

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 02 December 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.	12 Jumb Beck Close Burley In Wharfedale Ilkley West Yorkshire LS29 7RE - 10/03959/HOU [Approve] (page 1)	Wharfedale
2.	Glendale Woodlands Roundwood Road Baildon West Yorkshire BD17 6SP - 10/03151/OUT [Approve] (page 8)	Baildon
3.	Land Adj 15 Queens Road Shipley West Yorkshire - 10/03680/OUT [Approve] (page 16)	Shipley
4.	Land At Buck Lane Otley Road Charlestown Baildon West Yorkshire - 10/04112/FUL [Approve] (page 24)	Baildon
5.	Land At Buck Lane Otley Road Charlestown Baildon West Yorkshire - 10/04330/OUT [Approve] (page 43)	Baildon
6.	Lea Bank Sleningford Road Bingley West Yorkshire BD16 2SF - 10/03213/FUL [Approve] (page 71)	Bingley
7.	Roundhill Cottingley Wood Cottingley Bingley West Yorkshire BD16 1NG - 10/03431/HOU [Approve] (page 79)	Bingley Rural
8.	66 - 68 Wrose Road Shipley West Yorkshire BD18 1PB - 10/02296/VOC [Refuse] (page 84)	Windhill And Wrose
9.	Chevin End Farm West Chevin Road Menston Ilkley West Yorkshire LS29 6BE - 10/03457/FUL [Refuse] (page 89)	Wharfedale

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Portfolio:
Environment and Culture

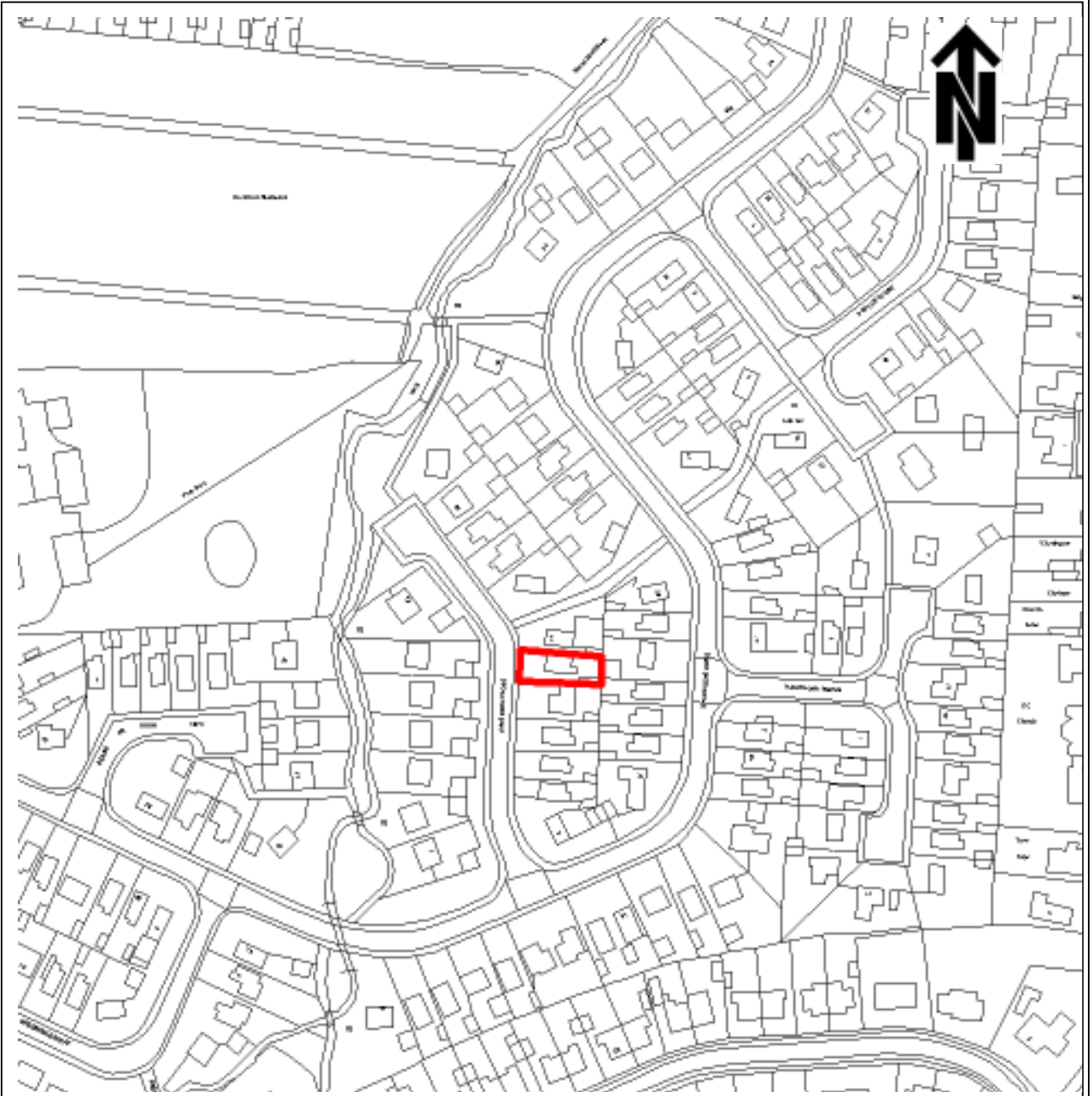
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

10/03959/HOU

2 December 2010



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<p>ITEM NO. : 1</p>	<p>LOCATION: 12 Jumb Beck Close Burley In Wharfedale Ilkley</p>
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2 December 2010

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

Application Number:
10/03959/HOU

Type of Application/Proposal and Address:

Householder application for the construction of a part two storey side and part single storey side extension at 12 Jumb Beck Close, Burley In Wharfedale, LS29 7RE.

Applicant:

Mr R Thompson

Agent:

Mr Neil Grimes

Site Description:

The application property is a fairly modern detached dwelling sited in a residential cul-de-sac.

Relevant Site History:

08/05670/FUL: Construction of a conservatory to the rear – Approved 21.10.2008.

75/03110/FUL: Residential Development – Approved 1970's.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the RUDP Proposals Map

Proposals and Policies

UR3 - The Local Impact of Development

D1 – General Design Considerations

D4 – Community Safety

TM19A – Traffic management and road safety

NR15B – Flood Risk

Supplementary Guidance- The Revised House Extensions Policy

Parish Council:

Burley Parish Council do not support the application on the grounds that;

The proposal is contrary to the Revised House Extensions Policy Document paragraph 3.1 in that it fails to maintain space between it and neighbouring property. Similarly this is contrary to the intention of paragraph 3.2 which requires such side extensions to be well set back.

The proposal is contrary to policy 10 and paragraph 3.8 – side extensions, minimum gap to boundary.

The proposal is contrary to paragraph 3.10 – parking provision.

The proposal is contrary to policy 12 – Side extensions without a carport.

Large percentage increase on original dwelling.

As a two storey extension it infringes the 45 degree sight line from the front of room of number 10.

Generally over dominant to number 10 and detrimental to street scene.

Number 4 Jumb Beck cannot be cited as precedent as the orientation of this house to number 2 has allowed the extension to be built whilst still maintaining an open aspect between the two houses.

The Parish Council have requested that if the Officer recommendation is to approve the application that the application be referred to the Shipley Area Planning Panel for a decision.

Publicity and Number of Representations:

The application was publicised by neighbour notification letters. Expiry date for representations was 14 October 2010. One representation was received.

Summary of Representations Received:

Inadequate parking provision. Off road parking will be reduced from three spaces plus garage to one space and no garage.

Application form section 11 – certificate B. Assume that completion of certificate B instead of certificate A means that some part of the proposed extension will utilise neighbouring property – 10 Jumb Beck Close. No notice received from the applicant of intention to utilise property. Permission will not be given for our property to be built on or overhung.

The 45 degree line taken from the front ground floor window of No 10 cuts across the intended extension. The extension will be approximately 1.5 metres forward of this line.

The gap between the proposed extension and number 10 will be 1 metre at ground level and 500mm at roof level.

The proposal is too close and will detract significantly from the general appearance and sense of spaciousness.

Consultations:

None.

Summary of Main Issues:

1. Impact upon Local Environment.
2. Impact upon Neighbouring Occupants.
3. Impact upon Highway safety.
4. Community Safety Implications.

Appraisal:

Impact on Local Environment

The proposal is for a part single storey and part two storey side extension. The two storey part of the extension extends along part of the side elevation of the existing dwelling – it is set back 1.8m from the front of the dwelling and extends up to the rear elevation. The single storey part of the extension projects 1.3m to the rear and 1.8m to the front of the two storey extension.

The ridge of the two storey extension is set at right angles to the ridge of the original dwelling. The design and appearance of the extension reflects the design and appearance of the original dwelling. The proposal incorporates a first floor setback of 1.8m which helps to reduce the impact of the development in the street frontage. The proposal is considered balanced and sensitive to the character of the street scene and comparable to similar developments within the surrounding area.

The proposal is considered to be a proportionate addition as it is not excessive in scale.

The proposed two storey side extension and single storey rear are to be constructed from materials (coursed stone and facing brickwork and concrete tiles) that will match the existing property, maintaining the character of the host dwelling and wider surrounding area.

The extension is to be built up to the boundary of the site but because it is set back from the frontage of the application property and because the neighbouring property – No. 10 Jumb Beck Close – is set back even further there will be no terracing effect and a feeling of openness will remain. It would not be possible to build the extension and leave a gap to the boundary

The proposal is not considered to have a detrimental impact to the character of the original dwelling or the character of the surrounding area and therefore in terms of visual amenity, the proposal is considered compliant with policy D1 of the Replacement Unitary Development Plan and Guidance contained within the councils Revised House Extensions Policy.

Impact on Neighbouring Occupants

No 14 Jumb Beck Close is not affected by the development as it is located on the opposite side of the site.

No 10 Jumb Beck Close is located adjacent to the proposed extension. This neighbouring property is set 1m away from the joint boundary and the extension is to be built up to the joint boundary. No 10 has no side windows which would be affected by the development.

To the rear only the single storey part of the extension will project beyond the rear of the back wall of No. 10. Taking into account the height and limited depth of this rear single storey projection it is not considered that it will adversely affect the light to or outlook from the rear windows or the residential amenity space of No 10 Jumb Beck Close.

No 10 Jumb Beck Close is set back from No 12 Jumb Beck Close and the single storey element to the front side will project 3.5 metres forward of the front elevation of number 10. The distance between the two properties is 1 metre and as such, taking into account the separation of the two dwellings and the height of this part of the extension, it is not considered that the proposal would result in any significant loss of outlook or be overbearing to the occupants at number 10.

No part of the two storey side extension breaks a 45 degree line taken from No 10 Jumb Beck Close nearest habitable room windows at ground floor level and in this respect the proposal is compliant with guidance contained within the councils Revised House Extensions Policy.

The proposal introduces a first floor window and ground floor door opening in the rear elevation. The rear ground floor door opening is considered acceptable owing to the level of existing boundary screening. At first floor level, the bathroom window will be obscure glazed and top opening 1.7 metres above floor level so there will be no overlooking to the rear.

Due to the overall size and siting of the extension in relation to the surrounding properties (in particular No 10 Jumb Beck Close), the two storey side extension is not considered to overshadow, restrict light or be overbearing.

The proposal is considered to retain a sufficient amount of space for private amenity purposes of the occupants. Side access will be retained along the north boundary for the storage of waste bins, thus deeming it compliant with policy No 8 of the councils Revised House Extensions Policy.

The proposal is therefore considered acceptable in terms of its impact on the residential amenity of neighbouring occupants and therefore compliant with policy UR3 of the Replacement Unitary Development Plan and guidance contained in the councils Revised House Extensions Policy.

Impact on Highway Safety

The proposal will result in the loss of the detached garage and a large part of the drive. One parking space will remain (length 7.8 metres) with potential for further space to be made to the front of the dwelling if required. It is not considered that the development as proposed will have a detrimental impact upon highway or pedestrian safety. The proposal is in accordance with policy TM19A of the Replacement Unitary Development Plan.

Flood Risk

The proposal falls within Flood Zones 2 and 3. The applicant has complied with the Environment Agency Standing Advice in that the floor levels in the proposed development will be set no lower than existing levels. The applicant has not, however, provided any details of any flood proofing measures. These have been requested but if they are not received by the date of the Planning Panel an appropriate condition can be attached.

Other issues

The plans show that the extension is within the red line boundary - although a note has been made on the plan that the line and position of boundary is to be determined and agreed with owners of number 10. This is the reason certificate B was signed and notification given to the neighbours on the 1st August 2010.

The issue raised regarding the land ownership is not a planning consideration but a private matter to be resolved between the neighbours. Approval of this application will not imply that the extension can legally be built on the neighbours land without their consent and a footnote to this effect is recommended.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The proposed two storey side and single storey rear extension is considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the extension upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Policies UR3 and D1 of the Replacement Unitary Development Plan and the Revised House Extensions Policy. There are no highway safety or community safety implications and the proposal will, therefore accord with Policies TM19A and D4 of the Replacement Unitary Development Plan. Flood Risk issues have been addressed to comply with Policy NR15B of the Replacement Unitary Development Plan

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 approved plan(s) listed below:

Block Plan -

Drawing number 01 - Survey as Existing - Dated July 2010

Drawing number 03 - Site plan -

Received by the Council on 4th August 2010

Amended Plan- Drawing number 02 Rev A - Proposed elevations and floor plans - Dated 10 October 2010.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted plans.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side or rear elevation of the extension without prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan.

5. The bathroom window at first floor level in the rear elevation of the two storey side extension hereby permitted shall be glazed in obscure glass and top opening 1.7 metres above floor level prior to the first occupation of the building/extension and thereafter retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Footnotes:

The applicants are advised to check that the development hereby approved lies wholly within the land within their control as the granting of planning permission does not override the need to obtain the consent of any neighbouring land owners affected by the development. The applicant should also seek to ensure compliance with the Party Wall Act 1996.

Area Planning Panel (Shipley)

10/03151/OUT

2 December 2010



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<p>ITEM NO. : 2</p>	<p>LOCATION: Glendale Woodlands Roundwood Road Baildon</p>
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2 December 2010

Item Number: 2
Ward: BAILDON
Recommendation:
**TO GRANT PLANNING PERMISSION
APPLICATION WITH A PETITION**

Application Number:
10/03151/OUT

Type of Application/Proposal and Address:
An outline planning permission for the construction of one dwelling. All matters are reserved.
Glendale, Woodlands, Roundwood Road, Baildon, BD17 6SP.

Applicant:
Mr Darryl Pailing

Agent:
Mr Chris Pickard

Site Description:
The site forms part of the garden area of the existing property (Glendale). The host property is large and is set within a reasonable sized plot of land. Access to the site is from a private drive via Roundwood Road. The site contains a number of trees, both near the access to the site and within the site itself – none of these trees are protected and most are of low amenity value being immature bushes/domestic species of trees. The surrounding area is characterised by large properties in generous plots forming a material suburban location.

Relevant Site History:
None.

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated.

Proposals and Policies

UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
D1	General Design Considerations
D4	Community Safety
D5	Landscaping
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
BH4A	Setting of Listed Buildings
NE4	Trees and woodland
NE5	Protection of trees on development sites
NE6	Protection of Trees During Development
NE10	Protection of Natural Features and Species

National policy:

Planning Policy Statement 1:	Delivering sustainable development
Planning Policy Statement 3:	Housing
Planning Policy Guidance Note 13:	Transport
Planning Policy Statement 9:	Biodiversity and conservation

Parish Council:

Baildon Parish Council:- No objections to the application.

Publicity and Number of Representations:

The application has been publicised by individual notification letters and site/press notices. Expiry of the publicity period was 20 August 2010. The plans were amended in October to show access from Roundwood Road via the private drive and sections of the site were also produced. A second period of statutory consultation was initiated on October 28 and expires on November 18. In relation to the initial period of consultation, a total of 8 individual letters of objection and one petition (with 33 signatures) was received. A further 3 letters of objection have been received to date in relation to the publicity of the amended plans.

Summary of Representations Received:

1. Development is unacceptable in principle – it is garden grabbing.
2. Highway safety issues – the access from Silson Lane is not acceptable.
3. Loss of view from surrounding properties.
4. Overlooking/overshadowing.
5. No indication of levels on the plans.
6. The proposed site is within 50 metres of a listed building.
7. Loss of mature trees on the site.
8. Drainage issues.
9. Adverse impact on local wildlife and protected species.
10. Adverse impact in terms of visual amenity.
11. Approval of this application would set an unacceptable precedent within the area for future development.

Consultations:

Highways:	No significant objections if access is taken from Roundwood Road via the private drive.
Drainage:	No objections subject to conditions requiring separate foul and surface water drainage and the approval of a drainage scheme.
Baildon Parish Council:	No comments raised in relation to the application.
Heritage management:	No objections or material impact on the setting of the listed building.
Trees:	Method statement should be provided at reserved matters stage, siting considered acceptable on balance.

Summary of Main Issues:

1. Principle.
2. Matters reserved.
3. Other considerations.
4. Comments on representation received.

Appraisal:

1. Principle

The site forms a modest area of undeveloped land forming part of the curtilage of the existing residential property. Recent changes to planning policy Statement 3 (PPS 3) have changed the status of private garden areas from previously developed land to greenfield land. However, PPS 3 does not specify that development of private garden areas is unacceptable *per se*. The site is modest in scale and is sustainably located close to a local rail station on bus routes. Given the lack of a 5 year housing supply in the Bradford district and an increasing population (particularly for family accommodation), it is considered that the principle of development would be acceptable at the site.

The proposed level of development is considered acceptable as the site cannot sustain more than one dwelling.

2. Matters not reserved

All matters are reserved on this application and therefore the information with the application should demonstrate that the siting of the dwelling within the site is acceptable. A brief assessment of each matter is given below, however, full details in respect of each will be considered as reserved matters application stage:

Access

As amended the dwelling will take access from the existing private driveway of the existing dwelling. Such access would be in compliance with current regulations whereby up to 5 dwellings can be accessed from a private drive. The width of the access at the intended point is about 3.5 metres; some widening may be required, however, this width is sufficient to allow vehicular access and there would not be a requirement for two vehicles to pass simultaneously. It is considered that the addition of one dwelling being served from the junction of Roundwood Road with Silson Lane would not present a significant increase in traffic sufficient to refuse planning permission. The amended plans therefore demonstrate that a satisfactory access can be achieved to the site. Full details of the specifications of the access will be assessed when a reserved matters application is submitted.

Layout

The amended indicative plans show the dwelling to be sited satisfactorily. Being located on a lower level than the property to the north (Roundwood Lodge), the dwelling will not overlook this property. Any overlooking from Roundwood Lodge will not be significant as no major habitable rooms exist to the side elevation of this property and due to the level differences, any overlooking will be to the roof plane of the new dwelling only and not to the future amenity area or habitable room windows. The dwelling will also be designed with its main outlook to the south. The proposed dwelling is not considered to have a significant impact on the existing property at Glendale as there is not a major habitable room window close to the west edge of this property to be affected in terms of outlook. Due to the separation distances to other properties and differences in levels at the site, no significant overlooking or overbearing is considered to result to the surrounding dwellings. It is therefore considered that the indicative siting as shown would be acceptable.

Appearance

Full details of the design of the dwelling will be assessed at reserved matters stage; however, the indicative plans show a 1.5 storey dwelling. This is considered to be acceptable in this location given the variety of buildings styles and heights in the immediate area. Such a dwelling will not be overbearing in relation to the existing bungalow at Glendale.

Scale

As considered above, the indicative scale shown is considered acceptable.

Landscaping

Full details of additional planting will be considered at reserved matters stage

3. Other considerations

Trees

The plans lack detail in terms of tree cover at the site and which trees will be retained and which will be removed. However, most of the trees in the application site are of low amenity value with the possible exception of more mature trees at the access point to the site. Given that there may be a requirement to construct a retaining wall in this location to allow a level access into the site, such trees may be affected. A condition is considered appropriate to ensure that any application for reserved matters is supported by an arboricultural method statement.

Biodiversity and protected species

The site is located within a “Bat Alert Zone”, however, the proposal does not include the removal of any mature trees or the demolition of any building. The trees on the site are unlikely to be suitable for bat roosts or foraging and it is therefore considered that a protected species survey would not be justified in support of the application.

Impact on the setting of the nearby listed building

The site is located approximately 60 metres from a grade II listed building to the south. However, the site is separated from this building by other dwellings and areas of tree cover which means development of the site will not have any material impact on the setting of this listed building.

4. Comments on representations received

The following issues have been raised following the receipt of representations – these are appraised below:

1. Development is unacceptable in principle – it is garden grabbing.
See ‘principle’. The status of the site as previously developed land or Greenfield is just one of the issues to consider when determining the acceptability of development. The terms ‘garden grabbing’ has not legal or planning relevance to this case.
2. Highway safety issues – the access from Silson Lane is not acceptable.
Access is now proposed via the private driveway.
3. Loss of view from surrounding properties.
Loss of view is not a material planning consideration.
4. overlooking/overshadowing.
See ‘layout’.
5. No indication of levels on the plans.
The amended plans contain detailed sections of the site showing existing/proposed levels and the relationship of the development to the surrounding properties.

6. The proposed site is within 50 metres of a listed building.
The proposal is not considered to impact on the setting of the nearby listed building.
7. Loss of mature trees on the site.
No mature trees will be lost as a result of the development – most trees within the site are of a domestic scale and not of high amenity value.
8. Drainage issues.
The development is not considered to raise any significant drainage issues that cannot be addressed by conditions.
9. Adverse impact on local wildlife and protected species.
See appraisal under 'biodiversity and protected species'.
10. Adverse impact in terms of visual amenity.
The full and final design of the dwelling is reserved and will be assessed on the submission of a reserved matters application.
11. Approval of this application would set an unacceptable precedent within the area for future development.
Each application is judge on its own merits and there is not reason for a precedent in this case.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The principle of residential development of the site is considered acceptable in line with Planning Policy Statement 3, the site being of modest scale and sustainably located. No significant implications are foreseen in terms of highway safety, residential amenity, impact on protected species or visual amenity. The proposal is therefore considered to comply with policies UR2, UR3, D1, D4, TM2, TM12, TM19A, H7, H8, NE4, NE5, NE6 and NE10 of the replacement Unitary Development Plan.

