

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 19 July 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.	Land At Bingley Road Menston Ilkley - 10/06229/MAO [Approve] (page 1)	Wharfedale
2.	Land North East Of 2 The Coach House Derry Hill Menston Ilkley - 10/04551/MAF [Approve] (page 60)	Wharfedale

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Portfolio:
Environment and Culture

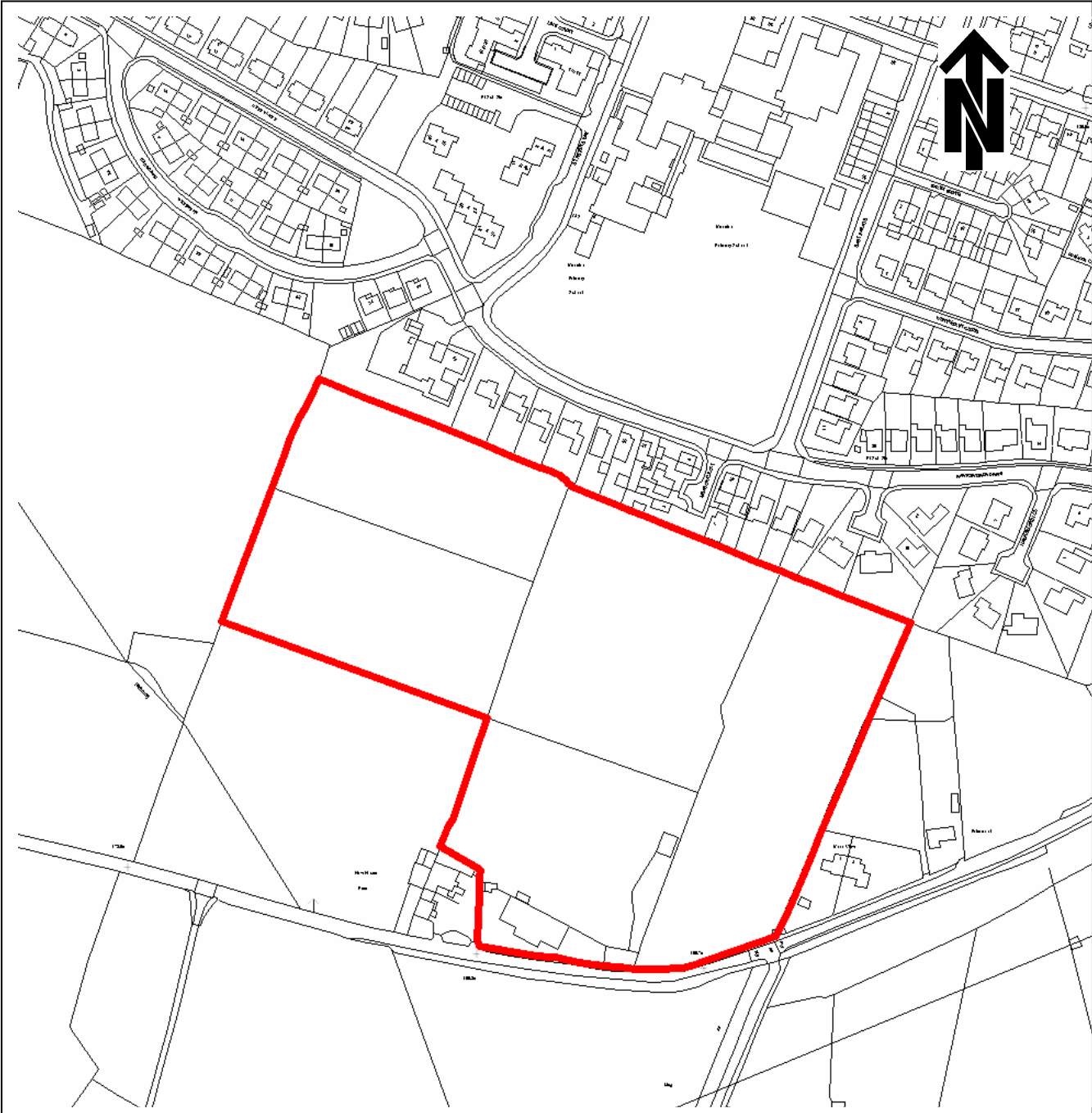
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

10/06229/MAO

19 July 2011



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<p>ITEM NO. : 1</p>	<p>LOCATION: Land At Bingley Road Menston Ilkley</p>
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19 July 2011

Item Number: 1
Ward: WHARFEDALE

Recommendation:
THAT THE APPLICATION BE APPROVED SUBJECT TO THE COMPLETION OF A SECTION 106 AGREEMENT AND THE CONDITIONS OUTLINED IN THE REPORT

Application Number:
10/06229/MAO

Type of Application/Proposal and Address:

An outline application for up to 125 dwellings with public space following the demolition of a steel framed agricultural building and agricultural shed, on land at Bingley Road, Menston. The matters applied for at outline stage are access, landscaping and layout.

Applicant:
Taylor Wimpey

Agent:
Dacres

Site Description:

The application site is located at the southern edge of Menston village, along the northern side of Bingley Road. The gross site area is 5.1 hectares and comprises agricultural land, with stone walls and hedges to its boundary.

The application site slopes down to the north east, with the western part of the site sloping down markedly.

There are residential properties, to Hawksworth Drive, along the northern boundary, a pair of semi-detached houses to the eastern boundary and New House Farm to the south western boundary.

Relevant Site History:

Pre-application submission, 09/06129/PMJ. The principle of residential development at the site was accepted.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is allocated as part of a Phase 2 housing site in the RUDP, S/H2.17. (The allocation also includes land to the eastern boundary, outside of the application site).

Proposals and Policies

Proposals for the Shipley Constituency.
S/H2.17 Bingley Road, Menston.

A greenfield site identified by the RUDP Inspector and located on the southern edge of Menston. The site has good access to local primary and secondary schools, local services in the village centre and to the rail station. Open space provision to be negotiated at the planning application stage.

Policy UR2 - promotes sustainable development.

Policy UR3 - local impact of development.

Policy UR6 - the Council will seek planning obligations where development proposals require or would not be acceptable without the provision of - physical infrastructure, the mitigation of adverse environmental impacts and/or the enhancement of the environment and social infrastructure.

Policy H4 protecting allocated housing sites.

Policy H7 housing density.

Policy H8 housing density-efficient use of land.

Policy H9 affordable housing.

Policy TM1 developments likely to be significant generators of travel, would be required to be supported by a Transport Assessment (TA). The TA should incorporate proposed traffic reduction measures and measures to promote sustainable travel.

Policy TM2 relates to the impact of traffic and its mitigation.

Policy TM10 national/local cycle network.

Policy TM10A impact on other road users.

Policy TM12 parking standards.

Policy TM19A impact on traffic management and road safety.

Policy D1 all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping.

Policy D2 development should maximise opportunities to conserve energy and water resources.

Policy D4 developers are required to integrate crime prevention measures, to provide a safe and secure environment.

Policy D5 development proposals designed so that important existing and new landscape features are incorporated in the proposal.

Policy CF2 education contributions in new residential development.

Policy OS5 provision of recreation open space and playing fields.

Policy NE3/NE3A landscape character area.

Policy NE10 development should ensure that ecological features and wildlife habitats, accommodating protected species are protected.

Menston Housing Sites Supplementary Planning Document

The purpose of the SPD is to provide a planning framework that will sensitively control and plan for the land at the two sites. It also identifies the wider impact new residential development will have on the local environment as well as how community and physical infrastructure may be managed and mitigated.

The objectives of the SPD are to –

- maintain a successful stable and sustainable community;
- preserve and enhance the character of the existing conservation area;
- advise on the most appropriate form of development in terms of layout, access and integration with Menston;
- provide a design code, a set of principles specific to Menston;
- ensure that the cumulative impact of the developments is understood and mitigated;
- secure appropriate contributions.

Planning for Crime Prevention Supplementary Planning Document

This SPD identifies five core principles in planning for crime prevention – defensible space; natural surveillance; safe permeability; property security and maintenance. These components contribute to making criminal or anti-social behaviour less likely to happen, in well-designed buildings and spaces.

Sustainable Design Guide Supplementary Planning Document

The SPD identifies four key objectives for achieving sustainable development – social progress that recognises the needs of everyone; effective protection of the environment; the prudent use of natural resources; maintaining high levels of economic growth and employment. Sustainable design is embedded within sustainable development and is concerned with ensuring the minimising of resources through environmentally friendly construction materials; built fabric is re-used as far as possible; the use of renewable energy sources; energy efficient buildings; buildings have a long lifespan and can be easily adapted.

Planning Obligations Supplementary Planning Document

This sets out the approach taken to the implementation of Policy UR6 of the RUDP in guidance for developers in terms of the Council's key areas for contributions. In order to mitigate against any adverse impact of development a number of key areas for contributions are identified. These include transportation & highways, education, recreation space, affordable housing and green space.

Landscape Character Supplementary Planning Document

The objectives of the SPD are to protect and enhance the character, appearance and features which are important to the landscape and encourage an integrated approach to development which includes consideration for landscape issues.

