

## Report of the Strategic Director of Regeneration & Culture to the meeting of the Area Planning Panel (SHIPLEY) to be held on 22 March 2011

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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.	19 Goit Stock Terrace Harden Bingley West Yorkshire BD16 1JJ - 11/00298/HOU [Approve] (page 1)	Bingley Rural
2.	78 Avondale Road Shipley West Yorkshire BD18 4QX- 11/00031/HOU [Approve] (page 6)	Shipley
3.	Coolgardie Keighley Road Bingley West Yorkshire BD16 2RT - 11/00161/FUL [Approve] (page 12)	Bingley

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Julian Jackson  
Assistant Director (Planning, Transportation & Highways)

**Portfolio:**  
Environment and Culture

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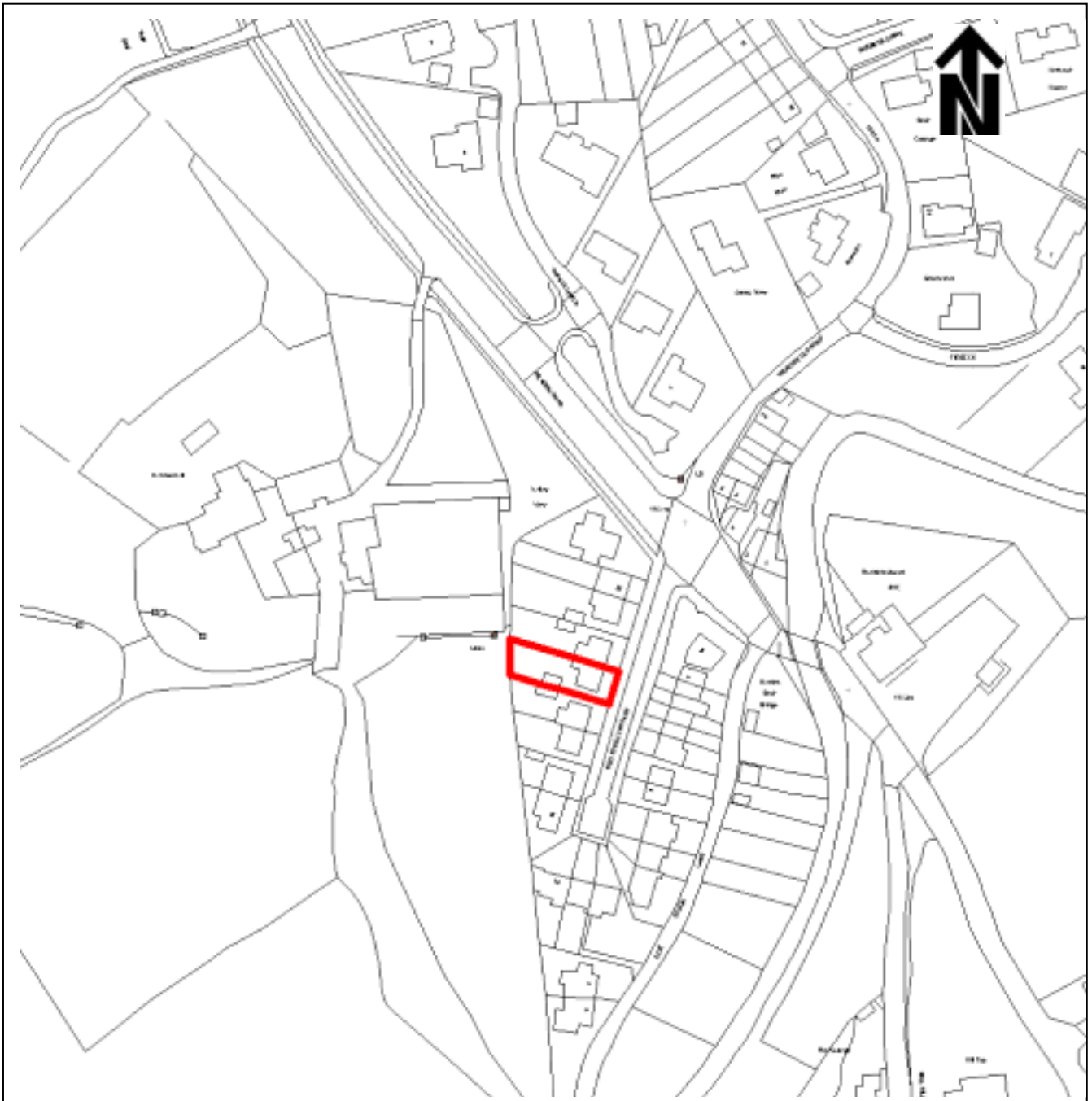
**Improvement Committee Area:**  
Regeneration and Economy

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**Area Planning Panel (Shipley)**

**11/00298/HOU**

22 March 2011



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<p>ITEM NO. : 1</p>	<p>LOCATION: <b>19 Goit Stock Terrace Harden Bingley</b></p>
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**22 March 2011**

**Item Number:** 1  
**Ward:** Bingley Rural  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION WITH CONDITIONS**

**Application Number:**  
11/00298/HOU

**Type of Application/Proposal and Address:**  
Full planning (Householder) application for the construction of a conservatory extension to the rear of 19 Goit Stock Terrace, Harden, Bingley.

**Applicant:**  
Mrs K Thompson

**Agent:**  
N/A

**Site Description:**  
The host property is a semi-detached rendered bungalow with a concrete tile roof. The property is located in a residential cul-de-sac off Wilsden Road which has a mixture of semi-detached and terraced bungalows and semi-detached dwellings. The property is not listed nor within a conservation area.

**Relevant Site History:**  
10/04675/HOU: Conservatory to rear of semi-detached dwelling. Withdrawn: 10.11.2010

06/03119/FUL: Single storey extension and dormer window to front of dwelling. Granted: 30.06.2006

02/02822/FUL: Demolition of garage and shed and erection of new garage. Granted 09.09.2002

**Replacement Unitary Development Plan (RUDP):**  
**Allocation**  
The site is unallocated on the RUDP Proposals Map.

**Proposals and Policies**  
Relevant policies are:  
UR3 - The Local Impact of Development  
D1 – General Design Considerations

Supplementary guidance is also contained in the Council's approved, revised House Extensions Policy Document

**Parish Council:**  
Harden Parish Council: No comments have been received

**Publicity and Number of Representations:**

The application was publicised by neighbour notification letters. Expiry date 01.03.2011. No comments have been received

**Summary of Representations Received:**

N/A

**Consultations:**

None undertaken or required

**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 proposed extension would have a depth of 3 metres, a width of 3 metres and a height of 2.8 metres and would be sited on the rear elevation of the property adjoining an existing single storey extension. The extension would be constructed of render to match the host dwelling and would have glass panels to the roof.

The design of the proposed extension is considered to be subordinate to the host dwelling and satisfactorily in-keeping with its character.

Sited on the rear elevation of the property, the proposal would not form an incongruous or dominant feature and would not harm the character of the Goit Stock Terrace street scene.

The existing rear window to bedroom 2 would be moved from the rear elevation to the side elevation of the property. This is considered to be permitted development under class A of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008.

The proposal as a whole is considered acceptable and in accordance with policy D1 of the Replacement Unitary Development Plan and guidance contained in the Revised House Extension Policy Document.

**Impact on Neighbouring Occupants:**

A single storey rear extension is currently in situ and the depth of the proposed extension would not be greater than the existing structure. As such, it is considered that the proposal would not impact unacceptably on the amenities of the adjoining occupants at 20 Goit Stock Terrace.

Property number 18 Goit Stock Terrace is separated by two drives and there are no habitable room windows on its side elevation. A 2 metre high close boarded boundary fence is located between No. 18 and the application property. The extension would be 2.4 metres from the boundary and as such, a condition is suggested to ensure that a solid screen remains in place whilst ever the proposed extension is in situ. With this provision in place, officers are satisfied that there would be no overlooking issues that might otherwise adversely affect the privacy of neighbours.