Conditions of Approval:

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Before any development is begun plans showing the:
- i) access
 - ii) appearance
 - iii) landscaping
 - iv) layout,
 - v) and scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4. The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until a Tree Protection Plan showing Root Protection Areas and location of temporary Tree Protective Fencing has been submitted to and approved in writing by the Local Planning Authority.

The Tree Protection Plan shall be to a minimum standard as indicated in BS 5837 (2005) Trees In Relation To Construction Recommendations and show the temporary Tree Protective Fencing being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority) as shown on the Tree Protection Plan.

The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted in the Tree Protection Plan as approved by the Local Planning Authority. The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan and shall not move or be moved for the duration of the development.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in accordance with the approved Tree Protection Plan.

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

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

5. No works forming part of or ancillary to the development shall be carried out on the site until an Arboricultural Method Statement for Arboricultural Works has been submitted to and approved in writing by the Local Planning Authority.

The Arboricultural Method Statement for Arboricultural Works shall include a detailed programme of timescales for the carrying out of the works identified in the statement during the period immediately prior to, during and after the proposed development.

The works the subject of this statement shall be carried out in accordance with the timescale set out in the approved statement.

The management statement shall include a detailed tree management programme with timescales.

The programme shall be carried out in accordance with the timescales set out in the approved statement.

Reason: To ensure the future sustainability of the trees being retained on the site in the interests of visual amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan.

6. The development hereby approved shall only be carried out in accordance with the approved plan(s) listed below:

AD(00) 006 (proposed site plan)
AD(00) 007 (site sections)

Received by the Council on 16/10/2010

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

7. 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.

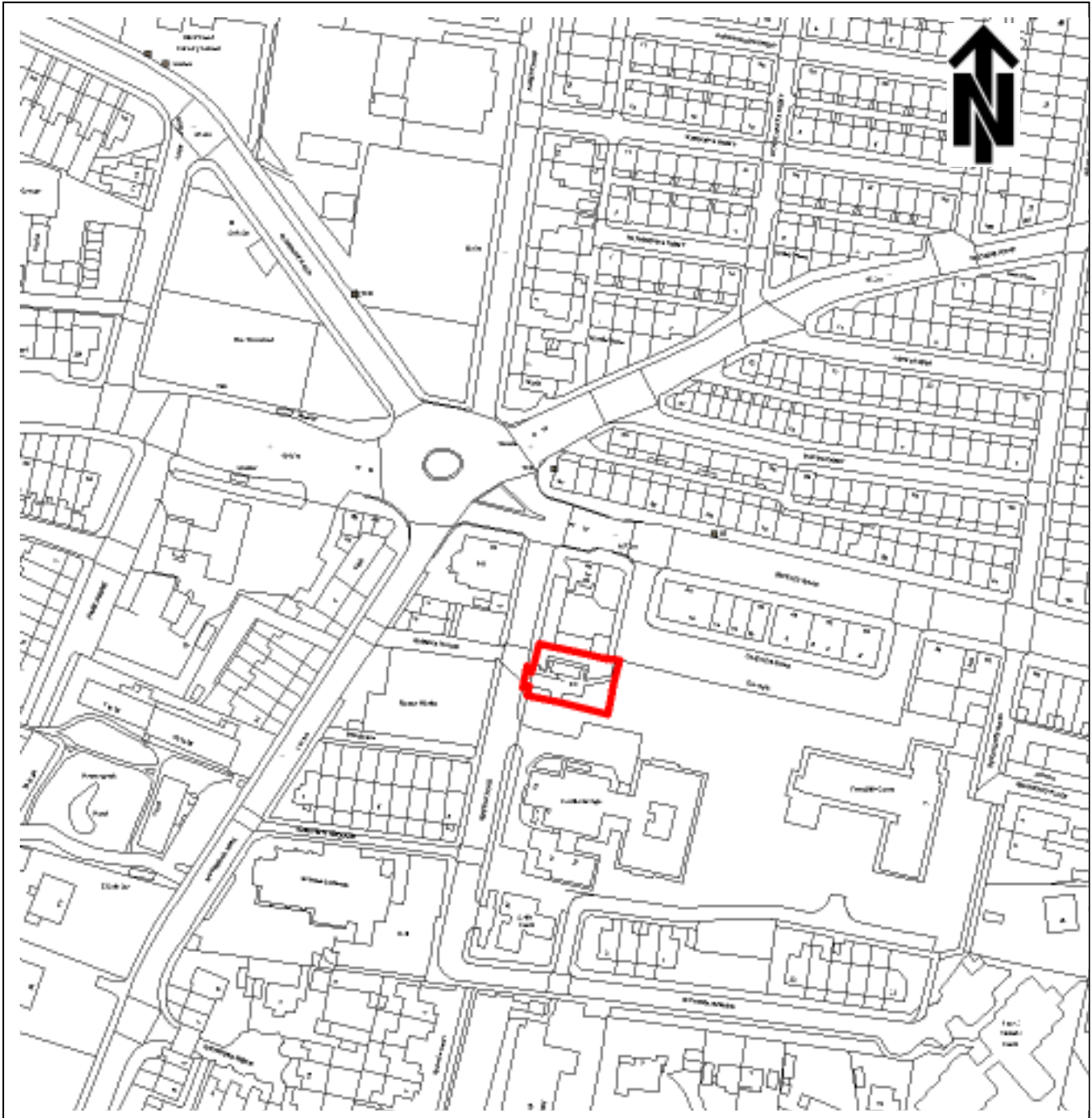
8. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the use being established on site.

Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

10/03680/OUT

2 December 2010



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ITEM NO. : 3

LOCATION:

**Land Adj 15 Queens Road
Shipley**

2 December 2010

Item Number: 3
Ward: SHIPLEY
Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION

Application Number:
10/03680/OUT

Type of Application/Proposal and Address:

An outline application for a residential development with all matters reserved at land adjacent to 15 Queen Street, Shipley.

Applicant:

Bradford City Council

Agent:

Asset Management

Site Description:

The site was previously occupied by public conveniences but these were demolished and the site was levelled with a hard surface put down. The site is accessed via Queens Road which is just off Saltaire Roundabout. The site is bordered by protected trees to the North, East and South. The surrounding area is largely made up of commercial properties.

Relevant Site History:

10/00987/OUT: Construction of one detached dwelling Refused planning permission due to the impact on the adjacent protected trees. 14/04/10

Replacement Unitary Development Plan (RUDP):

Allocation

The site is located within the World Heritage Site Buffer Zone on the development plan but is not allocated for any specific land use. Relevant policies are as follows:

Proposals and Policies

UR2: Promoting sustainable development
UR3: The local impact of the development
TM2: Impact of traffic and its mitigation
TM8: New Pedestrian and Cycle Links
TM10: National and Local Cycle Network
TM12: Parking standards for residential developments
TM19A: Traffic management and road safety
D1: General design considerations
D4: Community Safety
D5: Landscaping
NE4: Trees and Woodland
NE5: Retention of Trees on Development Sites
NE6: Protection of Trees During development
NR16: Surface Water Run Off and Sustainable Drainage Systems
H7: Housing Density expectation
H8: Housing Density- Efficient use of land

BH14: World Heritage Site Buffer Zone

National Guidance

Planning Policy Statement 3: Housing

Planning Policy Statement 1: Sustainable Development

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised via a site notice, press notice and neighbour notification letters with the statutory publicity date expiring on 17 September 2010.

No representations were received.

Summary of Representations Received:

Not applicable.

Consultations:

Design and Conservation: Based on the description of the proposed development site within the design and access statement the development would not have a negative impact.

Trees: The siting of the unit is now acceptable provided there are only secondary windows located adjacent to the trees.

Drainage: Separate drainage system required within the site boundary.

Rights of way: Providing an acceptable public path order is obtained there would be no objection to the proposal. Recommend a footnote be attached to any consent.

Highways: Recommend conditions which are listed below.

Summary of Main Issues:

1. Principle.
2. Visual amenity.
3. Residential amenity.
4. Highway Safety.
5. Trees.

Appraisal:

The application seeks to assess the principle of developing the site with one dwelling. The application is an outline with all other matters reserved. A previous application was refused due to lack of detail regarding the adjacent protected trees which run along the northern boundary of the site. Essentially the development was too close to the protected trees. This current outline application shows that a dwelling can be built far enough away from the trees so as not to effect them. However the position of the primary windows will be of importance at the reserved matters stage they should not face the protected trees.

Principle

The site was formerly occupied by the public conveniences and therefore the plot forms a parcel of previously developed land, classed as 'brownfield land'. The proposal to develop this site for housing is considered to be acceptable as it makes effective use of land and existing infrastructure in accordance with national guidance contained within Planning Policy Statement 3. Subject to other material planning considerations the development is acceptable in principle. Furthermore the site is not allocated for any specific land use.

Density

The development site is 0.04 hectares with one dwelling being proposed. Whilst this would equate to 24 dwellings per hectare, which is below the recommended 30 dwellings per hectare minimum density, given there are a number of protected trees close to the boundary it is not considered there would be scope to add a second dwelling on the site. The development is therefore considered to be acceptable in terms of density requirement and accords with policies H7 and H8 of the RUDP.

Visual amenity

All matters are reserved but an indicative plan has been provided showing a two storey detached dwelling with a ridge height of 8 metres set back from the main road frontage with a garage to the side with drive in front. As the application is outline with all matters reserved the main consideration is whether a suitably designed dwelling could fit on the site without adversely effecting the surrounding environment. Given the surrounding mix of property designs it is considered a dwelling can be accommodated on the site without affecting the character and appearance of the street scene or the setting of the World Heritage Site. Additional details would need to be provided at the reserved matters stage and it is likely natural facing and roofing materials would be required. The development is considered to be acceptable in terms of visual amenity and in accordance with policies UR3, D1 and BH14 of the RUDP.

Residential Amenity

There are no residential properties within the immediate area which would be affected by the development in terms of overlooking or overshadowing. The surrounding uses are predominantly commercial therefore the main impacts would be on the occupants of the proposed dwelling itself. The site is located close to a busy main road close to commercial properties including a takeaway to the north and off-street parking along Oastler Street which is primarily for the properties along Bingley Road. There may be issues of noise and disturbance from the surrounding uses, however it is not considered this development would prejudice their uses and it would be a case of buyer beware. A community centre and car park is located to the south of the site but again it is not considered this use would be prejudiced by the proposed dwelling on the adjacent site. Factory units are located opposite Queens Road, however it is not considered this use would be prejudiced by the proposed dwelling.

Highway Safety

The development is acceptable in principle but further details would be required at the reserved matters stage to overcome concerns regarding the internal site layout. Firstly details of an internal turning area would need to be submitted to ensure vehicles can leave the site in a forward gear. It is recommended a condition is attached to address this concern. Never the less for this outline application there are no highway safety concerns to warrant a refusal. The development, subject to further details being submitted, satisfies the requirements of policies TM2, TM11 and TM19A of the RUDP.

Rights of Way

A public footpath runs through the site and so, for the development to proceed, a Public Path Order would need to be obtained. Should there be any objection to the order the development may not be able to go ahead. A realignment of the public footpath would satisfy the requirement of policy TM8 of the RUDP.

The footpath proposed would retain a 2m wide strip including the path and a gap to the proposed 1.8m high boundary fence. This complies with guidance from the Police Architectural Officer and therefore the development would accord with policy D4 of the RUDP.

Trees

The indicative site layout shows that a dwelling can be accommodated on the site subject to only secondary windows being located adjacent to the protected trees. The proposal will require a Root Protection Area Plan (RPA) together with an Arboricultural Impact Assessment. There is also an issue with the proposed new footpath construction within the RPA of the protected trees. A condition is recommended requiring the submission and approval of the details of the method of construction of the footpath.

Community Safety Implications:

There are no unforeseen community safety implications as such the development is considered to satisfy policy D4 of the Replacement Unitary Development Plan.

Reason for Granting Planning Permission:

The application has demonstrated that the site can accommodate a residential development that can be safely accessed and that would not cause any significant harm to the character and appearance of the street scene or to the residential amenity of neighbouring properties or adjacent trees and a suitable public footpath can be maintained through the site. As a result the proposal, subject to the attached conditions would comply with the requirements of policies UDP1, UR2, UR3, H7, H8, D1, D4, D5, BH14, NR16, NE4, NE5, NE6, TM2, TM8, TM10, TM12 and TM19A of the Replacement Unitary Development Plan and Planning Policy Statement 3 as amended.

Conditions of Approval:

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. The development hereby approved shall only be carried out in accordance with the approved plan, received by the Council on the 20th of July 2010 listed below:

Design Plan DCB Q-010-019 CW

Indicative Elevation Drawings Plan Number DCB Q-010-020 CW

Location Plan DCB Q-010-012 CW

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

4. Before any development is begun plans showing the:
- i) access,
 - ii) appearance
 - iii) landscaping including footpath details, lighting and tree survey
 - iv) layout,
 - v) and scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

5. Any application for approval of reserved matters with respect to siting of buildings or access/vehicular servicing including revisions to these items shall include an accurate Arboricultural Implication Assessment which includes a Tree Survey and a Tree Protection Plan showing all existing trees on and adjacent to the site. This must be undertaken in accordance with the guidelines set down in BS 5837 (2005) Trees in Relation to Construction - Recommendations.

Reason: To ensure an accurate assessment of the impact of the development on the sustainability of the trees and in the interests of visual amenity to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

6. The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until a until a Tree Protection Plan showing Root Protection Areas and location of temporary Tree Protective Fencing has been submitted to and approved in writing by the Local Planning Authority.

The Tree Protection Plan shall be to a minimum standard as indicated in BS 5837 (2005) Trees In Relation To Construction Recommendations and show the temporary Tree Protective Fencing being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority) as shown on the Tree Protection Plan.

The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted in the Tree Protection Plan as approved by the Local Planning Authority. The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan and shall not move or be moved for the duration of the development.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in accordance with the approved Tree Protection Plan.

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

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

7. Construction of the public footpath shall be carried out to a specification first agreed in writing by the Local Planning Authority. The works shall be carried out and completed in full prior to the occupation of the dwelling hereby approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping and to ensure the public footpath remains through the site in the interests of pedestrian safety, amenity and to accord with policies TM8, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

8. Before any development works commence on site full details of the proposed means of access, layout of the building, car parking and servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be implemented prior to the dwelling comprised within the development being brought into use.

Reason: To establish a suitable form of access, parking and servicing facilities commensurate to the scale of the development proposed and to accord with policies UR3, D1, TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

9. 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.

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

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

Footnote:

The affected public footpath must not be obstructed by any plant, materials or equipment. Even the temporary storage of materials on the public right of way is not permitted. Any obstruction of the route constitutes an offence under the Highways Act 1980 and will be pursued accordingly.

If works mean that the public footpath cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. Please contact Mr David Greenwood on (01274) 432046 for details.

Even if planning permission is granted, no new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. The requirements of the Disability Discrimination Act must also be considered.

If works alongside the public footpath present a danger to path users the affected section should be fenced off with safety netting.

The surface of the public footpath should not be disturbed, however, if development works causes damage to the public footpath it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way, these must be approved, in advance by the Rights of Way Section.

If building works remove features that would enable users to find the public footpath, the line of the public footpath must be clearly indicated by some other means, as this will help to minimise conflict and difficulties on site.

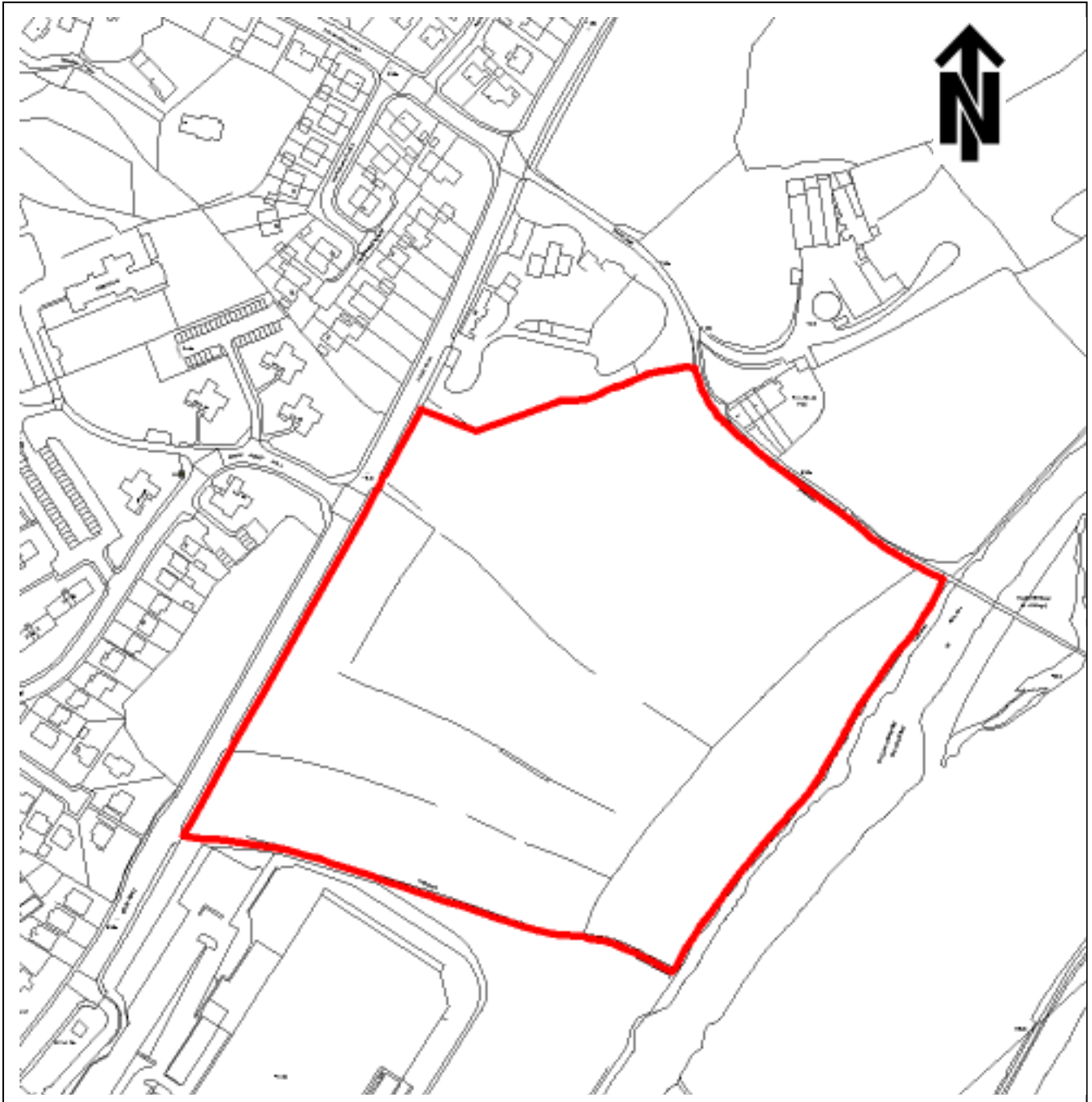
Shipley Public Footpath 135 crosses the site. Please note that the full extent of the route includes the paved and tarmaced areas outside the former public conveniences. A Public Path Order must be obtained (most likely under Section 257 Town & Country Planning Act 1990). The developer should contact the Council's Rights of Way Section prior to commencement of any works.

It cannot be assumed that development can automatically take place where a highway/right of way is affected by it, because the general public may successfully object to the closure or diversion. If such objections are not withdrawn then the development may not commence unless the Order is confirmed by the Secretary of State. If no objections are received the Order must first be approved by the Council as Highway Authority. In any event, the process will generally take at least 12 months, and thus the applicant is advised to discuss their requirements as soon as possible.

Area Planning Panel (Shipley)

10/04112/FUL

2 December 2010



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ITEM NO. : 4

LOCATION:

**Land At Buck Lane
Otley Road
Charlestown
Baildon**

2 December 2010

Item Number: 4
Ward: BAILDON

Recommendation:
TO APPROVE SUBJECT TO CONDITIONS AND A UNILATERAL UNDERTAKING

Application Number:
10/04112/FUL

Type of Application/Proposal and Address:

A full application for enabling works to prepare this development site – works to include site access to Otley Road, main spine road works, earth works for development plateaux, retaining walls and main drainage works at Land at Buck Lane, Otley Road, Baildon.

Members are advised that outline planning application 10/04330/OUT - located elsewhere on this agenda -is considered in the first instance. This particular application 10/04112/FUL is for the enabling works which would only follow on from any outline planning permission that may be granted.

Applicant:
Bradford Metropolitan District Council

Agent:
Neil Hampshire

Site Description:

A six hectare (14.4 acre) Greenfield site on the A6038 corridor which is located between Bradford and Harrogate and between Shipley and the Leeds Bradford International Airport. The site is identified as an employment site (S/E1.3) within the Replacement Unitary Development Plan and it is located within the defined employment zone (S/E6.3). In the Master plan for Airedale, the site is identified as an area for a proposed Baildon Digital Park.

The site slopes markedly down (between 9-11metres) from Otley Road towards the River Aire. At present there is no built development evident on the site and essentially it comprises grassland with mature trees and hedges upon it. Otley Road, a main distributor road forms the north western boundary of the site. Along the northern, western and southern boundaries there are established footpaths and rights of way. Buck Lane itself is an ancient highway which is noted in the street list as being maintained in character and the route continues over the river bridge as Public Bridleway No.95 (Bradford North). Public Footpath No.54 (Baildon) runs along the western side of the River Aire along the edger of the development site. A promoted route, The Airedale Way, runs along this public footpath. Public Footpath No.53 (Baildon) runs along the southerly site boundary from Otley Road to Footpath 54.