Parish Council:

The Parish Council has lodged a joint objection, with Menston Community Association, to the application. This is in the form of representations as “key issues within the site” and a “checklist of plans against supplementary planning and highway decision documents”. The key issues are identified as –

Site layout

Issues on boundary with Hawksworth Drive

Lack of Provision for the Elderly

Failure to integrate the Affordable Housing with the rest of the site.

Design Issues

Inconsistency between Application and Plan on house numbers

Lack of consideration for Bus Access into site

Childrens play space

Recreation space and playing field provision

Highways issues

Concern on safety of the proposed site access

A possible safer site access from Derry Hill

Lack of safe access for pedestrians down Bingley Road

Issues following the inadequate road width of Bingley Road

Respecting the Meadow Croft pedestrian access.

Failure to address local road improvements required by Shipley Panel.

Affordable housing integration Issues

Grave doubts on the appropriateness of the proposed housing mix
Increasing the discount as a necessary aid to marketing
Legal Agreement on Preference Rules for occupation of these houses
Drainage
Landscaping and views
Section 106 and 278 issues
Contextual issues
Parking
A65 and other routes to Leeds/Bradford
Buses
Employment

Publicity and Number of Representations:

The application was advertised through site notices and in the local press. There have been 513 letters of objection and 2 letters of representation.

Summary of Representations Received:

The objections to the application are based on the following grounds –

Non-compliance with policy.
Inadequate drainage.
Unsuitable vehicular access.
Traffic and pedestrian safety.
Traffic congestion.
Inadequate parking provision.
Nuisance, noise and fumes.
Loss of privacy/overshadowing.
School provision.
Rail services overcrowded.
Impact on landscape.
Inappropriate design, choice of materials.
Affect on Conservation Area.
Adverse affect on wildlife.

Consultations:

Housing Enabling comments that the site is located in Wharfedale, where the affordable housing quota is 40% with a sales discount of 50% of the open market value. The affordable housing requirement is split as:

- 60% family housing, comprising a mix of mainly 2 and 3-bed houses, with a smaller proportion of 4-bed. The floor area requirements are 70-75 sq. metres (2-bed); 80-85 sq. metres (3-bed) and 115-125 sq. metres (4-bed).
- 30% housing aimed at singles and couples, comprising a mix of 1-bed apartments (floor area 48-52 sq. metres) and 2-bed apartments (floor area 58-65 sq. metres), with a greater proportion of 2-bed. It is envisaged most of the 1-bed apartments and about half of the 2-beds would be available for rent, to meet the needs of this client group.
- 10% housing for elderly persons comprising 2-bed apartments (floor area 58-65 sq metres).

Education comments that the nearest primary school is Menston Primary, which currently has places available and therefore a contribution to primary facilities would not be required. The nearest secondary school is Ilkley Grammar which currently has no places available. With an increase in population within the local area, a secondary school contribution would be required. This is calculated at £205, 500.

The Environment Agency has no objection in principle and recommends conditions to cover flood risk and protection of groundwater.

Yorkshire Water has suggested conditions, if planning permission is granted.

Metro raises two principal issues. The first, the accessibility of the site to public transport services, the second relates to the cumulative impact of the development on the Wharfedale rail service and associated facilities.

In order to address these issues, it is Metro's view that the following mitigation measures are required: bus service enhancement; rail enhancements; MetroCards.

Metro is aware that there is currently no formally adopted policy for accessibility criteria in Bradford. However, Metro bases its assessments of development sites on both best practice guidance and through bench-marking against other Passenger Transport Executive (PTE) standards. The standards used are based on best practice guidance published by the Institute of Highways and Transportation (IHT), Planning for Public Transport in Developments.

Metro considers that developments should be located no more than 400 metres (walk route) from a bus service and or no more than 800m (walk route) from a rail station. This criteria is broadly used by all PTEs. As the site is approximately 1.2 km from Menston station and over 400m from bus services offering a reasonable frequency of service, it does not meet this criteria. Initial discussions have consequently focused on extending the 967 Otley - Menston bus service.

This would be covered by a contribution of £83,000 to be used by Metro towards the provision of bus service enhancement to serve the occupiers of the Derry Hill residential development via Main Street, St. Peters Way, Hawksworth Drive, with a service frequency of no less than thirty minutes between 0700 and 2000 hours Monday to Saturday and hourly (60 minutes) on Sundays. The service shall run for a minimum of 5 years provided -

- (a) that the bus service will operate on occupation of the first dwelling; and
- (b) that the bus service shall also serve Menston Railway Station.

(An alternative option, suggested by Bradford officers, was to provide an express bus service from Menston to Bradford. Metro has considered this suggestion and feels that it wouldn't provide a realistic solution to improve the accessibility of the site. It's estimated that to achieve a 30 minute frequency service, a minimum of 4 buses would be required. This would cost in the region of £450,000 per annum. Furthermore, significant bus priority would have to be provided on the route to allow the service to compete with the existing rail service journey times into Bradford).

Metro is of the view that the main transport impact from the development will be primarily commuter trips to both Bradford and Leeds. The Transport Assessment (TA) and Travel Plan have both used 'travel to work' patterns to assess the expected trip levels from the site based on the Menston ward area. From the analysis in the TA, the predominant mode of travel is by private car, which accounts for 75% of trips. Sustainable modes (public transport, walking and cycling) only accounts for 24%, of which 11% is by rail. In real terms this equates to 20 two way trips in the AM peak period by rail. Given the significant journey time savings that are made when using rail to access Leeds and Bradford, combined with effective travel planning, we feel that despite the sites location, this significantly underestimates the propensity to travel by rail services.

In order to encourage the use of public transport and to change travel behaviour, the applicant should enter into the Residential MetroCard scheme. The scheme provides residents with an annual MetroCard ticket, followed by the option of significant discounts in the following two years. Research on the 'take up' of the scheme has shown sites, where there is an opportunity to use rail service have had the best take up. The cost to the developer of implementing this scheme on a site of 134 dwellings would be £60,000.

The Wharfedale rail service is currently well used by commuters to access both Bradford and Leeds. This is reflected in the data taken from Northern Rail Automatic Passenger Counters (APC) installed on the trains. The APC data shows that the Ilkley – Leeds AM peak departures (0710, 0740, 0805) from Menston are approaching seated capacity. On arrival into Leeds station, these trains are significantly over capacity and in some instance over the Department for Transport franchise capacity level (135% of seated capacity). A similar pattern occurs in the PM peak with trains leaving Leeds over seated capacity. The same pattern is evident on Bradford bound trains, albeit at lower levels.

The projected rail patronage provided in the TA estimates 11% of trips to use rail in the AM peak. Whilst this projected increase in rail patronage from this development in isolation is marginal, Metro has concerns about the cumulative additional demand on the rail service and facilities, as a result of new developments close to rail stations. The 2007 Rail White paper and the Northern Route Utilisation Strategy, (RUS) a rail planning document produced by Network Rail, both predict strong rail growth into Leeds over the coming years. The Northern RUS predicts growth of 44% on all peak services into Leeds by 2019, which by 2029 is expected to grow further to 72%.

The Department for Transport has recently announced the procurement of additional carriages to tackle overcrowding across the national network between now and 2019. At this stage it is not known what carriages will be available for West Yorkshire, but it is very unlikely that sufficient carriages will be available to eliminate the current overcrowding issues on the Wharfedale Line. Metro will need to consider alternative ways of dealing with the cumulative impact of developments.

A long-term solution to provide rail enhancements is to pool contributions from a number of separate developments along the rail line. This may allow the capacity of the line and station facilities to be improved over a longer time period with multiple contributions or other more deliverable interventions to be funded in the short to medium term. This approach should be applied to this development. Metro considers that a commuted sum should be paid to Metro to be used for either rail capacity enhancements or improvements to rail facilities in Menston. Metro believes a contribution of £104,000, for the development of rail services including rolling stock procurement or other improvements to rail facilities, such as additional car park to serve Menston station should be provided.

To summarise, the following mitigation measures are recommended - bus service extension, and associated infrastructure £93,000, MetroCards £60,000 and commuted sum for rail enhancements & station improvements £146,000.

Environmental Health (Scientific & Health Services) comments that the site has not been subject to any known contaminating land use. The site investigation methodology provides sufficient information to enable site characterisation and concludes that there is no source of contamination and that topsoil from the site is suitable for reuse on the site. This is accepted. In order to ensure that any other infill material or topsoil imported to the site is suitable for use and does not bring contamination to the site, and, given the sensitive end use of the site for housing with gardens, and there may be a need to import top soil or fill material to the site.

The site lies within an area identified by the HPA where between 1-3% of properties are affected by radon. The Health Protection Agency recommends that if the estimated percentage is 3% or more, new homes or extensions, conversions or refurbishments should incorporate basic radon protection measures.

Natural England welcomes the undertaking of a landscape assessment of the proposal site and the effects that this development would have on it. Natural England is satisfied with the visual assessment of the proposal site and agrees with the conclusion that the proposal has the potential to have a positive impact on the landscape of this area.

