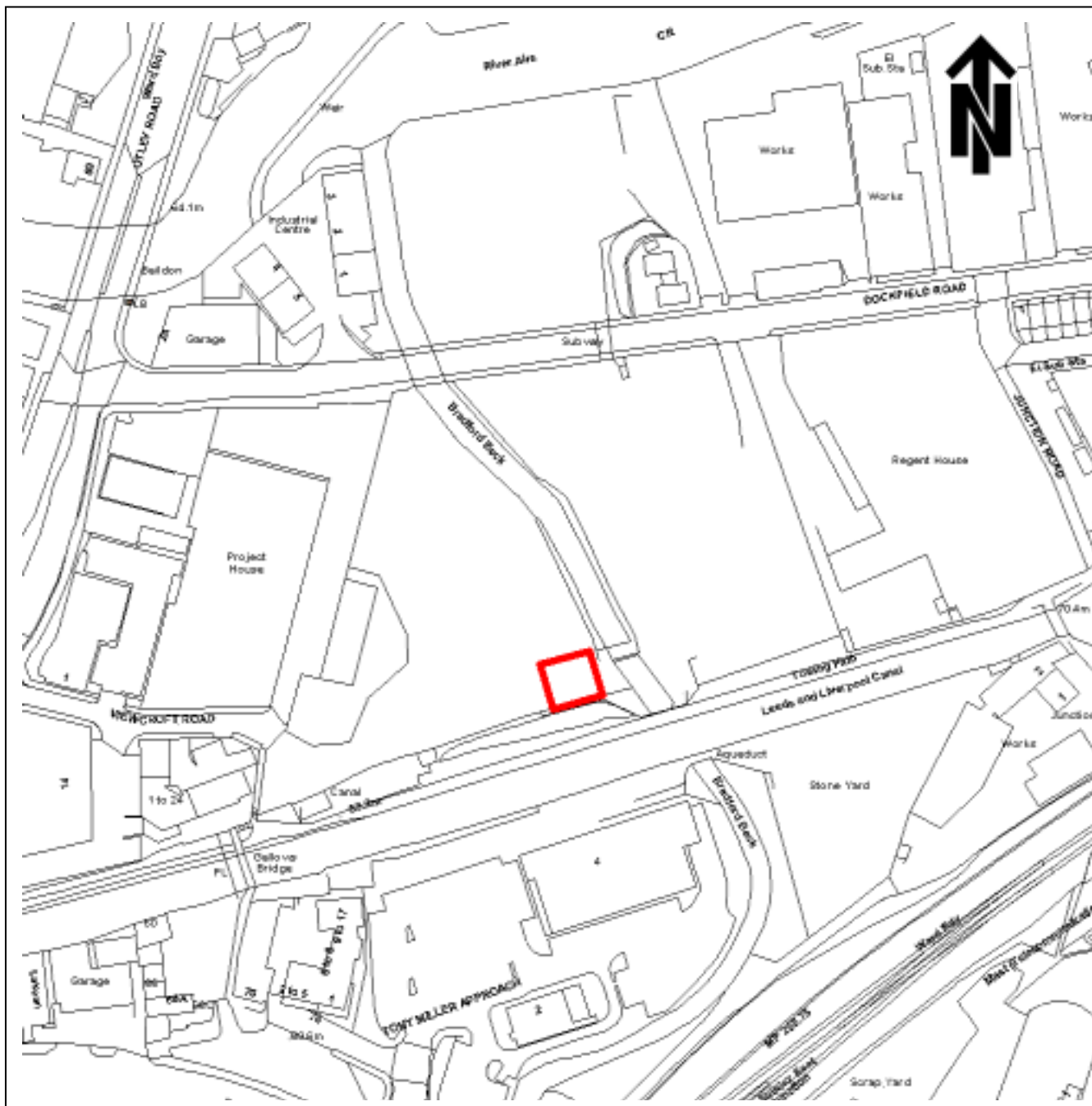
Heads of terms of agreement - S106

- 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)

10/00451/FUL

10 March 2010



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ITEM NO. : 4	LOCATION: Transco Compound View Croft Road Shipley
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10 March 2010

Item Number: 4
Ward: SHIPLEY

Recommendation:
TO DELEGATE AUTHORITY TO THE STRATEGIC DIRECTOR REGENERATION TO GRANT PLANNING PERMISSION ON THE EXPIRY OF THE STATUTORY PERIOD OF PUBLICITY

Application Number:
10/00451/FUL

Type of Application/Proposal and Address:

A full planning application for the extension of an existing 15m tower by 10m, the installation of three 4-stack dipolar antennas, one 0.3m dish antenna and one equipment cabin and feeder gantry for the Airwave Emergency Services Network at the Transco Compound, View Croft Road, Shipley, Bradford.

Site Description:

The site is an area of open land alongside the Leeds-Liverpool Canal in a primarily industrial setting. Currently there is a fenced compound containing a 15m tall tower with four antennas on the site. Vehicular access is gained from View Croft Road to the west. The nearest residential properties are around 100m to the east. The site is visible from the canal but ground level views are obscured by tall vegetation on the southern boundary of the site.