At its southern tip, the site lies adjacent to a Bradford Wildlife Area (BWA) which itself lies adjacent to the River Aire. The whole strip of land adjacent to the river in this location is identified as wash lands in the Proposals Map from the Replacement Unitary Development Plan. To the west of the site lie other commercial/industrial uses which are also located in the employment zone (S/E6.3). To the north/northeast lies isolated development within allocated green belt. Beyond Otley Road, to the north/northwest of the site lie a variety of residential properties and Baildon railway station.

Relevant Site History:

Application 04/05698/OUT - for the construction of access roads and buildings for use as B1 business, and B2 employment, C1 hotel , A1 retail and 60 residential apartments together with car parking and landscaping was granted planning permission in April 2007 subject to the signing of a section 106 legal agreement. Conditions are attached to this outline permission to ensure that reserved matters were submitted within 3 years of the determination of the application, which the development start within 5 years of the decision that highway works were carried out along with several other mitigation measures to protect the environment of the site.

Outline planning application 10/04330/OUT for the construction of a science and technology based Business Park with Hi-Tech manufacturing and construction of hotel/restaurant and retail outlet is elsewhere on this agenda.

Replacement Unitary Development Plan (RUDP):

Allocation

Within the Proposals for the Shipley Constituency of the replacement Unitary Development Plan, the site is identified as being within the Shipley/Saltaire corridor employment zone identified under reference S/E6.3 and also forms a specific proposed employment site identified under reference S/E1.3. 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
- E2 – Protecting Large Employment Sites
- E3 - Protecting Existing Employment Land and buildings in Urban Areas
- E3A - Office Development
- E6 – Employment Zones
- E8 – New Tourist Facilities
- E9 – Major Hotels and Conference Facilities
- CR4A – Other retail development
- TM1 - Transport Assessment
- TM2 – Impact of traffic and its mitigation
- TM8 - New Pedestrian and cycle Links
- TM11 – Parking standards for non-residential developments
- TM13 - On Street Parking controls
- TM19A – Traffic management and road safety
- D1 – General design considerations
- D2 – Energy Efficiency and Sustainable Design
- D3 – Access for People with disabilities
- D4 – Community safety
- D5 - Landscaping
- D6 - Meeting the needs of pedestrians
- D7 – Meeting the needs of Cyclists

D7A – Meeting the needs of public transport through design
D14 – external Lighting
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
NR15A – Wash land
NR15B – Flood Risk
NR16 - Surface Water Run Off and sustainable Drainage Systems
NR17A – Water Courses and Water bodies

Airedale Corridors: A Master plan & Strategy for Airedale

Regional Spatial Strategy (RSS):

Policies

E1 – Creating a successful and Competitive Regional Economy
E3 – Land and Premises for Economic Development
E4 – Regional Priority Sectors and Clusters
YH2 – Climate Change and Resource Use
YH3 – Working together
YH4 – Regional Cities and Sub-Regional Cities and Towns
YH5 – Principal Towns
YH6 – Local Service Centres and Rural and Coastal Areas
YH7 – Location of Development

Parish Council:

Object to the application on the grounds of traffic issues.

Publicity and Number of Representations:

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 15 October 2010. A special neighbourhood forum was also held on 7th October at St Aidans Church to which 89 members of the public attended. 59 individual letters of representations have been received to date of which 59 are objections and 2 are in support of the scheme.

The comments of objection which were voiced at the special neighbourhood forum have been added to the summary of representation identified below (it should be noted that all comments made are written in no particular order of importance). Any additional representations which may be received after the publication of this report will be reported orally at the planning panel.

Summary of Representations Received:

Objections

No account taken of the comments made at the Consultation Event on 8th July
The justification for this proposed development on a Greenfield site is that it would be easier and cheaper than opening up one of the many Brownfield sites. This reasoning is totally unacceptable
Brownfield sites should be used before Greenfield
Buck Lane walk to the river and canal will be totally despoiled

Already horrendous road transport problems in this area and there is nothing in the application to address this except an irrelevant set of traffic lights
Road improvements should be a prerequisite to the commencement of the development
What justification is there for another hotel?
Already lots of offices to let
Since when has Baildon been a hub of the technological world?
No mention in the landscaping reports of screening the development from Thackley
Want to ensure that comments from this neighbourhood forum are not sanitised but keep their full meaning
There will be an undue impact on the surrounding area i.e. congestion
Why should this site be used for economic development when there are so many Brownfield sites nearby which can be effectively used?
Want to defer the applications to the December panel.
Creation of addition pollution
Biodiversity issues not addressed – what is the wildlife strategy
Why are the residents not mentioned in any documentation – we must consider the residents
This will be an eyesore next to Denso
There will be an increase in noise levels
Leave this green valley alone
Otley Road is the busiest road in Baildon and as a result there are queues from the Tong Park area to Shipley and beyond during rush hour and when the shifts start and finish at Denso Marstons and other factories and business along the road.
Rat running occurs and more traffic will exacerbate this
What about all the nuisance, noise, fumes, dirt and disturbance created should work on the development begin
The ambience of this part of the riverbank will be spoiled and will have a detrimental effect on the wildlife situated there
Loss of open land and trees will be devastating
What about flooding? – the bank has eroded considerably
Why cannot other sites be considered
This is a great place to live but it is not in the interests of the village to have yet another development.
Devaluation of local residential properties
Reduction in the general quality of life for local families
Hollins Hall Hotel is a mile north and another hotel and several guest houses operate in Shipley 2 miles to the south
The buck Lane development is totally unnecessary and erodes further into the open space for no purposes
Where does Bradford get its money from, in these days of austerity, to fund these madcap schemes
The infrastructure which surrounds the Buck lane development will not be able to service the site
It seems like the council just wants to create more derelict sites in Baildon
Part of the justification for this proposed development on a green field site is that it would be easier and cheaper than opening up one of the many Brownfield sites within the Bradford area.
That reasoning is totally unacceptable
The development is agreed at all should be kept well away from Buck lane
Road improvements for the area must be a pre-requisite to the commencement of the development
What justification is there for another hotel on this development
Environmentally the impact has been inadequately assessed
The biodiversity reports from Smeeton Foreman recommends further surveying

The land forms an important wildlife corridor between the Denso nature Reserve and Buck Woods

The land is classified grade 2 agricultural land

Why do we need to lose our green land when there are many sites of developed and undeveloped land in and around Baildon. In the immediate vicinity is the site of SLI lighting. There is land behind Tesco's and on the site of the old wool mill at the end of Otley road near Focus.

The proposal has a very weak business case and lacks clarity in the arguments and rationale. What is the point of building another science/technology business park, whilst existing parks have vacant space.

The current recession may render the Business Park financially unsustainable.

The proposed development will encroach further into what was until relatively recently a green belt area.

The very minimum of consultation has been done on this site so that a lot of local people are not aware of the plan

The application shows trees that are on land on adjoining properties which have been surveyed by agents of BMDC without the owners' knowledge or permission - the boundaries of the site need to be established before any boundary walls or fences are erected

Environmental impact has to be taken into consideration

There is no requirement for this type of development on this site - Why not put Yorkshire Forward money and the 3.5million pounds in to a worthwhile development of Bradford City Centre

Air and noise pollution are serious issues which will be evident during the construction and when the development is completed

The Environment Agency has failed to consider fully all the facts of such a development. The area floods regularly

Is this proposed development being submitted just to utilise Yorkshire Forward's money regardless of the consequences to the local community?

Support

A high priority for the Bradford District is to produce high quality manufacturing output whereby Bradford firms are competitive not only nationally but internationally.

High quality jobs will be created

The activity is likely to be clean and quiet

This development will contribute to the regeneration of the District.

The firms that have shown interest in taking leases are located closer to the City centre than Buck lane so there is an expectation that their relocation will add to the traffic flow which is in the opposite direction to the mainstream.

Additional car use will be minimised as far as possible.

The fields were allocated as employment land in the 1998 Unitary Development Plan and this designation was confirmed and retained in the RUDP in 2005. Planning permission has already been granted for employment uses on the site which constitutes a precedent.

The use of this particular site will help create a critical mass which can bring together a number of firms of a similar nature.

A mixed development when retail and hotel elements complement the B1 and B2 uses will generate a mix of jobs

Statement of Community Involvement

Members should also be aware that a community consultation exercise was undertaken by the applicants and their agents on 29th June 2010. A total of 605 letters were sent to local residents notifying them of a public exhibition that was to be held over three days covering the application proposals. 10 public notices were displayed around the vicinity of the application site and 3 separate news articles were contained within the Telegraph and Argus (Bradford). 160 people attended the exhibition and 71 written responses were received.

A summary of the main issues are the traffic impact, the location and future occupancy of the high technology business park, the environmental impacts (noise and air pollution, loss of visual/countryside amenity, flooding, appropriate and adequate screening and wildlife).

Consultations:

Highways (Development Control) Section - The Transport Assessment is accepted and the proposed junction layout is acceptable in principle. The site access junction details design will be subject to a S278 Agreement. This agreement should be signed prior to commencement on site.

The internal main spine road is to be constructed up to a base course level and will be completed upon the completion of the individual development areas. A detailed construction plan needs be submitted prior to commencement of development on site.

Highways Agency – no objections.

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

Environmental Protection (noise) – no objections subject to conditions regarding construction noise.

Environmental Protection (Contamination) – A phase 2 intrusive site investigation and sampling for contamination and ground gases are necessary. Based on the findings of the phase 2 investigation, a quantitative risk assessment and remediation strategy will need to be formulated.

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

Rights of Way Section - The applicant states that the proposed development will not adversely impact on the public footpaths running on the boundary of the site and that the paths will remain open to the public through the construction period. The other enabling works to develop the site access and main spine road are not situated near the footpaths and should not therefore impact upon them.

The Design and Access Statement (DAS) states that 'the existing footpaths and bridleways on the perimeter of the site will be generally improved and repaired including resurfacing and the details of this are shown on the drawings accompanying the indicative landscape proposals'. I also note that the DAS refers to a proposed new cycle track linking the access road to Buck Lane.

The submission refers to the re-surfacing of the public right of way along the south west boundary of the site. Public Footpath 53 (Baildon) is a popular route that is used to access the nature reserve at Denso Marstons. The Friends of Denso Marstons have expressed their wish to see this footpath improved to enable it to facilitate access, in all weathers, to the reserve for people with disabilities and families with pushchairs. I am therefore pleased to see reference to proposals to resurface and improve the path. .

The outline Landscape Proposals plan shows a hedge to be planted along the existing fence line that separates Footpath 53 from the remainder of the site. This hedge should be positioned such that when mature it will not grow across the footpath impeding passage along it.

Public Footpath No. 54 (Baildon) which runs along the boundary of the site next to the river is a promoted route, The Airedale Way. This path is generally in need of improvements to its surface. There is no mention within the proposals of any work to be carried out to improve this public footpath. The Airedale Waterways Group has long held the aspiration that improvements to this path should be achieved linked to developments take place alongside it. The Developer should be asked to carry out improvements to this footpath or to make a contribution towards works to improve it.

The Outline Landscape Proposals plan show a two metre wide cycle path linking from the end of the access road to Buck Lane via a kissing gate. The width of the cycle path should be increased to 2.5 metres. Cyclists would find it difficult to negotiate a kissing gate - the kissing gate should therefore be replaced with some other form of structure to allow cyclists while deterring use by motorcycles.

Drainage Section – the site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Suggest conditions are attached to any permission granted regarding the land drainage network, surface water discharge to watercourse, use of petrol/oil interceptors and disposal of foul and surface water drainage.

Minerals and Waste Section - It is noted that this proposal includes level changes to form a plateau to enable the future development of the site. The submitted design and access statement and illustrative sections indicate that the site will be stepped into a series of level plateaux on which the buildings will be situated. Drawings have been provided showing FFLs for the proposed buildings and the retaining structures which will be required to the frontage to retain the regraded landform; however no plan showing proposed levels throughout the site (including external areas) appears to have been submitted. Recommend that a drawing showing proposed and existing site levels throughout the site and supporting cross sections illustrating the level change are submitted to enable a full understanding of the extent of the level changes and the landform which will be created by the enabling works.

It note that approximately 30,000m³ of fill material will be required to be imported to implement the proposed level changes. This raises concern as it is a substantial amount of material, amounting to approximately 3,750 HGV loads/ 7,500 movements (depending upon the size of HGV and average load weight), and will substantially add to the environmental impacts of the development. The sustainability statement indicates that the need for the fill material is partly a consequence of the constraints on cutting and filling imposed by an existing combined sewer and culverted watercourse running under the site; however the drawing showing existing drainage indicates that these constraints only affect part of the site

- the applicant should consider whether an alternative site profile could be devised which would better balance cut and fill requirements and minimise the need to import material. If no alternative design solution can be found it recommended that further information on the number, frequency and duration of HGV movements required to import the material and the mitigation which will be provided to prevent the accumulation of mud on the public highway is provided.

Landscaping Section - This application does not cover the final detail of the landscape, but it creates the raw base upon which the eventual scheme can be constructed.

The loss of trees along the main road frontage is very unfortunate as they make a major positive contribution to the present green buffer zone on the edge of Baildon, and it is hoped that consideration has been given to alternative design solutions that could retain some of these trees. The planting of native tree species to replace those lost is supported. Replacement trees, particularly along the frontage which is below the level of the road, need to be of significant size in order to make an immediate impact, and they need to be large growing.

The drawing titled 'Tree Survey Including Arboricultural Implications Assessment and Tree Protection' appears to include proposed tree planting that is not included on the drawing titled 'Outline Landscape Proposals' and vice-versa. The combined tree planting of both drawings is relevant, and it is suggested that there is opportunity, at detail design level, to include further tree planting along with appropriate shrub planting in the spaces between buildings, alongside the roads and within the car parking areas.

Enhancement of the riverside area and footpaths should be carried out early in the schedule of development.

The Landscape Design Unit has no objection to the proposed enabling works, but would suggest that some time constraint is included in the conditions of planning approval so that the site is not left in a state of part development for an extended period of time. With the enabling work done, the site would appear barren with only the roads distinguishable, and it would contain nothing of visual interest. It may not be visible at all from nearby if a security hoarding is in place around the perimeter. While the negative impact on the wider landscape of a semi-developed site could be acceptable in the short term of perhaps a few months, it is not acceptable to impose such a negative impact longer term, particularly if this might be for an indefinite period.

Natural England (NE)

Ecology

Although no bats were found to be roosting on the site in the Bat Survey Report, provided in support of this document, the area the site is located in is ideal habitat for bats. The recommendations made in the ecological survey that a repeat endoscope survey should be carried out, by qualified ecologists, immediately prior to any work that may affect these particular trees, in order to avoid any potential harm to bats are strongly supported. The recommendation that bat boxes, and or deadwood bat roosts, should be used in order to mitigate for the bat roosting habitat loss ensuing from the development is also supported.

NE strongly support the comment, made in the Ecological Statement, that the corridors along the site boundaries towards the river should not be illuminated by the development, as this would affect their suitability for bat migration and foraging. All lighting on the site, should consider the potential affect on bat foraging habitat.

Trees, hedgerows and scrub all provide opportunities for nesting birds. Any vegetation clearance necessary for the scheme has the potential to affect nesting birds. It is advised that any vegetation clearance should take place outside of the bird breeding season. If this is not possible, a breeding bird survey by a qualified ecologist should be undertaken first.

Badgers, great crested newts, and otters

NE is satisfied that the development will not impact negatively on these species, providing that the recommendations, provided in the Ecological Survey, are carried out stringently.

Contributing to biodiversity

NE welcomes the proposals for wetland habitat creation, the installation of bat and bird boxes and the planting of native, locally provinant, trees, hedgerow and scrub, which will help mitigate for the loss of habitat ensuing from the development, as well as hopefully contributing to local biodiversity. However, there is a need for a clear management plan that includes details regarding who would be responsible for the management of these proposals, to ensure the proposed habitats are established successfully. In addition there are also be further opportunities within the site for landscaping proposals such as tree planting and other soft landscaping which could help mitigate for the loss of habitat the development will cause. Linear structures within the site, such as roads, paths and green drains, should be used to form green corridors and create space for wildlife within the development site.

Drainage

The proposals to use a Sustainable Drainage System (SDS) for surface water drainage, which should help mitigate for the drainage issues associated with the increase in hard-standing in the development are welcomed. The earthworks associated with the proposed enabling works may have an impact on the drainage of the site. The effect that any level changes at the site may have on the river and associated habitats should be considered and addressed through the proposed sustainable drainage system.

Access

We note that there are two public footpaths within the site that may be affected by the development. Natural England work to improve access to the natural environment for all people, we feel it is important that these footpaths are not negatively impacted by the development in order to maintain public access to the river. And those steps are taken to mitigate for the visual impact on these public rights of way, through the landscaping works.

Landscape

The proposal site does not fall within any nationally designated landscapes, however all landscapes are important and the potential visual impact on the landscape will be in the details of the exact siting, design and use of materials, all of which will be the subject of further consultation with the planning authority. We will comment further at that stage, but we will expect to see that the applicant has put forward proposals that mitigate for the visual impact of the development.

Biodiversity Section – Consider that the timing and scope of the survey work undertaken from the application is inadequate (Phase I survey, otter, reptile and breeding bird surveys).

As layout of the access road forms part of this application we should expect that there should be landscaping associated with this aspect of the development. Would like to see locally native species hedgerows with standard tress including along this route to mitigate for the loss of hedgerows on the site. A condition should also be included requiring habitat enhancement works including locally native hedgerow and/or shrub planning in the application for the details of each plot.

The retention of a sizeable strip of land within the flood plain and draft landscaping plans for this to be enhanced as a wader scrape. The design of this area will need to be appropriately landscaped

Tree Section – the proposal will result in the loss of all trees to the Charlestown Road frontage and all trees/hedgerows within the site. Whilst the proposals grassland area to the South East links in well with the Marstons ecological area the road frontage will change from that of a wooded character to an industrial commercial frontage. In my opinion detracting from the existing character of this gateway site. Could not the existing rectangular of existing trees in the middle of the frontage be retained and the scheme redesigned. There are a number of trees considered worthy of a Tree Preservation Order.

West Yorkshire Archaeology – To the east of the site, within Buck Wood, a prehistoric enclosure has recently been excavated. A number of Bronze Age rock carvings have also been discovered within the wood, along with orthostatic walling. Together this group of features represent a site which should be considered as of national importance due to the survival of the remains. If the planning Authority is minded to grant permission we would recommend that the necessary archaeology works are secured by a suitable condition attached to any planning permission.

Summary of Main Issues:

1. Principle of enabling works
2. Landscape/biodiversity impacts
3. Rights of way impacts
4. Highway Safety
5. Impact on the amenities of the nearby properties/premises
6. Other impacts: - contamination, flooding/drainage, noise
7. Use of planning conditions/unilateral obligations/contributions
8. Comments on representations made
9. Community Safety

Appraisal:

1. This application seeks full permission to prepare the site for development by carrying out enabling works. It should be noted that this scheme should be considered in connection with the outline planning permission which is elsewhere on this agenda. Indeed, this application seeks to carry out the following specific works which would be the first stage of development on the site if outline planning permission 10/04330/OUT is granted.
2. The works comprise the following:-
The provision of the access to the site by carrying out junction works,
The provision of the main sine road works through the development site itself,
Earth works to create the various development plateaux for development
Installation of retaining walls
Main drainage works throughout the site
3. The main issues of principle of development, various impacts and highway safety of the proposed commercial uses have all been fully considered as part of the outline application 10/04330/OUT. This application will consider the impacts of the enabling works for the site only.

Principle of Enabling Works

4. This full application for enabling works has been submitted in order that development works to prepare the site for full commercial development (as described in the outline application 10/04330/OUT). Once completed the enabling works would provide readily available sites for individual building developments. Overall, there is no objection to enabling works being carried out at the site to facilitate future development providing the site is not stripped for development and then left in a semi-derelict state without appropriate landscaping mitigation measures being established. As such, a phasing plan condition is recommended to ensure that a full timetable for both the enabling works and the development of the remainder of the site is fully established.

Landscape/Biodiversity Impacts

5. It is clear that there will be substantial changes to landscape on the site as it changes from a Greenfield site to a commercial development. The removal of the trees to the road frontage is required due to the fact that a retaining wall is required to facilitate appropriate development on the site and that sight lines are required to the highway. It should be noted that many of these trees are growing very close to or within the retaining wall such that their potential future contribution to the street scene is limited. New tree planting along the frontage is proposed and whilst the outline planting proposals are not intended to provide a full detailed design (it will be dealt with in a future application) an outline landscape strategy and species list which has been provided in this outline application provides a strong guide for future landscaping works which need to be submitted as part of any reserved matters application.

6. Additional details have been submitted on the site sections which indicate existing surface ground lines in relation to the proposed finished ground levels. The constraints imposed by the existing sewer and culvert on the cut and fill lands formation only affect the lower part of the site. In this location the level of the spine road and adjacent plateaux for the live/work units has been determined by the need to allow new buried service runs and drainage to pass over the existing foul sewer. The remaining plateaux levels have been set out to limit the amount of cut and fill, and consequent HGV vehicles movements, whilst at the same time creating level plateaus for the building development. The amount of fill to be brought onto the site is estimated at 21000 Cu metres which is mainly for the new road construction.

7. From a biodiversity point of view, it is considered that badgers, great crested newts, and otters will not impact negatively on these species, providing that the recommendations, provided in the Ecological Survey, are carried out stringently. A condition is recommended on any permission granted to ensure that the suggested measures are fully adhered to. Once the enabling works have been completed, the proposals for wetland habitat creation, the installation of bat and bird boxes and the planting of native, locally provinant, trees, hedgerow and scrub, will help mitigate for the loss of habitat ensuing from the development, as well as hopefully contributing to local biodiversity.

8. The proposals to use a Sustainable Drainage System (SDS) for surface water drainage, which should help mitigate for the drainage issues associated with the increase in hard-standing in the development are welcomed. The earthworks associated with the proposed enabling works may have an impact on the drainage of the site. The effect that any level changes at the site may have on the river and associated habitats should be considered and addressed through the proposed sustainable drainage system.

Rights of Way impacts

9. Improvements to the surrounding footpath network and the adjoining Bridleway are welcome proposals and the detailed works to upgrade these networks will form part of any legal agreement on the outline application. The existing rights of way footpaths situated adjacent to site boundaries are not affected by the site level changes proposed and the submitted plans indicate that the building plateaux finished levels are graded back to existing levels at the site perimeters.