Natural England welcomes the inclusion within the site design of areas of open space. It would wish to see areas of open space that are able to perform the dual function of providing attractive areas that local residents can enjoy while also providing habitat for the range of wildlife species found within the local area. We note that there are a number of features of the landscape plan which would perform this dual role, such as meadow areas with trees, native species hedgerows and wildflower grasslands. Natural England advises that the Bradford Local Biodiversity Action Plan should be used to inform the design of open areas such that they can help to contribute to the targets.

In order that the habitat creation proposed at this site is successful and provides a valuable contribution to supporting local biodiversity, Natural England advises that a management plan should be produced. The management plan should cover the period during which the created habitat becomes established and should also cover a period of aftercare management. Without an appropriate management plan in place there is a danger that the habitats created at the site will deteriorate over time and not deliver the landscape and ecological benefits described in the submission. We would encourage the applicants to adopt an approach which uses indicators of success to assess how well the objectives of the habitat creation scheme are met.

Ecology

The ecological survey undertaken at the site is considered to represent an accurate reflection of the conservation value of the proposal site. Natural England welcomes the re-assessment of the site, which ensures that any decision will be based on up to date ecological information.

The ecological survey reports that there is presently low potential for trees within the site to support roosting bats, but advises that if the trees remain on site after April 2011 they should be re-checked for bats. Natural England supports this recommendation.

In accordance with Planning Policy Statement 9 (PPS9) – Biological & Geological Conservation, development works should not only avoid or mitigate ecological impacts, but also seek to compensate and enhance the biodiversity on a site. Ecological survey of the proposal site has confirmed that there is little ecological value to conserve. The landscape proposals for this site indicate that a number of enhancements will be made to the proposal site which will contribute to the key objectives of PPS9 provided that the management arrangements outlined above are applied.

Further enhancement of the proposal site for wildlife could be achieved via the erection of bat and bird boxes on any suitable sized trees that will be retained at the proposal site. Furthermore 'bat friendly' features could be built directly into the new dwellings to allow them to be utilised by bats.

The creation of areas of open water within the site would benefit invertebrates and potentially amphibians.

Access and Recreation

Natural England would wish to see that the proposal site was well linked to existing footpaths in the area to facilitate access to the wider countryside by the residents of the new development. Two footpaths are present within or close to the proposal site. Although one of these is short and leads to a vehicular route the other should enable people to reach the wider footpath network that is present to the south of the proposal site.

Sustainable Development

Note that the Design and Access Statement includes a commitment to create a sustainable development. The design of the new built structures and open spaces should be informed by sustainable building techniques such as those listed below and that full consideration should be given to solar hot water heating systems and grey water collection.

- Install water meters;
- Encourage the installation of low-flush WC's, waterless urinals, low water use fittings and water efficient appliances;
- Encourage re-cycling (grey water) systems;
- Avoid plants/shrubs/trees requiring large amounts of water;
- Keep hard surfaced areas to a minimum in favour of porous surfaces thus slowing the rate of run-off to existing watercourses;
- Use energy efficiency as a major driver for the design of new buildings;
- Sustainable heating, ventilation and cooling systems should be employed;
- Maximise the use of natural light without the negative effects of solar gain;
- Ensure an airtight construction and adequately controlled ventilation;
- Provide more than adequate insulation;
- Design in alternative energy sources such as 'Biomass' boiler systems;
- Source materials locally, reducing delivery journeys and supporting the local economy. Ensure contractors do likewise by examining their supply chains;
- Use reclaimed materials where possible;
- Incorporate durable materials and products that have low impact in terms of environmental damage.

Internal Consultations

Mains Drainage

A full surface water drainage scheme, to be submitted for approval, prior to works commencing on site; a surface water drainage scheme, floor & ground levels to be designed & constructed to comply with the recommendations & conclusions of the Flood Risk Assessment submitted by Eastwood & Partners, ref NJB 30864 Rev D.

Certain areas of the site may be suitable for the use of sustainable drainage techniques. Those suitable areas of the site must be investigated for the potential use of sustainable drainage techniques. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered.

An unrecorded watercourse exists adjacent to the electricity sub station, the layout of this watercourse across the development site must be investigated and a report submitted, indicating any proposed diversions, alterations or works affecting the watercourse.

Countryside & Rights of Way (CROW)

Generally satisfied with the evaluation and recommendations made in the Ecological Assessment. There does however appear to be some confusion whether the hedgerow along Bingley Road does or doesn't come under the Hedgerow Regulations. Recommend that this is clarified before any hedgerows are removed. (Some of the road frontage hedgerow would have to be removed to accommodate the development and a Hedgerow Removal Notice may need to be submitted to the local authority).

The design for landscaping at the site access shown on Proposed Site Layout Y81:77503 and Landscape Proposals 2176/6 should reflect the rural character of the area. Where the existing hedgerow is to be removed for sight lines, new hedgerows should be planted outside the sight line area to ensure the habitat is replaced. This entrance area could be planted up as a 'natural' woodland with the planting based upon local native woodlands (no daffodils). Additional hedgerows are planned for the site and these should be mostly native type, especially the site boundaries where they will form commuting/foraging routes for wildlife.

Action required: redesign site entrance and agree planting/landscaping with Landscape Design Unit and Biodiversity Team

Sustainable drainage systems

I welcome the proposal for a landscaped detention basin at the east side of the site, but the detailed landform should include for a small permanently inundated area, planted up to become a natural pond. This would help the sustainable drainage proposals for the development and provide an attractive feature on the site as well as benefits for biodiversity. agree details for small natural pond (see also comments under Long Term Maintenance below)

Bats

Bat roost potential surveys have been carried out as part of the ecological assessment. This has highlighted two mature ash trees which have moderate bat roost potential. Detailed bat surveys (dawn and dusk) should be carried out to establish whether bats are roosting in either of these trees. Tree 2b ((Ecological Assessment p.9) is proposed to be removed to accommodate the development but if a bat roost is found, a European Protected Species may be required or the development may need to be redesigned to include this tree intact. The applicant to undertake full bat surveys (in accordance with the West Yorkshire Minimum Standards for Bat Surveys) of two ash trees as soon as possible – optimum time for surveys May – September – to establish if a bat roost is present.

Landscaping

Landscape proposals for the site are generally acceptable although the planting mixes should be adjusted to take account of the following:-

- No conifers, apart from two or three Scot's pines.
- Proposed heavy standards should include some copper beech to reflect the landscape character of Wharfedale.
- Proposed selected standard species should be revised to include less ornamental species. Current species are more appropriate for an urban estate and don't reflect the semi-rural character of the site.
- Grass mixes should be agreed – to be based on NVC mesotrophic grassland MG5 type, depending on soil samples.

Landscaping details to be agreed with the Landscape Design Unit/Biodiversity Team

Long Term Management

To ensure that the natural habitats created in association with this development are protected and enhanced in future years, a Management Plan should be drawn up which covers the early years of establishment and the medium to long term management of these features. The management of the natural areas, including the suggested pond habitat, should be distinct from the management of the more formally landscaped areas, i.e. management of wildflower meadows requires different regimes and equipment from grassland managed for open space and informal recreation and herbicides/pesticides should be avoided as a means of weed suppression in management of natural areas.

as well as a formal landscape management plan, a comprehensive Management Plan for maintenance of all natural areas should be agreed with the local planning authority as soon as is appropriate following granting of planning permission.

Trees

Overall the Trees Team supports this development because potentially the new tree planting could be of a number and very high quality (subject to tree species, sizes, management and Landscape Depts assessment) that significantly increases tree coverage in the area.

Landscape Design.

The site lies with the Wharfedale Landscape Character Area, as noted in the Housing Sites at Bingley Road and Derry Hill Menston SPD. The landscape character area is described in the Local Development Framework for Bradford, Landscape Character Supplementary Planning Document, Volume 8: Wharfedale, adopted by Bradford Council in October 2008. The Landscape Character Supplementary Planning Document (SPD) supplements policies NE3 and NE3A of the Replacement Unitary Development Plan.

The site lies within the Enclosed Pasture Landscape Character Type. For Ben Rhydding and Menston specifically, policy guidelines state:

- Keep settlement edges neat and discreet and utilise a framework of tree planting.
- The visual impact of any proposal would need to be considered in detail and may involve additional on-site and off-site planting to absorb the development into the landscape. The associated infrastructure of access roads, lighting and signage, would also need to be carefully considered.

The proposals are generally well considered in terms of landscape provision. In particular, the Bingley Road frontage, 'The Avenue', 'The Green', 'Landscaped Detention Basin' and 'Adventure Play' all provide opportunities for multi-functional, attractive green spaces which help to integrate the development into its surroundings.

In relation to the Proposed Site Layout, drawing no. Y81:775.03 Revision D, there is a key urban design consideration which needs further development. The 'adventure play' area should be enclosed and overlooked to a greater extent by residential frontages.

A light woodland treatment is appropriate to the Bingley Road southern frontage of the development and the revised proposals appear to show this type of treatment. Detailed proposals will be required to confirm this.

The off-site planting shown on this drawing is a key landscape character consideration. The delivery mechanism for this feature should be determined to ensure it forms part of the developer's legal obligation and can be successfully maintained in the long-term.

