

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 19 October 2010

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Summary Statement

Miscellaneous Items

Site

Foreside Mill, Halifax Road, Denholme
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Ward

Bingley Rural

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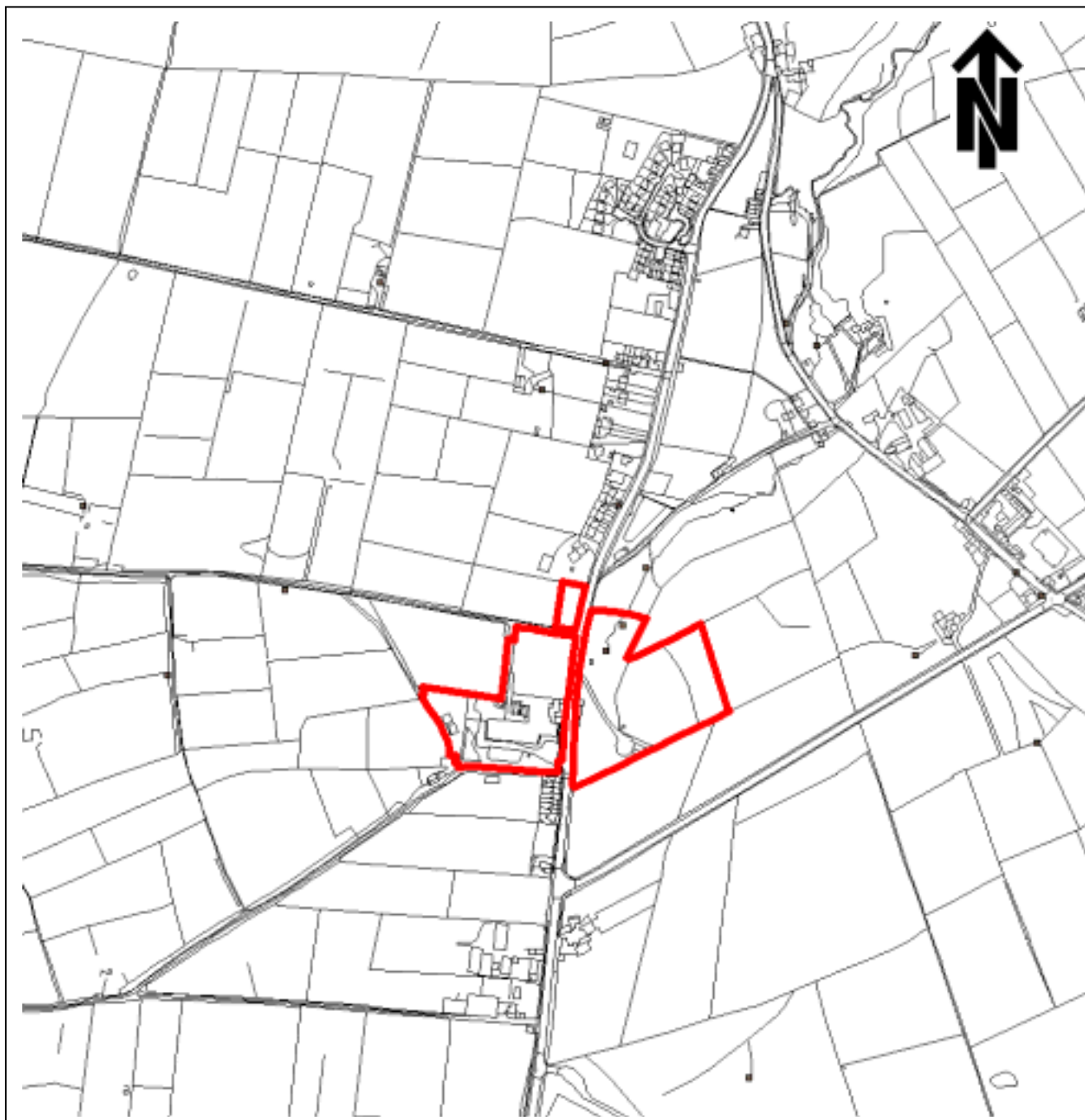
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

10/03362/MAF

13 October 2010



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ITEM NO. :

LOCATION:

**Foreside Mill
Halifax Road
Denholme**

19 October 2010

Item Number: 18
Ward: BINGLEY RURAL

Recommendation:
TO APPROVE SUBJECT TO CONDITIONS AND A SECTION 106 LEGAL AGREEMENT. THIS APPLICATION IS REFERRED TO THE PANEL SO THAT IT CAN ADVISE THE REGULATORY AND APPEALS COMMITTEE ON THE LOCAL IMPLICATIONS OF THE APPLICATION. THE APPLICATION MUST BE DETERMINED BY THE REGULATORY AND APPEALS COMMITTEE AS IT IS A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN

APPLICATION WITH A PETITION OF SUPPORT

Application Number:
10/03362/MAF

Type of Application/Proposal and Address:
Full application for the demolition of the industrial buildings and construction of 35 dwellings at Foreside Mill, Halifax Road, Denholme

Applicant:
Denholme Velvets

Agent:
Richard Irving

Site Description:
The principal application site comprises 1.8 hectares in extent. The red edged line has also been extended around a further 2.3 hectares to the east of Halifax road which comprise a cricket ground occupied by Denholme Clough Cricket Club and a 0.14 hectare open area to the north of the principal site. In essence, the application site is divided into two parcels of land which are divided by Halifax Road (A629). Both the parcels of land are washed over by a green belt allocation. The eastern parcel of land comprises allocated playing fields. For the sake of clarity this parcel of land will be referred to as site B within this report. An existing industrial mill and associated buildings are sited on the western parcel of land within an infill settlement known as Denholme Gate and for the sake of clarity this parcel of land is referred to as site A (the primary application site) within this report.