Relevant Site History:

00/02984/PN - Installation of a 15m extendable and shareable telecommunications tower complete with antennae, transmission dishes, equipment cabinets and a fenced compound 12m x 12m – Prior Approval Granted

Replacement Unitary Development Plan (RUDP):

Allocation

The site is within a Mixed Use Area and the majority of the length of the Leeds-Liverpool Canal is designated as Conservation Area on the RUDP.

Proposals and Policies

Policy D16: Telecommunications
Policy D1: General Design Considerations
Policy UR3: Local Impact of Development
Policy UR7: Mixed Use Areas
Policy BH7: Conservation Areas
Policy BH20: Leeds Liverpool Canal

Parish Council:

Not in a Parish

Publicity and Number of Representations:

Publicity has been carried out by site notice posted on 15th February 2010, a press advertisement printed on 26 February 2010 and neighbour notification letters. The publicity period expires on 19th March 2010. No letters of objection have been received at the time of report preparation; the Panel will be updated verbally at the meeting if any public comment is received.

Summary of Representations Received:

Not applicable.

Consultations:

Minerals and Waste – No objections

British Waterways – No comments to make

The Panel will be updated verbally of any further comments from consultees.

Summary of Main Issues:

1. Principle.
2. Need.
3. Location.
4. Residential Amenity
5. Affect on Highway Safety.
6. Visual Amenity.
7. Public Health.
8. Community Safety Implications
9. Conclusion and recommendation.

Appraisal:

Principle

The site is allocated on the RUDP as a mixed use area forming part of the Shipley-Saltaire Corridor in which the preferred uses are a mix of B1 business, B2 general industry and C3 residential uses. The site is on the southern boundary of a large area of undeveloped land divided by the Bradford Beck. The site to the east of the Beck carries a planning permission for a mixed use development incorporating B1 business and residential uses. The site on the west side of the Beck does not have any planning permissions but the presence of the existing mast would be a material consideration in determining any application for development of this site. The extension of the existing mast is therefore not considered to prejudice the future development of the land to the west side of the Beck, in accordance with its allocation as a mixed use area which includes provision for B1 and B2 uses.

Planning Policy Guidance Note 8: 'Telecommunications' (2001) (PPG8) contains Central Government advice pertinent to the determination of this application. Government policy is to facilitate the growth of new and existing telecommunication systems whilst keeping the environmental impact to a minimum. The Government also has responsibility for protecting public health and so public health and public concern can form material considerations in determining applications for telecommunications equipment. The principle of the development is therefore subject to it not adversely affecting visual amenity or public health. These issues are discussed in the appraisal which follows.

Need

The applicant has submitted supporting information proving the need for this installation in line with PPG8. The installation will allow wider coverage for the emergency services.

Location

The applicants have submitted supporting information showing that they have considered and assessed seven alternative sites for this equipment. The benefit of the level of existing infrastructure at the proposed site and the proximity of alternative sites to housing and listed buildings led to the proposed site being put forward as best site meeting the technical requirements of the applicants whilst taking account of visual amenity.

Residential Amenity

The nearest residential use is in an apartment building approximately 100 metres to the east of the site on View Croft Road. A large mixed use development of B1 offices and C3 residential uses has been approved in outline on the site to the east. The proposed mast would remain more than 30m from the boundary of that site and the nearest apartment block on that plan has its main elevations facing out towards the Canal. The proposal is therefore not considered to cause any significant harm to residential amenity.

Affect on Highway Safety

It is considered that this proposal would not lead to any significant increase in traffic flow to this site, as only infrequent maintenance visits will be required. The equipment would not be prominent from any highways and so no harm to highway safety is anticipated.

Visual Amenity

This proposal will involve the extension of the existing structure, resulting in a 25m tall structure alongside the Leeds-Liverpool Canal. The height of the structure will mean it is visible from the Canal and the surrounding area. However it is not of a substantial construction and so would be unlikely to result in any significant harm to visual amenity. Also considering the industrial context of the site and the lack of viable alternatives the proposal is considered to be acceptable in terms of its visual impact.

Public Health

PPG8 recommends that a precautionary approach be taken when assessing the impact of mobile phone telecommunication equipment on the health and safety of the public as encapsulated in the recommendations of the Independent Expert Group on Mobile Phones (IEGMP). In accordance with this approach a certificate of compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) standards has been included in support of this application. The advice of Government is that no further aspects of health affects should be considered as the proposed installation meets the ICNIRP standards (PPG8 supporting information paragraph 98).

The Council has adopted an Advice Note on Health Concerns and Public Concerns in relation to Telecommunications Developments. This outlines the advice of PPG8 but also highlights that fears of possible health effects are capable of being a material consideration. It points out that there is a difference between local opposition and perceived fear. Advice in PPG8 suggests that the decision maker should determine the level of weight to be attached to such considerations. It is considered that given the proposal's conformity with ICNIRP standards the proposal will be acceptable in the context of the Council's Advice Note.

Community Safety Implications:

The proposal does not present any community safety implications.