The distance to the rear boundary exceeds 15metres.

The height and depth of the proposal and its distance from the neighbouring dwelling is such that the development is not considered to dominate, overshadow or result in any loss of outlook to the occupants of 18 Goit Stock Terrace.

Side access remains and sufficient private amenity space will be retained.

For these reasons, the proposal is considered to be in accordance with policy UR3 of the Replacement Unitary Development Plan and with guidance contained in the Revised House Extension Policy Document.

**Impact on Highway Safety:**

There are no highway safety implications.

**Community Safety Implications:**

There are no apparent community safety issues.

**Reason for Granting Planning Permission:**

The proposed conservatory 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 affect 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.

**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:

Location Plan - drawing number 19GST/2011/A  
Existing Site Plan - drawing number 19GST/2011/B(1)  
Proposed Site Plan - drawing number 19GST/2011/B(2)  
Existing south west elevation - drawing 19GST/2011/C(1)  
Proposed south west elevation - drawing 19GST/2011/C(2)  
Existing rear elevation - 19GST/2011/D(1)  
Proposed rear elevation - 19GST/2011/D(2)  
Existing floor plan - 19GST/2011/E(1)  
Proposed floor plan - 19GST/2011/E(2)

Received by the Council on 25th January 2011

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

3. The close-boarded timber screen located along the boundary with 18 Goit Stock Terrace shall be retained at a height of 2 metres whilst ever the extension hereby approved.

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

4. The development hereby permitted shall be constructed of facing and roofing materials 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.

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**Area Planning Panel (Shipley)**

**11/00031/HOU**

22 March 2011



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<p>ITEM NO. : <b>2</b></p>	<p>LOCATION: <b>78 Avondale Road Shipley</b></p>
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**22 March 2011**

**Item Number: 2**  
**Ward: SHIPLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION WITH CONDITIONS**

**Application Number:**  
11/00031/HOU

**Type of Application/Proposal and Address:**  
Full planning (Householder) application for the construction of a two storey side extension and part two story/part single storey rear extension at 78 Avondale Road, Shipley.

**Applicant:**  
Mr S Khan

**Agent:**  
Mr J Redmile

**Site Description:**  
The property is a semi-detached rendered dwelling with a concrete tile roof and is situated in a residential area. The property is currently derelict and requires substantial work both internally and externally. Open land lies to the south of the site. Changes in level are evident at this site with the application property being situated at a higher level than number 76. The land slopes steeply up the rear garden toward the site boundary. The property is not listed nor is it within a conservation area.

**Relevant Site History:**  
10/02238/HOU: Two storey side and rear extension and single storey rear extension.  
Refused 07.07.2010 because of inadequate off street parking

10/00646/HOU: Two storey side and rear extension and single storey rear extension.  
Refused 13.05.2010 because of inadequate off street parking and loss of outlook for neighbouring occupants at 74 Avondale Road.

**Replacement Unitary Development Plan (RUDP):**  
**Allocation**  
The site is unallocated on the RUDP Proposals Map.

**Proposals and Policies**  
Relevant policies are:  
UR3 - The Local Impact of Development  
D1 – General Design Considerations  
BH14 - Saltaire World Heritage Site  
TM12 – Parking standards for residential development  
TM19A – Traffic management and road safety

Supplementary guidance exists in the form of the Council's approved, revised policy document on House Extensions.



**Parish Council:**

N/A

**Publicity and Number of Representations:**

The application was publicised by neighbour notification letters with a stated date for the receipt of representations of 01/02/2011.

One representation was received from Ward Councillor Kevin Warnes who refers the application to the Area Planning Panel for determination.

**Summary of Representations Received:**

1. Overshadowing.
2. Loss of outlook.
3. Loss of daylight/sunlight.
4. Increased density of buildings in an already close knit built up area.
5. Extensive work has been carried out on site for many months to the rear destroying several mature trees and extensive damage to paving at the front.
6. Tight conditions should be imposed to an approval to ensure that pattern of reckless disregard to neighbourhood and amenity of neighbours is prevented from continuing.
7. Ask for strict working hours to prevent demolition and construction before 8am and after 6pm Monday to Saturday and no work on Sundays.
8. A condition should also be added to ensure boundary wall between neighbours is made safe.

**Consultations:**

Design and conservation team: The property is located in the Saltaire World Heritage Site Buffer Zone. No negative impact on key views into or out of the World Heritage Site. The location of the property is far enough away for there to be minimal impact on the setting of Saltaire.

**Summary of Main Issues:**

1. Impact upon local environment
2. Impact upon neighbouring occupants
3. Impact upon highway safety
4. Community safety implications
5. Other issues

**Appraisal:**

The proposal is a re-submission following a recent refusal. Since the first visit was carried out in connection with application ref: 10/00646/HOU, major works to the garden have been carried out. This was evident upon the second site visit for application 10/02238/HOU. The site visit for this current application confirmed that no further works appear to have been carried out on site and it would appear that efforts have been made to tidy up the site and to repair the boundary wall.

The works that have been carried out at this site, including the removal of the trees (that were not protected), did not require planning permission and should not impact upon officer's assessment of the current proposal for the side and rear extension.

It is noted that works to terrace the rear garden have been carried and that these works do require planning permission. They do not, however, form part of this current application.

**Impact on Local Environment:**

In terms of visual amenity, the proposal is considered acceptable. Materials of construction would match those of the host dwelling and a similar roof form and style is proposed.

The two storey side extension would be set back appropriately from the front elevation of the dwelling with a set down to the roof and is considered to be sufficiently subordinate to the host dwelling so as not to result in a terracing effect.

In these respects, the development is considered acceptable and in accordance with policy D1 of the Replacement Unitary Development Plan and the Council's approved, revised policy document on House Extensions.

**Impact on Neighbouring Occupants:**

The proposed extension projects 3 metres to the rear at ground floor level and 2 metres at first floor level. The extension runs along the boundary line with 76 Avondale Road. Number 76 has a two storey side extension with a habitable room window to its rear elevation. The proposed extension would not break the 45 degree line to the nearest habitable room window at ground floor level at number 76 Avondale Road and so complies with policy in this respect.

The proposed extension would be sited along the boundary line 76 Avondale Road and would, due to its siting, result in an increased level of overshadowing to the private amenity space at number 76. However, taking into consideration that a two storey rear extension and a single storey side and rear extension could be constructed at this site as permitted development; that this would likely result in a similar degree of overshadowing; and that the overshadowing would occur in the latter part of the afternoon/early evening as the sun is setting, it is considered that - on balance – this overshadowing it is not considered sufficient justification to refuse the application. The degree of overshadowing that would result is not considered to be so detrimental to the amenity of the neighbours as to warrant a refusal.

The single storey rear extension which adjoins number 80 Avondale Road has a depth of 3 metres. Number 80 has a single storey rear extension. It is considered that occupiers of this property would not be impacted detrimentally by the proposed development.

No windows are proposed to the side elevation and the distance to the rear boundary would be in excess of 19 metres. This is considered adequate to avoid any unacceptable overlooking issues.

Sufficient private amenity space would be retained at the property and it is not considered that the proposal would represent overdevelopment.

Whilst the recommended 1 metre gap to the boundary is not proposed, it is not considered practicable in this instance due to the limited width to the boundary. A condition is suggested to ensure the construction of a suitable refuge storage area, accessible from the street.

**Impact on Highway Safety:**

The proposed extension would result in the loss of a driveway at the property. However an integral garage is proposed at ground floor level. A 3.7 metre forecourt would be retained. Given the residential nature of the area and the type of highway to the front of the dwelling, this is considered acceptable and unlikely to result in any unacceptable highway or pedestrian safety issues.