Highway Safety

10. The Transport Assessment is accepted and the proposed junction layout is acceptable in principle and its provision will facilitate the enabling works to be carried out in a safe manner. The site access junction details design will be subject to a S278 Agreement and if planning permission is granted, this agreement should be in place prior to commencement on site.

11. The enabling works mean that the internal main spine road is to be constructed up to a base course level and will be completed upon the completion of the individual development areas. A detailed construction plan needs to be submitted prior to commencement of development on site.

Effects on the surrounding locality

12. The development is proposed within the setting of the urban area of Baildon. In principle, development of the site for the uses proposed is acceptable and thus it is implicit that the enabling works to bring forward the development of the site in the manner proposed is acceptable. 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 urban and rural/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.

Effects on the adjoining residential/commercial properties

13. Residential properties are sited to the north, north East and North West of the application site the majority of which are sited on the other side of either Buck Lane or Otley Road. It is considered that no undue loss of amenities would be created on any of the surrounding residential or commercial properties by the undertaking of the proposed enabling works. Limitations in the hours of use and how the construction traffic etc is to operate from the site are suggested on any permission granted. As already discussed in the outline planning permission (10/04330/OUT), detailed design matters regarding the exact appearance and scale of the proposed different business uses which are proposed will be dealt with in a future reserved matter application. As such, it is considered that the proposal complies with policy UR3 of the Replacement Unitary Development Plan.

Other Impacts

Contamination Issues

14. 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.

BMDC specialist officers concur with the recommendations laid down in the submitted information and it is recommended 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 decisions to be made. The extent of the next stage of site investigation and the criteria for risk assessment must be tailored appropriately to the ground conditions. As such, conditions regarding the submission of a site investigation report, submission of a remediation scheme, implementation of any approved remediation scheme and final verification are recommended to be attached to any permission granted to ensure that the site is 'fit for purpose'..

Flooding/drainage impacts

15. The River Aire is located at the eastern edge of the site. That part of the development site adjacent to the River does flood and is categorised as flood zone 2 and 3. A flood risk assessment (FRA) has been submitted with the application and the Environment Agency has no objections in principle to the development subject to a condition mitigating surface water run off rates being attached to any permission granted. 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.

Noise

16. A condition is recommended in any permission granted to ensure that construction works on the site for its preparation for future development are limited. Such a restriction will protect the amenities of the surrounding properties.

17. The following condition is suggested: 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. A condition controlling where the entire construction traffic and site compound is located is also proposed.

The use of planning conditions/Legal Agreements

18. Commercial development of the scale proposed inevitably involves physical infrastructure works. The comprehensive issues regarding the proposed unilateral undertaking are all addressed under application 10/04330/OUT. This application does however have to address the issues of providing a new junction as part of the access to the development with a pedestrian crossing.

19. In accordance with policies in the Replacement Unitary Development Plan the Heads of Terms of any legal agreement for enabling works should therefore include: -

the provision of a new junction as part of the access to the development with pedestrian crossing.

Comments on representations made

20. The issues raised in the letters of representation received have mainly been covered within the relevant sections of the report on outline application 10/04330/OUT.e.g. the principle of development, the protection of the biodiversity of the BWA, flooding, contamination etc. It is suggested that conditions are attached to any permission granted to ensure that full details of flooding measures, biodiversity protection, contamination issues are submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any development on the site.

21. It is clear from the letters of representation from both residents and the Parish Council that one of the main concerns of this scheme is how traffic from this development will add to the congestion problems during the peak periods. As part of the enabling works for the site, the new access junction is to be constructed which will ensure that any new built development (including construction of that built development) on the site will fully benefit from the new highway proposals.

Community Safety Implications:

22. It is not considered that the undertaking of the enabling works will result in any community safety issues. Measures such as building security etc. will be fully addressed as part of any reserved matters application for each phase.

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 Regional Spatial Strategy 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 prime allocated employment site within an established employment zone with the uses proposed is considered an appropriate development that gives the opportunity to provide a sustainable pattern of development within the existing urban fabric of the Airedale Corridor. Granting permission for enabling works to commence will help deliver this objective. The effect of the enabling works on the Site of Local Nature conservation (Bradford Wildlife Area), the biodiversity of the site itself, the surrounding locality and the adjacent neighbouring residential properties/commercial premises has been assessed and is considered acceptable. The provision of an access to the site in the manner and location proposed is appropriate.

Overall, it is considered that the enabling works are the first step towards delivering a regeneration scheme on this site which closely follows the established principles outlined within the Replacement Unitary Development Plan and builds upon the aspirations of the Airedale Master Plan.

Approval is recommended accordingly subject to a unilateral undertaking (legal agreement) and the following conditions: -

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: ***** and the specific following documentation - the sustainability statement, the ecology statement and addendum statement by Smeeden Foreman submitted in reply to consultations.

Reason: For the avoidance of doubt as to the terms under which this outline planning permission has been granted

3. Prior to the commencement of development, a phasing scheme (which shall include a full timescale) 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.

Reason: To ensure the satisfactory overall development of the site.

4. The development hereby approved shall only be carried out in accordance with the parameters plan 3870-1SK7B which identifies defined areas of employment, hotel and retail uses, live work units and amenity spaces unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the terms under which this outline planning permission has been granted to ensure that the site is developed in an appropriate mixed-use manner and to accord with policies UR2, UR3, UDP1, UDP3 and UDP4 of the Replacement Unitary Development Plan.

5. The development permitted by this permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated August 2010 and the following mitigation measures detailed within the FRA:

Maintaining Greenfield surface water run off rates in the region of 5 litres per second per hectare. This applies for up to and including the 1 in 100 year (plus climate change) storm. There shall be no building development in flood zones 3 and 2.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants and to accord with policies UR3 and NR15B of the Replacement Unitary Development Plan.

6. The site shall be developed with separate systems for drainage for foul and surface water on and off the site.

Reason: In the interests of satisfactory and sustainable drainage and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

7. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge.

Reason: In the interest of satisfactory drainage and pollution control and to accord with policy UR3 of the Replacement Unitary Development Plan.

8. No phase or part of the development approved by this permission shall be commenced until a scheme for the provision of both foul and surface water drainage works, including surface water run-off limitation works, for that phase or part of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to accord with policy NR16 of the Replacement Unitary Development Plan.

9. There must be no new buildings or other obstruction within 5.0 metres either side of the centre line of the sewer which crosses the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To maintain access for maintenance and repair work at all times and to accord with policy UR3 of the Replacement Unitary Development Plan.

10. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- viii) temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

11. Before any part of the development is brought into use the proposed highway junction onto Otley Road shall be provided in accordance with the approved plan ***. The internal access roads, vehicles turning facilities and car parking area shall be provided in accordance with a phasing scheme to be submitted to and approved in writing by the Local Planning Authority, as part of any subsequent reserved matters application. As and when a phase or the whole of the development is completed the final road surfacing, drainage, vehicle turning and parking area relating to that phase or the whole development (whichever shall apply, shall be laid out and the street lighting installed. The approved scheme shall be retained for the duration of the development.

Reason: To ensure that an adequate access and parking facilities are provided in the interests of highway safety and to accord with policies TM2, TM11 and TM19A of the Replacement Unitary Development Plan.

12. Before any development commences on the site, a Phase II Risk Assessment report shall be submitted and approved in writing by the Local Planning Authority. The report needs to contain the following information: -

- a) The production of conceptual model across the whole site;
- b) Identification of each contaminant and its concentration level
- c) 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;
- d) A leachability test of the soil samples from each trial pit or borehole of any contaminants that exceed the designated trigger level criteria;
- e) A risk characterisation and assessment of each contaminant including a CLEA Model Tier 1 and 2 assessment for contaminants exceeding the CLEA Model SGV's, and;
- f) A proposed remediation methodology and procedure to make this site 'Fit for Purpose'.

The measures which are approved shall be carried out in accordance with a programme of works before development commences on the site.

Reason: To ensure that the site is remediated appropriately for commercial use and to comply with policy UR3 of the Replacement Unitary Development Plan.

13. Prior to the development or any particular phase or part of the development commencing a commercial building gas migration/protection report shall be submitted to the local Planning Authority for approval in writing. The report shall contain details of the protection measures to be implemented to prevent any migration of land gases from the made ground across the development site into the commercial buildings.

Reason: In the interests of pollution control, health and safety and to accord with policy UR3 of the Replacement Unitary Development Plan.

14. 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 premises and to accord with Policy UR3 of the Replacement Unitary Development Plan.

15. The development shall not be begun, nor shall any demolition, site preparation, ground works, materials or machinery be brought on to the site until a Tree

Protection Plan showing Root Protection Areas and location of temporary Tree Protective Fencing has been submitted to and approved in writing by the Local Planning Authority.

The Tree Protection Plan shall be to a minimum standard as indicated in BS 5837 (2005) Trees In Relation To Construction Recommendations and show the temporary Tree Protective Fencing being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority) as shown on the Tree Protection Plan.

The development shall not be begun, nor shall any demolition, site preparation, ground works, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted in the Tree Protection Plan as approved by the Local Planning Authority. The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan and shall not move or be moved for the duration of the development.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in accordance with the approved Tree Protection Plan.

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

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

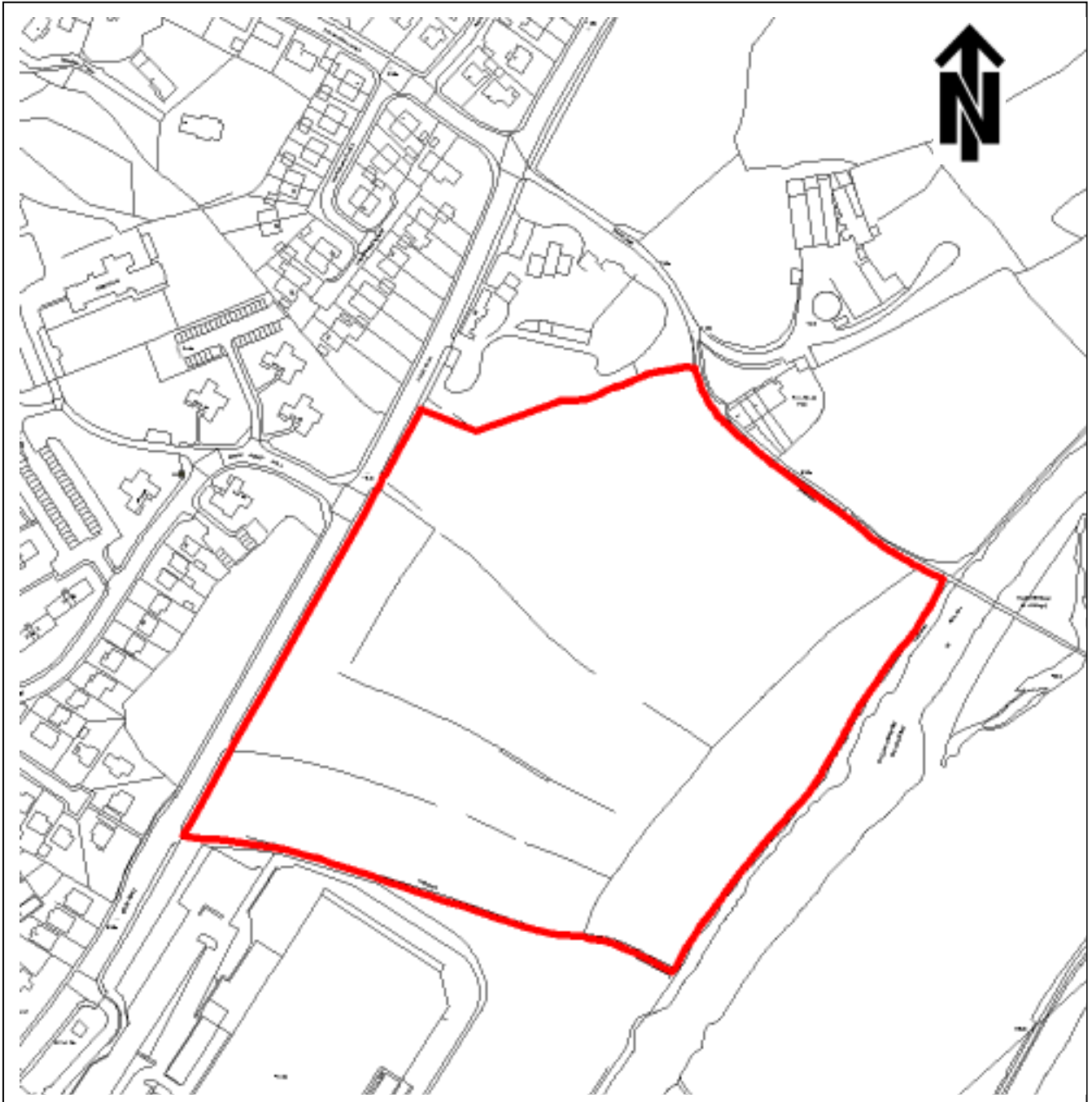
Heads of Terms of any legal agreement/S278 highways works agreement

To procure the entering into of a S278 highway works agreement to facilitate off-site highway works for the provision of a new junction as part of the access to the development with pedestrian crossing

Area Planning Panel (Shipley)

10/04330/OUT

2 December 2010



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ITEM NO. : 5

LOCATION:

**Land At Buck Lane
Otley Road
Charlestown
Baildon**

2 December 2010

Item Number: 5
Ward: BAILDON

Recommendation:
TO APPROVE SUBJECT TO CONDITIONS AND A UNILATERAL UNDERTAKING

Application Number:
10/04330/OUT

Type of Application/Proposal and Address:

An outline application for the construction of a science and technology based Business Park with Hi-Tech manufacturing and construction of hotel/restaurant and retail outlets on Land at Buck Lane, Otley Road, Baildon.

Only matters concerning access and layout of the scheme are to be considered under this outline application. Appearance, landscaping and scale are matters which have been reserved for later consideration in separate applications.

Applicant:

Bradford Metropolitan District Council

Agent:

Neil Hampshire

Site Description:

A six hectare (14.4 acre) Greenfield site on the A6038 corridor which is located between Bradford and Harrogate and between Shipley and the Leeds Bradford International Airport. The site is identified as an employment site (S/E1.3) within the Replacement Unitary Development Plan and it is located within the defined employment zone (S/E6.3). In the Master plan for Airedale, the site is identified as an area for a proposed Baildon Digital Park.

The site slopes markedly down (between 9-11metres) from Otley Road towards the River Aire. At present there is no built development evident on the site and essentially it comprises grassland with mature trees and hedges upon it. Otley Road, a main distributor road forms the north western boundary of the site. Along the northern, western and southern boundaries there are established footpaths and rights of way. Buck Lane itself is an ancient highway which is noted in the street list as being maintained in character and the route continues over the river bridge as Public Bridleway No.95 (Bradford North). Public Footpath No.54 (Baildon) runs along the western side of the River Aire along the edger of the development site. A promoted route, The Airedale Way, runs along this public footpath. Public Footpath No.53 (Baildon) runs along the southerly site boundary from Otley Road to Footpath 54.

At its southern tip, the site lies adjacent to a Bradford Wildlife Area (BWA) which itself lies adjacent to the River Aire. The whole strip of land adjacent to the river in this location is identified as wash lands in the Proposals Map from the Replacement Unitary Development Plan. To the west of the site lie other commercial/industrial uses which are also located in the employment zone (S/E6.3). To the north/northeast lies isolated development within allocated green belt. Beyond Otley Road, to the north/northwest of the site lie a variety of residential properties and Baildon railway station.

Relevant Site History:

Application 04/05698/OUT - for the construction of access roads and buildings for use as B1 business, and B2 employment, C1 hotel , A1 retail and 60 residential apartments together with car parking and landscaping was granted planning permission in April 2007 subject to the signing of a section 106 legal agreement. Conditions are attached to this outline permission to ensure that reserved matters were submitted within 3 years of the determination of the application, which the development start within 5 years of the decision that highway works were carried out along with several other mitigation measures to protect the environment of the site.

Planning application 10/04112/FUL for enabling works to prepare this development site is elsewhere on this agenda. This application includes works regarding site access to Otley Road, main spine road works, earth works for development site plateaux, retaining walls and mains drainage works.

Replacement Unitary Development Plan (RUDP):

Allocation

Within the Proposals for the Shipley Constituency of the Replacement Unitary Development Plan, the site is identified as being within the Shipley/Saltaire corridor employment zone identified under reference S/E6.3 and also forms a specific proposed employment site identified under reference S/E1.3. 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
E2 – Protecting Large Employment Sites
E3 - Protecting Existing Employment Land and buildings in Urban Areas
E3A - Office Development
E6 – Employment Zones
E8 – New Tourist Facilities
E9 – Major Hotels and Conference Facilities
CR4A – Other retail development
TM1 - Transport Assessment
TM2 – Impact of traffic and its mitigation
TM8 - New Pedestrian and cycle Links
TM11 – Parking standards for non-residential developments
TM13 - On Street Parking controls
TM19A – Traffic management and road safety
D1 – General design considerations
D2 – Energy Efficiency and Sustainable Design
D3 – Access for People with disabilities
D4 – Community safety
D5 - Landscaping
D6 - Meeting the needs of pedestrians

D7 – Meeting the needs of Cyclists
D7A – Meeting the needs of public transport through design
D14 – external Lighting
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
NR15A – Wash land
NR15B – Flood Risk
NR16 - Surface Water Run Off and sustainable Drainage Systems
NR17A – Water Courses and Water bodies

Airedale Corridors: A Master plan & Strategy for Airedale

Regional Spatial Strategy (RSS):

Policies

E1 – Creating a successful and Competitive Regional Economy
E3 – Land and Premises for Economic Development
E4 – Regional Priority Sectors and Clusters
YH2 – Climate Change and Resource Use
YH3 – Working together
YH4 – Regional Cities and Sub-Regional Cities and Towns
YH5 – Principal Towns
YH6 – Local Service Centres and Rural and Coastal Areas
YH7 – Location of Development

Parish Council:

Object to the application on the grounds of traffic issues.

Publicity and Number of Representations:

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 15 October 2010. A special neighbourhood forum was also held on 7th October at St Aidans Church to which 89 members of the public attended. 59 individual letters of representations have been received to date of which 57 are objections and 2 are in support of the scheme.

The comments of objection which were voiced at the special neighbourhood forum have been added to the summary of representation identified below (it should be noted that all comments made are written in no particular order of importance). Any additional representations which may be received after the publication of this report will be reported orally at the planning panel.

Summary of Representations Received:

Objections

No account taken of the comments made at the Consultation Event on 8th July
The justification for this proposed development on a Greenfield site is that it would be easier and cheaper than opening up one of the many Brownfield sites. This reasoning is totally unacceptable
Brownfield sites should be used before Greenfield
Buck Lane walk to the river and canal will be totally despoiled

Already horrendous road transport problems in this area and there is nothing in the application to address this except an irrelevant set of traffic lights
Road improvements should be a prerequisite to the commencement of the development
What justification is there for another hotel?
Already lots of offices to let
Since when has Baildon been a hub of the technological world?
No mention in the landscaping reports of screening the development from Thackley
Want to ensure that comments from this neighbourhood forum are not sanitised but keep their full meaning
There will be an undue impact on the surrounding area i.e. congestion
Why should this site be used for economic development when there are so many Brownfield sites nearby which can be effectively used?
Want to defer the applications to the December panel.
Creation of addition pollution
Biodiversity issues not addressed – what is the wildlife strategy
Why are the residents not mentioned in any documentation – we must consider the residents
This will be an eyesore next to Denso
There will be an increase in noise levels
Leave this green valley alone
Otley Road is the busiest road in Baildon and as a result there are queues from the Tong Park area to Shipley and beyond during rush hour and when the shifts start and finish at Denso Marstons and other factories and business along the road.
Rat running occurs and more traffic will exacerbate this
What about all the nuisance, noise, fumes, dirt and disturbance created should work on the development begin
The ambience of this part of the riverbank will be spoiled and will have a detrimental effect on the wildlife situated there
Loss of open land and trees will be devastating
What about flooding? – the bank has eroded considerably
Why cannot other sites be considered
This is a great place to live but it is not in the interests of the village to have yet another development.
Devaluation of local residential properties
Reduction in the general quality of life for local families
Hollins Hall Hotel is a mile north and another hotel and several guest houses operate in Shipley 2 miles to the south
The buck Lane development is totally unnecessary and erodes further into the open space for no purposes
Where does Bradford get its money from, in these days of austerity, to fund these madcap schemes
The infrastructure which surrounds the Buck lane development will not be able to service the site
It seems like the council just wants to create more derelict sites in Baildon
Part of the justification for this proposed development on a green field site is that it would be easier and cheaper than opening up one of the many Brownfield sites within the Bradford area.
That reasoning is totally unacceptable
The development is agreed at all should be kept well away from Buck lane
Road improvements for the area must be a pre-requisite to the commencement of the development
What justification is there for another hotel on this development
Environmentally the impact has been inadequately assessed
The biodiversity reports from Smeeton Foreman recommends further surveying

The land forms an important wildlife corridor between the Denso nature Reserve and Buck Woods

The land is classified grade 2 agricultural land

Why do we need to lose our green land when there are many sites of developed and undeveloped land in and around Baildon. In the immediate vicinity is the site of SLI lighting. There is land behind Tesco's and on the site of the old wool mill at the end of Otley road near Focus.

The proposal has a very weak business case and lacks clarity in the arguments and rationale. What is the point of building another science/technology business park, whilst existing parks have vacant space.

The current recession may render the Business Park financially unsustainable.

The proposed development will encroach further into what was until relatively recently a green belt area.

The very minimum of consultation has been done on this site so that a lot of local people are not aware of the plan

The application shows trees that are on land on adjoining properties which have been surveyed by agents of BMDC without the owners' knowledge or permission - the boundaries of the site need to be established before any boundary walls or fences are erected

Environmental impact has to be taken into consideration

There is no requirement for this type of development on this site - Why not put Yorkshire Forward money and the 3.5million pounds in to a worthwhile development of Bradford City Centre

Air and noise pollution are serious issues which will be evident during the construction and when the development is completed

The Environment Agency has failed to consider fully all the facts of such a development.