Reason for Granting Planning Permission:

The proposed telecommunications equipment is not considered to cause any significant harm to the visual amenity of the surrounding area or to the character and appearance of the Leeds-Liverpool Canal Conservation Area. Furthermore the proposal would not adversely affect highway safety or residential amenity and it would comply with the precautionary approach to matters of health and safety of the public outlined in PPG8. As such the proposal will be in accordance with Policies UR3, UR7, BH7, BH20, D1 and D16 of the Replacement Unitary Development Plan.

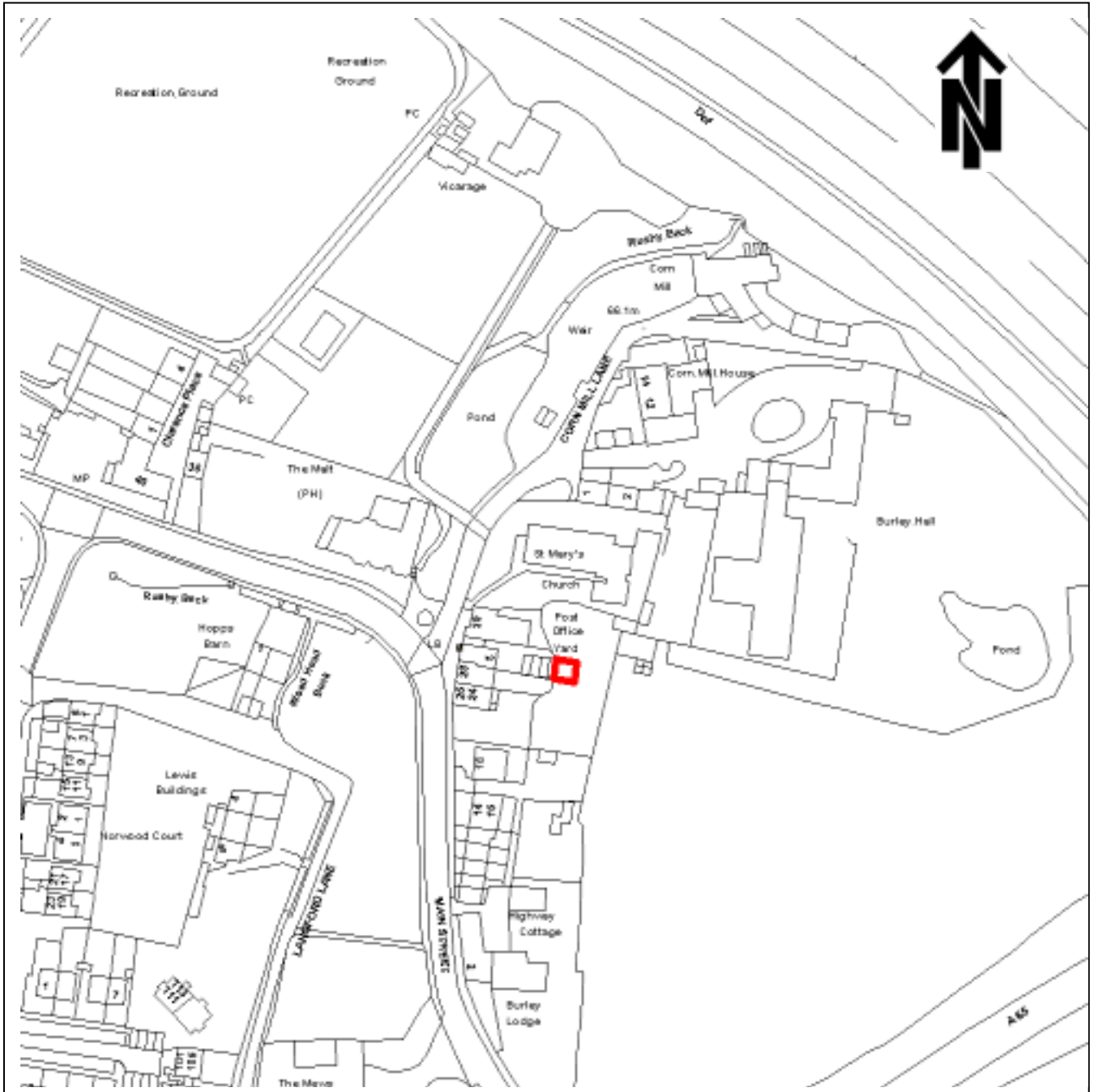
Conditions of Approval:

1. Three year time limit
-

Area Planning Panel (Shipley)

09/05367/HOU

10 March 2010



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<p>ITEM NO. : 5</p>	<p>LOCATION: 30 Main Street Burley In Wharfedale Ilkley</p>
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10 March 2010

Item Number: 5
Ward: BURLEY IN WHARFEDALE
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
09/05367/HOU

Type of Application/Proposal and Address:
Planning application for the construction of a double garage at 30 Main Street, Burley In Wharfedale.

Site Description:

The proposed garage would be located behind a row of houses which front onto Main Street and to the south the Parish Church of St Mary. All the buildings are listed Grade II with the exception of 18 Main Street. The garage is sited upon land known as the 'Post Office Yard' which forms part of the curtilage of 30 Main Street. The site itself is currently used for parking by the occupants of 30 Main Street and the land to the south has residential use and includes a number of outbuildings.