With this garage in place, it is considered that the proposal would sufficiently accommodate a vehicle off road. A condition is suggested to ensure that the garage is not converted to living space at a later date.

**Community Safety Implications:**

There are no apparent community safety issues.

**Reason for Granting Planning Permission:**

The proposed two storey side and rear and single storey extension is 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 the proposal is considered to be in accordance with Policies UR3 and D1 of the Replacement Unitary Development Plan and the Revised House Extensions Policy.

**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:

Drawing 6835/04 Rev A - Existing and proposed site layout - dated Feb 2010  
Drawing 6835/01 - Existing floor plans and elevations - dated Feb 2010  
Drawing 6835/02 Rev A - Proposed floor plans and elevations - dated Feb 2010  
Drawing 6835/03 - Proposed section - dated Feb 2010

Received by the Council on 5th January 2011

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 elevations 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. Prior to the commencement of development, details of a suitably screened refuse bin storage area to be provided to the front of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The bin storage area shall be provided in full accordance with the approved details prior to the first occupation of the extension and retained thereafter.

Reason: To ensure that appropriate facilities for domestic refuse storage are provided and to safeguard the amenities of adjoining occupiers in accordance with Policy UR3 of the Replacement Unitary Development Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) the integral garage hereby approved shall be retained whilst ever the dwelling is occupied and shall not be converted to any habitable accommodation or storage facility that would prevent adequate off street parking being provided within the curtilage of the site.

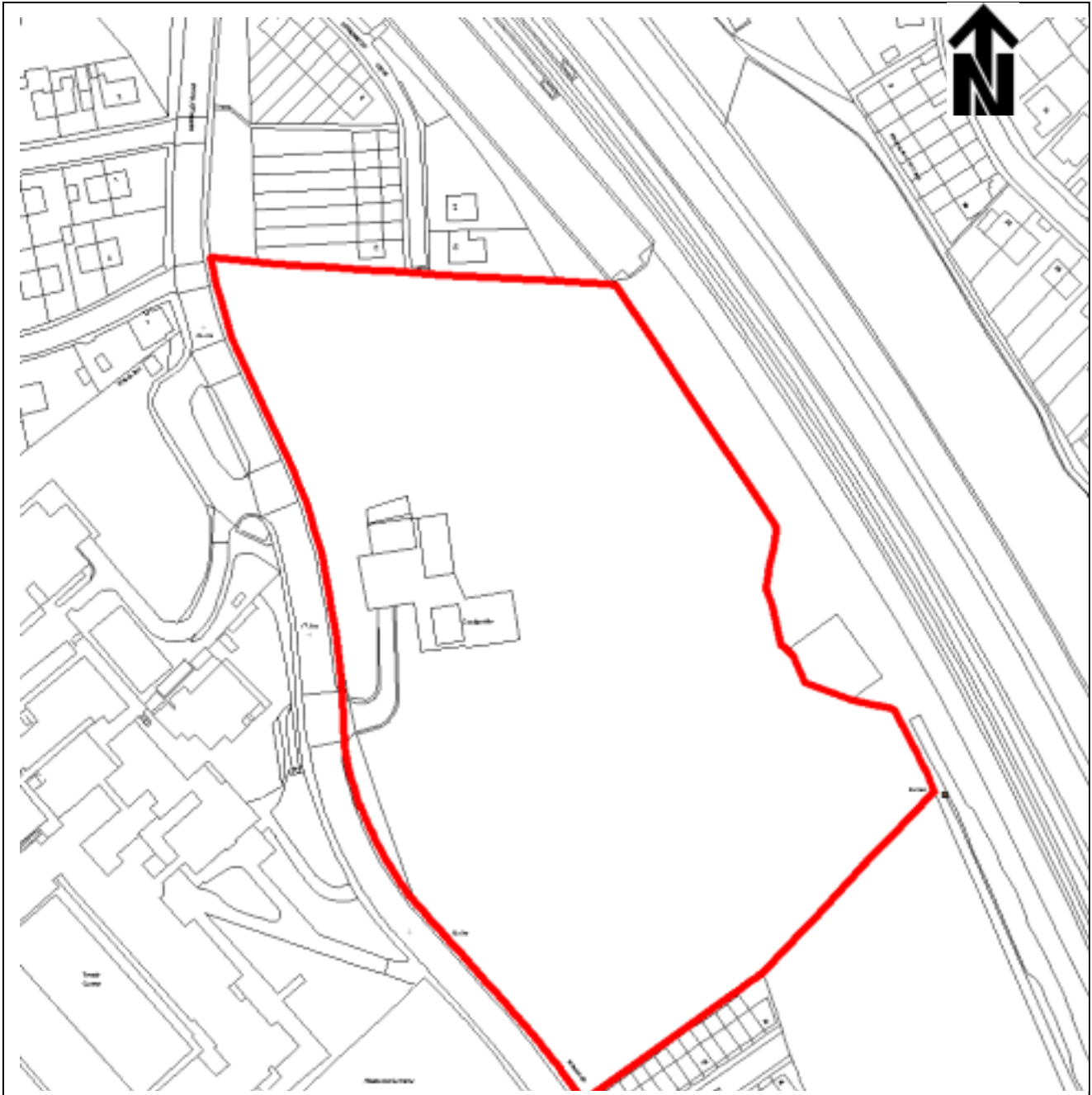
Reason: To ensure adequate off street parking facilities are maintained in the interests of highway safety, so as to avoid undue congestion on surrounding streets in the interests of traffic and pedestrian safety, and to accord with policies TM12 and TM19A of the Replacement Bradford Unitary Development Plan (2005).

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**Area Planning Panel (Shipley)**

**11/00161/FUL**

22 March 2011



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**ITEM NO. : 3**

**LOCATION:**

**Coolgardie  
Keighley Road  
Bingley**

**22 March 2011**

**Item Number: 3**  
**Ward: BINGLEY**  
**Recommendation:**  
**TO APPROVE SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT**

**Application Number:**  
11/00161/FUL

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

A full application for the renewal of extant planning permission 06/07317/FUL: Construction of business centre, B1 offices, work live units, nursery and access road and parking. Submission of environmental statement.  
Coolgardie , Keighley Road, Bingley

**Applicant:**

Mrs. Patricia Smith

**Agent:**

Mrs. Patricia Smith

**Site Description:**

The application site is allocated as an employment site (as identified in the Replacement Unitary Development Plan). The Proposals for Shipley Constituency identify the site as a prime site located within the 2020 Vision Airedale Corridor that is suitable for B1 uses. The 3.8-hectare site has a small dwelling with barn located in the western part in close proximity to Keighley Road whilst the remainder of the site is open grassland. The site slopes from west to east. Access is via Keighley Road (B6265), which is identified in the Replacement Unitary Development Plan as a bus priority network and part of the national and local cycle network.

The area surrounding the application site is mixed. The allocation as an employment site also extends to the south and includes the former Bingley Auction Market site. The site is bounded by the railway along its western boundary and bounded by Keighley Road on its eastern boundary. The A650 Bingley Relief Road lies beyond the railway line. To the south east of the application site, on the far side of the Relief Road, lies the Bingley North Bog, a protected wetland habitat (BWA 083). Crossflatts Station is located to the north west of the site. Residential properties exist along both the northern boundary and along part of the south western boundary of the application site. Bingley Grammar School is located on the opposite side of Keighley Road, west of the application site. Residential properties also exist adjacent to the grammar school to the north west of the application site.

**Relevant Site History:**

Application 06/07317/FUL was granted for the construction of business centre, B1 offices, work-live units, nursery and access road and parking in April 2008 subject to conditions and a S106 legal agreement.