The sites sits on the boundary of two landscape character areas within the Landscape Character Supplementary Planning Document Volume 6: Thornton and Queensbury character landscape area. These are Upland Pasture and Mixed Upland Pasture. The site can be viewed in the context of either and/or both depending upon the viewpoint.

The existing mill/industrial buildings (site A) front Halifax Road (A629), approximately 1.2 miles from Denholme Village. A variety of older style structure is evident on this part of the site. A two storey industrial type mill forms a strong boundary to Halifax Road. More modern single storey additions are evident to the rear of the main mill structure on the site. A modern purpose built shed is located to the south west of the main complex. The most northerly part of the site is an open dirt car parking area.

Currently access to the site is via Foreside Lane which is located between the existing industrial buildings and the rough surfaced car park to the northern edge of the site. Access

can also be made directly into the old mill complex via a central archway. The modern purpose building at the southern boundary of the site is accessed by its own separate access.

The general locality is rural in character with open fields being enclosed by dry stone walls. There is a narrow belt of linear development which fronts Halifax Road as it leads down into Denholme

Relevant Site History:

There is no recent history for the development of this site. The site was used from the 1850 for quarrying. Records indicate that from the late 1890s a Mill has been established on the site which has primarily been used for the textile industry.

Planning application 08/06488/FUL for the demolition of the industrial buildings and construction of 47 family dwellings, external alteration to existing industrial unit, creation of new access, car parking and landscaping was withdrawn from determination prior to the Shipley Area Planning Panel meeting

Replacement Unitary Development Plan (RUDP):

Allocation

The whole site is allocated as green belt within the Replacement Unitary Development Plan. The land to the west of Halifax Road is also designated as an infill settlement (Denholme Gate) whilst the land to the east of Halifax road is also allocated as Playing Fields (Bingley Rural 112).

Proposals and Policies

UDP1 – Promoting sustainable patterns of development
UDP2 – Restraining development
UDP3 – Quality of built and natural environment
UDP7 – Reducing the need to travel
UR2 – Promoting sustainable development
UR3 – The local impact of development
E4 - Loss of employment use in rural areas
H5 – Residential development of land and buildings not protected for other purposes
H9 – Affordable housing
TM2 – Impact of traffic and its mitigation
TM12 - Residential parking
TM19A – Traffic management and road safety
D1 – General design considerations
D4 – Community safety
GB1 – New buildings in the green belt
GB2 – Siting of new buildings in the green belt
GB3 - Infill development in the green belt
NE3 – Landscape character areas
NE3A – Landscape character areas
NR16 – Surface Water Run off and Sustainable Drainage Systems

Parish Council:

Original Scheme – The Town Council is pleased with the general layout of the development and feels that the proposed landscaping and tree planning will enhance the area. However, the Council would like to point out the following areas of concern:

Art stone is proposed for the heads, sills and mullions. Experience has shown that this material does not wear well against prevailing weather in Denholme. The TC would like to see natural materials used where possible.

The proposals for plots 23 and 24 do not include any facilities in the roof space which is not ideal if these rooms are to be used as bedrooms.

Revised Scheme (reduction to 35 units) – any comments will be reported orally.

Publicity and Number of Representations:

Original Scheme - Site notices were displayed at the site and individual neighbourhood notifications were also carried out with the statutory period of expiry date for comments being 20 August 2010. Four letters of representations have been received (1 letter of objection, 2 letters of concern to certain issues and 1 petition with 30 signatures).

Revised scheme (35 units) – The date for comments to the revised scheme is 18 October 2010 and any comments received will be reported orally at Panel.

Summary of Representations Received:

1. Concern/objections
2. Flooding issues
3. Red line boundary is incorrect
4. Rights of access issues
5. Little improvement in the infrastructure needed to support extra families

Support

Development is in keeping with this area

The defunct mill is becoming an eyesore and attracting less desirable visitors to the area

As a result the Cricket Club is suffering more vandalism

In discussions with the developer to transfer the ownership of the cricket ground itself to the club

Developing the mill site will improve the local community

Residential development at the site will ensure the future of the cricket club and benefit local businesses in the area

Consultations:

Local Development Framework - Policy Section - Object to the principle of the development for the following reasons:-

- (i) inappropriate development in the green belt and:
- (ii) inappropriate and unsustainable location for significant housing development.

The applicant would need to demonstrate that very special circumstances exist to justify uses other than those set out in Policy GB1.

The site is located in Denholme Gate which is designated as an infill settlement within the greenbelt. It is stated in the RUPD that 'In the Green Belt there are often gaps within existing settlements or within groups of existing buildings where a strictly limited amount of new building could occur without resulting in any encroachment of development into open countryside and without conflicting with other objectives of the Green Belt. It is important however that such development is strictly controlled. To ensure infill development is strictly controlled (policy GB3). Due to the size of the proposed residential development it is not considered that this development represents 'infill' development or is related to the scale of the settlement, therefore would be inappropriate development under GB3.