The area floods regularly

Is this proposed development being submitted just to utilise Yorkshire Forward's money regardless of the consequences to the local community?

Support

A high priority for the Bradford District is to produce high quality manufacturing output whereby Bradford firms are competitive not only nationally but internationally.

High quality jobs will be created

The activity is likely to be clean and quiet

This development will contribute to the regeneration of the District.

The firms that have shown interest in taking leases are located closer to the City centre than Buck lane so there is an expectation that their relocation will add to the traffic flow which is in the opposite direction to the mainstream.

Additional car use will be minimised as far as possible.

The fields were allocated as employment land in the 1998 Unitary Development Plan and this designation was confirmed and retained in the RUDP in 2005. Planning permission has already been granted for employment uses on the site which constitutes a precedent.

The use of this particular site will help create a critical mass which can bring together a number of firms of a similar nature.

A mixed development when retail and hotel elements complement the B1 and B2 uses will generate a mix of jobs

Statement of Community Involvement

Members should also be aware that a community consultation exercise was undertaken by the applicants and their agents on 29th June 2010. A total of 605 letters were sent to local residents notifying them of a public exhibition that was to be held over three days covering the application proposals. 10 public notices were displayed around the vicinity of the application site and 3 separate news articles were contained within the Telegraph and Argus (Bradford). 160 people attended the exhibition and 71 written responses were received.

A summary of the main issues are the traffic impact, the location and future occupancy of the high technology business park, the environmental impacts (noise and air pollution, loss of visual/countryside amenity, flooding, appropriate and adequate screening and wildlife).

Consultations:

Local Development Framework - Policy Section – This proposal is located on a site designated for employment in the RUDP 2005 and is located within an employment zone. The proposed land uses are acceptable in principle in terms of planning policy. The proposal will deliver economic development in accordance with national planning policy PPS4, the RUDP 2005 and the Airedale Master plan.

In terms of the retail element, 465 sq m of retail floor space is proposed as an ancillary use to the technology park. Only limited size retail units would be acceptable in principle in this location. The retail element should be limited in size and number to two units of around 150 sq m in order to ensure the council's retail strategy of sustaining and enhancing the vitality and viability of the existing centres can be realised.

Highways (Development Control) Section - The proposed development is similar to an outline permission for mixed use development ref. 04/05698/OUT which was granted subject to Section 106 Agreement in April 2007. The current scheme is supported by an amended Transport Assessment which concludes that the previously approved access proposals are still applicable for the level of traffic generated by the development. A signal controlled junction is proposed with pedestrian crossing facilities to replace an existing zebra crossing on Otley Road which is to be removed.

The proposed development is acceptable in principle therefore no objections are raised to outline approval subject to conditions covering the following points, some of which will need to be included in a Section 106 Agreement unilateral undertaking:-

The site access shall be constructed in accordance with the approved plan (5615/001) which will be subject to a Section 278 Agreement prior to any part of the development being occupied. Any such agreement would need to be in place prior to commencement of development. A phasing programme for the development shall be submitted (as per previous condition 22)

Prior to construction commencing, a schedule of the means of access to the site for construction.

A construction plan shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

A scheme showing improved signage to the railway station from the site shall be submitted and have been approved by the LPA and such a scheme shall be implemented prior to occupation of the any part of the development.

Footpath improvements to the footpath on the southern boundary (as previous approval)
Improvements to bridle way on Buck Lane (as previous approval)

Provision of a bus shelter for the northbound bus stop which should be included in the undertaking.

Various contributions are offered regarding the following items, which should be included in the Section 106 unilateral undertaking:-

£5k contribution to pedestrian signage scheme.

Contribution towards two vehicle activated warning signs on Otley Road sum to be agreed.
Committed sum for maintenance of street lighting and signals and implementation of TROs.

Highways Agency – no objections.

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

Environmental Protection (noise) – no objections subject to conditions regarding lighting at the site, delivery times to and from the site and construction noise.

Environmental Protection (Contamination) – A phase 2 intrusive site investigation and sampling for contamination and ground gases are necessary. Based on the findings of the phase 2 investigation, a quantitative risk assessment and remediation strategy will need to be formulated.

Environment Agency – There are no objections in principle but recommend conditions regarding flood risk and biodiversity/ecology are attached to any permission granted.

Rights of Way Section - The applicant states that the proposed development will not adversely impact on the public footpaths running on the boundary of the site and that the paths will remain open to the public through the construction period. The other enabling works to develop the site access and main spine road are not situated near the footpaths and should not therefore impact upon them.

The Design and Access Statement (DAS) states that 'the existing footpaths and bridleways on the perimeter of the site will be generally improved and repaired including resurfacing and the details of this are shown on the drawings accompanying the indicative landscape proposals'. I also note that the DAS refers to a proposed new cycle track linking the access road to Buck Lane.

The submission refers to the re-surfacing of the public right of way along the south west boundary of the site. Public Footpath 53 (Baildon) is a popular route that is used to access the nature reserve at Denso Marstons. The Friends of Denso Marstons have expressed their wish to see this footpath improved to enable it to facilitate access, in all weathers, to the reserve for people with disabilities and families with pushchairs. I am therefore pleased to see reference to proposals to resurface and improve the path. .

The outline Landscape Proposals plan shows a hedge to be planted along the existing fence line that separates Footpath 53 from the remainder of the site. This hedge should be positioned such that when mature it will not grow across the footpath impeding passage along it.

Public Footpath No. 54 (Baildon) which runs along the boundary of the site next to the river is a promoted route, The Airedale Way. This path is generally in need of improvements to its surface. There is no mention within the proposals of any work to be carried out to improve this public footpath. The Airedale Waterways Group has long held the aspiration that improvements to this path should be achieved linked to developments take place alongside it. The Developer should be asked to carry out improvements to this footpath or to make a contribution towards works to improve it.

The Outline Landscape Proposals plan show a two metre wide cycle path linking from the end of the access road to Buck Lane via a kissing gate. The width of the cycle path should be increased to 2.5 metres. Cyclists would find it difficult to negotiate a kissing gate - the kissing gate should therefore be replaced with some other form of structure to allow cyclists while deterring use by motorcycles.

Biodiversity Section – Consider that the timing and scope of the survey work undertaken from the application is inadequate (Phase I survey, otter, reptile and breeding bird surveys).

As layout of the access road forms part of this application we should expect that there should be landscaping associated with this aspect of the development. Would like to see locally native species hedgerows with standard tress including along this route to mitigate for the loss of hedgerows on the site. A condition should also be included requiring habitat enhancement works including locally native hedgerow and/or shrub planting in the application for the details of each plot.

The retention of a sizeable strip of land within the flood plain and draft landscaping plans for this to be enhanced as a wader scrape. The design of this area will need to be appropriately landscaped

Drainage Section – the site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Suggest conditions are attached to any permission granted regarding the land drainage network, surface water discharge to watercourse, use of petrol/oil interceptors and disposal of foul and surface water drainage.

Design Enabler – No comments

Minerals and Waste Section – It is noted that this proposal includes level changes to form a plateau to enable the future development of the site. The submitted design and access statement and illustrative sections indicate that the site will be stepped into a series of level plateaux on which the buildings will be situated. Drawings have been provided showing FFLs for the proposed buildings and the retaining structures which will be required to the frontage to retain the regraded landform; however no plan showing proposed levels throughout the site (including external areas) appears to have been submitted. I would therefore recommend that a drawing showing proposed and existing site levels throughout the site and supporting cross sections illustrating the level change are submitted to enable a full understanding of the extent of the level changes and the landform which will be created by the enabling works.

It is noted that the Planning Case document indicates that approximately 30,000m³ of fill material will be required to be imported to implement the proposed level changes. Concern that this is a substantial amount of material, amounting to approximately 3,750 HGV loads/ 7,500 movements (depending upon the size of HGV and average load weight), and will substantially add to the environmental impacts of the development. It is noted that the sustainability statement indicates that the need for the fill material is partly a consequence of the constraints on cutting and filling imposed by an existing combined sewer and culverted watercourse running under the site; however the drawing showing existing drainage indicates that these constraints only affect part of the site and therefore I would recommend that the applicant is asked to further consider whether an alternative site profile could be devised which would better balance cut and fill requirements and minimise the need to import material. If no alternative design solution can be found it recommended that further information on the number, frequency and duration of HGV movements required to import the material and the mitigation which will be provided to prevent the accumulation of mud on the public highway is provided and that the advice of Highways DC is sought on the capability of the construction access and highway to accept the proposed weight and number of HGV movements and the appropriateness of proposed mitigation.

Landscaping Section: The documentation supplied with this application and with the application for enabling works is comprehensive, and it is evident that a considerable amount of research and analysis has gone into the design of the scheme in an attempt to mitigate the negative impact it will have in the landscape. It is also evident that the proposed development of this site in this way is in line with long term strategic planning for the area.

The Landscape and Visual Impact Assessment produced by Smeeden Foreman Ltd is thorough in identifying landscape and visual impact associated with the development of the site, and it offers satisfactory explanation for the ways in which the design proposal mitigates where possible for negative landscape impact. The 'Visual Amenity' section of the same document clearly identifies that the most significant visual impacts will occur immediately adjacent to the site in locations where there are short distance views into or across it. The view from such locations could change radically. Presently a typical field of view looking across the site from any of the perimeter footpaths consists of trees, grass, field, and horses, but ultimately it may include modern industrial buildings, hard surfaces, and vehicles. Only a certain degree of mitigation for the negative impact of the development upon views is possible, and the proposal seems to be fair in this respect.

The planting of native tree species to replace those lost is supported, although replacement trees, particularly along the frontage which is below the level of the road, need to be of significant size in order to make an immediate impact, and they need to be large growing. It is suggested that there is opportunity, at detail design level, to include further tree planting along with appropriate shrub planting in the spaces between buildings, alongside the roads and within the car parking areas.

In conclusion, the Landscape Design Unit supports the outline proposal for the development, and will be interested to see the detailed landscape designs for the different sectors of the development in the near future.

Natural England (précis):

Ecology

Ecological survey work has been undertaken at the proposal site, with a Phase 1 Habitat Survey carried out in December 2009, bat potential surveys carried out in March 2010, bat activity surveys in June and July 2010, and Great Crested Newt Surveys carried out in July 2010.

December is a sub-optimum time to conduct a Phase 1 Habitat survey as at this time it is only possible to identify broad habitat types; key or notable species may be missed during this period. Carrying out the habitat survey at a sub-optimum time could lead to the value of the habitat for nature conservation being under represented. The optimum timing for Phase 1 Habitat Survey is April-September. Natural England advises that a follow up Phase 1 Habitat Survey undertaken within the optimum period.

No survey work undertaken to investigate whether otters or reptiles will be impacted by the proposal. The ecological survey makes recommendations for a survey to check the site for signs of otter use. The proposal includes the diggings of scrapes and undertaking of landscape improvement works in the area adjacent to the River Aire. Natural England supports the recommendation to ensure that the proposal site is made safe for otters over night during the construction period.

Natural England advises that a reptile survey of the site would provide the best means of assessing whether the proposal will impact on reptile species. The presence of protected species on a development site is a material consideration in a planning decision. Natural England supports the recommendation that precautionary working methods should be employed during the construction phase of the development to ensure that badgers are not injured if they enter the site.

Natural England is satisfied that the bat survey work undertaken at the site is adequate to assess the level of use of the site by bats. NE support the recommendation made within the ecological survey that the 6 trees identified as having potential to support roosting bats are resurveyed prior to the commencement of the development or before any pruning or felling work is undertaken. Bats are nocturnal and some species are sensitive to light, particularly Daubentons bat, which forages over water and is mentioned in the bat activity survey. It would be inappropriate for the development to result in illumination of the river corridor, the proposed buffer area, and any vegetation associated with these areas. Directional lighting solutions are available which could be employed to prevent light fall on these areas.

The proposed development will result in the loss of the majority of the hedgerow network and associated trees as a result of re-profiling of the site. Some of the hedgerows to be lost have been identified as species rich hedgerows which is a UK Biodiversity Action Plan priority habitat. The ecology report makes recommendations in relation to mitigation for the loss of these hedgerows in the form of gapping up hedgerows, and habitat enhancements are recommended in the form of planting new hedgerows. NE advises that there should be no net loss of hedgerow on the site post development, that hedgerows should be planted with appropriate native species, and that the target should be the creation of species rich hedgerows. Hedgerow planting along the western site boundary is a feature of the landscape plan for the site, however there may be opportunities to include additional hedgerow habitat within the site, for example along internal access roads; or alternatively to create or enhance hedgerow habitat outside of the site, for example on the adjacent nature reserve. Such opportunities should be investigated.

Landscape

Although the proposal site is not situated within a designated landscape, it is important that the impact of the proposal on the local landscape and landscape character is considered. Sensitive planting along the roadside using appropriate native species would soften the visual impact of the proposal site, and this would be enhanced if some of the existing mature trees could be retained. Landscaping within the site should complement the green spaces to the east of the development and should provide links across the site between the nature reserve to the west and the open space to the east.

Access

Two public footpaths run through the proposal site and may be impacted by the development. Part of the work of Natural England is to encourage people to access the natural environment and to ensure that improvements to such access are made via development projects. It is noted that as part of the proposals a new cycle track will be created to linking to the Buck Lane Bridleway. Natural England welcomes this. We would also like to see improvements made to the other routes within and adjacent to the site. The riverside path in particular could be improved, although any improvement work should be carried out with due regard to potential protected species issues.

Sustainability

A development of this scale should conform to the highest standards of sustainability; as such we welcome the commitment to design the site to the BREEAM very good standard, along with the other commitments the applicants have made to sustainability. The re-profiling of the site will involve the movement of large quantities of soil. Natural England advises that the handling of soils should be carried out in accordance with the Defra guidelines. The design of the new built structures and open spaces should be informed by sustainable building techniques and full consideration should given to solar hot water heating systems and grey water collection.

Tree Section – the proposal will result in the loss of all trees to the Charlestown Road frontage and all trees/hedgerows within the site. Whilst the proposals grassland area to the South East links in well with the Marstons ecological area the road frontage will change from that of a wooded character to an industrial commercial frontage. In my opinion detracting from the existing character of this gateway site. Could not the existing rectangular formation of existing trees in the middle of the frontage be retained and the scheme redesigned. There are a number of trees considered worthy of a Tree Preservation Order.

Metro - The site is located in close proximity to two bus stops on Otley Road where there are infrequent bus services operating in each direction, serving Bradford, Shipley, Otley and Leeds/Bradford Airport.

Metro request that the developer should make a contribution towards the running costs, in order to implement an improved bus service on the 653 route. The estimated cost of this contribution is £50,000 per annum over a 3/5 year period. This would enable a better co-ordination to the 737 Service which in turn would enable employees and visitors to the site to have improved access to Bradford and Otley.

Metro advise that bus stop number 18846 (highlighted on the attached map) should have a shelter installed at a cost to the developer of around £10,000; this payment also includes maintenance of the shelter. A new shelter would benefit the visitors to the new development. The shelter should include seating, lighting and bus information and should be provided by a contractor of Metro's choosing.

Future visitors would benefit if one of Metro's new 'live' bus information displays (see picture attached) were to be erected at bus stop numbers 18846 and 18849 at a cost of approximately £10,000 each (including 10 years maintenance) to the developer. The displays are connected to the West Yorkshire 'real time' system and give accurate times of when the next bus is due, even if it is delayed.

West Yorkshire Archaeology – To the east of the site, within Buck Wood, a prehistoric enclosure has recently been excavated. A number of Bronze Age rock carvings have also been discovered within the wood, along with orthostatic walling. Together this group of features represent a site which should be considered as of national importance due to the survival of the remains. If the planning Authority is minded to grant permission we would recommend that the necessary archaeology works are secured by a suitable condition attached to any planning permission.

Summary of Main Issues:

1. Principle of development
2. Sustainability
3. Design/landscape impacts
4. Rights of way impacts
5. Highway Safety
6. Impact on the amenities of the nearby properties/premises
7. Other impacts:- contamination, flooding/drainage, biodiversity, noise
8. Use of planning conditions/unilateral obligations/contributions
9. Comments on representations made
10. Community Safety

Appraisal:

1. Outline permission is sought for the construction of a series of development zones for hi-tech manufacturing, hotel and retail, serviced offices and live/work units:-

6,700 sqm hi-tech manufacturing, split over 3 areas
1680 sqm hotel/restaurant
9088 sqm serviced offices
400 sqm retail space
780 sqm live/work units (8 units)
460 car parking spaces with an additional 20 disabled spaces

2. Only matters of access to the site and the layout of the site are to be considered at this outline stage with the appearance, landscaping and scale of the proposal reserved for any future application which may be made.

3. The various uses and buildings are located across the site on level plateaux. Vehicular access to the plateaux is via a central spine road leading from Otley Road. Works to Otley Road include the following:-

A traffic light controlled access to allow vehicles to turn safely to the left or right when leaving the site

A pelican type pedestrian crossing across Otley Road which links into pedestrian routes to the railway station and the housing estates on the opposite side of Otley Road

4. Whilst the scale of the development is not being formally considered within this outline application, the parameters drawing indicates that the maximum heights of the hi-tech units is 10 metres from the floor level to roof height and the hotel/retail buildings are a maximum of three stories high. This scale should be noted in the context of the fact that buildings which face onto the Otley Road boundary are 3 to 4 metres below the level of Otley Road due to the nature of the existing levels of the site. The serviced office accommodation is 2 stories high.

5. The existing footpath and bridleways through and along the edges of the development site are proposed to be improved and repaired (including resurfacing). A new cycle track is proposed to link the end of the access road to the Buck Lane bridleway.

Principle of Development

6. At national level, Policy EC10 of Planning Policy Statement 4 (PPS4) informs Local Planning Authorities that they should adopt a positive and constructive approach towards planning applications for economic development. Furthermore, Planning Policy Statement 1(PPS1) advises that planning should facilitate and promote sustainable development and inclusive patterns of urban and rural development by:
making suitable land available for development in line with economic , social and environmental objectives to improve people's quality of life, and;
ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.
PPS1 also advises that 'where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise'.

7. At the regional level, the Regional Spatial Strategy (RSS) seeks to seeks to promote plans, strategies and investment decisions which will create a more successful and competitive regional economy. In order to deliver these strategies focus is given to investment in locations where it will have:

maximum benefit and secure competitive advantage,
improved links between job opportunities, skills development and business investment, provide a modern manufacturing sector and the modernisation of manufacturing industries, Provide/support a knowledge driven economy, by supporting the potential of higher and further education institutions, hospitals and research institutions and other knowledge-intensive industrial, including links with the provision of incubator units, science parks and innovation centres.

8. One of the key aims for the Bradford District is to achieve a prosperous, well diversified local economy with particular strengths in the new technology, financial services and cultural industries. To this end the Replacement Unitary Development Plan process helped achieve this objective by providing development land for business use in attractive locations.

9. The locational requirements of business and industry usually fall into one of the following categories:

Local companies seeking larger or more efficient premises close to their existing location ensuring ease of access to customers and their existing workforce;

Local companies seeking expansion but preferring a location that offers large site development opportunities with ease of access to good road and motorway connections, and;

Inward investing companies who require high quality accommodation, with good communications, high quality environment and access to centres of population for recruitment purposes.

The Aire Valley fulfils most of these locational requirements and to that end this site is allocated in the Replacement Unitary Development Plan (reference S/E1.3) as a prime employment site. Indeed, the site was first allocated in 1988 for employment purposes within Unitary Development Plan. This allocation was carried over to the current Replacement Unitary Development Plan following a reassessment of its continuing suitability for employment use.

10. The land shown for employment on the Proposals Maps of the Replacement Unitary Development Plan allows for a range of business and industrial uses in a variety of location. However, because it should be noted that because there is a limited supply of suitable land in the District, it is crucial that the best use is made of the Plans allocations and the job creation potential is realised.

11. In addition to employment sites there are also employment zones in the main urban areas of the District where existing business and industrial uses predominate. Within the Employment Zones, policy E6 of the RUDP seeks to ensure that such zones are retained and that new industrial and commercial investment is maintained and encouraged. Uses which also support the function of the Employment Zones such as small shops, sandwich shops etc. are also considered acceptable as they serve the needs of the local workforce.

12. In employment locations, such as the application site, policy E9 of the Replacement Unitary Development Plan advises that the provision of hotel accommodation is an acceptable use on an employment site providing it is on a scale appropriate to the locality, has good access to the highway network and public transport and provides infrastructure works to accommodate the increased visitor pressure.

13. The allocation of the site as an employment site is well established through the Unitary Development Plan process. The site is also identified as a key development in the Airedale Strategy and Master Plan. Planning permission was actually granted on the site in 2007 for business uses (14,490 sqm), a hotel/restaurant (3700 sqm), a retail unit (92 sqm) and 60 x 2 bedroom apartments. As such, it is considered that the development of the site in the manner proposed is considered appropriate economic development. Indeed, it should also be noted that this current application seeks to provide a greater quantum of employment development on the site with no reliance on residential development as per the former approved scheme on the site i.e. previous 60 x 2 bedroomed apartment were granted planning permission on this allocated employment site whereas this current application is merely proposing 8 live/work units to be used as ancillary facilities to any proposed commercial use on the site.

Sustainability

14. The approach to planning for sustainable development is set out in Planning Policy Statement 1 (PPS1). The key principles of this documents are that 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.

15. It is considered that the proposed development meets the sustainability criteria outlined in established national and local policy. Indeed, the site is located on a major distributor road within the District and is in close proximity to a range of services, not least Baildon Railway Station - the route to which will be upgraded as part of this development proposal and form part of the legal agreement in any permission granted.

16. Good design ensures attractive usable ,durable and adaptable places and is a key element in achieving sustainable development. Whilst appearance, landscaping and scale of development are not to be considered as part of this scheme at this time, evidence within the application informs us that environmental sustainability will be improved by the use of reduced impact building designs and materials (a very good BREEAM standard is proposed), transport solutions are proposed which encourage low carbon travel, a drainage strategy which does not increase peak-run off despite of the increased hard standing areas and a landscape strategy which can mitigate the impact of the development and provide increased biodiversity.