**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 a specific proposed employment site identified under reference S/E1.8. The following policies are relevant:-

***Proposals and Policies***

- UDP1 – Promoting sustainable patterns of development
- UDP2 – Restraining development
- UDP3 – Quality of build and natural environment
- UDP4 – Promoting economic regeneration in sustainable locations
- UDP7 – Reducing the need to travel/sustainable transport choices
- UDP8 – Use of Natural resources and renewal energy
- UDP9 – Management of pollution, hazards and waste
- UR2 – Sustainable development
- UR3 – The local impact of development
- UR6 – Use of conditions or S106 agreements to resolve obstacles to planning permission
- E1 – Protecting Allocated Employment Sites
- E2 – Protecting large employment sites
- E3A – Office development
- TM1 – Transport Assessment
- TM2 – Impact of Traffic and its Mitigation
- TM6 – Bus priority
- TM8 – New pedestrian and cycle links through development sites
- TM10 – The national and local cycle network
- TM11 - Parking standards for non-residential developments
- TM13 – On-street parking controls
- TM18 – Parking for People with disabilities
- TM19 – Cycle Parking
- TM19A – Traffic Management and road safety
- D1 – General Design Considerations
- D2 – Energy efficiency and sustainable design
- D3 - Access for people with disabilities
- D4 - Safe and secure environment/reduction in the opportunities for crime
- D5 - Integrate existing landscape features/use of green corridors/create areas of habitat value
- D6 – Appropriate links for pedestrians
- D7 – Appropriate links for cyclists
- D7A – Meeting the needs of public transport through design
- D9 – Urban design in City and town centres
- D10 – Positive contribution of development along transport corridors
- D14 – External lighting
- CF3 – Community uses
- NE9 – Other sites of landscape or wildlife
- NE10 – Protection of natural features and species
- NE11 – Ecological appraisals
- NE12 – Landscaping and wildlife enhancement
- NR12 – Renewable energy
- NR15B – Flood Risk
- NR16 – Surface Water run off and sustainable drainage systems
- NE17 – Ground water protection
- NR17A – Watercourses and water bodies

## P1 – Air Quality

### 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

### Additional documents – The Airedale Master Plan

Published in March 2005. The Airedale Master plan identifies the former Auction Market site and Coolgardie Farm as a large potential employment area, which provide an excellent opportunity to create a high quality technology business park focused on the application of new technology and business start-ups. In addition to the specific proposals for the Coolgardie site the Master plan sets out aspirations for the wider Airedale area.

The importance of the Coolgardie site in terms of the Master plan – The site is one of the five priority projects that must be delivered to stimulate the regeneration of Airedale. Indeed, it is a primary catalyst and any redevelopment should raise the standard and provision of high quality office space in the centre of Airedale. It is recognised that the market for office premise is generally stronger in Bingley than in the other towns of the Airedale corridor. The benefits of any project will be to provide space for employment alongside the high quality transport infrastructure of Crossflatts railway station, Bingley Relief Road and the B2625 Keighley Road bus corridor making it accessible to all the settlements in Airedale. Therefore, it is important that any development of the site contributes towards the aspirations of the Airedale Master plan so that opportunities for the wider regeneration of the valley are not lost.

### **Parish Council:**

Not applicable

### **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 11 March 2011. One representation has been received to date (from the business manager of Bingley Grammar School). Any representations which may be received after the publication of this report will be reported orally at the planning panel.

### **Summary of Representations Received:**

- The health and safety aspects are of great concern particularly at the start and end of the school day when large numbers of students enter and exit the school site. Request that consideration be given to making it a condition of the of planning permission that construction traffic does not move on and off the site for agreed periods at the start and end of the school day.
- Would hope that any proposal would be in line with the work the school has been doing in relation to encouraging cycling to school. It would be useful if the scheme was to include a continuation of the pavement widening from the school to Crossflatts.



- Are concerned that the application will result in changes to the parking arrangements along Keighley Road as this is the only area where parents can park safely and legally shown dropping off or collecting pupils. Request that the scheme incorporate additional parking for the school to ease congestion.
- There is considerable congestion at the start and end of the day outside the school as there is only a small drop off area on the school side of the road. As more students come to the school from outside the local area the number of parents dropping off and picking up has increased considerably and therefore the number of parents dropping off and picking up students has increased considerably. It would be useful if a drop off area could be created at the other side of the road from part of the Coolgardie site as this should improve the flow of traffic and prevent the congestion.
- Consideration should be given to extending the 20mph zone through Bingley Main Street to Crossflatts.
- Would ask that restrictions are placed on work likely to generate unacceptable levels of noise during the school day.

**Consultations:**

**Highways (Development Control) Section** – Highways concerns were met on the previous application partly via planning conditions for the provision of metro cards, a travel plan, TRO, cycle route, pedestrian links, real time bus displays etc. There are no highway objections to this application on the basis that this previously established position is repeated subject to a S106 agreement. All previous highway conditions still apply.

**Highways Agency** – no objections. The site is remote from the M606 and will not have a material impact on the Strategic Road Network.

**Yorkshire Water** – no objection in principle subject to appropriate conditions. There are 675mm and 225mm diameter public combined sewers crossing the site - the presence of which affects the layout of the site.

**Environmental Protection (noise)** – no objections in principle on the grounds of potential nuisance.

**Environmental Protection (Contamination)** – Comments on this renewal application have not yet been received and will be reported orally to the Panel. Original Permission comments - 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** – A flood risk Assessment Addendum Ref 10224/I/01 has been submitted as part of the renewal application. There are no objections in principle to the renewal of the existing permission and recommend conditions regarding flood risk are attached to any permission granted.

**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** – Comments on the original application were as follows:- the site is on landfill site ref: 13NW01A. This site had been used for the disposal of boiler ash since the 1920s. Planning permission was granted - 76/02/07220 – for the tipping of soluble, insoluble and inert materials in February 1977. The site was subsequently resorted using inert excavation wastes and is now in agricultural use. The site is also situated 175m north west of landfill site ref 13NW18 – known as Bingley Auction Market. This landfill was used for the deposit of domestic refuse during the late 1950s and early 1960s. There is reason to suspect that the proposal site is contaminated due to historic land filling on the site.

**Metro** - The site is excellently served by public transport. The development is next to Crossflatts Rail Station with fast and frequent connections to Bradford, Keighley, Leeds and Skipton. There are frequent bus services running next to the development that serve numerous locations.

Infrastructure – the bus stops on Keighley Road should be upgraded to have shelters installed (at stops 20299 and 20300) and kerbs raised. The kerbs at both bus stops on either side of Keighley Road need to be raised to Metro's guideline height of 180mm, with an absolute minimum height of 125mm. This is to ensure level boarding or near level boarding onto buses for elderly and disabled passengers and passengers with push chairs. This will probably cost £10000 per shelter.

Travel cards – future employees should be offered a one years free multi-modal, multi operator travel card. Metro operates a scheme that allows one year Metro cards to be purchased half price by the developers for new employees. The total liability in connection with providing the metro cards shall be limited to £29,568.00 (which includes a 10% administration charge).

**Network Rail** - no objections in principle to the development

**Countryside Section** – Original comments on application 06/07317/FUL - Generally happy that the ES had addressed the main issues in respect of the impacts on the ecological value of the site in an appropriate and accurate manner.

- Hydrology: - the ES acknowledges that there will be a Moderate/Minor Negative Impact on the hydrology of Bingley North Bog SEGI. The ES states there will be greater surface run-off and less groundwater recharge, along with 4% diversion of main access road run-off to sewers. The Statement suggests that a SUDS scheme is proposed to address the hydrology issues via storage tanks, which will recharge into a small pond in the southeast corner of the proposal site. The Proposed Site Plan included in the ES is too small to see the detail and not to scale, but from what I can see, the proposed pond is a maximum of the width of three car park spaces (i.e. circa 8m width). For a development site of this size, I would consider that the proposed pond could be a) more imaginatively integrated into the site design and b) be much bigger with a larger area of habitat creation (marginal damp habitats and reed beds perhaps). The area proposed almost appears to be an afterthought. In addition, do these storage tanks have oil interceptors?