The long-term management proposals for this off site planting and other public spaces should be clearly set out to ensure their long-term integrity. These areas to be managed in perpetuity by a management company.

The suds detention basin appears to show a wet land habitat which accords with previous comments. As previously stated, this basin would ideally be multi-functional, i.e. drainage, informal play (kick about etc.) and wildlife if these can be accommodated together safely and effectively.

In relation to the Landscape Proposals, drawing no 2176/6, fully support, in particular, the amount of tree planting shown. In terms of specific comments at this stage, noted that:

- the planting to the Bingley Road frontage should reflect the light woodland discussed at the pre-application meeting.
- open minded in relation to the suggestion of coniferous tree species within the proposed structure planting.
- important that the right species selected for the right location eg. *Salix alba* 'Tristis' is likely to be suitable for the detention basin but not as a highway tree.
- assumed the tree planting around the seating area on 'The Green' is the previously mooted community orchard? This concept supported and would re-iterate the importance of effective long-term management.

Design & Conservation

Considers the proposed development to be appropriate in the context of the surrounding area and the Menston Housing SPD.

The Design Enabler

No objection to the outline application.

LDF Group

Strategic Overview

The proposal is acceptable in principle, as the development is on a site allocated within the Replacement Unitary Development Plan (RUDP) for housing development (Policy S/H2.17). The RUDP and the policies and proposals within it, were subject to extensive consultation, and the merits of the site's allocation were considered and confirmed by the independent Planning Inspector who presided over the RUDP public inquiry in 2003. The principle of the use of the site for housing is therefore established and any planning application for residential development which provides an acceptable solution in terms of design, layout, access or other details of the proposal should be approved.

Notwithstanding the status of the site, given the nature of some of the public objections to the application, this response will also cover whether there are any new strategic considerations which either support or undermine the principle of development on this site.

RUDP Policy & RSS Status

One of the key strategic roles of the RUDP, which was adopted in October 2005, was to identify enough land to meet the scale of housing need thought likely to arise for the plan period to 2014. This equated to an annual house building target of 1390 dwellings per annum.

Within the RUDP, housing site allocations to meet this requirement were divided into two phases. The land in question at Menston was identified as a 'Phase 2 site'. Phase 1 sites were released for development straight away, whereas phase 2 sites often on greenfield land, were held back for the latter part of the plan period. The trigger point for the release of Phase 2 sites, related to the point when 90% of the Phase 1 housing requirement had actually been built by developers. This was reached in 2008 and thus in August of that year, Phase 2 sites joined the remaining undeveloped Phase 1 sites as available for development.

In 2008, under Government legislative requirements, the Council were required to submit to the Secretary of State, its proposals for which policies within the RUDP should be saved beyond October 2008. The housing site allocations and most of the housing policies within the Policy Framework were as a result saved.

Since the adoption of the RUDP in 2005 there have been a number of changes to national and regional planning policy and the Council has also set out its strategic priorities with regards to regeneration and housing in the Big Plan and the District Housing Strategy. The sum total of these changes are to underline and increase the importance of delivering housing development on RUDP sites in support of the district's growing population.

The most important change in circumstance since the RUDP was produced from a strategic planning point of view is that the scale of need for new housing is now thought to be very significantly higher than that which led to the allocation of the site at Menston in 2005. This makes it difficult to sustain any reasonable objection to the principle of development of this site.

In response to these higher levels of anticipated housing need, the Regional Spatial Strategy (RSS) for Yorkshire and the Humber, issued by the Secretary of State in May 2008, set a house building target of 2700 dwellings per annum in the Bradford district for the period between 2008 and 2026 - nearly double the figure of 1390 dwellings per annum which was planned for in the RUDP.

The status of RSS's has been in flux since the new Coalition Government came to power last year. The Government's intention is to abolish the requirement to produce RSS's. However, the Secretary of State's attempt in July 2010 to immediately revoke all existing RSS's was quashed by the Courts following a successful legal challenge by Cala Homes. As a result the Yorkshire and Humber RSS and the policies contained within it remains part of the statutory development plan for Bradford District. This includes the need expressed in RSS Policy H1 for Bradford to plan for the provision of 2700 new dwellings per annum in the period 2008-2026. These and other relevant RSS policies must therefore be considered in the determination of this application.

However, a further complication is that the Government has expressed the view, in a letter to Local Planning Authorities (LPA) following the Cala Homes decision, that its intention to rapidly abolish RSSs should be a material consideration when determining planning applications. This is an issue which is itself being challenged in the Courts by Cala Homes. Cala Homes argues that the intention to abolish regional strategies should not be a material consideration. While it has lost its High Court appeal, Cala Homes has been given leave to challenge the decision at the Court of Appeal. While this legal issue is ongoing the correct and prudent approach would be to acknowledge the Government's intention as a material consideration in this application.

However, a number of factors lead to a conclusion that this intention to abolish RSS's makes no material difference to the strategic need and justification for the development of the application site.

Firstly, the Government's aim in progressing its policy to abolish regional strategies is not borne out of opposition to the delivery of new homes per se but out of a view that the RSS process represented an inappropriate top down imposition of planning policy which would be better determined by the LPA. The Government's intention is that the changes that it is intending to make via the Localism Bill, including abolishing regional strategies, will result in an increased delivery of new homes not a decrease. Indeed the Government in making its pronouncements has criticised the very low levels of new homes delivered across the country in recent years.

Secondly, the Government has made it clear that when the responsibility for determining house building targets passes from the RSS to the LPA via the Local Development Framework, such targets must be based on the same broad range of evidence as was the case in the preparation of regional strategies - namely that set out in paragraph 33 of PPS3. Principal among this evidence is the latest population and household projections issued by the Government.

At the time of the submission of the Derry Hill planning application the LDF Group reported in its consultation response that the then most up to date Government issued projections suggested that the number of households in Bradford was set to increase at an average of 3100 a year in the period to 2026 - an even higher figure than the number being planned for in the Yorkshire and Humber RSS. Government projections are renewed on a regular basis and in November 2010 new household projections were issued. Although they indicate a slightly lower rate of household increase than was the case previously, this has only brought the figure down to around 2800 per annum.

Furthermore recent research produced by the Leeds City Region for the previously planned Integrated Regional Strategy has reaffirmed that despite the current economic downturn, the medium to long-term drivers of population growth in the district, most notably its age profile and demographic make up, remain in place.

The conclusion therefore is that the latest evidence, which the Government itself advocates as one of the main factors in determining future rates of new house building, verifies and substantiates the broad conclusions of the RSS. In short, even if the RSS had been revoked in July of 2010, current evidence suggests that similar conclusions would be reached regarding the strategic planning need for a substantial increase in housing delivery in Bradford district and the implementation of RUDP allocated housing sites.

In summary the impending changes to the Planning system as set out in the Localism Bill do not alter the need for the delivery of housing on allocated sites such as that at Bingley Road, Menston. The site remains allocated for housing development within the statutory development plan. Furthermore, the new LDF will need to identify a considerable and substantial increase in the supply of land for development over and above that which remains undeveloped from the current RUDP if the needs of the district's rapidly growing population are to be met.

Both the past and present Government's policy, as set out in Paragraph 71 of PPS3, has been to put particular emphasis on Local Planning Authorities ensuring that there is a 5 year supply of deliverable housing land. Where LPAs are not able to demonstrate that there is sufficient deliverable land they are required to consider favourably applications for planning permissions for housing development to redress this shortfall, subject to compliance with other aspects of national policy.

The Planning Service is working with developers, to assess the precise outturn against this 5 year land supply requirement, but the results so far suggest that the district may only currently have around half the required 5 year supply of land, judged against the annual house building target of 2700 dwellings per annum. This supply would be further reduced if planning consent was not achieved on the site at Bingley Road, as this is one of the remaining undeveloped RUDP allocations that appear to be viable in the short-term even in the current market conditions. In addition to the impact in terms of non-delivery of the new homes needed, reducing the 5 year land supply by rejecting or delaying development at Bingley Road would increase the threat of other sites or areas of land in the district, which are not currently identified in the RUDP for housing development – potentially including open space, safeguarded land and green belt - being given permission via the appeal process. This is precisely what has happened in other parts of the country and the recent approval at appeal of the proposed development on safeguarded land at North Dean Avenue, Keighley underlines this potential threat.

The need to ensure that RUDP housing sites are implemented is further underlined by the relatively poor performance over recent years in terms of the number of new homes, particularly affordable homes, being built in the district. The number of new homes completed has in recent years failed to match either the actual increase in population and households in the district, or the policy based targets set in the RSS. Failure to deliver the right number of homes over an extended period runs the risk of exacerbating existing problems of overcrowding, putting increased pressure on the social housing stock which is already over subscribed, and undermining regeneration. Furthermore recent work carried out for the forthcoming LDF has revealed the scale of need for affordable homes. This suggests an affordable housing need equivalent to around a third of the total housing requirement, or over 700 dwellings per annum. This is well in excess of anything achieved in recent years. The development at Bingley Road therefore has the potential to make a contribution to both market and affordable housing need.