Design/landscape impacts

17. Matters of detailed design (scale and appearance) and landscaping are reserved and as such do not fall within this application to be considered. Parameter and layout plans have 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 any approved phasing plan. 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.

18. The proposed hi –tech manufacturing development will be a maximum of 10m high from the finished floor level (identified as zones A, B and C). The hotel and retail development will be a maximum of 3 stories in height adjoining the back edge of Otley Road. It should be noted at this point that the development plateau of zone D is significantly lower than the current level of Otley Road. Zone E contains serviced offices up to 2 storeys in height. Finally the live-work units will be two storeys in height adjoining the existing floodplain.

19. As described above there are substantial differences in the ground levels between Otley Road and the development site. Retaining structures are required in order to protect the highway and building structures near/in zones A and D from any undue subsidence problems. The design of these retaining structures is considered acceptable and will not compromise the appearance of the locality..

20. Landscaping is not to be considered as part of this application but the landscape/arboricultural statements by submitted by the applicants appropriately identifies negative landscape impact and proposes a certain degree of mitigation. The planting of native tree species to replace those lost is supported. The boundary vegetation to all sides (except the frontage) is to be retained and the hedgerow running through the site, parallel to the road is to be retained with gaps replanted to increase species diversity.

21. Whilst it is regrettable, the removal of the trees to the road frontage is required due to the works to the retaining wall and sight line requirements to the highway. It should be noted that many of these trees are growing very close to or within the retaining wall such that their potential future contribution to the street scene is limited. New tree planting along the frontage is proposed and whilst the outline planting proposals are not intended to provide a full detailed design (it will be dealt with in a future application) an outline landscape strategy and species list which has been provided in this outline application provides a strong guide for future landscaping works which need to be submitted as part of any reserved matters application.

Rights of Way

22. Improvements to the surrounding footpath network and the adjoining Bridleway are welcome proposals and the detailed works to upgrade these networks will form part of any legal agreement. Upgrading of the linkages would help would fully integrate the application site into the adjoining community and allow greater public access to the open spaces on the site. As such, the proposed is considered to be in accord with policies UR3 and TM8 of the Replacement Unitary Development Plan policies.

Highway Safety

23. Whilst the application is in outline, the means of access to the site is to be considered on this scheme which shows the quantum of the proposed development – c18300 sqm of employment uses in a variety of commercial buildings and live work units - all of which have associated parking. There is no current vehicular access to the site. Permission is sought for the creation of a new access from Otley Road approximately 92m to the north of the edge of public footpath 53 (when travelling from Shipley Town Centre).

24. There is no highway objection in principle to this proposed development. A Transport Assessment and Travel Plan have been submitted as part of the application. The proposals closely follow the access arrangements which were agreed in principle for the previous mixed use development at the site (04/05698/OUT). Indeed, a site access arrangement with a signalised junction with controlled pedestrian crossing facilities on Otley Road, approximately 70m south of the junction with Hoyle Court Road is proposed. The access road has been designed with a maximum gradient of 1:20 which will allow safe access for all users to the site. The internal access road is proved to be in accordance with Bradford Councils highway design guidance. The proposal is considered to accord with established highway standards and policies TM2 and TM19A of the RUDP.

25. Parking standards are to accord with those set out the RUDP. The following mitigation measures are also proposed: provision of a new bus shelter and raising of associated kerb to facilitate access for all users, provision of real time information at the existing bus shelter and the new one proposed as part of this scheme. Improved signage to the railway station (well within walking distance from the development site at 650 m away) is also to be promoted. These measures are considered to go some way to encouraging public transport usage and discouraging car trips.

26. 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 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 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.

Effects on the surrounding locality

27. The development is proposed within the the setting of the urban area of Baildon. In principle, development of the site for the uses proposed is acceptable. Indeed, as this scheme is merely in outline with detailed design aspects reserved for a future application, it is considered there is 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 urban and rural/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.

Effects on the adjoining residential/commercial properties

28. Residential properties are sited to the north, north East and North West of the application site the majority of which are sited on the other side of either Buck Lane or Otley Road. It is considered that no undue loss of amenities would be created on any of the surrounding residential or commercial properties. Detailed design matters regarding the exact appearance and scale of the proposed different business uses which are proposed will be dealt with in a future reserved matter application. As such, it is considered that the proposal complies with policy UR3 of the Replacement Unitary Development Plan.

Other Impacts - Contamination Issues

29. 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.

30. BMDC specialist officers concur with the recommendations laid down in the submitted information and it is recommended 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 decisions to be made. The extent of the next stage of site investigation and the criteria for risk assessment must be tailored appropriately to the ground conditions. As such, conditions regarding the submission of a site investigation report, submission of a remediation scheme, implementation of any approved remediation scheme and final verification are recommended to be attached to any permission granted to ensure that the site is 'fit for purpose'..

Other Impacts - Flooding

31. The River Aire is located at the eastern edge of the site. That part of the development site adjacent to the River does flood and is categorised as flood zone 2 and 3. A flood risk assessment (FRA) has been submitted with the application and the Environment Agency has no objections in principle to the development subject to a condition mitigating surface water run off rates being attached to any permission granted. 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.

Other Impacts - Biodiversity

32. 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.'

33. Appropriate surveys have been submitted, some of which recommend further work being carried out. Further to the consultation responses received through the application process, additional survey work regarding botanical interest on the site has been carried out. A condition can be attached to any permission granted to ensure that the biodiversity of the site is effectively managed and indeed, enhanced. For instance, in the long term, it is considered that the habitat creating works proposed adjacent to the river should benefit species such as the grass snake. Hedgerows would support common hedge nesting bird species for which habitat is to be attained and replacements planted where lost. All works which could affect active nests such as hedgerows/tree removal and scrape creation will be undertaken outside the breeding bird season and after checks that active nests are not present. Detailed design and management of the flood plain area can be effectively managed by a condition. .

Other Impacts - Noise

34. In accordance with advice contained in PPG24, it is considered acceptable and appropriate to attach conditions to any permission granted regarding measures to control sound insulation to the proposed commercial premises if necessary. This will ensure that there is minimal conflict between the proposed new uses. 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.

Use of planning conditions/Legal Agreements/278 agreements/Contributions

35. Commercial development of the scale proposed inevitably involves physical infrastructure works, management plans and social infrastructure works such as public transport infrastructure. In line with policy UR6 of the Replacement Unitary Development Plan it is usually appropriate that the developer should enter into a legal agreement to address the following issues – public transport infrastructure contributions.

36. Indeed, in accordance with policies in the Replacement Unitary Development Plan and the Councils Supplementary Planning Guidance on Planning Obligations the Heads of Terms of any legal agreement should include: -

(i) Public transport infrastructure investments in order to promote sustainable modes of transport. It is considered appropriate to require the (i) funding of a bus shelter (18846) on Otley Road and a subsequent rising of the kerbs associated with that shelter, and (ii) the provision of two real time bus displays (one at the existing shelter in close proximity to the site and one to be provided as part of the new shelter) which will benefit all users of the proposed development as well as existing residents/workers in the locality.

(ii) the upgrading of the existing footpaths and Bridleway

(iii) the provision of a new junction as part of the access to the development with pedestrian crossing.

(iv) a management plan agreement to ensure that all communal areas of the site are effectively managed (which shall include the all the flood zones 2 and 3 adjoining the River).

(v) a contribution of £5,000 for the provision of signage leading to and from Baildon Railway station.

(vi) the provision of 2 vehicle activated warning signs on Otley Road

(vii) the implementation of traffic regulation orders along Otley Road and around the junction of the development site.

Comments on the letters of representation

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

38. It is clear from the letters of representation from both residents and the Parish Council that one of the main concerns of this scheme is how traffic from this development will add to the congestion problems during the peak periods. It is however considered by the Councils highway engineers that the provision of a new traffic light junction and associated road markings will ease movement into and out of the site and provide improved opportunities for local residents to access the main road during peak hours. It is also considered that effective promotion of public transport initiatives will help encourage more sustainable transport choices.

39. It is also very clear from both the letters of representation and from the Special Neighbourhood Forum meeting that many residents do not consider that the development of this Greenfield site is acceptable when there are large numbers of Brownfield sites empty or derelict throughout the District and in the Baildon/Shipley Canal Road corridor into Bradford Centre. It should be noted that from a purely planning perspective, this site has been allocated within the RUDP for a considerable number of years for commercial development. Indeed, a formal planning permission has already been granted for a mixed use development on the site.

Community Safety Implications:

40. 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 Regional Spatial Strategy 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 prime allocated employment site within an established employment zone with the uses proposed is considered an appropriate development that gives the opportunity to provide a sustainable pattern of development within the existing urban fabric of the Airedale Corridor. Moreover, the development creates a well conceived mix scheme of commercial/employment uses which will help provide accommodation for established businesses within the District to relocate to expand without the necessity of leaving the District, will provide cluster facilities for hi technology businesses by providing a business park fit for the 21st century and could attract inward business investment to Bradford District.

The effect of the proposal on the Site of Local Nature conservation (Bradford Wildlife Area), the biodiversity of the site itself, the surrounding locality and the adjacent neighbouring residential properties/commercial premises has been assessed and is considered acceptable. The provision of an access to the site in the manner and location proposed is appropriate whilst mitigation measures will encourage public transport usage. Overall, it is considered that the provision of a commercial scheme with associated ancillary facilities in the manner proposed is in conformity with the regeneration principles outlined within the Replacement Unitary Development Plan and closely follows the aspirations of the Airedale Master Plan.

Approval is recommended accordingly subject to a unilateral undertaking (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 Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

2. The development to which this notice relates must be begun not later than whichever is the later of the following dates:
 - i) the expiration of five years from the date of this notice, or
 - ii) the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990.

3. Before any development is begun plans showing the:
 - i) appearance,
 - ii) landscaping,
 - iii) and the scale,

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4. 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 agreement in writing by the Local Planning Authority.

Reason: To ensure the satisfactory overall development of the site.

5. The development hereby approved shall only be carried out in accordance with the parameters plan 3870-1SK7B which identifies defined areas of employment, hotel and retail uses, live work units and amenity spaces unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the terms under which this outline planning permission has been granted to ensure that the site is developed in an appropriate mixed-use manner and to accord with policies UR2, UR3, UDP1, UDP3 and UDP4 of the Replacement Unitary Development Plan.

6. The application shall only be carried out in accordance with the following approved plans **** and the specific following documentation - the sustainability statement, the ecology statement and addendum statement by Smeeden Foreman submitted in reply to consultations.

Reason: For the avoidance of doubt as to the terms under which this outline planning permission has been granted.

7. The development permitted by this permission shall only be carried out in accordance with eh approved Flood Risk Assessment (FRA) dated August 2010 and the following mitigation measures detailed within the FRA:

Maintaining Greenfield surface water run off rates in the region of 5 litres per second per hectare. This applies for up to and including the 1 in 100 year (plus climate change) storm.

There shall be no building development in flood zones 3 and 2.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants and to accord with policies UR3 and NR15B of the Replacement Unitary Development Plan.

8. The development permitted by this planning permission shall only be carried out in accordance with the approved biodiversity and Survey, Buck Lane, Baildon by Smeedon Foreman dated July 2010 no. SF1715 and outline landscape proposed project no. SF1715, Drawing number LL01, dated May 2010 and the following measures detailed within the submitted report:

i) Adhere to the recommendations including habitat creation and enhancement measures stated in Section 5 of the submitted report

ii) The provision of an ecological buffer strip along the River Aire.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to Planning Policy Statements 1 and 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential that this is protected.

9. The site shall be developed with separate systems for drainage for foul and surface water on and off the site.

Reason: In the interests of satisfactory and sustainable drainage and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

10. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge.

Reason: In the interest of satisfactory drainage and pollution control and to accord with policy UR3 of the Replacement Unitary Development Plan.

11. No phase or part of the development approved by this permission shall be commenced until a scheme for the provision of both foul and surface water drainage works, including surface water run-off limitation works, for that phase or part of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to accord with policy NR16 of the Replacement Unitary Development Plan.

12. There must be no new buildings or other obstruction within 5.0 metres either side of the centre line of the sewer which crosses the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To maintain access for maintenance and repair work at all times and to accord with policy UR3 of the Replacement Unitary Development Plan.

13. 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.

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.

14. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- viii) temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

15. Before any part of the development is brought into use the proposed highway junction onto Otley Road shall be provided in accordance with the approved plan ***. The internal access roads, vehicles turning facilities and car parking area shall be provided in accordance with a phasing scheme to be submitted to and approved in writing by the Local Planning Authority, as part of any subsequent reserved matters application. As and when a phase or the whole of the development is completed the final road surfacing, drainage, vehicle turning and parking area relating to that phase or the whole development (whichever shall apply, shall be laid out and the street lighting installed. The approved scheme shall be retained for the duration of the development.

Reason: To ensure that an adequate access and parking facilities are provided in the interests of highway safety and to accord with policies TM2, TM11 and TM19A of the Replacement Unitary Development Plan.

16. Before any development commences on the site, a Phase II Risk Assessment report shall be submitted and approved in writing by the Local Planning Authority. The report needs to contain the following information: -
- a) The production of conceptual model across the whole site;
 - b) Identification of each contaminant and its concentration level
 - c) 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;
 - d) A leachability test of the soil samples from each trial pit or borehole of any contaminants that exceed the designated trigger level criteria;
 - e) A risk characterisation and assessment of each contaminant including a CLEA Model Tier 1 and 2 assessment for contaminants exceeding the CLEA Model SGV's, and;
 - f) A proposed remediation methodology and procedure to make this site 'Fit for Purpose'.

The measures which are approved shall be carried out in accordance with a programme of works before development commences on the site.

Reason: To ensure that the site is remediated appropriately for commercial use and to comply with policy UR3 of the Replacement Unitary Development Plan.

17. Prior to the developments completion a Final Verification Remediation Report shall be submitted to the Local Planning Authority in writing. The report shall contain details of all the remediation works, chemical analysis from all the imported soils and mineral materials, gas monitoring results, depth of any rolled gravel membrane and/or Geotextile membrane on the made ground and depth of the 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.

18. Prior to the development or any particular phase or part of the development commencing a residential/office building gas migration/protection report shall be submitted to the local Planning Authority for approval in writing. The report shall contain details of the protection measures to be implemented to prevent any migration of land gases from the made ground across the development site into the commercial/office buildings.

Reason: In the interests of pollution control, health and safety and to accord with policy UR3 of the Replacement Unitary Development Plan.

19. Prior to the development commencing in each phase of the development a noise report which specifies the provisions to be made for the control of noise emanating from that phase or part of development shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the development is brought into use and the measures retained for the duration of that use.

Reason: To minimise the impact of noise emitted from the site on neighbouring noise sensitive locations and to accord with policies UR3 and P7 of the Replacement Unitary Development Plan.

20. 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 premises and to accord with Policy UR3 of the Replacement Unitary Development Plan.

21. No phase or part of the development shall commence on site until details of the type and position of all proposed external lighting fixtures to the buildings and external areas for that phase or part of the development have been submitted to and approved in writing by the Local Planning Authority. The lights so approved shall be installed in accordance with the approved details and maintained thereafter to prevent the light sources adversely affecting the safety of users of adjoining highways, the amenities of the adjacent locality, in the interests of visual amenity and to protect biodiversity of the site.

Reason: To avoid drivers being dazzled or distracted in the interests of highway safety, to ensure that the amenities of the adjacent locality are not unduly compromised, to protect biodiversity of the site and to accord with Policies UR3, D14 and TM19A of the Replacement Unitary Development Plan.

22. Prior to the offices, manufacturing units and retail uses being brought into use details of the hours of operation of the businesses and times of deliveries to the various premises shall be submitted to and approved in writing by the Local Planning Authority. These businesses and any deliveries to the premises shall only operate within the specified hours, unless subsequently otherwise agreed in writing by the Local Planning authority.

Reason: In the interest of the amenities of neighbouring residents and to accord with policy UR3 of the Replacement Unitary Development Plan.

23. Prior to the commencement of development a scheme to retain and upgrade the public footpath along the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any part of the development is brought into use and thereafter retained.

Reason: In the interests of pedestrian safety and to accord with policy TM2 and TM8 of the Replacement Unitary Development Plan.

24. 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 wildlife area adjoining the river, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any 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.

25. The development shall not be begun, nor shall any demolition, site preparation, ground works, materials or machinery be brought on to the site until a Tree Protection Plan showing Root Protection Areas and location of temporary Tree Protective Fencing has been submitted to and approved in writing by the Local Planning Authority.

The Tree Protection Plan shall be to a minimum standard as indicated in BS 5837 (2005) Trees In Relation To Construction Recommendations and show the temporary Tree Protective Fencing being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority) as shown on the Tree Protection Plan.

The development shall not be begun, nor shall any demolition, site preparation, ground works, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted in the Tree Protection Plan as approved by the Local Planning Authority. The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan and shall not move or be moved for the duration of the development.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in accordance with the approved Tree Protection Plan.

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

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

26. The restaurant hereby permitted shall only be occupied or used in connection with and ancillary to the occupation of the proposed hotel and shall at no time be severed and occupied as a separate independent unit.

Reason: To restrict the operation of the uses proposed and to ensure that the development accords with policies E1 and E6 of the Replacement Unitary Development Plan.

27. The gross floor area of each of the proposed retail units shall be limited to 200sqm.

Reason: To ensure that any retail unit is merely an ancillary use to the primary commercial uses on the site and to protect the viability of the main shopping areas in this locality in accordance with the Councils established retail strategy.

28. Prior to the occupation of any of the buildings constructed within any phase of the development hereby approved, a Travel Plan or Plans for each of the uses involved shall be submitted to and approved in writing by the Local Planning Authority. The Plans/s should set objectives for reducing car usage, increasing walking, cycling and public transport use, improvements in safety features and environmentally friendly delivery services and shall be implemented in accordance with the agreed details.

Reason: In the interests of environmental sustainability, highway safety and to accord with policies TM2, TM19A and UR3 of the Replacement Unitary Development Plan.

Heads of Terms of a Section 106 unilateral undertaking/S278 highways works agreement

the funding of a bus shelters (18846) on Otley Road and a subsequent raising of the kerb associated with that shelter – contribution amount £13,000,

the provision of two real time bus displays (one at the existing shelter in close proximity to the site and one to be provided as part of the new shelter) – contribution amount £20,000

the upgrading of the existing footpaths and Bridleway – works to be fully specified

a management plan agreement to ensure that all communal areas of the site are effectively managed (which shall include the all the flood zones 2 and 3 adjoining the River).

the provision of signage leading to and from Baildon Railway station - contribution of £5,000

the provision of 2 vehicle activated warning signs on Otley Road

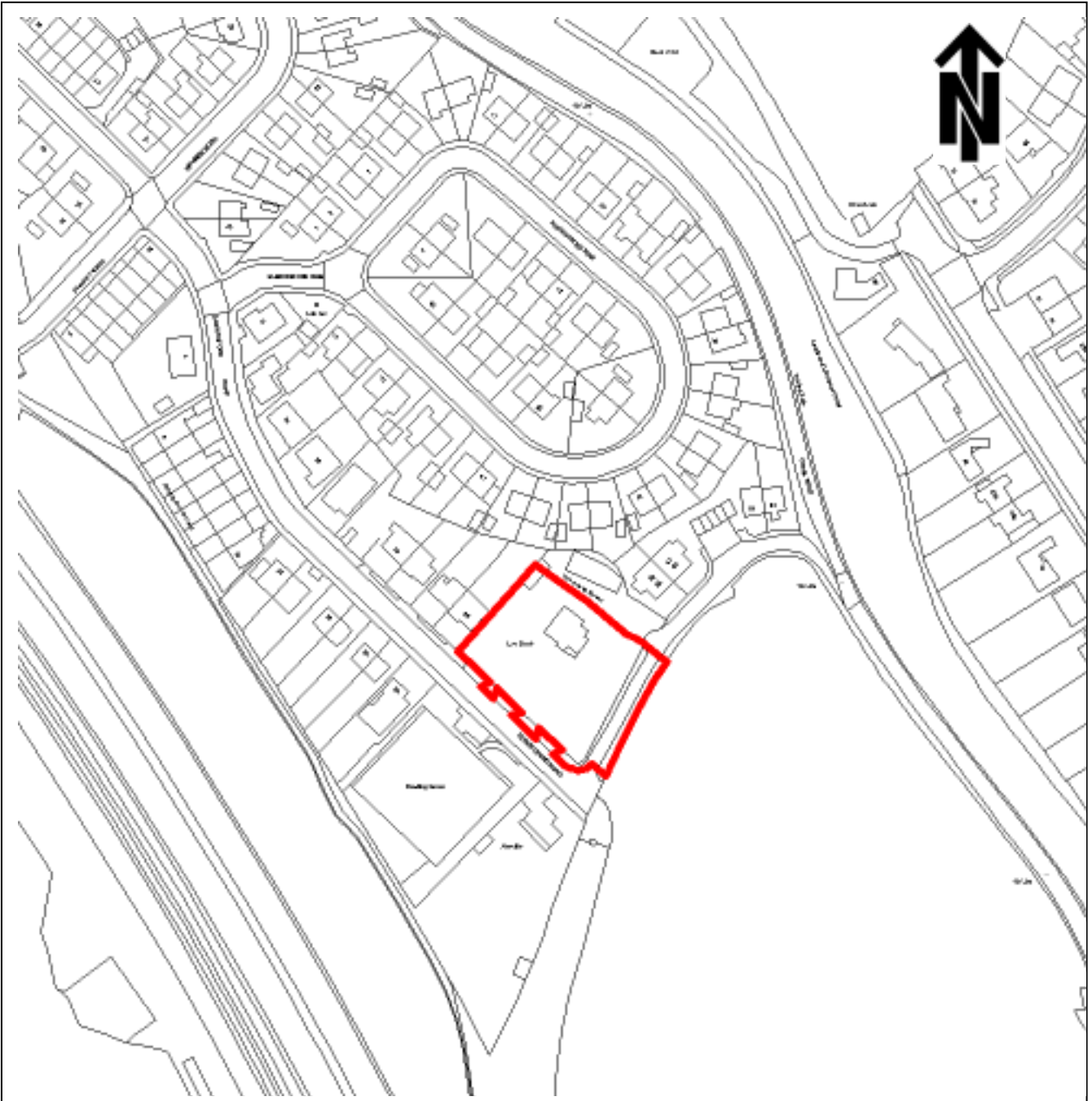
funding the implementation of traffic regulation orders along Otley Road and around the junction of the development site.

to procure the entering into of a S278 highway works agreement to facilitate off-site highway works for the provision of a new junction to facilitate access to the development and a pedestrian crossing.