- Concerned that there may be a residual adverse impact on Bingley North Bog and would like to see some form of contingency/liability by the developers for an appropriate time period after the completion/occupation of the development which allows for remedial works to be carried out to rectify any long-term problems.
- Protected Species: - Happy with the assessment and proposals regarding the impacts to protected species, bats, great crested newts and nesting birds, in particular and would be grateful to receive copies of any surveys submitted in this respect (i.e. bats). There are, however, no proposals for the inclusion of bat boxes and bird boxes within the proposals. Would like to see integral bat boxes (such as bat bricks and bat lofts) built into the structures, where appropriate, on the eastern side of the development, i.e. those that are nearest the Canal and Bingley North Bog. In addition, a variety of bird boxes should be erected in a variety of locations throughout the site.

Revised comments on this renewal application – recommended that existing buildings on the site should have bat surveys. A visual inspection of the buildings inside and out, and as assessment as to the need for further survey work and wither or not precautionary mitigation could be included within the new development is required. Following a review of the addendum to the Flood Risk Assessment it is noted that the wetland in the south east corner, an important feature for the recharge of water to Bingley North Bog. Would like to see details of the landscaping for this area covered by a condition which should specify the use of locally native species.

**Landscaping Section** – The site is very prominent on the northern approaches to Bingley and is therefore worthy of a high standard of landscape treatment indeed the Design and Access Statement states that “a very high quality landscaping scheme will be provided to the overall development with a high ratio of landscape area to hard surface areas”. Look forward to seeing the detailed planting proposal drawings with the full information about species, numbers, size and densities of plants prior to commencement of works on site as conditioned in the original approval. I would also like to see information regarding existing and proposed site levels and details of proposed hard surfaces before commencement.

**Airedale Partnership** – There is a live planning application for the above which serves to renew an extant planning approval for the site. As the proposals have not changed there is no departure from our support for the application. The site is discussed in the Airedale Master plan. The application for a further 3 years approval with an economic use is seen as welcome.

The Council has had planning approval granted for another site at Buck Lane, Baildon. This is not seen as providing problematic competition. Both sites are encouraged in the Master plan. It would be for the owners of the Coolgardie farm site to assess the market for the timing to develop their site.

**Design** – No comments to make as this is the renewal of the existing application with an updated flood risk assessment only.

**Education** – As the work-live units are only 1 bedroom there is no requirement for an education contribution.

**Summary of Main Issues:**

- (a) Principle of development
  - Replacement Unitary Development Plan allocation and Airedale Master plan strategy
  - Type and extent of uses proposed
  - Sustainability
- (b) Impact of development
  - Design/appearance/use of materials
  - Amenities of the locality/neighbouring properties/uses
  - Landscaping
  - Pedestrian/cycling links through and along the frontage of the site
  - Countryside issues including hydrology
  - Other issues raised in the environmental statement
  - Renewable measures
  - Other impacts: contamination and flooding
  - Highway Safety
- (c) Community Safety Implications
- (d) Terms of Section 106 Legal Agreement
- (e) Comments on the letter of representation received

**Appraisal:**

1. Members should note that this is a renewal application and as such the details of the application, the proposed conditions and the Heads of Terms of the S106 legal agreement are essentially the same as the current extant planning permission reference 06/07317/FUL. The report below closely follows that which formed part of this earlier application – 06/07317/FUL – with appropriate updates in policy and any new aspects which have emerged as the renewal application has progressed.

**2. Principle**

The application site is allocated in the Replacement Unitary Development Plan for development for commercial uses due to its central location within the urban area and close proximity to bus and rail services. It is a large site to be developed in accordance with policy E2 of the Replacement Unitary Development Plan. The Airedale Master plan also identifies the site along with the adjoining former Action Market site, as an opportunity for a creative business park to site the Digital Industries Collaborators in Commerce project sponsored by Yorkshire Forward within a business incubator. As such, a development of the site with B1 office uses is considered appropriate in principle.

3. The application seeks permission for a mix of development comprising several elements:
- 32 work live units designed to enable both business and ancillary residential use. The units are specifically designed to have a higher intensity of business use and to accommodate more workers than just the resident. The units have been physically designed to follow the style of the business park.
  - Small office (blocks A, B, C, G, H) providing office suite modules. Block A specifically offers managed developmental offices, incubator units and an Internet café.
  - Large Offices (block E) envisaged as a headquarters building
  - Block D – day nursery/crèche facility

In total 18,400sqm of floor space is proposed with 398 car parking spaces (30 disabled) and 50 cycle spaces.

4. 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:

- (i) making suitable land available for development in line with economic , social and environmental objectives to improve people's quality of life, and;
- (ii) 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'.

5. At the regional level, the Regional Spatial Strategy (RSS) 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.

6. 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.

7. 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 as such this site is allocated in the Replacement Unitary Development Plan (reference S/E1.8) as a prime employment site.

8. 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.

9. The location 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 has already been granted for this development under application reference 06/07317/FUL and this application is merely a process in which it is proposed to keep this permission alive for a further 3 year period. As such, it is considered that the development of the site in the manner proposed is considered appropriate economic development.

10. In terms of the proposed uses it is considered that the provision of high quality B1 office floor space is acceptable and in line with the aspirations for the Airedale Valley. The provision of business incubator units and a business centre with a central core is considered a very positive and beneficial way to nurture innovation, ideas and growth in new and young businesses. Similarly, the inclusion of a small crèche/nursery will enhance the facilities of the site and perhaps allow greater flexibility in working practices and transport choices if an employee is able to place their child in a facility at their employment site.

11. The number of work/live units proposed is significant and it is not known whether there is a demand locally for this type of accommodation. In the original permission the applicants argued that the work/live units have been set up to encourage company growth and have been designed to allow flexibility in the amount of business floor space. Should there prove to be little demand it is possible that the applicants would seek to change the use of the units to primarily residential, which in principle would not be acceptable. However, the Local Planning Authority is able to limit any uncontrolled use of the unit for general residential use by ensuring a minimum amount of floor space is used for business purposes, that only persons actively involved with the business are able to reside there and that the business use is limited to B1 use only (ensuring no conflict between residential and work uses). It is proposed to control future changes of use as part of the Section 106 Agreement.

### **Sustainability**

12. 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.

13. With regard to this site, it is considered that the proposed development is acceptable in terms of sustainability issues. Indeed, the site is located within the existing built up area of Bingley/Crossflatts in close proximity to sustainable transport choices e.g. frequent bus routes, adjacent to Crossflatts station and frequent train routes and pedestrian and cycle routes (which are to be enhanced as part of this scheme and are discussed in more detail later in the report). Metro cards can also be provided as part of the section 106 legal agreements to encourage people to make a more sustainable transport choice. Bingley Town Centre is located nearby and there are also small retail units in Crossflatts to provide for lunchtime activities.

### **Impact of development**

14. It is clear that the impact of the development will be substantial bearing in mind the amount of floor space proposed. An Environmental Statement has been submitted as part of the original application 06/07317/FUL and as such the details/information of this statement has been carried over to this application.

15. The design of the buildings is functional and modern. It is proposed to use materials of metal flat panel cladding and curtain walling and brickwork walling with a standing seam type aluminium roof covering. Although it is considered that a modern design is appropriate for buildings on the site, existing buildings in the locality are mainly built of traditional stone. The developers taking the original application forward suggested a mix of artificial stone buff brickwork and cladding panels for the walling. Officers considered that in light of the scale of development on this key site it would be reasonable to require the use of natural stone, together with appropriate cladding panels and the views of Members were therefore sought on this matter. Following discussions at Panel (in 2008) when the original application was determined, it was agreed that conditions be attached to any permission granted reserving the details of the proposed materials. It is proposed that this condition is retained for this current application to ensure that the details of all material are submitted to and approved in writing by the Local Planning Authority prior to commencement of development on the site.