In conclusion the district faces a significant challenge in securing sufficient housing to meet its need over the coming years. Ensuring the delivery of development on existing identified housing sites will be the first step to meeting this challenge. It is essential that land is available now which can be prepared and progressed so that the needs of the district's population are met as confidence among both developers and house purchasers recovers. The site at Bingley Road will also boost the supply of new homes at a time when housing delivery has dropped to undesirably low levels. Therefore, if an acceptable scheme is achieved, the site will contribute to the Council's 5 year land supply and thus reduce the pressure and threat of unplanned releases of land in other locations which conflict with current RUDP policy such as the green belt.

Menston SPD

The application is for 125 dwellings on a 5.1 ha site. The Menston Sites SPD assessed the nature of the site in detail and concluded that the site should have an average density of 30dph (paragraph 4.22). To be acceptable in principle, the net dwelling density for the site would need to be in accordance with policy H7. Policies H7 and H8 can be set against other factors in determining the appropriate site density such as highways, landscape and design. However, there will need to be clear and unequivocal reasons for densities to be lowered; otherwise an undesirable precedent will have been set which could reduce delivery on subsequent sites.

In relation to Paragraph 4.07 of the Design and Access Statement, the SPD states that single-storey development along Hawksworth Drive should be seen as a reference for new development. Thereby units in close proximity to these existing single storey properties should be 2 rather than 2.5 storeys in height.

In relation to Paragraph 8.01 of the Design and Access Statement; the commentary fails to address the most important issue, i.e. the level of the Code for Sustainable Homes that this proposal is seeking to achieve. Paragraph 3.17 of the SPD states that an equivalent to the Ecohomes excellent standard will be required from all new homes). Paragraph 3.30 of the SPD also states that the Council expects 'all residential units to be designed to the Lifetime Homes Standard'.

The 'Landscape Strategy' within the applicant's Landscape Assessment (particularly Paragraphs 4.1, 4.3, 4.4, 5.1 and 5.2) should be taken full account of in the final scheme.

The applicant's Energy and Sustainability Statement 'considers and evaluates the measures incorporated into the design of development to reduce the predicted energy consumption of the site by 10%'. Although this is welcomed, the Council will nevertheless expect that at least a further 10% of the development's residual energy demand is secured from decentralised and renewable or low carbon sources (unless it can be demonstrated that this is no longer feasible or viable) in line with Policy ENV5 of the Yorkshire & Humber RSS.

Paragraph 3.1 of the applicant's Energy and Sustainability Statement identifies a baseline against which the energy statement is assessed. This baseline is incorrectly identified as being 2006 Part L compliant. It should be identified as at least 2010 Part L compliant (i.e. a 25% improvement in the conservation of fuel and power over Part L 2006). Given this, the application as it currently stands fails to meet 2010 Part L Building Regulations.

Transportation & Highways.

The proposal is to provide 135 dwellings on a green field RUDP phase 2 housing site. The site is currently undeveloped and is used for pastoral farmland.

A comprehensive Transport Assessment (TA) and Travel Plan (TP) have been submitted with the application.

Traffic generation

The development proposal is predicted to generate some 102 two-way vehicle movements during the AM peak hour, and 109 during the PM peak hour. This is based on 85th percentile trip rates and represents the worst case scenario.

Highway capacity analysis of local junctions has been undertaken using trip rates for all proposed developments in this area, including High Royds and Derry Hill. The results of the analysis indicate that all of the junctions analysed are predicted to operate with significant reserve capacity with the additional development traffic in both the AM and PM peak hour periods for future year scenarios. The development traffic will not have a material impact upon the operation of nearby junctions or lead to an increase in congestion or delay on the surrounding highway network.

Car and cycle parking

There is no information on the level of car parking being provided. Whilst the RUDP car parking standard is 1.5 spaces per dwelling average for the development, it would be appropriate to provide up to 2 spaces per dwelling for this development, as it is a high car ownership area. Inadequate parking provision within residential developments can lead to on-street parking problems.

There is no information on where cycles will be stored. Cycle storage should form an integral part of the design of each dwelling and if a house has no direct access to the garden or garage without going through the house, cycle storage should be provided at the entrance.

Sustainable access

Bus Usage - the 967 service operates between Menston Station and Leeds Bradford Airport via Otley. The first bus from Menston Station starts at 0522 and operates every 30 minutes until 2022 when the frequency drops to 60 minutes until 2325.

Between the hours of 0949 – 1619 the bus continues beyond Menston Station and loops around St Peter's Way, Hawksworth Drive and back to Menston Station before heading back to Leeds Bradford Airport.

The developer is providing a funding contribution to enable the service to be extended to undertake the above loop throughout the whole timetable, and thereby bring the service closer to the development site in the morning and evening peaks.

A shelter would be provided at a bus stop on Hawksworth Drive.

Rail Usage/Capacity - the TA modal split predicts that an extra 11 people from the Bingley Road development would use the rail service. Whilst this appears to be an underestimate of rail usage potential, the incremental growth impact would still be marginal, even if this number of passengers from the development site doubled.

The seating capacity of a train 'set' is 360 and the franchise capacity 467 (i.e. 135% national standard definition). Northern Rail carried out capacity surveys on the Wharfedale Line, for the first three quarters of 2010, using automatic counters on the carriage entrances. The results expressed as averages showed that in the January – March period, two trains leaving Ilkley at 7.40 and 8.05 were at or near capacity when leaving Guiseley station (479 and 410 passengers). This position was not repeated in other quarters. This indicates that there is sufficient capacity in the rail system to accommodate demand from the Derry Hill site.

Notwithstanding the above, the developer is making a financial contribution to rail capacity enhancement and to a package of improvements at Menston station including: new shelter; platform help point; ticket machine; and real time Information displays (within the car park);

Walking & Cycling – the TA demonstrates that the site is currently well located to encourage trips by means other than the private car, to take advantage of the local facilities and services within recommended walking distances. A direct walking and cycling route is proposed to link the site with the village via Meadow Croft.

The developer is also making a funding contribution for measures between the site and Menston Station to control traffic speeds and improve safety of pedestrians, including the extension of the 20mph zone to cover the whole of Main St and a pedestrian crossing facility close to the centre of the village.

A footway is being provided along Bingley Road. Currently there isn't one between Cleasby Road and the application site.

A comprehensive Travel Plan (TP) accompanies the Transport Assessment. The TP sets out targets for site traffic generation and provides a monitoring and enforcement regime. The measures and actions detailed within the TP aim to encourage reduced car use and promote alternative travel modes.

Site layout

A single vehicular access to the site is proposed from Bingley Road. The site is, however, linked to the village by walking and cycling to the north via Meadow Croft.

The design of the internal layout is designed to encourage low traffic speeds and give priority to pedestrians and cyclists.

The internal road network and turning facilities are adequate to cater for emergency and service vehicles.

Access junction sight lines of 2.4m x 43m are acceptable and in accordance with DfT guidance, in Manual for Streets

Off- site highway works

Shipley Area Committee considered a package of measures to mitigate traffic impact of the Derry Hill and Bingley Road residential developments in January 2010. This package of measures had been drawn up by Council officers in conjunction with local groups, and was based on the guidelines outlined in the Menston SPD, see table below. It was acknowledged that the measures as presented were broad concepts, not definitive solutions, which would need to be developed further through detailed design processes.

All the measures have now been assessed jointly by the Council and the developer as part of this application. The measures related to Bingley Road site are discussed below:

1. Creation of a new priority junction access 30 metres to the north of Derry Lane with mandatory right turn onto Derry Hill (south bound) for all development traffic

The purpose of this is to prevent development traffic accessing Main Street via the sub-standard section of Derry Hill north of the site access, thereby reducing development impact on Main Street.

The developer whilst prepared to provide an appropriate junction layout to prevent both left turning traffic out of the development and right turning traffic into development, considers that this is not necessary, if Derry Lane remains open (see below).

The Transport Assessment shows that with Derry Lane open, there is very little demand for development traffic to use the sub-standard section of Derry Hill north of the site access. Notwithstanding this, traffic management measures such as making Derry Hill one way, as suggested in the Menston SPD, could be implemented but this is likely to increase traffic using either Derry Lane or Main Street.

2. Point closure of Derry Lane at the junction with Derry Hill

This proposal was put forward by Menston Working Party, to discourage use of Derry Lane and Hawksworth Drive, as this road has a large proportion of elderly residents and is a route used by pupils attending Menston Primary School. The developer, however, does not agree to closure of Derry Lane / Derry Hill junction. The Panel needs to bear in mind that this closure is not essential to the functioning of the Derry Hill site, and that it cannot be justified on technical grounds. It is considered that the Derry Lane – Hawksworth Drive route is of a sufficient standard to carry additional traffic from the development. The Transport Assessment confirms that there is no capacity problem at any of the junctions along this route.

Examination of accident records shows that there were no injury accidents along this route. Indeed the records show only two personal injury accidents over the last 5 years in Menston, both on Main Street. These are the only accidents recorded by the police and accidents that involve solely vehicle damage are not recorded. This low number of recorded injury accidents reflects the generally low vehicle speeds in Menston.

Notwithstanding the above, the developer is proposing to fund traffic calming measures and 20 mph speed limit along Derry Lane / Hawksworth Drive, to mitigate any adverse impact of development traffic.