The site, in this location, is considered to be unsustainable and unsuitable for significant housing development. The site is not located in a settlement with essential and wider facilities and services. It is not located within easy access of Denholme, which is itself classed as a less well located smaller settlement in the settlement hierarchy.

There is a bus stop nearby, however the proposal would likely result in significant trips by private transport as there are no services or facilities within easy walking access of the site and it is not a high frequency bus route.

The applicant has not justified that there is a local need for the scale of the residential development proposed. There is current planning approval for a significant number of houses within the urban area of Denholme which is itself a less well located smaller settlement. The proposed development is located in Denholme Gate and not within Denholme therefore it is not meeting a local housing need in Denholme.

The site is a Brownfield site however; it is washed over by greenbelt and is not located in an urban area. Therefore, it is not considered a suitable Brownfield site. The development would not promote the reuse of Brownfield sites and buildings in more sustainable locations in urban areas. While the site meets the definition of a Brownfield site in PPS3, PPS3 states that 'There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.'

This development would not meet the objective of providing 'Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure' as stated under PPS3.

On achieving high quality housing, PPS3 states that a matter to consider when assessing design quality will include the extent to which the proposed development: 'Is easily accessible and well-connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently is safe, accessible and user-friendly.' It is considered that this site is not easily accessible or well connected to community facilities and services.

Summary

It is considered from a policy point of view that the application should be refused for the reasons stated above. There may be alternative ways, though the conversion and reuse of the existing building or through a smaller scheme which is more closely related to the existing buildings. However the demolition of the industrial building and replacement with 35 family homes in the greenbelt in this location is considered contrary to the greenbelt and sustainable location policies for development in the RUDP and national planning policy objectives set out in PPS3.

Highways (Development Control) Section – The plan 4084-SK6 which shows the proposed off-site highway works are considered acceptable. This section of Halifax road is a busy high speed road and it is therefore important to ensure that vehicles exit this fast road as quickly as possible and appropriate sight lines are now proposed. It is also acknowledged by the applicants that public transport is to be encouraged and hence the need for a bus shelter on the north bound highway.

It is noted that there are some highway concerns raised by local residents and this is to be expected. However, this has been an employment site and when in full use had a larger

trip/day than that which will be generated by residential use, plus of course a significant reduction in the number of HGVs that are likely to visit the site. In addition to the proposed off-site highway improvements there will be an element of traffic claming which will reduce traffic speeds in the vicinity of the site.

Yorkshire Water – no objections in principle subject to conditions attached to any permission granted

Environmental Protection (Pollution) – The most immediate source of noise appears to be that of traffic on the main Halifax Road. This however, can be overcome with a suitable robust scheme for the glazing of windows to the dwellings. As such there are no objections to the proposed development.

Environmental Protection (Contamination) - After reviewing all the technical and scientific information in References A, B and C above, and a site walk over there are several issues which require further explanation.

It is apparent from the information in Reference B above, that not all of the site could be intrusively investigated for contamination in the made ground and/or natural stratus. Therefore, after the mill buildings have been demolished further intrusive ground investigations will have to be carried out in the area around the former gasometer (borehole MR8), under the footprint of the two storey mill building directly adjacent to the Halifax Road which contains a large basement area in the Northern part of the building and the Dye House which was not accessible for safety reasons. Suggest conditions to deal with contaminated land, submission of a Phase II risk assessment, land gas migration across the site, drainage, building installation, asbestos and operating hours.

Environment Agency – There are no objections in principle but recommend conditions are attached to any permission granted.

Drainage Section – Records indicate an extensive network of watercourses crossing the site. Suggest conditions in are attached to any permission granted.

Conservation Section - The application site is in proximity to a listed milestone and potentially the listed chapel (converted) further north along Halifax road. The demolition of the mill will not harm the special interest of either. The milestone stands on the grass verge on the east side of the road, and thus its immediate setting will not be affected. I am pleased to see the specification of natural materials for the dwellings fronting the main road side at least. This must be upheld at construction stage. Together with the use of 2 storey front and simple, traditional fenestration, this will maintain the sense of place of the locality.

Minerals and Waste Section - Due to the historical industrial uses and waste tipping activities on-site there is significant risk that the site may be affected by land contamination problems. I note that the applicant has submitted phase 1 and 2 site investigation reports to assess contamination risks associated with the proposed development. These investigations found made ground across the majority of the site at depths of up to 5.5m. Elevated levels of certain contaminants and the existence of asbestos contamination was revealed through analysis of soils and made ground recovered from the investigations. The report recommends further investigations of certain areas of the site, the provision of a clean soil cover layer over garden areas in the western part of the site and for soft landscaped areas, the removal of asbestos containing material, and the incorporation of gas prevention methods. It is recommended that both the EP contaminated land team and the EA are consulted for their expert advice and that appropriate conditions are attached, based on this

advice, to ensure that identified remediation and further investigation works are undertaken and validated prior to development.

Landscaping Section - The site sits on the boundary of two landscape character areas within the Landscape Character Supplementary Planning Document Volume 6: Thornton and Queensbury October 2008. These are Upland Pasture and Mixed Upland Pasture. The site can be viewed in the context of either and/or both depending upon the viewpoint.

The applicant has addressed concerns with earlier designs about the proposed layout and massing of built form in relation to landscape context. These issues have been dealt with in a positive manner in the amended proposal for a lesser number of dwellings (35).