The residential curtilage of No. 30 Main Street abuts a field to the east which forms part of the open countryside.

Relevant Site History:

09/04127/CLP: Construction of a detached garage and forecourt. Refused 08.10.2009
08/04465/FUL: Single storey 3 bedroom detached dwelling. Refused 26.08.2008
Appeal dismissed
06/08086/FUL: Construction of a detached dwelling with a detached garage. Refused 21.08.2001
Appeal dismissed
01/01549/COU: Change of use of ground floor from retail/office to residential. Granted 21.08.2001
97/02195/LBC: Installation of a satellite dish. Refused

Replacement Unitary Development Plan (RUDP):

Allocation

The site is allocated within a Conservation Area on the Bradford Replacement Unitary Development Plan adopted in October 2005. Relevant policies are:

Proposals and Policies

UR3 The Local Impact of Development
D1 General Design Considerations
BH4A Setting of a Listed Building
BH7 Development within or which would affect the setting of Conservation Areas
BH10 Open Space within or adjacent to Conservations Areas
OS8 Proposals for development on small areas of open land in the villages of Burley In Wharfedale.

Supplementary Planning Guidance – Revised House Extension Policy

Parish Council:

Burley In Wharfedale Parish Council recommend approval and request the application be considered by the Shipley Planning Panel should the application be recommended for refusal.

Publicity and Number of Representations:

The application was publicised by neighbour notification letters, a site notice and press notice. The expiry period for publicity was on the 31st December 2009 and 2 letters of objection were received.

Summary of Representations Received:

1. The site represents part of the historic core of the village. Historic value and special contribution to the character of the village. Loss of an open land.
2. Compromise setting of listed building. Important setting of the church and many other listed buildings. The status of the land is as such that no development should be allowed irrespective of need.
3. General disturbance from car headlights and noise as accessed via single track driveway which runs between number 14/16 and 18. Likely to be difficulties where drivers attempt to travel in opposite directions. Highway safety.
4. Noted comments from inspectorate stating: " I consider the generally open rear gardens to be an important element in the character of the Conservation Area, both in terms of historical evolution of the village and its current appearance, and deserving protection as such" and also that:
5. "Even a single storey building would in my judgement be seen as intrusive in the rear gardens from near the A65 roundabout."
6. Make way for future development at this site. Precedent elsewhere within the Conservation Area.
7. Proposal also requires listed building consent.
8. Site address been different and officer must look at full history of this site.

Consultations:

Design and Conservation Team

The site is within the Burley In Wharfedale Conservation Area, forms the setting of a number of listed buildings and is identified as being the subject of key views into the Conservation Area. The built form of the buildings on Mains Street is predominantly linear with curtilages to the east, including the development site, being garden space with lawn and trees, there are few outbuildings, other than a set of garages to the immediate west and a detached structure behind No.16.

Further intrusion of built form into these garden spaces will weaken the linear built form of the conservation area, fragmenting the green landscaped setting of the Conservation Area and could provide precedent for further similar forms of development as ancillary buildings. This could also weaken defence against future attempts to change outbuildings to dwellings.

Regardless of whether the structure is intrusive in views or apparent from a distance, the proposal compromises the historic built form on the Conservation Area, contrary to BH7 and BH10 and is detrimental to the setting of the Listed Buildings.

Summary of Main Issues:

1. Impact on the local environment, particularly the effect on the setting of nearby listed buildings of special architectural and historic interest and whether the proposal would preserve or enhance the character and appearance of the Burley in Wharfedale Conservation Area.
2. Impact on neighbouring occupants
3. Highway Safety
4. Community Safety

Appraisal:

Proposal

The garage would be constructed to the rear of a row of four garages in the curtilage of 2 Post Office Yard and would have a depth of 6 metres and a width of 7.2m. The wall along the north elevation of the garage would be formed by an existing wall which extends 7.2m from the site boundary. Two stained timber doors are proposed to the south elevation with reclaimed stone for the wall section and the east elevation will use a small part of the existing wall and reclaimed stone.

The roof form is flat (with an approximate 5 degree angle) and would be constructed of grey glass reinforced plastic and would have a height of 2.8metres. The proposal aims to excavate the ground by 400mm in order that the garage does not protrude above the existing south facing stone wall.

A new drive is proposed to lead into the garage to be constructed of grasscrete with low stone sidewalls.

Impact on the Local environment

The site is located in Burley In Wharfedale Conservation Area. The Council's Burley In Wharfedale Conservation Assessment advises that the most impressive views into the conservation area and Burley itself, including the spire of St Mary's Church and other buildings are from the east across open farmland. These views are said to portray a grand image of this small Yorkshire village and the church is regarded as a significant focal point.

The site lies within a village and is not specifically identified as an open space by the Replacement Unitary Development Plan, the Conservation Area Assessment or the Burley in Wharfedale and Burley Woodhead Village Design Statement. However, this does not mean that the site has no special value. The application site lies within the sightlines of the views from the east toward to the church and beyond the built form of the Conservation Area at this east end of the village which is strongly linear in character.