16. The surrounding locality comprises residential properties along the north and south boundaries of the site. The buildings proposed in closest proximity to Harold Street are over 19.5m from the side boundary of the site. Car parking for buildings B and G is located between the office building and the site boundary. It is considered that these elements of the proposal will not unduly impact on the amenities of properties in Harold Street. Moreover, the existing boundary wall will be retained and an effective landscaping scheme planted to ensure that a green buffer is created which would minimize the impact of the development at this corner of the site. With regard to the development of a nursery building and work/live units at the northern end of the site (adjacent to Longwood View) it is considered that the because of the proximity of the development to the existing residential dwellings, strong mitigation measures will be required to ensure that the established amenities of the existing dwellings are not unacceptably eroded. Whilst the nursery is only single storey in height, it is to be sited on land, which is more elevated than the nearest property in Longwood View. The nursery will also be located along the whole of the rear boundary of this existing dwelling. As such, it is considered crucial that a well-landscaped flank boundary is provided. In addition, windows (at the north eastern corner of the building) which front onto the immediate private garden area of this property should be obscure glazed to minimize overlooking and loss of privacy.

17. With regard to the amenities of no. 16 Longwood Avenue (which is adjacent to one of the blocks of work/live units) it is considered that, due to the proximity of the proposal to the primary habitable room windows in No. 16, obscure glazed windows and a comprehensive landscaping scheme will be necessary. Indeed, due to the fact that no. 16 has south facing principal habitable room windows (towards the development site), the position of the end work/live unit fails to comply with spatial standard of 12m between the rear of one property and the flank of another (11m –11.5m is being proposed). However, it is considered that with strong mitigation measures, the two-storey work/live unit is on balance acceptable in this location.

18. With regard to the amenities of the locality in general, it is considered that the proposal which has long frontages to both Keighley Road and the railway line, will have a significant impact. Due to the proximity of the built development to Keighley Road, there is insufficient space to provide an extensive landscape framework for the development. The applicants for the original application were requested to set the buildings further into the site in order to increase the amount of space available for landscaping but they believed that this would have a major effect on the viability of the scheme. As such, whilst it is disappointing to have such a limited depth of area along the Keighley Road frontage it is still considered that there is scope for some appropriate native and wildlife attracting species of trees. With regard to the railway line frontage, there will be some scope to plant various native trees which can break up the proposed building mass in this particular location. Members should also note that planning permission has already been granted for the business units to be located in the position now sought and this current application is merely a renewal of an existing permission. As such there is no scope to change the location of the units along Keighley. As on the original application, conditions will be attached to any permission granted to ensure that a suitable landscaping scheme is provided for this major site.

19. Overall, as can be expected from a development of this scale, there will be significant impacts from the proposed development, however, it is considered that these impacts will not unduly compromise the amenities of the locality. Aspects such as external lighting of the buildings etc. can be controlled by conditions attached to any permission granted. As advised above, the necessity for a creative landscaping scheme can also be attached as a condition to any permission granted.

20. The creation of pedestrian and cycling linkages along the frontage of the site and within the site itself are welcomed. The provision of these links will aid the sustainable nature of this site and comply with policy UDP4 which seeks to promote economic regenerations and create the conditions to support economic growth and employment in sustainable locations.

21. The Environmental Statement discusses the ecological impacts of the proposed development in detail. The report which forms part of the original permission for this site (06/07317/FUL) is considered to have looked at all the main issues in respect of the impacts on the ecological value of the site and that they have been addressed in an appropriate and accurate manner. There will be a moderate/minor negative impact on the hydrology of Bingley North Bog SEGI from the development and this impact is considered to be acceptable. Contingency/liability measures by the developer after completion/occupation of the development (for a certain time period) will allow for remedial works to be carried out to rectify any long-term problems. The impact on protected species has been assessed in general terms in the Environmental Statement and conditions can be attached to any permission granted to ensure the relevant surveys (bat and great crested newt) are undertaken at the appropriate time. The report below explores this issue of survey work in more detail.



22. Whilst Policy NE10 of the Replacement Unitary Development Plan 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.'

23. ODPM Circular 06/2005 to accompany Planning Policy Statement 9 Biodiversity and Geological Conservation states 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all material planning considerations may not have been addressed in making the decision.' The document advises that ecological surveys should only be left to coverage by conditions in exceptional circumstances and that any necessary measures to protect the species should be in place, through conditions and/or planning obligations before permission is granted.

24. Whilst there are no trees on the site there is a farmhouse and fire damaged barn in evidence. In this instance, on this renewal application, it is considered appropriate to reflect the same conditions which were attached to the earlier permission and to condition any planning permission granted to ensure that no demolition works may be carried out until such surveys have been submitted and analysed by the Local Planning Authority and any necessary mitigation measures put into place. Indeed the same condition was attached to the extent planning permission 06/07317/FUL. The resultant survey work can then be carried out at the appropriate time (i.e. prior to the commencement of any building works on the site) and as such would reflect the most up to date situation on the site and not just the position at this particular time. In this way, it is considered that account of the three derogation tests of the Habitat Regulations 1994 namely:—

- (i) activity (i.e. development) must be for imperative reasons of overriding public interest or for public health and safety;
- (ii) there must be no satisfactory alternative, and;
- (iii) favourable conservation status of the species must be maintained

can be followed.

25. With regard to the impact of the substantial traffic generation from the site, it is considered that the ratio of parking proposed is acceptable and could even be minimized further if considered necessary. Indeed, a limiting of the numbers of vehicles that are able to park at the site will encourage more use of sustainable transport alternatives to this well-located site.

26. Planning Policy Statement 1 recognises the importance for new development to address climate change. In addition, Planning Policy Statement 22 states that the increased development of renewable energy resources is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. Policy ENV5 of the Regional Spatial Strategy carries this concept over to a more local level. In the extant application 06/07317/FUL it was considered that the development of this site was an ideal opportunity to pursue this strategy as this site is being promoted as a flagship, high tech gateway scheme for the District. Officers suggested that a condition could be attached to any permission granted.

The applicants however said that they were not prepared to exceed the requirements of Part L of the Building Regulations. The subsequent resolution by Members was not to pursue a condition on the planning permission to address the renewable energy requirements. As such, in light of Members decision and the fact that this is a renewal application only, it is not considered fair to pursue such a condition on this application.

### **27. Contamination Issues**

An appropriate desk top study was submitted with planning application 06/07371/FUL. 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 on 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 gas monitoring, site investigation report (contamination), 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'.

### **28. Flooding issues**

Large parts of the site are in land that is categorised as flood zone 2 and 3. A flood risk assessment (FRA) was submitted as part of the original application and a further addendum report was submitted on this renewal application to ensure the up to date information was available to determine this application in accordance with PPS25. The Environment Agency has no objections in principle to the development subject to conditions detailing mitigation measures and limiting 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.

29. Overall, it is considered that the benefits of the scheme, which will help to act as a catalyst to further regeneration of Airedale and to deliver the economic benefits envisaged in the Airedale Master plan, outweighs the shortcomings identified above and the impact of the development is acceptable.

### **Highway Safety**

30. The Highway Section has not raised any objections to this renewal application and seeks to ensure that the agreed plans, conditions and requirements of the S106 are the same as the previous permission (06/07317/FUL). Overall, the means of access to the site is considered to be acceptable. Whilst there are concerns about the considerable amount of congestion along this stretch of Keighley Road (which is exacerbated by picking up and dropping off at Bingley Grammar School) the proposal will not undermine highway safety. Sufficient parking has been proposed at the site and it anticipated that a substantial number of employees would arrive by public transport. Several may also choose to cycle. Works are clearly required to facilitate access to the site itself and works are also required to ensure the site is sustainable by foot by ensuring provision of and improvements to pedestrian linkages are made (provision of bus shelters, raised kerbs, provision of Metro cards for employees, direct access via the site to the railway station).