Countryside (Biodiversity) Section – Further survey work is recommended in the submitted bat survey on a number of the buildings and some culverts. At approximately 320m AOD we would not normally expect to find significant maternity roost for bats, however there may be use of buildings and culverts by hibernating bats. Recommend that a number of swarming surveys are undertaken and a seasonal flow regime of the culverts.

The applicants own parts of the Denholme Gate Bradford Wildlife Area on the opposite side of the road from the development. This site would appear likely to come under increased recreational pressure following the development. A condition requiring a management plan to be drawn up for this area should be attached to any permission granted.

West Yorkshire Archaeology Service - No objections in principle subject to an appropriate condition on any permission granted.

Metro - There are several bus services running next to the development serving various locations including Bradford, Keighley, Thornton, Halifax, Cullingworth. There are also more services nearby. Metro advise that the bus stop no. 23539 should have a shelter installed at a cost to the developer of around £10,000. In addition improvements to the hard standing at this location are required in order for a shelter to be installed. A new shelter would benefit the residents of the new development.

All kerbs at bus stops and shelter in the area of the development should be raised to metros guidelines height.

Future residents should all be offered one years free public transport travel cards. The new scheme requires the applicant to provide discounted tickets to 60% of the total number of units on the site over a 3 year period on a first come first served basis.

Housing Enabling Section- The application site has a 25% affordable housing quota, and we would be looking for a mix of 3 and 4-bed family houses. The floor areas should be in the range 80-85 sq. metres for 3-bed and 120-132 sq. metres for 4-bed. The affordable units will be of a number and type that can be accommodated on 25% of the net developable floor area and that a nominated RSL can afford to purchase, taking into account the affordable housing subsidy in the scheme and the prescribed tenure(s).

When possible, I should be obliged if you would obtain the estimated sales values of all the proposed units in the development, in order that I can work out the affordable housing subsidy. This will be done on the basis of: total sales value of the full development x 25% (the affordable housing quota) x 35% (the required discount on open market value).

Education Section – The nearest primary schools are Keelham which is full but there are spaces available at Denholme Primary so therefore we would not request a contribution.

The nearest secondary school is Parkside. This school is full in all year groups and we would therefore have to ask for a secondary contribution. The calculation is based on 2 additional children per school year groups per 100 homes times costs.

Secondary Provision: 2 children x 6 year groups x 35/100 houses x £12,688 = £53,290.

Parks and Landscaping Section – In lieu of on site public open space and to meet demand in the areas we would request that an off site recreation contribution of £19,780 is sought from the developer.

Summary of Main Issues:

1. Principle of development/impact in green belt
2. Effects on the character of the landscape
3. Sustainability
4. Highway Safety
5. Impact on the amenities of the nearby properties
6. Other impacts:- contamination, flooding/drainage, noise
7. Use of planning conditions/ S106 agreements/Contributions
8. Special circumstances
9. Comments on representations made
10. Community Safety

Appraisal:

1. Permission is sought for the erection of the following development: - construction of 35 dwellings (11 x 2 beds, 19 x 3 beds and 5 x 4 beds) in a horseshoe formation following demolition of existing mill building and associated structures; provision of new access road, car parking and landscaping is also proposed

Materials are of stone both natural and artificial, natural artificial stone slates and UPVC fenestration.

Development/impact in green belt

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

3. As such, in principle it is considered that the construction of 35 dwellings and associated development on this site which is in a fairly isolated location amounts to inappropriate development in the green belt. Inappropriate development is, by definition, harmful to the green belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. These issues will be considered in the report below.

Effects on the character of the landscape

4. Aside from the fundamental issues arising from the principle of the development being inappropriate, policies NE3 and NE3a regarding impact on landscape characteristics must also be taken into consideration. This landscape area can be characterised as a landscape

of mixed upland pasture (fields and enclosed by dry stone walls) and upland pasture (small enclosed fields forming a strong edge to the moorlands of the Pennines). Indeed, the area has a reasonably strong character, high historic continuity and has a visible and open character which is sensitive to development, Denholme Gate forms a small area of ribbon development leading down towards the urban area of Denholme which is 1.2 miles away. The landscape is however, facing major pressures for change. It is important that the distinctive character of the Districts landscape is conserved and enhanced and that development which occurs is sympathetic to its character.

5. It is considered that development of the site in the manner now proposed in this amended scheme is acceptable. Indeed, although the site is highly visible, from both roads and the extensive network of footpaths in the locality in this valley and the mixed upland pasture is prominent in most views of the Thornton/Queensbury character areas, the layout and massing are considered appropriate to their context. The openness of the site is significantly increased by the provision of the following design details: provision of an informal village green within the central residential area, reduction in the amount of built form along Halifax Road whilst also maintaining the traditional linear form for the development which is proposed, provision of a large area of green space to the north and west of the main development minimizing the impact of the development on the moorland setting and associated footpaths to the west. Overall, taken together with the building to be retained from which Denholme Velvets operate from, the proposal would create a significantly lesser building mass, and would be of a significantly lesser scale than the existing industrial complex. This form of development which is at an elevated level in the valley would de-intensify the impact of built development in this open, sensitive and attractive rural area and thus protect the character and appearance of a distinctive upland landscape.