It would also be prudent to point out that the steep gradient up Derry Hill would discourage any traffic using that route during adverse weather conditions. If Derry Lane is closed, most development traffic would end up using Main Street during such conditions.

3. Implementation of improvements to Derry Hill (south of Derry Lane) to encourage use by development traffic including the existing of the eastern and western footways, improvements to street lighting and resurfacing of the carriageway.

Any highway improvements along this route would be limited due to land ownership issues. The most that could be achieved is localised widening to remove pinch points, resurfacing and low level lighting. The developer is prepared to carry out improvements to Derry Hill south on this basis.

There is no pedestrian desire line along this route to justify footway provision. The developer is providing a pedestrian link through the site connecting Moor Lane to Bingley Road.

4. Undertaking a detailed review of parking on Derry Hill to identify opportunities for improving traffic flow by possible modification of existing Traffic Regulation Orders, the costs of this to be secured via a £10,000 contribution specified in any subsequent Section 106 agreement.

The Transport Assessment shows that with Derry Lane open there is very little demand for development traffic to use the sub standard section of Derry Hill north of the site access. The existing layout also acts as a deterrent to through traffic and any improvement, such as one way operation, is likely to increase traffic on Main Street or Derry Lane.

5. Improvements to the junction of Bingley Road with Derry Hill incorporating widening of Bingley Road and creation of a ghost island arrangement, increasing the radius and sight line from Derry Hill, improvements to the street lighting provision and a reduction in the speed limit to 30 mph on approach to junction.

The junction of Bingley Road with Derry Hill will be improved to provide an appropriate sight line to the left when emerging from Derry Hill.

Speed limit will be reduced to 30 mph on Derry Hill in conjunction with traffic calming and gateway features starting just beyond the junction. It is considered that traffic calming Derry Hill is not necessary due to the alignment and width of the road, which makes it difficult to travel at high speeds.

6. Creation of an off-street parking facility for residents of 1-10 Mount Pleasant who have no alternative off street provision, realignment of existing road alignment opposite 1 to 5 Mount Pleasant to improve sight lines.

Parking for Mount Pleasant residents is being provided within the site. A TRO will also need to be implemented to ensure the residents do not continue to park on-street.

It is recommended that the road is not realigned as the bend is an effective measure for slowing traffic, and that waiting restrictions at this location are implemented to improve highway safety.

7. Improvements to the existing mini-roundabout junction comprising realignment of radius adjacent to recreation field at the junction of Bingley Road and Main Street.

The junction has recently been implemented by Leeds Council with funding from High Royds, but it is ineffective in slowing traffic, in particular the straight ahead move from Bingley Road east. A low cost solution has been designed which slows vehicles on all approaches to the roundabout. (Drawing No 09-213-09-270-TR001).

8. Improvements to Bingley Road from its junction with Derry Hill to the proposed Western Access to the Bingley Road development site including extensions of footways, improved street lighting provision, resurfacing / reconstruction of Bingley Road and extension of the existing 30 mph speed limit

The speed limit on Bingley Road would be reduced to 30mph, to just beyond the Derry Hill junction in conjunction with traffic calming and gateway features. Traffic calming in the form of speed ramps will be provided from Derry Hill to the roundabout junction at Main Street. (Drawing No 09-213-09-270-TR-002).

There is no pedestrian desire line on this section of Bingley Road to justify footway improvements, but low level lighting would be provided.

In view of the low volume of development traffic that would be using this section of Bingley Road, particularly if Derry lane remains open, reconstruction of Bingley Road cannot be justified. The developer would provide some carriageway resurfacing where appropriate.

9. A financial contribution of £30,000 secured via a Section 106 condition to fund a review of parking around Menston station and to examine the need/desirability of introducing traffic management measures around the junction of A65 Bradford Road / Leathley Road / Station Road junctions.

A parking review funded by High Royds has already been undertaken and implemented.

Section 106 requirements

Public Transport Contributions

Metrocards	£60,000
Bus shelter on Hawksworth Drive	£10,000
Bus service enhancement	£83,000
Menston station improvements	£42,000
Rail capacity enhancement	£104,000
Total Public Transport monies	£299,000

Traffic Management Contributions

Walking and cycling measures between the application site & Menston Station, traffic calming and 20 mph zone	£42,000
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Conclusion

Adequate and safe access can be achieved to the site, and the modest level of traffic likely to be generated by the development can be safely accommodated within the surrounding highway network.

Minerals & Waste no comment.

Summary of Main Issues:

- Principle of development
- Layout
- Affect on residential amenity
- Transportation & highway implications
- Ecological impact
- Planning obligations

Appraisal:

Principle of Development

Following the RUDP Inspectors recommendation, the application site was allocated as a Phase 2 housing site in the RUDP, 2005. The principle of residential development at the application site is therefore accepted and the application complies with relevant policy.

As outlined in the LDF response above, there are compelling reasons to support the allocation of the application site for housing, under Policy H4.

In regard of the objectors arguments on the government's proposals re the abolition of the Regional Spatial Strategy in the proposed Localism Bill; it is considered that only limited weight can be given to this consideration as things currently stand pending enactment of relevant legislation. Therefore pending abolition Regional Strategies remain part of the statutory development plan and relevant policies can therefore be given significant weight. The proposal accords with Policies H7 & H8 of the RUDP.

Layout

The design principles of the Menston SPD include:

Layout and form.

Movement.

Scale and Density.

Landscape.

Materials & Appearance.

The topography of the application site clearly impacts upon the layout of the development, with the sloping nature determining the potential road layout. The highway is designed as a primary route through the site with secondary connecting routes. This is considered to meet guidance in the both the SPD and Manual for Streets.

The SPD concluded that the site should have a density of 30 dwellings per hectare. The application site has a net developable area of 4.09 ha. This figure is calculated by removing the four principal green spaces from the application site area. At 125 dwellings, the net density is 30.5 dwellings per hectare.

In terms of landscape, the applicant has looked to retain existing landscape features including hedgerows and boundary walls.

The application is in outline and doesn't include details of materials or appearance of buildings. These would be submitted as part of a reserved matters application.

The design principles applied by the applicant, seek to create a layout that uses the topography of the site to create an interesting form. The proposed layout is designed as 'character areas' – the Gateway frontage; the Avenue and Central Green. At the entrance to the application site, the proposed buildings would be set back from Bingley Road to reflect the open nature and building line of the area. The Avenue forms the principal route into the application site and is aligned along the contours of the site. Alongside this road there would be tree-lined verges to enhance the character of the route through the site. The Avenue would lead to the Green, where the intention is to create an amenity space to be at the "heart" of the development. There would be a pedestrian link to connecting The Green to Meadow Croft and into Menston.

The design and layout of the outline proposal are believed to be well considered and appropriate in the context of the SPD.

Sustainability

In terms of energy efficiency and sustainability, the applicant would undertake a number of measures to influence the environmental management of the properties through, energy efficient white goods; energy efficient light fittings, external lighting accompanied with daylight and motion sensors; efficient space and hot water heating systems accompanied by thermostatic controls, zoned heating and recycling facilities. Glazing to the housing would provide natural lighting to reduce artificial lighting, with principal glazed elevations within 30 degrees of due south, further reducing energy consumption. The architectural design would enable the dwellings to be naturally ventilated.

Energy consumption would be reduced by a minimum of 10% through enhanced thermal performance of the buildings fabric, reducing energy consumption and carbon emissions of the dwellings and development as a whole. The above being achieved through full cavity wall construction; concrete slab/suspended floor construction; double glazed low energy windows and doors; controlled air tightness; enhanced thermal bridging details.

The proposed strategy would potentially achieve a greater than 10% reduction in energy demand over current standards having being designed and constructed to the highest standard of sustainable development.

Affect on Residential Amenity

The distance between existing properties and proposed properties would not result in loss of privacy or overshadowing. Distances follow the practice guidelines used when considering the relationship between existing and new development e.g. from main window to main window, a distance of 21m and from main to a secondary window, 14m. The distances and position of proposed buildings would also ensure that there would be no adverse affect through overshadowing of existing properties. The proposed layout provides for an appropriate distance between properties without adversely affecting the residential amenity of either existing or prospective residents.

In the event of the development going ahead, the construction works and associated activities could result in disturbance and inconvenience to nearby residents. However, measures could be put in place to ensure that any impact on local residents was minimised through for example, controls on hours of working, use of plant etc.

Consequently, it is not envisaged that the development would result any undue disturbance, adversely affecting the residential amenity of nearby residents.

Flooding Risk

The surface water scheme has been designed to ensure that surface water from the proposed development would not enter the watercourse at a rate greater than the existing green field run-off rate, up to and including a rainfall event which would occur, on average, once every 100 hundred years.

There would be no increase in flow, to the land drainage network in the area, due to the provision of on-site flow balancing facilities together with flow control.

The drainage problems affecting the existing properties to the north of the site are acknowledged. The problems witnessed were a result of surface water flow. If the development is carried out there would be a significant reduction in the overland flow leaving the site, with the likely consequence that flooding would be reduced, rather than exacerbated.