31. A Traffic Regulation Order can be undertaken to ensure that a residents parking permit scheme for Longwood Avenue and Laurel Grove and a prohibition of parking on Keighley Road (the latter of which would interfere with right hand turning into the site if not controlled) can be put in place to help control congestion in the locality. All appropriate works can be carried out under the auspices of s106 and s278 agreements that could ensure that the aims of policies UDP7, TM2, TM8, TM10, TM13, D7 and D7A of the Replacement UDP are met.

32. The Council has a long-term aspiration to provide a utility cycle route between Bingley and Keighley. A scheme, supported by Sustrans, has already been approved. The applicants have agreed to make a contribution of £10,000 towards this cycle link as per the original planning permission 06/07317/FUL. Such a contribution is considered acceptable in terms of some of the works; however, land from the application site will be needed to facilitate the cycle route and in order to ensure sufficient space is made available. The applicants have agreed to dedicate the land shown on Sustrans/Bradford Councils approved cycle link drawing. It should be noted however that it will probably be necessary to provide a retaining wall to facilitate the cycle route. It is quite clear that this could not be provided within the proposed £10,000 contribution and therefore, the applicants must provide a retaining wall as part of the scheme if it is deemed necessary.

33. Agreement was reached in the previous submission over the provision of Metro cards. The site is well served by public transport and to encourage the use of this it is considered that a Metro card scheme should again form part of any permission. Metro have requested a change to their previous contribution requirements but in essence this will not mean a greater sum of money is required as part on the S106 agreement only that the sums of monies are provided for alternative Metro requirements. Therefore, just in terms of Metro cards, the requirement which should form part of any S106 agreement is the provision of a sum of money (£29,568) towards the provision of Metro cards.

### **S.106 agreement**

34. Development of the scale proposed inevitably involves physical infrastructure works. Sustainability issues must also be addressed such as provision of metro cards and pedestrian/cycling links in order to ensure that any adverse environmental impacts are mitigated and that the enhancement of the environment is achieved by the development proposal. Therefore, in line with policy UR6 of the RUDP it is considered appropriate that the developer should enter into a suitable broad legal agreement to address the above issues.

35. Members are requested to consider the following Head of terms of any agreement:

- The funding of a Traffic Regulation Order to provide a residents permit scheme for Longwood Avenue and Laurel Grove and the prohibition of parking on Keighley Road opposite the site access (a contribution of £5000 is requested);
- Contribution of £10,000 towards the funding of a cycle way running alongside Keighley Road through the full length of the site and to the Crossflatts Station to be design and constructed in accordance with the Councils approved scheme (by Sustrans) prior to commencement of development;
- Payment of a sum to be used within the transport corridor towards enhanced access to public transport including provision of 2 x bus shelters (on Keighley Road number 20299 and 20300) including the raising of the kerb (£23,000);
- To enter into an agreement to ensure that highway infrastructure works are carried out as deemed appropriate under a section 278 agreement;
- Payment of £29,568 towards the provision of metro cards for the employment uses;

- Agreement to ensure that the business centre is developed before the work/live element, that the work/live units are used for B1 uses with an ancillary residential element only for persons involved and having an active interest in the primarily B1 use of the unit. Residential use shall be restricted to the upper floors of the work live units together with the ground floor entrance and stairwell or the work-live units only.

### **36. Community Safety Implications**

If the pedestrian link to Crossflatts station were to be omitted from any scheme, the proposal poses no community safety implications and is considered to accord with Policy D4 of the Replacement Unitary Development Plan. If a pedestrian/cycle link were to be formed, it would open the development site and the existing station car park up to more crime possibilities. Therefore, any such link should be carefully designed in terms of its width, lighting, and operation of CCTV and methods of barrier erected.

### **37. Comments on Representations**

The majority of the comments raised within the representation from the school are either addressed in the above report. The Planning Service is not able to suggest to the applicants that part of the site is used for car parking for the existing school. Vibration and noise from construction work would fall within the remit of the Environmental Health department once works started on site. A condition requiring limitation in the hours of construction and piling activities can be attached to any permission granted.

### **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 site as a technology park is considered a beneficial use of a prominent, well-located site that gives the opportunity to provide a sustainable pattern of development within the existing urban fabric of Bingley/Crossflatts. The proposals will provide for development of an identified gateway scheme that has the potential to act as a catalyst for the redevelopment of the Airedale Valley corridor into a high tech business area. There are no substantive material changes in circumstance since planning permission 06/07317/FUL was granted and as such is recommended for development of the site in the manner proposed subject to the provision of the s.106 legal agreement outlined within the text of this document 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 amended plans 1436 200 Rev H, 1436 201 Rev B, 1436 202 Rev A, 1436 205 Rev A, 1436 212 Rev A, 1436 215 Rev A and 1436 216 Rev A in addition to drawing nos. 1436-203, 1436-204, 1436-206, 1436-207, 1436-208, 1436-209, 1436-210, 1436-211, 1436-213, 1436-214 and 1436-218.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received and to ensure that the development relates acceptably to No. 16 Longwood View.

3. The masonry walling for the buildings hereby approved shall only be constructed from Art stone Premier Regency Buff Pitched artificial stone, as approved by the Council on 20 March 2008 in a letter to Stainforth Construction Ltd., unless otherwise approved in writing by the Local Planning Authority. Notwithstanding the submitted details, samples of all other 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent equivalent legislation) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the work/live units without the prior written permission of the Local Planning Authority, other than the fences indicated on the approved layout drawing 1436 200 Rev H.

Reason: To safeguard the visual amenities of the area by retention of the open plan character of the development by preventing individual garden areas being formed and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

5. Before any works towards construction of the development commence on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site to base course level, for a minimum distance of 30m from Keighley Road, in accordance with the approved plan numbered 1436 200 Rev H 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 Replacement Unitary Development Plan.

6. Before any part of the development is brought into use the proposed highway serving the site shall be laid out, hard surfaced, sealed and drained within the site to base course level in accordance with the approved plan numbered 1436 200 Rev H and to a constructional specification approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority as part of a phasing plan for the development. As and when a phase or the whole development is completed the final road surfacing and drainage relating to that phase or the whole development, whichever shall apply, shall be laid out and the street lighting installed.

Reason: To ensure that adequate and safe access is provided in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

7. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 1436 200 Rev H and to a specification to be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority as part of a phasing plan for the development. The car park so approved shall be kept available for use while ever the development is in use.

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

8. 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 construction work, including any works of demolition;
  - iii) hours of delivery of materials;
  - iv) location of site management offices and/or sales office;
  - v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
  - vi) car parking areas for construction workers, sales staff and customers;
  - vii) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
  - viii) 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;
  - ix) 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.

9. The development shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show appropriate native and wildlife attracting species, shall detail the ecological enhancements outlined in the environmental statement and shall include the following details:
- i) Position of trees to be felled, trees to be retained, proposed trees and defined limits of shrubs and grass areas.
  - ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
  - iii) Proposed topsoil depths for grass and shrub areas.
  - iv) Types of enclosure (fences, railings, walls).
  - v) Types of hard surfacing (pavings, tarmac, etc).
  - vi) Regraded contours and details of changes in level

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

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

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

11. The development shall not begin until a plan showing the positions, design and materials of boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of effective anti-trespass measures to the adjacent railway line. The treatments so approved shall then be provided in full prior to the first occupation of the buildings and shall thereafter be retained.

Reason: In the interests of amenity and safety and to accord with Policies UR3, D1 and D4 of the Replacement Unitary Development Plan.