6. Policy guidance for this mixed upland pasture also states “with any development a very carefully controlled project would be required, based on the Countryside Commissions Countryside Design Statement principles, and development consisting groups of suburban detached houses with associated garage/drive and front gardens ...would be inappropriate”. It is also clear that this amended scheme has now moved away from pursuing a standard urban type residential estate and provides an imaginative approach to integrating modern residential needs within a traditional character. As such, the proposal would create a development which appropriately increases the openness of the green belt; and is in accord with policies UR3, NE3 and NE3a of the Replacement Unitary Development Plan.

Sustainability

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

8. It is considered that the proposed development fails to meet the sustainability criteria outlined in established national and local policy. Indeed, the site is remote from facilities in

Denholme (over 1.2 miles away) and due to its fairly remote location is likely to generate significant amounts of car borne traffic. This form of transport will undoubtedly be the most preferred mode of traffic available because of its ease of use especially to the remote location of the facility. The applicants have argued that the proposal creates sustainable economic development opportunities and creates family dwelling in an accessible location with access to jobs, health, shops and community facilities and public transport. In order to help promote the use of sustainable forms of transport, a bus shelter on the northbound side of the road outside the proposed housing development is offered as part of the S106 legal agreement.

9. Whilst from a policy point of view it is considered that the site is not especially suitable for a housing development of this scale, in part due to its remoteness from facilities and a limited bus service within the locality, the proposal does effectively and efficiently re-use a Brownfield site appropriately (albeit one which is washed over by green belt). Further, whilst under PPS3 there is no presumption that land that is previously developed is necessarily suitable for housing development, it should be noted that it is considered that there are no other viable uses which could be effectively accommodated on the site, and the revised scheme now proposed for 35 houses has been reduced in extent to allow a greater openness of the green belt to be created in this location. As such, overall, whilst a strict reading of planning policy Statement no. 3 advocates that the site is not suitable in terms of environmental suitability for the proposed housing use, this issue must, in this particular instance, be balanced by the fact that the scheme is for the re-use of an already developed site, is located within existing linear form of development, and allows for the significant improvement in the visual impacts of the built form on this special landscape character area.

Highway Safety

10. The proposal is considered to be acceptable in highway and pedestrian safety terms and as such accords with policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan. The applicants have agreed to fund the provision of a bus shelter in close proximity to the site. This facility is welcomed and will aid in the promotion of public transport in this locality.

Impact on the amenities of the nearby properties

11. There are a few residential properties within the locality which create a linear form along Halifax Road. It is considered that the proposed development would not create any undue impacts on the established amenities of these properties.

Other impacts: - contamination, flooding/drainage, biodiversity, noise

12. Flooding/drainage

An extensive network of watercourses crosses the site. A flood risk assessment has been submitted with the application that the Environment Agency considers to be satisfactory. Therefore conditions to ensure appropriate flood mitigation and drainage measures are carried out are suggested for any permission granted.

Biodiversity

13. Whilst Policy NE10 of the RUDP states that wildlife habitats accommodating protected species will be protected by the use of Planning conditions/obligations it is clear from the supporting text and Policy NE11 that an ecological appraisal should be submitted with a planning application so that the Local Planning Authority can 'assess the potential impact of the proposed development prior to the consideration of granting planning permission.'

14. An appropriate survey has been submitted which recommends further work being carried out. This expectation can be effectively managed as a condition to any permission granted as at approximately 320m AOD there is not normally an expectation to find significant

maternity roots for bats although there may be use of buildings and culverts by hibernating bats. It is also recommended that a number of swarming surveys are undertaken to look for signs of bats using features within the site.

Contamination

15. Industrial/manufacturing uses have been evident on the site. Phase I and 2 contamination reports have been submitted as part of this application and conditions are recommended to ensure that the site is remediated appropriately and development of this site is 'fit for purpose'.

Noise

16. The most immediate source of noise appears to be that of traffic on the main Halifax Road. This however, can be overcome with a suitable robust scheme for the glazing of windows to the dwellings. As such there are no objections to the proposed development.

Use of planning conditions/ S106/278 agreements/Contributions

17. Notwithstanding the objection to this application in principle if there are no very special circumstances (examined in the report below), in line with policy UR6 of the Replacement Unitary Development Plan, it would be considered necessary and appropriate to seek a planning obligation if any permission was granted to ensure the provision of social infrastructure such as recreational provision, affordable housing, and public transport encouragement.

18. Policy OS5 of the RUDP requires that new residential development make appropriate provision of or equivalent commuted payment for recreational open space. Whilst no formal recreational space (with children's play facilities) is provided within the development, large amounts of green space are provided as part of the scheme to aid the openness of the green belt. As such, whilst there would normally be a requirement for a commuted sum of £19,780 in lieu of on site play and formal recreational provision to be provided for a development of this size, it is considered in this case more appropriate to provide general open space area within the site which adds to the special landscape character of this upland.

19. Furthermore, the applicants as part of the S106 agreement are also proposing to transfer the existing Cricket Ground on the eastern parcel of land to Denholme Cricket Club which will clearly aid in the retention and enhancement of this established community recreational facility.