The Council uses information through a surveying technique known as LIDAR, which when used in conjunction with other software, indicates surface water flow paths. The flow paths for this site show that water from this site has, in the past, ultimately finished up following the line of the culverted watercourse. No event up to and including one with a 1% (on average, once every 100 years) likelihood of occurring, the current national design standard, would increase the flow to the watercourse and consequently would neither create, nor exacerbate any instance of flooding.

Transportation & Highways

The applicant has submitted a Transport Assessment which includes a Travel Plan. On consideration of the affect of traffic generated by the proposed development, together with the measures included within the Travel Plan, it is not believed that there would be any adverse impact on the local highway network TM1.

The proposed off-site highway improvements have been the subject of scrutiny following the recommendations of the Menston Working Group to the Shipley Area Committee in January 2010. There are a number of measures that would be funded by the applicant, in the event of planning permission being granted, to address concerns on vehicular access; traffic and pedestrian safety and traffic congestion. These include –

The Bingley Road junction with Cleasby Road.
Introduction of speed reduction table at the junction.

Bingley Road junction with Main Street. Mini-roundabout improved, with realignment of radius adjacent to the recreation field.

Improvements to Bingley Road to encourage use by development traffic, diverted ng Derry Hill.

Bingley Road from the development site to Cleasby Road junction.
Improvements to Bingley Road to encourage use by development traffic to A65.

A65 Bradford Road/Leathley Road/Station Road
Provision of S106 monies to allow Main Street to be traffic-calmed (20 mph Zone extended) and the introduction of a pedestrian crossing facility.

All bar the latter would be dealt with via a Section 278 agreement, jointly funded between the Bingley Road and Derry Hill applicants.

Additionally, traffic management including walking and cycling measures between the application site and Menston Station would be funded by the applicant, £42,000.

The developer has agreed to make a financial contribution to rail capacity enhancement and to a package of improvements at Menston station including - new shelter; platform help point; ticket machine; and real time information displays within the car park.

The measures incorporated within the Transport Assessment, along with the package of off-site measures and the public transport enhancements are considered to address the concerns raised on pedestrian safety, road congestion, parking and public transport services.

Ecological Impact

The proposed development, submitted in outline, is supported. There are a number of issues that would be dealt with through condition - submission of further details including landscape scheme including long term management; habitat protection and creation.

Planning Obligations

In the event of the planning application being approved, there would be a requirement, for contributions for affordable housing, education facilities, recreation open space, highway improvements and public transport infrastructure improvements/enhancements.

As part of the process, in view of the 'cross-over' between off-site highway requirements and public transport enhancements, between this site and the Derry Hill application site, the question has been raised as to what would happen to the provision of infrastructure improvements/financial contributions if only one of the two allocated sites gained planning permission and development was progressed on only one site. Another scenario could be that approval is given to both sites but the commencement of development of one site becomes divorced from the other.

As such, the two applicants have expressed their commitment to bring these sites forward and would commence development "as soon as possible". However in order to have a robust response to the issue raised, the applicants have agreed to deal with the above scenarios through a 'Collaboration Agreement'. This approach would ensure that where Section 106 requirements are to be met jointly by the applicants, a mechanism would be in place to provide the surety that those obligations are met and appropriate monies paid by the developers.

Affordable Housing

The applicant has been in dialogue with Housing, in regard of providing on-site affordable housing. Agreement has been reached on the provision of affordable housing and accordingly the requirement of Policy H9, 40% of the dwellings to be provided as affordable, at a 50% discount of the open market value would be met by the applicant.

Education

Whilst there is a secondary school at Menston, St Marys, this is not in the Bradford District and is a faith school. Leeds City Council has advised Education that there are unlikely to be any school places made available in the Leeds District, for school children from the Bradford District. (A number of secondary school places have previously been made available at schools in Leeds).

Education has confirmed that there are unlikely to be any additional places at Ilkley Grammar School following BSF funding being removed by the Government. There will however, still be a need for additional school places, through the expansion of other schools in the District.

Consequently, it is anticipated that with expansion of secondary provision funding is sought to contribute towards those costs. Education has requested a contribution of £205,500 towards secondary education. The applicant has agreed to this contribution.

Recreation Open Space

Sport & Leisure Services, requests contributions for -
improvements to existing play areas in Menston Recreation Ground.
a half pipe for skaters at Burley in Wharfedale.
drainage of pitches in Burley in Wharfedale.

The applicant has agreed to a contribution of £125,000 to fund the above.

Highways

Following the Menston Working party recommendations at the Shipley Area Committee, January 2010, the applicant has agreed to make a number of off-site highway improvements, outlined in the Transportation & Highways section above. A contribution of £42,000 is to be provided by the applicant for traffic management and walking and cycling measures between the application site and Menston Station. These include a pedestrian crossing and the extension of the 20 mph zone from Main Street to Bingley Road.

Public Transport Infrastructure Enhancements

In terms of public transport infrastructure enhancements/improvements, in discussion with Metro, the applicant would fund the following –

annual travel cards, in accordance with the Metro scheme, £60,000;
bus shelter at £10,000;
a contribution of £83,000 to be used by Metro towards the provision of an enhanced bus service, 967, to extend the route to include St. Peters Way & Hawksworth Drive, with a service frequency of no less than thirty minutes between 0700 and 2000 hours Monday to Saturday and hourly (60 minutes) on Sundays.

A contribution of £42,000 towards the provision of –

new Rail Station shelter;
platform Help Point;
station Ticket Machine;
Real Time Information displays (within the car park);
improvements to walking and cycling routes to the station;

The developer would also pay the sum of £104,000 to Metro for schemes including:-

additional train services on the Airedale-Wharfedale line;
Menston station car park extension;
new off-site car parking to serve Menston station.

Options

The Panel can either defer and delegate approval to the Assistant Director, Planning, Transportation & Highways, subject to a Section 106, as recommended, or refuse the application. If the application is refused, reasons for refusal would have to be given.

Community Safety Implications:

The application has been considered against the relevant RUDP policies on crime prevention and there are not considered to be any adverse implications for community safety.

Human Rights Act

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

Trade Union

No implications.

Not for publication documents

None.

Reason for Granting Planning Permission:

The proposed development would accord with the RUDP - meeting planning obligations, for the provision of physical infrastructure and the enhancement of social infrastructure, H9 affordable housing, Policy TM2 measures to promote sustainable travel, Policy CF2 education contributions, Policy OS5 provision of recreation open space and playing fields; ensuring the development of an allocated housing site, Policy H4; making a positive contribution to the environment through high quality design, layout and landscaping and providing a safe and secure environment, Policies D1 and D4.

Section 106 Agreement

Heads of Terms to cover:

Recreation contribution

£125,000 for playing field and recreation open space improvements within the Wharfedale ward including

half pipe with associated works - £20,000.

Installation of new drainage on two existing pitches - £70,000 in total

Improvement works to existing pitch - £10,000

Contribution to further Improvements to existing play areas in Menston Park £25,000.

Education contribution

Education has requested a contribution of £205,000 towards secondary provision. for the purpose of upgrading the existing educational infrastructure within the Wharfedale ward or adjoining wards.

Affordable Housing contribution

Affordable Housing 40% of the total no. of units at a sales discount of 50% open market value.

Public Transport Contributions

Metrocards	£60,000
Bus shelter on Hawksworth Drive	£10,000
Bus service enhancement	£83,000
Menston station improvements	£42,000
Rail capacity enhancement	£104,000
Walking and cycling measures between the application site and Menston Station, traffic calming and 20 mph zone	£42,000

Conditions of Approval:

1. Before any development is begun plans showing the:

- i) appearance, and;
- ii) 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.

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. Prior to the first occupation of the building(s) hereby permitted, details of the finishes and colour of all surface materials, including those to access driveways, forecourts, parking/turning areas etc., shall have been submitted to and approved in writing by the Local Planning Authority and so carried out in accordance with those approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

4. Notwithstanding any details shown on the permitted plans, the development shall not begin until arrangements have been made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 1995 (As amended) (or any subsequent equivalent legislation) no garages or carports shall be erected on the site without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and to accord with Policy D1 of the Replacement Unitary Development Plan.

6. The garage hereby granted planning permission shall be used only for the purpose incidental to the domestic enjoyment of the occupants of the dwelling house, and shall not be used for business purposes.

Reason: To safeguard the amenities of people living nearby and to accord with Policy UR3 of the Replacement Unitary Development Plan.

7. 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 on a tree protection plan to BS 5837 (2005) approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees 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, NE5 and NE6 of the Replacement Unitary Development Plan.

8. 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.

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 commencement of the development.

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

10. The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

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

11. Before any development commences on site details of temporary warning and direction signing arrangements for the construction site entrance and contractor's means of access showing size, type, colour and location of such signs shall be submitted to and approved in writing by the Local Planning Authority. The approved signs shall be installed and maintained for the duration of works and on completion of the development the temporary signs shall be removed.