Area Planning Panel (Shipley)

10/03213/FUL

2 December 2010



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ITEM NO. : 6

LOCATION:

**Lea Bank
Slensingford Road
Bingley
BD16 2SF**

2 December 2010

Item Number: 6
Ward: BINGLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
10/03213/FUL

Type of Application/Proposal and Address:

A full planning application for the construction of 8 dwellings. This application is the resubmission of application 09/04860/FUL at Lea Bank, Sleningford Road, Bingley, BD16 2SF.

Applicant:

Mrs Maureen Marriot

Agent:

Jason Allott, Belmont Design Services

Site Description:

The site consists of an existing residential property and its associated private curtilage. The surrounding area is mainly residential with a variety of properties ranging from modern semi-detached dwelling to interwar and Victorian properties. The Leeds and Liverpool canal conservation area is located immediately to the south of the site, on the opposite side of the unadopted road leading to dwellings to the northeast of the site.

Relevant Site History:

09/04860/FUL: Demolition of existing house and construction of 11 new dwellings (withdrawn 07/01/2010).

07/02803/FUL: Demolition of an existing residential dwelling and the construction of 14 apartments (withdrawn 06/07/2007).

07/06199/FUL: Demolition of existing dwelling and construction of 11 apartments with associated parking (finally disposed of on 18/10/2007).

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
D1	General Design Considerations
D4	Community Safety
D5	Landscaping
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
NE4	Trees and woodland
NE5	Protection of trees on development sites
NE6	Protection of Trees During Development
NE11	Ecological Appraisals
NE10	Protection of Natural Features and Species

National policy:

Planning Policy Statement 1:	Delivering sustainable development
Planning Policy Statement 3:	Housing
Planning Policy Guidance Note 13:	Transport
Planning Policy Statement 9:	Biodiversity and conservation

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application has been publicised by individual notification letters and site/press notices. Expiry of the publicity period was 20 August 2010. A total of 249 individual letters of objection have been received in addition to 4 petitions totalling 245 Signatures. Fifty-three letters of support have been received.

Summary of Representations Received:

Objections to the scheme

1. The site should not be developed – its private garden area and amounts to ‘garden grabbing’.
2. The existing house should not be demolished.
3. The development will lead to highway safety issues as it will generate more traffic.
4. No requirement for housing on this site or in the area.
5. Loss of residential amenity.
6. Impact on wildlife.
7. Adverse impact on visual amenity and the conservation area.
8. Disturbance during the construction phase.
9. Overdevelopment of the site.

In support of the scheme

1. The existing house is in a poor condition and there is no interest in it on the market.
2. The development will provide much needed affordable dwellings in the area.
3. The development will enhance the area visually.
4. Proper provision for off-street parking will be made in the location.

Consultations:

Highways:	Concerns raised in regard to off-street parking levels and arrangements for service vehicles.
Minerals and waste:	No comments.
Drainage:	Conditions considered acceptable.
British waterways:	No comments.
Heritage management:	Objection raised on the loss of the original property on the site.
West Yorkshire Ecology:	Accept the findings of the bat survey – conditions considered acceptable.

Summary of Main Issues:

1. Principle.
2. Residential amenity.
3. Visual amenity and the effect on the setting of the conservation area.
4. Highway safety.
5. Biodiversity and protected species.
6. Comments on representations received.

Appraisal:

1. Principle

The site forms a modest area of undeveloped land forming the curtilage of the existing residential property. Recent changes to planning policy Statement 3 (PPS 3) have changed the status of private garden areas from previously developed land to greenfield land. However, this makes little material difference to the assessment of this application and in addition, no statement is made in the revised PPS 3 that development of private garden areas is unacceptable *per se*. The site is modest in scale, but quite large for a private curtilage at approx. 1700 m², and is sustainably located close to a local rail station and public transport bus routes. It is considered, given the lack of a 5 year housing supply in the Bradford district and an increasing population in the district (particularly for family accommodation), that the principle of development would be acceptable at the site and refusal would not be justified simply on the basis of the site being classified as green field land.

Given that 8 dwellings are proposed on the site, a density of some 47 dwellings/ha is achieved which is considered to be an efficient use of this site.

2. Residential amenity

Within the site, the relationship and layout is considered acceptable. All required facing distances are achieved within the site between the proposed properties; this will accord with the requirements of policy D1 and protect the future amenity of occupants. In terms of the impact on the surrounding existing dwellings, it is considered that the development will not significantly harm residential amenity. Although the property at 35 Sleningford Road presents a side habitable room window towards plot 1, this window is secondary and overlooks only the driveway area of this plot. The impact on the 'Coach House' to the north will be minimal as plots 7/8 are not directly in line with this property, protecting its outlook. The development, as outlined above, is considered to be acceptable in terms of residential amenity.

3. Visual amenity and the effect on the setting of the conservation area

The design of the dwellings has been slightly amended since original submission of the application. The amendments take the form of alterations to the roof form (gable to hip on the Sleningford Road frontage) and a strong street presence for plot 6 to allow a more sympathetic elevation facing towards the conservation area. All dwellings are proposed in stone with slate roofs. It is considered that the design and scale of the dwellings reflects the general character of the surrounding area which is characterised by semi-detached dwellings of interwar origin.

Due to the location of the site close to the Leeds and Liverpool Canal conservation area, the development will have some impact on its setting as will the loss of the original building. However, the effect is considered acceptable; the development is seen in the context of the existing varied street scene and it is not considered significant that the existing Victorian building will be demolished. The proposal is therefore considered to preserve the setting of the conservation area and respect the character of the street scene.

4. Highway safety

The development will be accessed via a series of private drives from Sleningford Road and the unadopted side road. A total of 14 off-street parking spaces are provided. It is considered that both the level of off-street parking and private drive access is acceptable in highway safety terms in this quiet location. Service vehicle access to the site will not be affected by the development; however, the side road will be improved in terms of its surface to facilitate service vehicle access to plot 7 and 8 which will improve this access for the properties further along this road. Turning will be possible at the end of Sleningford Road as exists now. The proposal is therefore not considered to result in any significant highway safety implications.

5. Biodiversity and protected species

The site is located within a “Bat Alert Zone”. To support the application, an emergence bat survey has been submitted, this being carried by three separate visits to the site between May 19 and June 17. The results of the survey confirm that the building only supports one bat with a summer roost. The survey makes certain recommendations for work/monitoring during the process of demolition – this is considered appropriate to control through conditions.

6. Comments on representations received

The following issues have been raised through representations – these are appraised below:

1. The site should not be developed – its private garden area and amounts to ‘garden grabbing’.
See ‘principle’. The status of the site as previously developed land or Greenfield is just one of the issues to consider when determining the acceptability of development; the development proposal accords with PPS 3 in its sustainably location.
2. The existing house should not be demolished.
The existing house has no specific protection it not being listed or within a conservation area – its demolition would therefore be acceptable in principle subject to the submission of a prior notification application for demolition.
3. The development will lead to highway safety issues as it will generate more traffic.
The development will generate only small volumes of traffic owing to its scale. In addition, adequate off-street parking is to be provided, reducing the demand for on street parking close to the site.
4. No requirement for housing on this site or in the area.
See ‘principle’.

5. Loss of residential amenity.

The layout of the development is not considered to adversely affect existing residential amenity.

6. Impact on wildlife.

An emergence bat survey as accompanied the application – conditions are considered appropriate to address any arising issues during demolition of the existing house.

7. Adverse impact on visual amenity and the conservation area.

See appraisal 'visual amenity and impact on the conservation area'.

8. Disturbance during the construction phase.

This is an issue for other environmental legislation.

9. Overdevelopment of the site.

The density of the development is considered appropriate to the site and location at 47 dwellings/ha.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The principle of residential development of the site is considered acceptable in line with Planning Policy Statement 3, the site being of modest scale and sustainably located. No significant implications are foreseen in terms of highway safety, residential amenity, impact on protected species or visual amenity. The proposal is therefore considered to comply with policies UR2, UR3, D1, D4, TM2, TM12, TM19A, H7, H8, NE4, NE5, NE6 and NE10 of the replacement Unitary Development Plan.

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 approved plan(s) listed below:

6643/01B (Amended proposed and existing site plan)

6643/02B (Amended proposed plans and elevations)

6643/03B (Amended elevations)

6643/07 (amended elevations and floor plans plot 5 and 6)

6643/08 (Elevations plots 5/6)

Received by the Council on 05/10/2010

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

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

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

4. Before any 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 in accordance with the approved plan numbered 6643/01B 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.

5. Before any part of the development is brought into use, full details and specifications of the improvement works to Side Sleningford Road shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

6. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site 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.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side elevations of the dwellings without prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

8. Before any works of demolition of the existing dwelling house commence on site, full mitigation measures for protection and creation of bat roost features, as specified in the bat emergence survey BE-R-0607-02 dated June 2010, shall be undertaken by a suitably qualified person and shall result in the submission of a conformation report for the written approval of the Local Planning Authority.

Reason: To ensure the protection of important species and their habitats in accordance with policies NE10 and NE11 of the replacement Unitary Development Plan.

9. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the use being established on site.

Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

10. No piped discharge of surface water from the application site shall take place until surface water drainage works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is properly drained and that surface water is not discharged to the foul sewerage system/sewage treatment works and to accord with Policy UR3 of the Replacement Unitary Development Plan.

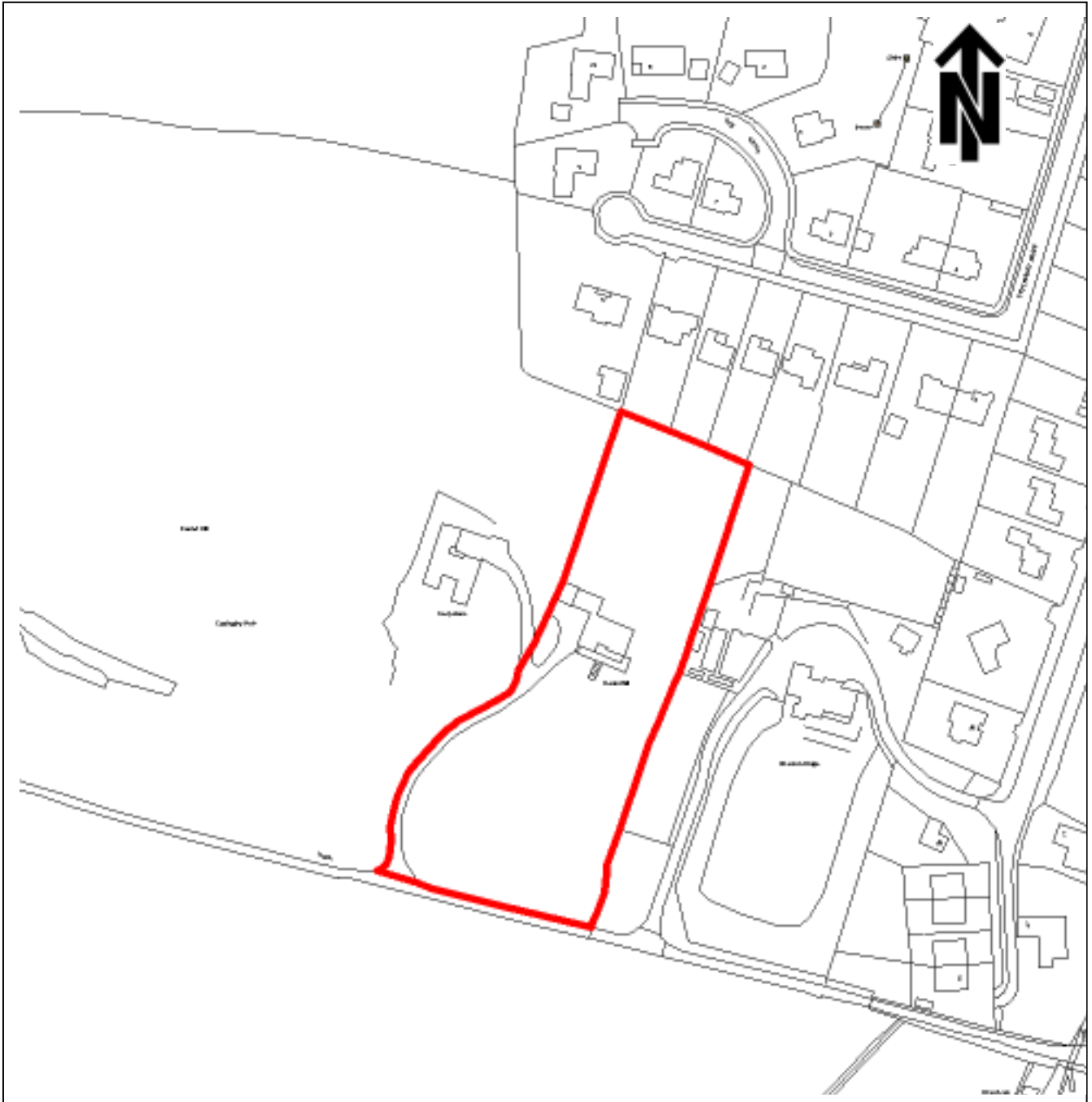
11. The development shall be constructed so that there is no building or foundation pressure within three metres of the nearest side of the public sewer without the prior written permission of the Local Planning Authority.

Reason: To avoid damage to the public sewer in the interests of pollution prevention and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

10/03431/HOU

2 December 2010



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ITEM NO. : 7

LOCATION:

**Roundhill
Cottingley Wood
Cottingley
Bingley**

2 December 2010

Item Number: 7
Ward: BINGLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
10/03431/HOU

Type of Application/Proposal and Address:

Householder application for the construction of a first floor extension and ground floor kitchen extension to the rear and re-building of the dormer window on the front elevation at Roundhill, Cottingley Wood, Cottingley, BD16 1NG.

Applicant:
Mr Y Eaton

Agent:
Antonia Dickinson – Graham Dickinson Associates.

Site Description:

The application property is a large detached dormer bungalow built in the early 1930's located in large grounds. The property has been extended in the past to provide additional accommodation. The dwelling is finished principally in stone but has render to part of the previous additions and has a slate roof.

The dwelling is sited in an elevated position with the land sloping steeply toward the rear of the site.

Access to the property is via a private driveway through woodland which also serves two other houses which are set at some considerable distance from the application property.

Relevant Site History:

85/03326/FUL: Extensions to property - Approved.

Replacement Unitary Development Plan (RUDP):

Allocation

There is no land use allocation but the property is located in a Site of Regional and Local Importance - a Bradford Wildlife Area.

Proposals and Policies

UR3 - The Local Impact of Development
D1 – General Design Considerations
NE9 - Sites of Regional and Local Importance
D4 – Community Safety Implications

Supplementary guidance- The Revised House Extensions Policy Document and the Dormer Window Policy Document.

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was initially publicised by neighbour notification letters. Expiry date for representations was 16 September 2010. One letter of support received.

Summary of Representations Received:

No objection, strongly support the application. In addition to improving the appearance and quality of the building, there will be no impact on the environment, as both Roundhill and Bracken Ridge are situated in a remote isolated area, fully screened from all adjoining properties

Consultations:

None.

Summary of Main Issues:

1. Impact upon Local Environment.
2. Impact upon Neighbouring Occupants.
3. Impact upon Highway safety.
4. Impact on area of nature conservation interest.
5. Community Safety Implications.

Appraisal:

The proposal involves adding an additional storey to the original bungalow to change it to a two storey dwelling, adding a single storey flat roof rear extension with access to the roof for use as a sun deck and the replacement of an existing dormer window.

Impact on Local Environment

The existing property has a small front projection and this design is carried through in the design of the proposed extension showing two front gable projections. The roof form will remain hipped with roofing materials to match. The single storey extensions work to improve the relationship between the host dwelling and previous extensions (including internal arrangements) and the balconies sensitively make use of the enlarged areas.

The existing fenestration on this dwelling is incredibly varied. To the front elevation, the window details are acceptable and in-keeping with the character of the property with a more modern large window on the rear elevation, mixing both new and old designs which complement the building.

The proposed new dormer window replaces an existing flat roof dormer and will be a gable dormer of a width of 2.7 metres. The siting, size and scale of the dormer on this detached property is acceptable and will not dominate the roofscape or result in the formation of an incongruous feature.

The property is sited within large grounds and the scale of the proposal is considered to be acceptable and appropriate in this location. The proposal is considered to be a visual improvement maintaining the character of the dwelling as originally built whilst modernising and enlarging the property. As such the proposal is in accordance with policies UR3 and D1 of the Replacement Unitary Development Plan and guidance in the Revised House Extensions Policy Document and Dormer Window Policy Document.

Impact on Neighbouring Occupants

The dwelling is located a considerable distance from neighbouring properties and the proposed development will not, therefore have any adverse impact on the residential amenity of neighbouring occupants. In this respect the proposal satisfies policy UR3 of the Replacement Unitary Development Plan.

Impact on Highway Safety

There are highway safety issues.

Impact on Area of Nature Conservation Interest

The property is sited in a Bradford Wildlife Area. The proposals will not result in any significant increase in the footprint of the building and as such it is not considered that the extensions will harm the nature conservation value of the area. The proposal does not conflict with policy NE9 of the Replacement Unitary Development Plan.

Community Safety Implications:

There are no community safety implications.

Reason for Granting Planning Permission:

The proposed first floor extension, single storey extensions, front dormer window and other alterations are considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the development upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Policy UR3 and D1 of the Replacement Unitary Development Plan and the Revised House Extensions Policy and Dormer Window Policy Document.

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 approved plan(s) listed below:

Site Plan
Site Location Plan
Front Elevation as existing
Existing Side Elevation
Existing Rear Elevation
Existing Side Elevation

Received by the Council on 26 August 2010.

Ordinance Survey Plan Reference
Ground Floor as existing
1st Floor as existing
Proposed Front Elevation
Proposed Rear Elevation
Proposed Side Elevation
Proposed Side Elevation

Ground Floor - Proposed - Revised Plan - 10.06.10
Proposed first floor. Revised Plan - 10.06.10
Proposed roof plan.

Received by the Council on 8 July 2010.

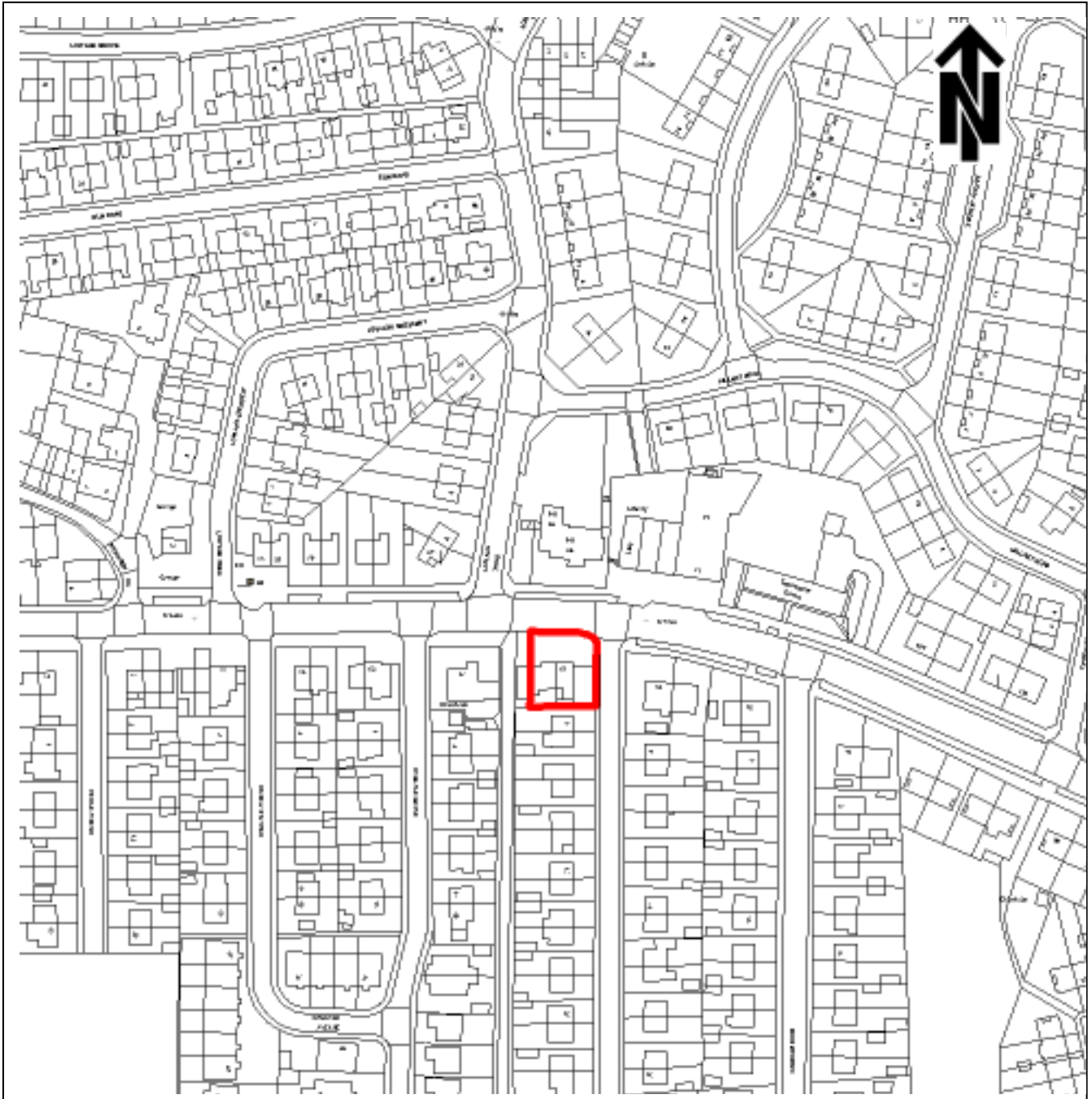
Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted plans.
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.
-

Area Planning Panel (Shipley)

10/02296/VOC

2 December 2010



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ITEM NO. : 8

LOCATION:

**66 - 68 Wrose Road
Shipley**

2 December 2010

Item Number: 8
Ward: WINDHILL AND WROSE
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
10/02296/VOC

Type of Application/Proposal and Address:

Permission is sought to vary condition 3, attached to planning approval 07/08191/COU, by extending the opening hours to those between 11:00am to 24:00 (midnight) - 66-68 Wrose Road, Wrose, Bradford. (This application was deferred from the October Panel, where it was thought only an additional hour was being applied for. The proposed hours have now been confirmed as above).