20. With regard to other contributions, there is a requirement for the applicants to provide affordable housing in order to accord with policy H9 of the Replacement Unitary Development Plan. The application site has a 25% affordable housing quota, and there is an identified need for a mix of 3 and 4-bed family houses. The floor areas should be in the range 80-85 sq. metres for 3-bed and 120-132 sq. metres for 4-bed. The affordable units will be of a number and type that can be accommodated on 25% of the net developable floor area and that a nominated RSL can afford to purchase, taking into account the affordable housing subsidy in the scheme and the prescribed tenure(s). The required discount for each affordable house is 35% on open market value.

21. The Applicant has agreed to contribute towards the cost of provision of a bus shelter to the north bound carriageway is also proposed as part of the S106 legal agreement to, in part, address the need to upgrade public transport infrastructure in the locality to further encourage sustainable modes of transport.

22. Policy CF2 of the RUDP requires that new housing proposals, which result in an increased demand for educational facilities which cannot be met by existing schools, shall

provide a contribution towards new or extended facilities. The education sum required for this development is £53,290.

23. In light of the above policies and the requirements requested by consultees, it is considered necessary for the developer to enter into a S106 agreement that will address the above issues in detail. Head of Terms of any agreement should include: -

Payment of contribution of £53,290 towards the provision of education infrastructure;
Provision of full details of arrangements for the provision of affordable housing on the site;
Payment of Contribution of £10,000 towards provision of a bus shelter to the north bound carriageway in front of the development site and £3,000 towards provision of a raised kerb.
Transfer to the existing Cricket Ground on the eastern parcel of land to the Denholme Cricket Club.

Agreement that all the areas identified on plan as green open space/informal village green space remain as such in perpetuity and that such areas are managed via a management plan.

To enter into a S278 highway works agreement for off-site works to ensure safe access and egress to and from the site.

Special circumstances

25. The premises are located within the green belt wherein development is severely restricted. The applicants need to demonstrate that special circumstances exist which justify the proposals as an exception to established national and local plan policy in such areas.

The following justifications have been put forward by the applicants:-

Significant improvements to the openness and appearance of the green belt

The economic benefits to be accrued through the realisation of capital receipts for Denholme Velvets, thereby ensuring the continuation of an important employment in the Denholme area
Redevelopment in a comprehensive manner of the vacant, dilapidated and functionally redundant buildings, which are at risk of long term dereliction, piecemeal use and subsequent vandalism

Promotion of Brownfield development that will delay the realise of Greenfield sites

Positive benefits to the adjoining cricket club through the transfer of land to ensure the future of this key community facility.

26. It is considered that the proposal would improve the visual impact of the site within the Green Belt in comparison to the existing industrial development because of its scale and design. The openness of the green belt will be significantly enhanced and thus by association this special landscape character area will also be protected and enhanced. Indeed, the amended scheme proposes a foot print area of 1,479sqm which the applicants state represents an 84% plan mass reduction of built development on the site. This reduction will have a beneficial impact on the openness of the Green belt. Furthermore, the reduction in the volume of built development on the site adds to the perception of openness both within and beyond the site boundaries.

When viewed from the main public vantage points the following differences between the existing industrial development and the proposed revised scheme are clear benefits:

A reduction in the extent of the linear built form along Halifax Road

A reduction in the height of the built form of development which fronts Halifax Road

When viewed from the extensive footpath network in the Upland Pennine landscape a significant reduction in built form will be evident

A consolidation of the built form around the existing retained employment unit allowing an open green area to be formed between the proposed development and the existing linear form of housing further along Halifax Road.

Bespoke housing which appropriately fits its rural/landscape context

Overall, the above benefits to both the openness of the green belt and to this landscape character area are considered to amount to very special circumstances. It is considered that the harm this development would cause by reason of inappropriateness would be outweighed by the benefits it would bring and are sufficient to outweigh the normal presumption against inappropriate development in the Green Belt.

Comments on representations made

28. Material issues raised in representations have been addressed in the appraisal to this report above.

Community Safety Implications:

29. There is no objection in principle from a community safety point of view. Appropriate conditions can be attached to any permission granted to deal with the issues of defining public/private space, lighting, landscaping and property security.

Reason for Granting Planning Permission:

It is considered that the proposed scheme represents inappropriate development in the green belt against which there is a general presumption in paragraph 3.1 of Planning Policy Guidance Note 2 and in policy GB1 of the Replacement Unitary Development Plan.

However, the proposal is considered acceptable due to a substantial reduction in the extent of building on the site which leads to a significant increase in the openness of this part of the green belt, in this elevated Pennine upland landscape character area. It is considered that this is a very special circumstance which in this particular instance outweighs the presumption against inappropriate development in the green belt; as such, the proposal is considered to accord with policies GB1, GB2, NE3 and NE3a of the Replacement Unitary Development Plan.

The development of this site with a well conceived residential scheme which closely follows the up to date design guidance offered in Manual for Streets. The effect of the proposal on the surrounding locality and the adjacent neighbouring properties has been assessed and is acceptable. The provision of an access from Halifax Road in the manner and location proposed is appropriate and sufficient parking provision has been made within the development. As such, subject to the provisions of the S106 legal agreement and appropriate conditions, the proposal is in conformity with the principles outlined within the Replacement Unitary Development Plan and subject to appropriate conditions it is considered that the proposal complies with policies UR3, H5, H9, TM2, TM12, TM19A, CF2, D1, D4, D5 and NR16

Conditions of Approval:

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

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

2. The development hereby approved shall only be carried out in accordance with the following plans: *****

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

3. Full details of all facing and roofing materials for each plot shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement development. The development shall be constructed in the approved materials or as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of visual amenity in this elevated highly visible location and to accord with policy UR3 of the Replacement Unitary Development Plan.