Conservation Area and Listed Building Policies are relevant to the consideration of this proposal. Furthermore, Policy OS8, which aims to protect small areas of open land in villages where the open space is important to the character, visual amenity and local identity of the settlement is a material consideration as the application site is considered to be in an area of open land which contributes to the character of the village.

It is acknowledged that the proposed garage is of a small scale and will at no point be higher than the existing wall which would form its north elevation. As such when viewed from the A65 (sited approximately 150 metres away) across open countryside, the proposal will have a limited impact on views of the church.

Nevertheless, the existing walls are remnants of a two dimensional feature and not a three dimensional building. The difference in impact between the two, particularly in terms of built form and the spatial qualities of the settlement are significant.

It is considered that the intrusion of a new built form into the rear curtilages of the properties fronting Main Street, which is largely undeveloped land, would compromise this linear form and would dilute the character of this part of the Conservation Area. Such a change to the character of the Conservation Area would also adversely affect the setting of the Listed Buildings fronting Main Street. Furthermore, permitting such a development could set a precedent which would result in the incremental erosion of this open space.

It is worth noting that previous applications for a dwelling in the grounds of No.30 Main Street, submitted in 2006 and 2008, have both been refused on the grounds that the proposals conflicted with Policies OS8 and BH10. It is considered that these policies are relevant and sound considerations to development in this location. In both cases, the importance of the open character of the site and predominantly open nature of the rear curtilages of 4-30 Main Street has been stated along with the adverse impact of intrusion of built form into this open space and the change this would have on the relationship between built form and rural setting to the east.

The Planning Inspector when dealing with the appeals on this site also afforded considerable weight to Policies BH10 and OS8, and stated that 'even a single storey building would be seen as intrusive in the rear garden'. This implies that the Inspector considered that any built form, not just a dwelling, would be unacceptable, and supports the view that even a flat roof single storey garage would

The impact of the garage on the local environment is not considered to be acceptable owing to the fact that would not preserve or enhance the character of the Conservation Area, would result in the loss of part of an area of open space which adds to the character of the area and would harm the setting of the Listed Buildings fronting Main Street. As such the proposal would be contrary to policies BH4A, BH7, BH10 and OS8 of the Replacement Unitary Development Plan.

Impact on neighbouring occupants

The proposal will have no direct impact on the residential amenity of neighbouring occupants.

Impact on Highway Safety

There are no highway safety implications. Access to the garage would be from an existing private drive from Main Street.

Community Safety Implications:

There are no apparent community safety issues.

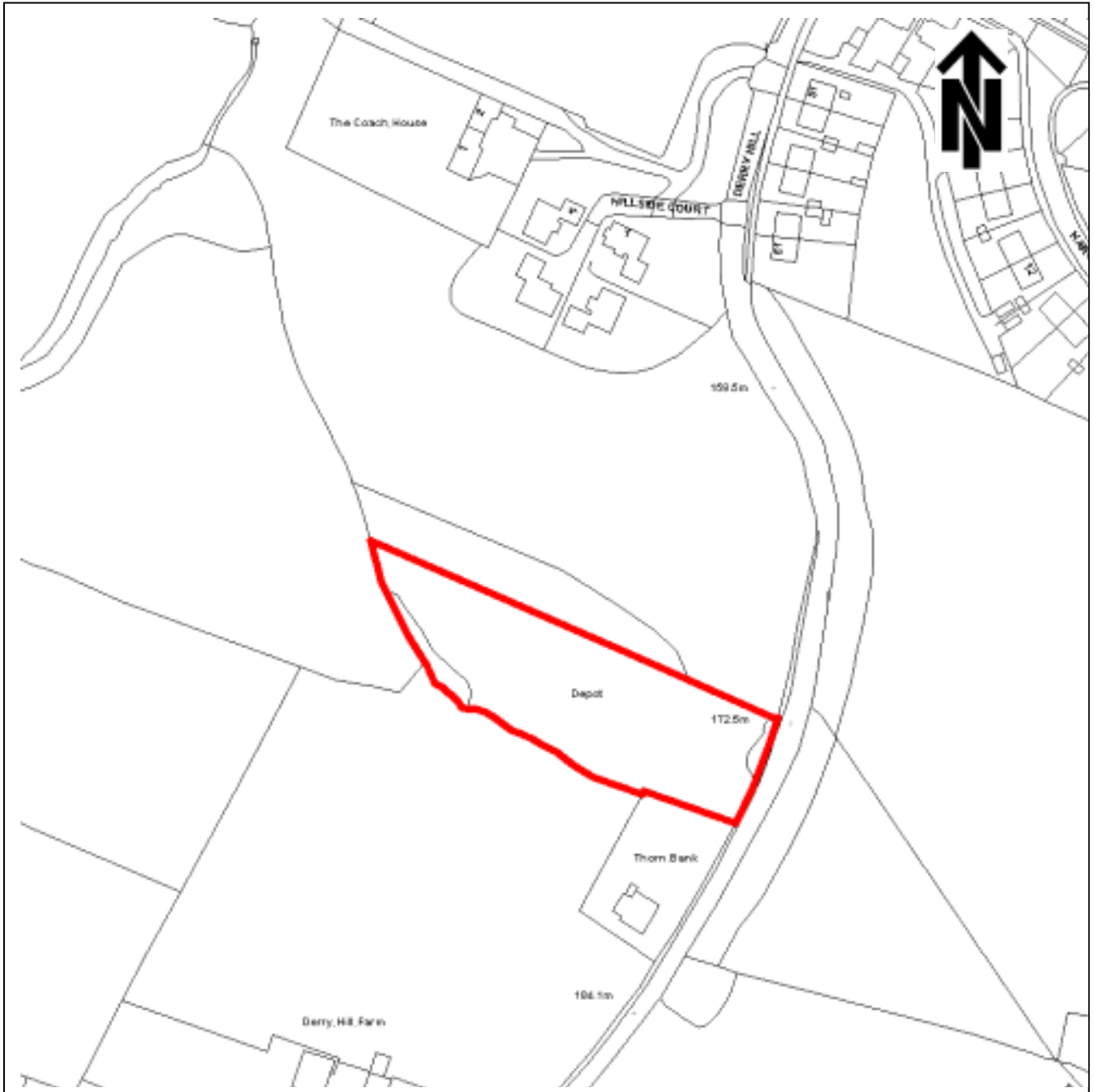
Reasons for Refusal:

1. The proposed garage would compromise the historic built form and its relationship to the open land forming its surroundings. The proposal fails to maintain or enhance the Burley In Wharfedale Conservation Area, would result in the loss of part of an area of open space which adds to the character of the village and would harm the setting of the Listed Buildings fronting Main Street. As such the proposal would be contrary to policies BH4A, BH7, BH10 and OS8 of the Replacement Unitary Development Plan.
-

Area Planning Panel (Shipley)

09/05910/FUL

10 March 2010



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ITEM NO. : **6**

LOCATION:

**The Stone Yard
Derry Hill
Menston Ilkley**

10 March 2010

Item Number: 6
Ward: WHARFEDALE
Recommendation:
TO REFUSE TO GRANT PLANNING PERMISSION

Application Number:
09/05910/FUL

Type of Application/Proposal and Address:

Full application for the erection of a sales office, stores and associated hard standing and parking areas at Clayax Yorkstone Ltd, The Stone Yard, Derry Hill, Menston.

Site Description:

A former sandstone quarry which was restored to a low level approximately 50 years ago. It is located to the south of Menston with access from Derry Hill; visibility from which is limited due to the width, slope and bend of the road. The site itself is level whilst the land to the north slopes away rather steeply towards the north. The site is bounded by a quarry face and large mature trees to the south (mainly multi stemmed sycamores) and more shrubby growth to the north. An existing sectional natural chipping clad building is located inside the entranceway in the south east corner of the site. To the north west corner are a number of structures in varying stages of dereliction. These comprise brick and concrete block structures, one of which benefits from a corrugated metal roof. Adjacent to these is a metal shipping container. The site is within the green belt and is bounded by open fields to all sides plus the residential curtilage of Thorn Bank to the south. TPO No. 133 covers part of the site.

Relevant Site History:

09/02483/FUL – Full application for the erection of a sales office, stores and associated hard standing and parking; this application was substantially the same as the application under consideration. Refused. Appeal dismissed
07/09423/CLE - Certificate of lawfulness of existing use of site as a stone yard with storage, processing and retail sales of stone products - Granted
92/05851/FUL - Erection of sectional natural chipping clad building as amended – Granted
92/00133/FUL - Continuation of temporary permission for placement of two portakabins – Granted
91/02848/FUL - Extension to a temporary permission for the placement of two Portakabins – Refused
89/01562/FUL – Placement of two portable cabins – Granted
83/05288/OUT - Residential Development – Refused

Replacement Unitary Development Plan (RUDP):

Allocation

The site is within the Green Belt but is otherwise unallocated.

Proposals and Policies

UDP3 – Quality of the Built and Natural Environment

UR3 – The Local Impact of Development

D1 – General Design Consideration

GB1 – New Building in the Green Belt

GB2 – Siting of New Building in the Green Belt

NE4 – Local Amenity Value of Trees

NE5 – Retention of Trees on Development Sites

TM2 – Impact of Traffic and its Mitigation

TM19A – Traffic management and road safety

Relevant National Planning Guidance:

PPG2 – Green Belts

Parish Council:

Menston Parish Council: Recommend approval of the application

Publicity and Number of Representations:

The application was advertised as a Departure from the Development Plan by means of neighbour notification letters, a site notice and notice in the Ilkley Gazette giving an overall date for representations of 11.02.2010. No representations have been received.

Summary of Representations Received:

N/A

Consultations:

Minerals Section

As a former minerals working there is a risk of land stability and/or contamination problems that may affect the development. However, given the scale of the proposed building and the length of time since the site was restored these risks are unlikely to have significant implications.

Highways

The proposals are unlikely to significantly intensify the use of the site which is substandard in visibility terms. Therefore no objections subject to the areas to be used for vehicle parking, turning and loading being surfaced, sealed and drained before the development is brought into use in the interest of highways safety.