12. Notwithstanding the Town and Country Planning (Use Classes) Order 1987, or any subsequent equivalent legislation, the premises to be constructed as a B1 units shall be used for such purposes only and for no other purpose (there shall be no rights to change B1 floor space to any use falling within class B8)).

Reason: In order that the Local Planning Authority retains control over future changes of use having regard to the highways/amenity and policy implications of a scheme for non-B1 uses on the site and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan

13. Full details outlining the proposals for the inclusion of integral bat boxes (such as bat bricks and bat lofts) and bird boxes throughout the development scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. The approved details shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To protect the ecology of value of the site, to ensure that the appropriate and necessary mitigation measures are put into place and to accord with policy NE10 of the Replacement Unitary Development Plan.

14. Surface water from the vehicle parking and/or manoeuvring area shall be drained using petrol/oil interceptors which shall be installed before the development is brought into use.

Reason: To ensure proper drainage of the site and in the interests of pollution prevention and to accord with Policy UR3 of the Replacement Unitary Development Plan.

15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood risk Assessment Addendum Ref 10224/I/01 and the following mitigation measures details within the FRA addendum:

- (A) There shall be no built development within the 'area at risk of flooding' (shaded blue) on drawing 1436-200-H (appendix B of the Flood Risk Assessment Addendum).
- (B) Finished floor levels are set no lower than 80.90m above Ordnance Datum (AOD) for 'more vulnerable' development in terms of PPS25.
- (C) Finished floor levels are set no lower than 80.60m above Ordnance Datum (AOD) for 'less vulnerable' development in terms of PPS25.

Reason: To reduce the impact of flooding on/to the proposed development and future occupants and to accord with policy NR15B of the Replacement Unitary Development Plan.

16. The development permitted by this planning permission shall only be carried out in accordance with the approved floor Risk Assessment (FRA) dated September 2006 and the following mitigation measures details within the FRA:

- Limiting the surface water run-off generated by the site to the existing run off rates so that it will not exceed the run-off from the existing site and not increases the risk of flooding off-site. This applies for up to and including the 1 in 100 year (plus climate change) rainfall event. (The FRA acknowledges that currently only 5% of the site is impermeable. For this reason it is expected that the drainage strategy for the remaining proportion of the site is calculated on the basis of achieving Greenfield run off rates.
- An evacuation plan is produced for the car parking area located below the 80.30m contour.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure that the car park can be used safely from a flood risk point of view and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.



17. Prior to the completion of the development, a Final Contaminated Land Remediation Report shall be submitted to the Local Planning Authority for approval in writing. The report shall contain details of all the remediation works and measures carried out, chemical analysis of all imported materials onto the site, gas and water monitoring results and the depth of the top and/or sub soils laid on the cultivation areas across the site.

Reason: The CLEA SGV criteria specified in the Geo environmental appraisal: report c1266 dated March 2006 are for a commercial development across the whole site although part of the site has a residential use on it. Therefore to ensure that the existing made ground in the cultivation areas does not present a problem to the human receptor further information is required in accordance with policy P4 of the Replacement Unitary Development Plan.

18. The windows proposed in the north elevation of the work/live unit adjacent to no 16 Longwood Avenue and the windows in the north elevation of the pre school room and toilet/changing facilities of the nursery hereby permitted shall be glazed in obscure glass 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.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the northern boundary of the work/live unit adjacent to no. 16 Longwood Avenue or the nursery unit 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.

20. Before the buildings hereby approved are brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall promote sustainable travel options and include measures and incentives to reduce reliance upon the private car. The Travel Plan as approved shall be implemented before any of the apartments to be constructed as part of the development are occupied.

The approved Travel Plan document shall form an integral part of the site management plan. The effectiveness will be reviewed, monitored and amended on an annual basis, in conjunction with the Council's Transport Planning Section, to achieve the aims and targets of the plan.

Reason: To promote sustainable travel options, minimise reliance upon the private car and reduce traffic congestion and demand for on street parking in the City Centre, in the interests of highway and pedestrian safety.

21. If piling is to be used as part of the construction methods for the development, no development approved by this permission shall be commenced until the method for piling foundations has been approved in writing by the Local Planning Authority prior to the commencement of development. Any piling activities shall only take place on the site between the hours of 08:30 - 16.00 hours Monday to Friday.

Reason: The site is potentially contaminated and piling could lead to the contamination of the groundwater and to protect the amenities of the surrounding residential units in accordance with policy UR3 of the Replacement Unitary Development Plan.

22. Prior to development commencing, a comprehensive noise survey shall be carried out to establish the background noise levels at the site boundaries to ensure that the proposed work/live properties are not affected by traffic or railway noise. The monitoring shall include the following times: 07.00 hours, 12.00 hours, 18.00 hours, and 23.00 hours and be carried out using BS4142: 1997 methodology. The report shall include details of the structural and noise attenuation measures to be implemented by the developer to ensure that the noise levels within the envelope of the new work/live structures does not exceed the limits of 30dB(A) and 35dB(A) for bedrooms and living rooms. The report shall be submitted for approved in writing by the Local Planning Authority prior to commencement of development on the site and contain details of the maximum noise levels that occur at the site boundary.

Reason: In the interest of noise control and to accord with policy P7 of the Replacement Unitary Development Plan.

23. Prior to the development commencing, further gas monitoring shall be carried out across the site from the existing three boreholes and additional borehole to establish the extent and levels of gas flow across the proposed development site. An additional gas monitoring report, including appropriate recommendations to deal with the existing problem, shall be submitted to the Local Planning Authority for approval in writing prior to commencement of development on the site.

Reason: High levels of methane gas and carbon dioxide were recorded in the results of the gas monitoring carried out in the Geo environmental appraisal: report c1266 dated March 2006. The extent of the gas flow area was not determined by the limited monitoring in this report and further gas monitoring is required in accordance with policy UR3 of the Replacement Unitary Development Plan.

24. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 5.0 metres either side of the centre line of the sewer which crosses the site.

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

25. 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.

26. The development shall not begin until details of a scheme for foul and surface water drainage, including full details of the proposed surface water flow balancing works and pond, any off-site works, and measures to monitor and protect the flow of water from the site to Bingley North Bog, have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented in accordance with the approved details prior to the occupation of the buildings hereby permitted on the site.

Reason: To ensure proper drainage of the site, to prevent the increased risk of flooding, to protect the hydrology of Bingley North Bog and to accord with Policies UR3, NE9, NE10, NR16 and NR17 of the Replacement Unitary Development Plan.

27. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges takes place until proper provision has been made for their disposal and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

28. Prior to the commencement of any development on the site, an up to date bat survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that protected species on the site is appropriately protected once development commences and to accord with policy NE10 of the Replacement Unitary Development Plan.

29. 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, 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.

#### **Head of Terms of a S106 legal agreement**

- The funding of a Traffic Regulation Order to provide a residents permit scheme for Longwood Avenue and Laurel Grove and the prohibition of parking on Keighley Road opposite the site access (a contribution of £5000 is requested);
- Contribution of £10,000 towards the funding of a cycle way running alongside Keighley Road through the full length of the site and to the Crossflatts Station to be design and constructed in accordance with the Councils approved scheme (by Sustrans) prior to commencement of development;
- Payment of a sum to be used within the transport corridor towards enhanced access to public transport including provision of 2 x bus shelters (on Keighley Road number 20299 and 20300) including the raising of the kerb (£23,000);
- To enter into an agreement to ensure that highway infrastructure works are carried out as deemed appropriate under a section 278 agreement;

- Payment of £29,568 towards the provision of metro cards for the employment uses; Agreement to ensure that the business centre is developed before the work/live element, that the work/live units are used for B1 uses with an ancillary residential element only for persons involved and having an active interest in the primarily B1 use of the unit. Residential use shall be restricted to the upper floors of the work live units together with the ground floor entrance and stairwell or the work-live units only.
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