4. The development shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Proposed trees and defined limits of shrubs and grass areas.
- ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
- iii) Proposed topsoil depths for grass and shrub areas.
- iv) Types of enclosure (fences, railings, walls).
- v) Types of hard surfacing (pavings, tarmac, etc).
- vi) Regraded contours and details of changes in level

Reason: In the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

6. In the first planting season following the occupation of each residential unit, or as otherwise specified by the Local Planning Authority the trees to be planted within that residential garden and/or on the open green spaces throughout the development shall be planted in accordance with the approved tree planting scheme.

Any trees becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

No other tree shall be removed from the site except with the written consent of the Local Planning Authority. Any replacement tree or trees specified in such written

consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

Reason: For the maintenance of tree cover and in the interests of visual amenity and to accord Policies D5 and NE12 of the Replacement Unitary Development Plan.

7. A management plan/maintenance agreement for the long term management/maintenance of communal/public open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas including the open green spaces, the informal village green, the existing car park to the north of the residential housing site, the existing Cricket Club area, other than privately owned domestic gardens, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any residential unit. The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan.

8. 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, E and F of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with policies GB1, GB2 and UR3 of the Replacement Unitary Development Plan.

9. The development shall not commence until a plan showing the positions, design and materials of boundary treatments for that phase has been submitted to and approved in writing by the Local Planning Authority. The treatments so approved for that phase shall then be provided in full prior to the first occupation of that phase and shall thereafter be retained.

Reason: In the interests of amenity and privacy and to accord with policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

10. 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.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

11. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access between Halifax Road and the development site and within the development site itself hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 4084-SK6 (unless otherwise agreed in writing by the Local Planning Authority) and completed to a constructional specification approved in writing by the Local Planning

Authority. Before any of the dwellings to be constructed as part of the development are occupied 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.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

12. Before the occupation of each dwelling, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of each dwelling in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority. The provision of the visitor car parking spaces shall be provided prior to the occupation of any dwelling.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

16. Prior to construction of each phase commencing, a schedule of the means of access to the site for demolition/construction traffic for that phase shall be submitted to and approved in writing by the Local Planning Authority. 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 Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule through the period of construction of the relevant phase.

Reason: To ensure the provision of proper site construction facilities in the interests of highway safety and amenities of the surrounding environment and its occupants and to accord with policy UR3 of the Replacement Unitary Development Plan.

17. Prior to the occupation of any residential unit, full details of the proposed bin stores shall be submitted to and approved in writing by the Local Planning Authority. The provision of the bin stores on the site shall be implemented and retained for the duration of the use as approved

Reason: In the interests of visual amenity of the site, to ensure that appropriate facilities are provided for each dwelling for the disposal of waste and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

18. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

19. No dwelling shall be occupied until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works

Reason: To ensure that the development can be properly drained, to ensure that no foul water discharges take place until proper provision has been made for its disposal and to accord with policy UR3 of the Replacement Unitary Development Plan.

20. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the sewers that cross the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to accord with policy UR3 of the Replacement Unitary Development Plan.

21. 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 Local Planning Authority within 3 months of the commencement of development.

Reason: To ensure that the site is properly drained and to prevent overloading of the local sewerage network and to accord with policy UR3 of the Replacement Unitary Development Plan.

22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 28 June 2010 and the additional information submitted in a letter from JPG Limited to the Environment Agency dated 26 August 2010, and the following mitigation measures detailed within the FRA:-

Reducing the peak surface water run-off generated by the site by 56% as compared to the existing run off rate so that it will not exceed the run-off from the current site and not increase the risk of flooding off-site. This applies for up to and including the 1 in 100 year (plus climate change) rainfall event.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

23. The development permitted by this planning permission shall only be carried out in accordance with the recommendations of the Hepworth Acoustics noise and vibration consultants. In particular, the identified acoustic barrier shall be erected along the boundary of the site with Halifax Road, plots 1-17 shall have acoustic vents in all noise sensitive rooms and 10:12:6.4 laminate glazing in bedrooms and plots 19-22 shall have acoustic vents in the proposed bedrooms.

Reason: In the interests of amenity of the residential units and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

24. The recommendations of the ecology survey report dated October 2008 submitted with the applications should be followed prior to development commencing on the site. If, following further survey work, there is any evidence of bats, a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and enhance habitats and species which may be present and to mitigate appropriately for habitats lost and to accord with policies UR3, NE9 and Ne10 of the Replacement Unitary Development Plan.

25. Prior to the development commencing, but after the demolition of the mill buildings, a further Phase 2 Risk Assessment shall be carried out in the following locations:-

around the former gasometer (borehole MR8)
around the footprint of the Dye house closed for safety reason
around the footprint of the two storey mill directly adjacent to the Halifax Road.

The Phase II Risk Assessment report shall be submitted to the Local Planning Authority for approval in writing. The Phase II Risk Assessment Report shall contain:-

The production of conceptual model across the whole site.
Identification of each contaminant and its concentration level.
Whether the CLEA model soil guideline values are exceeded for each identified contaminant. Where the CLEA model does not specify the contaminant which alternative reference values are used and why.
A leachability test of the soil samples from each trial pit or borehole of any contaminants which exceed the designated trigger level criteria.
A risk characterisation and assessment of each contaminant including a CLEA Model Tier 2 and 3 assessments for contaminants exceeding the CLEA Model SGV's.
A proposed remediation methodology and procedure to make this site "Fit for Purpose".