Trees

Despite there being no tree survey, the proposed is unlikely to significantly affect protected trees on this site. I therefore have no objections to the proposed subject to a condition requiring protective tree fencing.

Planning Policy Team

From the plans supplied this application would appear to be unacceptable in principal as it would constitute inappropriate development under PPG2 and the development would not preserve the openness of the green belt. This will need to be determined alongside any material considerations by the case officer through a site visit. If this proposal does not meet the criteria in policy GB1 it would be inappropriate development in the greenbelt.

Police Architectural Liaison Officer

The application does not fulfil the guidance contained in circular 01/06 (Communities and Local Government): Guidance on changes to the Development Control System as the submitted Design and Access Statement fails to demonstrate how crime prevention measures have been considered in the design of the proposal. Given the list of crime related incidents submitted with the application I would have expected Crime Prevention measure to have been a fundamental part of the application and for this to be illustrated in the D & A statement, in accordance with the above circular.

In relation to recorded crime, during the period 2006 to the present day the Police records only show one case of damage which was reported in 2009.

Whilst I appreciate that this application relates to the construction of a new sales and office building, security of the site perimeter will directly impact on the vulnerability of the new building. I therefore refer to Policy D4 and the lack of Defensible Space as a major concern.

To illustrate this further I raise the issue of the condition of the existing boundary treatments. At the time of my visit (21/01/2010) the boundary consisted of a broken down 1.2m dry stone wall along the front of the yard with gates to the entrance. Along either side leading from the main road access could be easily achieved due to lack of clear, robust and adequate perimeter protection. Whilst there can never be an excuse for crime there is very often a reason. I believe one reason for previous crimes is the lack of effective perimeter defences.

I would ask that a condition be placed on this application for a secure boundary to be created around the site to a minimum height of 1.8m. Details of which should be submitted in writing to the Local Authority Planning Department for approval.

Further to this the site does not benefit from good levels of natural surveillance making the new building and the site vulnerable. To mitigate against this windows and doors should be certified to the relevant British Standard for enhanced security as required by Secured by Design.

This application in its current form is not fully supported by the Police as it is considered not to meet the requirements of Policy D4.

Summary of Main Issues:

1. Green Belt Policy
2. Highway safety
3. Impact on local and residential amenity
4. Design

Appraisal:

The site is within the Green Belt and has an existing, small, semi permanent office building constructed from pebbled dashed concrete sections with a felted roof. This is located just inside the entrance to the site in the south east corner of the quarry. In the far north western corner is a steel container used for storage and a number of partially derelict storage bays only one of which benefits from a roof; this being a corrugated sheet.

The scheme proposes that these structures be replaced with a sales office, stores and associated hard standing and parking areas to be constructed from stone and Yorkshire boarding with timber windows and a slate roof. This would be located close to the entrance of the site adjacent to the northern boundary.

This application is substantially similar to application 09/02483/FUL which was refused in July 2009. The applicants appealed against this decision and on 19/02/10 the Planning Inspectorate dismissed this appeal.

The site lies within the Green Belt. The proposed office and showroom development does not fall within the definition of development which is acceptable in principle in the green belt, as listed in paragraph 3.4 of PPG2 (Green Belts) and policy GB1 of the RUDP. The proposal is therefore inappropriate development which is, by definition, harmful to the Green Belt. There is a general presumption against granting planning permission for inappropriate development in the Green Belt unless it can be demonstrated that there are very special circumstances, which, when viewed objectively, can be clearly shown to outweigh the harm to the openness of the greenbelt. The RUDP and PPG2 clearly state that it will be for the applicants to demonstrate that very special circumstances exist to justify uses other than those set out in policy GB1.

The previous application was refused because the applicant had provided insufficient evidence to establish that there were very special circumstances which were clearly sufficient to outweigh the normal presumption against inappropriate development in the Green Belt meaning that the scheme failed to comply with the requirements of Policy GB1 of the Bradford Replacement Unitary Development Plan and guidance in PPG2 on "Green Belts".

In considering the appeal against this refusal the Inspector agreed with the position that the development should be regarded as inappropriate development for the purposes of PPG2 (Green Belts). In reaching his decision he concluded that the proposed building would be materially larger than the structures it would replace and that this would significantly reduce and consequently harm the openness of the Green Belt in conflict with Policy GB1 of the RUDP and PPG2. The Inspector found that in replacing the various existing structures with one larger one the visual amenity of the area would be materially harmed. Overall he concluded that the proposal would cause unacceptable harm to the openness of the green belt and would conflict with one of the purposes of including land in it contrary to PP2 and RUDP policy GB1.

The Inspector considered whether this harm was clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. The appellant contended that the scheme would secure long term future of the business, maintain employment and make a small but meaningful contribution to the local economy. The applicant had provided no information which showed why the development was critical to the continued commercial success of the enterprise or what the implications would be if the proposal did not go ahead. The Inspector therefore afforded this argument limited weight. He acknowledged the need for improved staff facilities but was not persuaded that the needs of 2 full time and 3 part time workers justified accommodation of the size proposed.