Applicant:
Mr Abdul Satar

Agent:
Mr Jason Allatt

Site Description:

66-68 Wrose Road is a pair of semi-detached dwellings where the ground floor has been changed into a hot food takeaway and an associated shop front installed. The property with the exception of the shop front retains the appearance of a pair of residential dwellings. This appearance is comparable with the other residential dwellings within the wider locality.

The property is sited between the highways of Oakdale Drive and Childs Lane with residential properties beyond. To the front the site has a tarmac forecourt leading to the public footpath, and to the rear the boundary is shared with No 1 Oakdale Drive.

Relevant Site History:

07/03794/COU – Change of use from two shops to hot food take-away – PPREF

07/08191/COU - Change of use from two shops to hot food takeaway and bin store – PPGR

08/05018/COU - Change of use of premises at ground floor to sandwich take-away and coffee shop with new security shutters to front. Conversion of roof space involving change in shape of roof from hipped to gabled form and incorporation of new accommodation with existing first floor to provide separate four bedroom dwelling – PPREF

08/06713/FUL - Single storey extension to rear, internal alterations and new external door – PPGR

10/00458/VOC - Variation of condition 3 of planning approval 07/08191/COU Dated 21/05/08: Change of use from two shops to hot food takeaway and bin store - PPGR

Replacement Unitary Development Plan (RUDP):

Allocation
Unallocated.

Proposals and Policies

UR3	The Local Impact of Development
D1	General Design Considerations
CR1A	Retail Development within Centres
TM2	Impact of traffic and its mitigation
TM19A	Traffic management and road safety
P7	Noise

Supplementary Planning Policy

Policy for Cafes, Restaurants and Takeaways

Parish Council:

Wrose – The parish council objects to the proposal based on an anticipated loss of amenity for nearby residents, through an increase in traffic, fumes, and disruption.

Publicity and Number of Representations:

The application has been advertised by site notice and individual neighbour notification letters. Following confusion regarding the opening hours the application was re-advertised, the overall expiry for the publicity was 15.10.2010.

Originally five written representations were received objecting to this application – including three from local Councillors. A further representation has been received from a Councillor supporting the application and requesting it be sent to the planning panel should refusal be recommended.

Following the re-advertisement of the application two Councillors have confirmed their continued objection to the scheme, and three further objections have been received, one of which had previously objected.

Summary of Representations Received:

The representation in support states no explicit reasons for support.

The applications objecting to the proposal do so, on the following grounds:

- Smells
- Rubbish
- Noise and Disturbance
- Parking, Highway Safety

Consultations:

Highways Development Control – There are noted parking issues at this location. The provision of a lay by has addressed some of the concerns, but this is only capable of catering for the needs of customers for a single unit. The application will increase the level of conflict between customers thus restricting the safe and free flow of traffic, particularly at peak traffic times. The highway officer concludes that any further expansion of the hours of operation should be resisted for the above reason.

Summary of Main Issues:

1. Residential amenity.
2. Highway safety.
3. Comments on representations received.

Appraisal:

The application is for the variation of condition 3 of planning permission 07/08191/VOC at 66-68, Wrose Road, Bradford, to allow the property to open between 23-00 and 24-00. The condition was a stipulation of the original planning permission approved by the planning panel in May 2008 restricting the hours of operation to between 18:00 and 23:00. These hours have since been amended to include the hours between 11:00 and 13:00.

Residential amenity

The property lies within the Wrose local centre boundaries, although it is notable that these boundaries are tight to the rear and east side of the curtilage of 66-68 Wrose Road. The main area of the identified local centre extends to the west of the site and also on the opposite side of the road to 66-68 Wrose Road. The land use surrounding the local centre is residential.

Notwithstanding the sites presence within a local centre the decision to grant planning permission for the original change of use was taken with due consideration given to the amenities of surrounding residents and highway safety. The recommendation for approval was subsequently made subject to certain conditions in order to ensure that no unacceptable impact was felt by the neighbouring residents. The decision to restrict the hours of operation can be seen as one of the measures taken to ensure that the proposed hot food takeaway would not unduly impact neighbouring amenity.

The council's guidance in respect of cafes, restaurants, and takeaways suggests that opening hours will usually be restricted to midnight, but notes where necessary this condition maybe varied. In this instance restricting the opening hours to 23:00 was considered an appropriate variation on the hours of operation due to the proximity of neighbouring residential properties. The circumstances surrounding the site have not changed since the original approval and it is noted from the level of representation received that neighbours are experiencing some degree of disturbance as a result of the operations of this unit. Although some level of disturbance is to be expected being located in close proximity to an established local centre, it is anticipated that by allowing the hot food takeaway to extend the hours of operation the impact would be exasperated extending the impact into more unsocial hours.

It is acknowledged that the original condition may have been restrictive to the operations of the business, but this has subsequently been revised to allow opening between the hours of 11:00 – 13:30. It is therefore considered that by continuing to restrict the hours of operation the feasibility of the business would not be jeopardised.

In conclusion it is considered that the proposal as a result of general noise and disturbance at unsocial hours is unacceptable and fails to accord with the aims of policies UR3, and D1 of the RUDP. As such it is recommended the hours of operation should continue to be restricted in line with the original condition.

Highway safety

Highway safety improvements have been carried out on Wrose Road, as part of these works a lay-by has been provided outside 66-68 Wrose Road. The lay-by has a 20 minute waiting restriction. The lay-by can be used by members of the public visiting any of the local businesses, with this in mind the council's highway officers were prepared to allow the separation of 66-68 Wrose Road into two units. However, a key consideration in the highways officer's support for the forming of two units was the fact that the hours of operation of the units, were unlikely to significantly clash.

The proposal to change the hours of operation will unacceptably alter this situation and exasperate parking issues within the locality. Neighbouring residents are already concerned by the reliance on the nearby residential streets for parking.

The greater demand for the limited parking spaces will result in an increase in vehicles manoeuvring, slowing down, and standing on the highway to the detriment of the safe and free flow of traffic. This is considered a particular issue at peak times, as Wrose Road is a busy classified road. Therefore, although the applicant is prepared to amend the hours applied for, closing between 13:30pm and 16:00pm, this would not address the main highway concerns.

The proposal fails to meet the requirements of policies TM2, TM11 and TM19A of the RUDP.

Comments on Representations Received

The issues raised are dealt with in the appraisal above, with the exception of rubbish which is not anticipated to be a significant concern as a result of this proposal to extend the hours of operation. Furthermore the provision of litter bins to the forecourt was a stipulation of the original planning approval and the subsequent extension of hours of approval.

Community Safety Implications:

The application is not anticipated to raise any community safety implications, other than those highlighted in respect of highway safety.

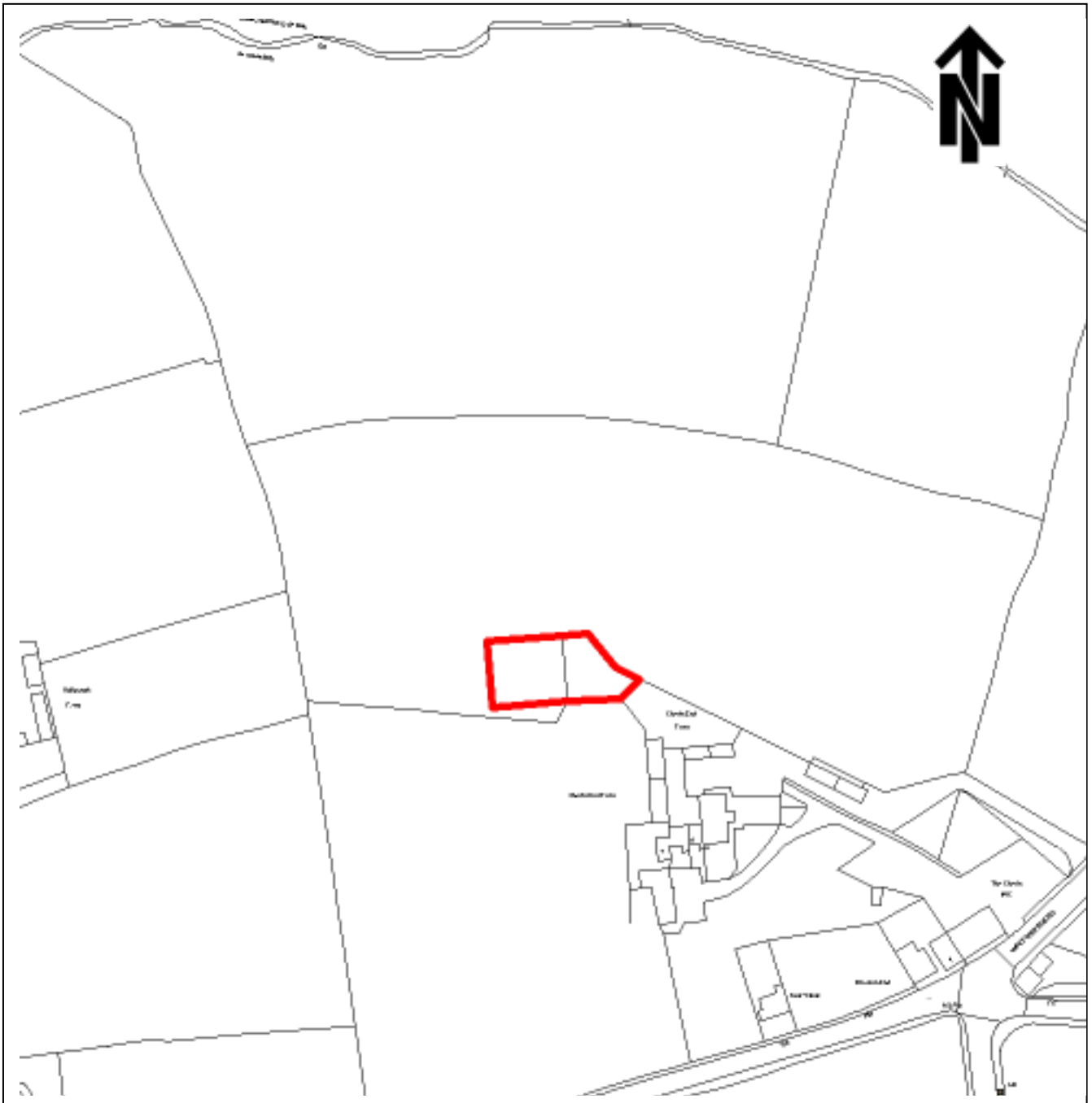
Reasons for Refusal:

1. The extension in opening hours would be detrimental to the amenities of nearby residents, having regard to the likely noise and general disturbance at unsocial hours, and as such would be contrary to Policies UR3, and D1 of the Replacement Unitary Development Plan.
2. The proposal to extend the hours of operation of the hot food takeaway will lead to a conflict with the operating times of the newly established retail unit. There is an inadequate provision of parking within the locality to service both units. As such the increase in demand on the limited parking spaces available, will place greater pressure on the nearby residential streets, and result in the slowing, manoeuvring and standing of vehicles upon the highway to the detriment of the safe and free flow of traffic. The proposal therefore fails to meet the requirements of policies TM2, TM11, TM19A of the Replacement Unitary Development Plan

Area Planning Panel (Shipley)

10/03457/FUL

2 December 2010



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ITEM NO. : 9

LOCATION:

**Chevin End Farm
West Chevin Road
Menston
Ilkley**

2 December 2010

Item Number: 9
Ward: WHARFEDALE
Recommendation:
TO REFUSE PLANNING PERMISSION
THE ITEM HAS BEEN REFERRED TO PANEL
ON THE REQUEST OF A WARD COUNCILLOR

Application Number:
10/03457/FUL

Type of Application/Proposal and Address:

Full application for the conversion and change of use of an existing farm building to form 11 bed and breakfast rooms as part of the Chevin End Guest House, West Chevin Road, Menston, LS29 6BE.

Applicant:

Mr Gerald Wood

Agent:

Mr Stephen Geering

Site Description:

Chevin End is in the approved green belt. It comprises a group of stone farm buildings and associated land located in elevated countryside to the east of Menston. The access is via a tarmac track from Chevin End Road adjacent to the Chevin Inn Public House. The group comprises a farmhouse, a converted barn and outbuildings. The barn and outbuildings function as a bed and breakfast guest house. The barn to which this application relates is located to the north west of the main group of farm buildings in a prominent location on the edge of the open countryside overlooking the Wharfe valley. The building is of functional appearance, it measures 20m x 23m and 4.6m to the eaves and is constructed from concrete sections with timber boarding above and a sheet roof.

Relevant Site History:

96/00825/COU – Change of use of barn and outbuilding to a house. Granted.

97/02767/COU - Change of use of house to guest house providing bed and breakfast accommodation. Granted.

00/01317/COU - Change of use of stable/store to form three guest bedrooms with en suites. Refused and appeal dismissed.

01/01451/COU - Change of use of stable/store to form three guest bedrooms with en suites and creation of driveway and exit to road. Granted.

Replacement Unitary Development Plan (RUDP):

Allocation

Within the Green Belt.

Proposals and Policies

UDP3 – Quality of the built and natural environment

UR3 – Local impact of development

D1 – General Design Considerations

TM11 - Parking Standards for Non Residential Developments

TM19A – Traffic management and road safety
GB1 – New building in the Green Belt
GB2 – Siting of new buildings in the Green Belt
GB4 – Conversion and Change of Use in the Green Belt

Relevant National Planning Guidance

PPG2 "Green Belts"
PPS4 - Planning for Sustainable Economic Growth

Parish Council:

Recommended refusal as the development is in the Green Belt.

Publicity and Number of Representations:

The application was publicised by neighbour notification letters, a site notice and a notice in the Ilkley Gazette with the overall expiry date for representations being the 23.09.2010. No letters of representation have been received.

Summary of Representations Received:

None.

Consultations:

Landscape Design Unit

The site is located within the Wharfedale Landscape Character Area and lies within the Enclosed Pasture Landscape Character Type.

Public viewpoints of the site include but are not necessarily limited to West Chevin Road to the south east and Ilkley Footpath 72 which runs adjacent to the site.

Urban development (predominantly in the form of sub urban housing set within a well wooded valley) is visible within available views of the site from these public places. In addition to this, sub urban type housing is present immediately to south east of West Chevin Road, with a lodge holiday park style development immediately to the north east of that. Both of these developments are set within urban style ornamental gardens. Despite this, the immediate site lies in relatively rural surroundings.

In light of the above but notwithstanding any other planning policy issues from a landscape and visual perspective the proposed scheme may reduce the visual impact of the existing agricultural shed during day light hours due to the reduced height and mass of the built form. However, the intensified use of the site relating to the re-development may have a negative impact. In addition to this, although the proposed materiality is reasonably site specific, the actual design of the built form is less so. Any further urbanising influences, such as ornamental gardens, would have a negative impact and should be avoided. Night time lighting may be a concern and will need careful consideration.

Should application be granted, some tree planting should be undertaken around the proposed development to help anchor it to the landscape.

Drainage

Separate drainage system required within the site boundary.

A public sewer exists within the site boundary. The Sewerage Undertaker (Yorkshire Water) must therefore be consulted for a view of the impact of the development on the public sewerage system.

In order to keep the impermeability of the development to a minimum, the applicant should investigate the use of porous materials in the construction of the proposed courtyard.

Summary of Main Issues:

1. Green Belt considerations.
2. Whether there are Very Special Circumstances.
3. Impact on local and residential amenity.
4. Highway Safety.

Appraisal:

Green Belt Issues

The site lies within the green belt as defined by the adopted RUDP and comprises an existing modern utilitarian agricultural building which it is said will be converted into 11 en-suite bed and breakfast rooms. In order for this to be achieved the building would be cut down to the height of the existing concrete panels, faced in stone and a large amount of white render, a courtyard created in the centre of the building and a completely new roof would be added.

However, although described as a “conversion” on the planning application forms, it is clear that the amount of alteration required would be far in excess of what might ordinarily be described as conversion. Although occupying the footprint, the proposal would require major reconstruction of the present utilitarian barn. The proposal therefore fails to comply with policy GB4 of the RUDP as it would involve the substantial rebuilding of the structure in new and different materials. Once completed, the resultant building would appear as a new structure in the green belt.

The proposed 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 (i.e. agriculture, forestry, essential facilities for outdoor sport or recreation, cemeteries or other uses which preserved the openness of the green belt). 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.

Case law emphasises that the fact that any particular factor outweighs any harm to the green belt does not mean that that factor could reasonably be described as comprising ‘very special circumstances’. Such an approach would undermine the whole basis for the policy in PPG2. In order to meet the test the circumstances must in truth be ‘very special’ and these words are to be given their full force and effect.

Very Special Circumstances

The applicant has been operating the existing bed and breakfast business for almost 15 years, originally in the farmhouse and converted barn and then with further letting rooms added through the conversion of an outbuilding 2001 (at which time the access was also improved through the provision of a new driveway). The current number of letting rooms stands at 8.

The Council has been supportive of the enterprise to date through a generous approach to green belt policy. The applicant's arguments that bed and breakfast provision in the area is in short supply and that there is an unmet demand for extra rooms in the area to support the tourist trade have been accepted. However, such factors do not amount to very special circumstances.

The Council's Landscape Design Unit has provided detailed comments on the proposal and has highlighted the fact that the proposed scheme would lessen the visual impact of the building by reducing the height and mass of the structure, but has expressed concerns about the impact of any necessary lighting during the hours of darkness.

The supporting "Green Belt Area Justification Report" relies on the reduction in the bulk and mass of the building and the aesthetic improvements and the fact that the building would be in keeping with its "strong residential surroundings" in this "largely urban area" to justify the development in the green belt.

Whilst it could be considered that the development would improve the appearance of the building and reduce its visual impact, the proposed materials (which include a large amount of off white render) and the introduction of domestic scale fenestration would significantly "domesticate" what is currently a functional utilitarian building. This would have an undesirable urbanising impact on the character and appearance of the green belt. The building is located in a prominent location in an elevated position on the lower slopes of Otley Chevin – set away from the main group of farm buildings. While farm buildings are appropriate in the green belt due to their functional requirement, the substantial rebuilding of the existing portal frame barn to house the bed and breakfast accommodation would result in a materially greater impact on the openness of the green belt than the existing use and harm to the purposes of including the land in the green belt.

Many farms across the green belt feature large unattractive farm buildings which could be reduced in size, substantially rebuilt and used for a new non agricultural purpose. This argument is therefore not unique and does not amount to "very special circumstances".

Careful consideration has been given to the economic benefit that would result from the scheme. PPS4 sets the national planning policy for economic development in rural areas including planning for tourism, replacement farm buildings and farm diversification. It directs local planning authorities to strictly control economic development in open countryside away from existing settlements whilst supporting the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside for economic development. As discussed above, the building is not appropriately located nor suitably constructed and it is considered that the proposal does not comply with these national policy requirements.

With regard to tourist facilities, the approach of PPS4 is to support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres, carefully weighing the objective of providing adequate facilities or improving the financial viability of the facility with the need to protect landscapes and environmentally sensitive sites. Whilst officers are sympathetic to the applicants desire to expand his business and increase the provision of tourist accommodation in the area it is not considered that this outweighs the harm to the Green Belt that would result from the development.

On balance, therefore, it is not considered that the need to increase tourist accommodation in the area or expand the existing business enterprise, nor the reduction in the bulk and mass of the barn outweighs the harm the Green Belt that would result from the substantial rebuilding and domestication of this prominently sited building.

If members are minded to approve the application then the Panel would be limited to referring the item to the Regulatory and Appeals Committee for consideration and possible referral to the Secretary of State by virtue of the Town and Country Planning (Consultation) (England) Directions 2009.

Impact on local and residential amenity and neighbours

Chevin End Farm is adjacent to the Chevin Inn Public House which fronts Chevin End Road and is itself adjacent to 3 existing residential dwellings. Whilst the development would increase the general comings and goings at the site the barn is located some distance from its closest neighbour and the access is separate. It is therefore not considered that the development would have a significant detrimental impact on local or residential amenity.

Highway Safety

The existing access was provided under application 01/01451/COU. Prior to this the site shared a driveway with the Chevin Inn, the entrance of which is close to the rather difficult junction with West Chevin Road, Chevin End Road and Windmill Lane. The new access provides good visibility and it is not considered that the increase in traffic resulting from the development would have a detrimental impact on highway safety. Sufficient hard standing exists within the site to accommodate a suitable level of parking.

Community Safety Implications:

There are no community safety implications.

Reasons for Refusal:

The proposed development would be sited in a prominent location in the green belt, away from the existing farm group at Chevin End and unrelated to any existing buildings or structures. Although the proposed building would be smaller, the proposal requires the substantial rebuilding of the existing dilapidated portal frame barn and would require the introduction of domestic openings, lighting and other domestic paraphernalia that would have a materially greater impact on the openness of the green belt than the existing development. The proposal can not meet the criteria for reuse of existing buildings in the green belt set by Policy GB4 of the Bradford Replacement Unitary Development Plan.

The development would result in the encroachment of inappropriate development into the green belt that would be detrimental to its openness and the purposes of including the land in it and contrary to Policies GB1, GB2 and GB4 of the Bradford Replacement Unitary Development Plan. The Local Planning Authority does not consider that very special circumstances have been established to justify a departure from these policies.