The chemical analysis of the made ground and natural stratus shows that there are some contaminants above the limits for a "Residential development with gardens" and consequently remedial action will be required. I fully endorse the recommendation in Reference B, Item 9.7 above, for an additional 600mm of sub and/or top soil layer for cultivation purposes to be spread over the made ground in the residential gardens and communal cultivation areas across the proposed development site.

Reason: To ensure that the site is remediated to an acceptable level and to accord with policy UR3 of the Replacement Unitary Development Plan

26. In all garden and cultivated areas across the proposed development a Geo-textile membrane shall be inserted on top of the made ground with a 600mm of sub and/or top soil layer for cultivation purposes above the membrane. The imported sub and/or top soil shall be chemically analysed for contaminants to ensure they do not exceed the CLEA model soil guideline values or the Reference criteria levels for the contaminants not covered by the CLEA model.

Reason: To ensure that the site is remediated to an acceptable level and to accord with policy UR3 of the Replacement Unitary Development Plan

27. Prior to the developments completion a Final Verification Remediation Report shall be submitted to the Local Planning Authority for approval in writing. The report shall contain details of all the remediation works, chemical analysis from all the imported soils and mineral materials, gas protection measures for the residential building, position of the Geo-textile membrane on the made ground and depth of the top and/or sub soils in the garden and cultivated areas.

Reason: To ensure that the site is remediated to an acceptable level and to accord with policy UR3 of the Replacement Unitary Development Plan

28. The gas monitoring survey carried out across the site does indicate concentrations of Methane and Carbon Dioxide moving through the site at various concentration and flow rates. I would fully endorse the recommendation in Reference B, item 9.6 above, that gas protection measures to meet Gas Characteristic Situation Amber 2 be installed in all the residential buildings across the site.

Reason: To ensure that the site is remediated to an acceptable level and to accord with policy UR3 of the Replacement Unitary Development Plan

29. Prior to the development commencing a report outlining the gas protection measures for the residential properties shall be submitted to the Local Planning Authority for approval in writing. The report shall show how the gas protection measures will be incorporated into the design of the proposed residential buildings:

Provision of a well constructed ground slab.

Installation of a dense gas resistant membrane which is suitably lapped and sealed. Passively ventilated under floor sub spaces (assuming suspended floors) and all void spaces within the building.

Minimum penetration of ground slab by services. All penetrated areas are to be sealed in accordance with current Building Regulations.

All trench works carrying utility services shall be backfilled with gravel to ensure passive ventilation through the top soil.

Reason: To ensure that the site is remediated to an acceptable level and to accord with policy UR3 of the Replacement Unitary Development Plan

30. Prior to the development commencing a full survey of the foul and surface water drainage systems and natural spring water culvert, shall be carried out to determine the extent, layout and condition of all the underground drainage pipe work, manholes and interceptor facilities within the property boundaries. The report shall be submitted for approval in writing by the Local Planning Authority and contain the following details:-

A map showing the location of foul and surface water pipe work, and spring culvert inspection chambers and access points.

The remedial works to ensure that the foul and surface water drainage systems meet the current Building Regulations.

The layout of the surface water containment system for contaminated water deposited on the vehicle access roads and parking area within the property boundaries.

Reason: In the interests of flooding and pollution control, and to accord with Policy UR3 of the Replacement Unitary Development Plan.

31. Prior to the development commencing a risk assessment report shall be submitted for approval by the Local Planning Authority detailing all the substances, liquids and oils which are contained within or attached to all storage vessels, metal works and surfaces within the various buildings situated within the development boundaries. The submitted report shall contain the following details:-

Decontamination of all the above.
Decommissioning of all the above.
Remediation of all the contaminated and non-contaminated materials identified (include post remediation procedures and analysis to approved standards for the contaminated materials).
Disposal of all the above materials.

Reason: In the interests of pollution control and to accord with Policy UR3 of the Replacement Unitary Development Plan.

32. Prior to the development commencing a full survey of all buildings and rooms shall be carried out to determine the extent and condition of the different types of asbestos materials on site. The report shall be submitted for approval in writing by the Local Planning Authority and contain details of the different types of asbestos, risk assessment, decommissioning remediation, post remediation, analysis to approved standards and disposal.

Reason: In the interests of pollution control and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Heads of Terms

1. Payment of contribution of £53,290 towards the provision or enhancement of education infrastructure within the wards of Bingley Rural, Bingley, Thornton and Allerton and/or Worth Valley;
 2. Provision of affordable housing on the site – 25% of the dwellings on the site at a discount of 35% on open market value
 3. Payment of Contribution of £10,000 towards provision of a bus shelter to the north bound carriageway in front of the development site and £3,000 towards provision of a raised kerb.
 4. Transfer to the existing Cricket Ground on the eastern parcel of land to the Denholme Cricket Club free of charge upon terms approved by the Council. Agreement 5. that all the areas identified on plan as green open space/informal village green space remain as such in perpetuity and that such areas are managed via a management plan.
 6. Owners to enter into a S278 highway works agreement to facilitate off-site highway works prior to commencement of development.
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