The Inspector noted the references to “the long documented history of crime incidents at the site”. However no evidence of this had been provided and existing security measures are limited to an external light on the office, locked gates and the placing of building materials behind the gates after hours. The site is not effectively contained by fencing or other enclosures, and there is no alarm system, CCTV or significant security lighting. The inspector therefore attached limited weight to this consideration.

Furthermore the Inspector considered that whilst the proposal may not have an adverse impact on the land use objectives set out in paragraph 1.6 of PPG2, paragraph 1.7 states that the purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over land use objectives. He therefore gave this minimal weight as a factor in favour of the proposal.

In dismissing the appeal the Inspector concluded that the considerations which had been promoted were not of sufficient weight to clearly outweigh the substantial weight which must be attached to the harm to the Green Belt by reason of inappropriateness together with the additional harm to the openness of the Green Belt, the purposes of including land in Green Belts and the visual amenity of the area. The very special circumstances necessary to justify the development did not, therefore exist.

This new application, which has been amended, is for a smaller building than the previous application. The floor area has been reduced from 161m² to 83.6m². The design of the building has been changed to make the appearance more agricultural/utilitarian with Yorkshire timber boarding instead of stone to the elevation. natural blue slate is proposed for the roof. Whilst the size of the building has been reduced it is still substantially larger than the existing “authorised” office on the site and is considered to constitute inappropriate development in the Green Belt. Whilst there is a steel container and partly roofed open-fronted storage building to the rear of the site these are unauthorised structures which will have a limited lifespan. These are also in a less prominent position than the proposed building. It is not considered that their replacements could be justified.

The evidence submitted in support of the “extra special circumstances” remains substantially the same as before and is therefore not sufficient to outweigh the substantial weight which must be attached to the harm to the Green Belt by reason of inappropriateness together with the additional harm to the openness of the Green Belt, the purposes of including land in Green Belts and the visual amenity of the area. This is despite the reason for refusal of the previous application and clear written, pre application advice which was provided prior to the submission of the revised application. The applicants have provided a list of the criminal activities they say they have been subjected to. This cannot be substantiated however and the police have only one record of a crime being reported to them in the period since 2006. Furthermore the applicants have failed to explain how they believe the construction of the new building will overcome these security issues (which mainly relate to the theft of stone and damage to vehicles) despite this being requested. The architectural liaison officer could not support the application as despite problems relating to crime and security being promoted as a reason for the development this had not been discussed in the design and access statement and the proposals remained contrary to policy D4 of the RUDP.

The reasons for refusal of the previous application and the dismissal of the appeal have not been overcome and the proposal remains contrary to the national guidance contained within PPG2 “Green Belts” and RUDP policy GB1.

Highway Safety

The existing site access from Derry Hill is substandard in terms of the visibility it affords, which is limited due to the width, slope and bend of the road. However, it is not felt that the proposed development would lead to a material intensification of the use of the site and therefore no significant detrimental impacts on highway safety are foreseen.

Local and residential amenity

The closest neighbouring dwelling is "Thorn Bank" to the south, the dwelling house being located approximately 12m from the shared boundary. The quarry is well screened from Thorn Bank by the rising topography and mature boundary trees and it is not considered that the proposed development would have a detrimental impact on local amenity or the residential amenity of the occupiers of this dwelling.

Design

The proposed development comprises a single storey stone building in two distinct sections with slate roofs, painted timber windows and Yorkshire boarding. The main section would provide a sales area, utility room/kitchen, file/storage room, rest room, tool store and two WC's. Attached to the western elevation a larger "extension" is proposed which would be set back from the main building with a higher ridge height. This is allocated for lorry parking. A large formal gravelled access, turning and loading area would replace the existing compacted earth surface and 3 customer parking spaces and 3 staff parking spaces would be provided.

The design of the office building is now less distinctly domestic in nature. The previous proposal had the appearance of a bungalow with an attached double garage, emphasised by elements such as a chimney stack, terrace, domestic scale windows and doors etc. This combined with the proposed materials would have resulted in a building that had the appearance of a dwelling and which could be easily converted. The local planning authority would find such a proposal difficult to resist under the provisions of policy GB4 of the RUDP. Whilst the revised scheme is more utilitarian in nature, for the reasons given above the application remains fundamentally unacceptable. Even if the issues of principle had been overcome, it is the opinion of officers that the proposal would remain contrary to policy GB2 of the RUDP as the proposed location is the most prominent part of the site, clearly visible from the road and a number of public viewpoints.

Community Safety Implications:

The application submission fails to give proper consideration to methods of providing greater site security.

Reasons for Refusal:

1. The proposal would be located in an area of Green Belt and would constitute inappropriate development which is, by definition, harmful to the Green Belt and the purposes of including the land in it - unless there are very special circumstances. The applicant has provided insufficient evidence to establish that there are very special circumstances which are clearly sufficient to outweigh the normal presumption against inappropriate development in the Green Belt. The proposal therefore fails to comply with the requirements of Policy GB1 of the Bradford Replacement Unitary Development Plan and guidance in PPG2 on "Green Belts".