Reason: To ensure vehicles entering or leaving the site can do so safely, and that main road traffic and pedestrians are aware of such movements and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

12. The Travel Plan shall be implemented in accordance with the travel plan administration and promotion details and travel plan measures set down in the travel plan framework document submitted by Bryan G Hall. The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

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

13. Prior to commencement of development, a scheme showing full details of the contractor's means of access, vehicle parking facilities, loading/unloading areas for materials, location of the site compound, together with internal turning facilities, temporary warning and direction signs on the adjacent highway, levels, gradients, construction, surface treatment and means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented and be available for use before the commencement of any construction works on the site. Any temporary works, signs and facilities shall be removed and the access reinstated on completion of the development.

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

14. 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.

15. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

16. 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 and to a constructional specification approved in writing by the Local Planning Authority. 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.

17. 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 in accordance with the approved plan numbered 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.

18. 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.

19. 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 of the Replacement Unitary Development Plan.

20. 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) 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.

21. The existing wall along the site boundaries shall be retained and shall only be altered and/or lowered where necessary to provide access and sight lines in accordance with the approved plans. In these circumstances, the wall shall be made good using materials to be agreed in writing with the Local Planning Authority, and constructed prior to the first occupation of the development hereby permitted and shall be so retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy D5 of the Replacement Unitary Development Plan.

22. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to the Local Planning Authority for concurrent approval in writing with the landscaping scheme. The landscape management plan shall be carried out as approved.

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

Appendices

Appendix 1

Joint objection from Menston Parish Council/Menston Community Association

1.0 INTRODUCTION

- 1.1 This report provides a summary response to the various matters raised in the formal consultation responses submitted to Bradford Metropolitan District Council regarding the proposed residential development at Derry Hill, Menston. These consultation responses from the Menston Parish Council, Community Association and the Menston Action Group were made in early December 2010.
- 1.2 Since the full application scheme was validated in September 2010 there has been further extensive consultation with the Council and other public consultees. As a result of comments from third party objectors and other consultees a number of changes have been made to the proposals. These changes do not alter the principles of the scheme (the original submission was for 174 dwellings and this has been reduced to 173 dwellings as a result of design changes) or the framework design. However as a result of negotiations with Bradford MDC planning officers and taking into account the comments from the Menston community a number of detailed design changes have been made. Negotiations with Council officers and public reaction have also contributed to the finalisation of detailed proposals regarding the off-site highway network, public transport, drainage, public open space, footpath connections and landscaping.
- 1.3 This report is broken down into the various subject matters that arise within the Menston community consultation responses and provides a synopsis of the up to date position as at June 6th 2011 and the applicant's response on the issues raised.

2.0 DRAINAGE

- 2.1 The detailed drainage comments within the MAG response have been individually assessed by the applicant's drainage consultant (Eastwood and Partners) and the following comments provide a detailed response to the concerns raised. The text highlighted in bold italics is the MAG response and the response to MAG's text is in normal text.

Page 4 of the MAG Response

- 2.2 ***"8) Flooding and Drainage***
The Developer appears to be unaware (by failing to consult with local residents) that properties adjacent to the proposed Derry Hill development are already subject to regular flooding."

Eastwood and Partners have not consulted directly with the residents, but consultations have taken place with the Bradford MBC drainage department. The history of flooding of properties adjacent to the Derry Hill properties has been noted, as recorded in the FRA. The principle that development of the site with a positive drainage system incorporating flow attenuation and storage will provide a positive benefit, substantially improving the existing situation, has been accepted and endorsed by the Council's engineers.

- 2.3 ***“There is also concern regarding the safety of an electrical substation; this has a culvert running under it and another culvert beside it and the base of the substation floods regularly. The proposals inadequately address the impact on the existing drainage system.”***

The situation here is that the watercourse runs through private gardens where maintenance is the responsibility of the riparian land owner(s). The channel at this location is reduced in both size and gradient and is also culverted in part, straddled by a garden shed. This reduction in capacity is clearly, in part at least, a fundamental cause of any localised flooding. It is to be stressed that it is not the responsibility of the developer to address/improve the existing unsatisfactory situation at this or any other location, only to ensure that flood risk is not made worse as a consequence of the development. It is anticipated however that the situation will be improved as a consequence of the development as an element of the existing flow will be intercepted and diverted around the garden area in question and run-off from the field will therefore be transferred downstream, attenuated by the new independent drainage system.

- 2.4 ***“Furthermore, the culvert forming the main surface water drainage system suffers from a number of blockages of up to 50% cross section. The Developer’s report fails to propose any repair work or upgrading of the culvert, presumably because this would be extremely costly. By developing the site, the surface water run-off is inevitable higher than present. More extensive and more severe flooding of existing properties would be a direct result of the development.”***

Presumably these words refer not only to the section through gardens, to be bypassed by the proposed drainage system, but also to the culverted watercourse downstream where it is proposed to connect the new outfall. The hydraulic capacity of the culvert has been assessed and one or two issues relating to restrictions from pipes have been identified and referred to the Council. Again, it is to be appreciated that it is not the responsibility of the developer to deal with existing defects in the system, only to ensure that the situation is not made any worse. In fact it is not within the developer's control to deal with alterations or improvements to the watercourse, responsibility for which, as already stated, falls to individual riparian owners.

It is to be accepted that the culvert does not have sufficient capacity for extreme storm events, only for something like a 1 in 10 year event, perhaps less when poor maintenance and blockages are taken into account. By restricting the rate of flow from the site to the 1 in 1 year greenfield rate however, the flow in the culvert at return periods greater than 1 in 1 year will in fact be reduced, not made worse. These fundamental principles do not appear to have been appreciated or understood by the authors of the MAG report.

The site only represents a relatively small proportion of the catchment area currently draining to the watercourse and culvert system downstream, most of which will remain as before, but the peak run-off from the site element during extreme storm events will in fact be much reduced compared with the existing situation. The total volume, which is related to the amount of rainfall falling on the ground, will remain much the same, but will be released more gradually than at present. This will be achieved by flows being intercepted across the land, retention within gardens and open space areas, and attenuation within the proposed on-site storage systems, resulting in an improvement on the existing situation. The MAG statement that "more extensive and

more severe flooding of existing properties would be a direct result of the development" is therefore based on a misunderstanding of the development proposals as set out in the FRA.

Pages 8-10 of the MAG response

Further Evidence:

- 2.5 ***“There has been no consultation with local residents regarding the existing flood situation or history. Therefore, the starting point for the flood risk assessment has been inadequately understood by Eastwood & Partners Engineers. [see above comments] Furthermore, the Engineer’s estimations of surface water run-off rates are “optimistic” and therefore an underestimate of reality.”***
The rate of run-off will be controlled and, by definition therefore, are neither overestimated nor optimistic. The estimated volumes are based on established methods.
- 2.6 ***“Yorkshire Water has stated that the local public sewer network does not have capacity to accept any discharge of surface water from the proposed site. The only available 400mm surface water sewer”*** [This pipe is not a "sewer", it is a "culverted watercourse". It is not the responsibility of Yorkshire Water but is the responsibility of individual riparian owners as covered by land drainage legislation.] ***“(culvert) is in Dicks Garth Road and takes all the flow from the stream which runs down the proposed site from the south (upland) boundary via a water outfall in the garden of 19 Moorland Avenue, which regularly floods.”*** [Noted and agreed, as discussed above.] ***“In addition, the culvert takes surface water from adjacent housing paved areas and roads.”*** [Noted and agreed, but this does not affect the assessment.]
- 2.7 ***“The calculations of the culvert’s flow capacity, by Eastwood & Partners Engineers, started from an initial assumption that the culvert is a series of pipes with increasing diameters from 400mm to 600mm. However, this is a flawed assumption - a severely blocked culvert carries a lot less flow than the calculation implies, leading to flooding upstream.”***
This is not in itself a flawed assumption. The pipe sizes are a matter of record. Yes, the capacity is reduced by blockages, but this is an existing problem that is not made worse by the proposed development. Maintenance responsibility, including the clearing of blockages rests with the riparian owners.
- 2.8 ***“The Lanes and Drains survey report on the condition of the culvert (surface water sewer) down Dick’s Garth Rd and Main Street found a large number of problems in the condition of the culvert including 40% blockage by a sewer pipe”*** [This is incorrectly referred to by Lanes for Drains as a "sewer" and should in fact be noted as a private drainage pipe. The defect of this pipe conflicting with the sewer should ideally be rectified as it does affect the capacity locally, although it is not the same as would be the case with a 40% blockage with silt/debris at invert level. The matter has been referred to Bradford MDC and the householder(s) responsible for this pipe should rectify. As already stated however, this is an existing issue, which, if rectified, would assist in relieving any existing flooding during storm events. It is not something that is made worse by the development proposals and falls within the responsibility of others.], ***“50% rubble blockage”*** [These areas are well downstream

of the site (in Main Road) and appear to be localised. The watercourse needs to be cleared and maintained under land drainage legislation. It is not something of itself that prevents satisfactory drainage of the development site.] **“and many cracks”** [Generally, the sewer is in a fair structural condition and the capacity is not significantly affected by the cracks that have been recorded. These defects are in any case quite localised and affect a fairly low proportion of the length. Again, there is a question relating to maintenance responsibility, which rests with others. The development proposals will not adversely affect the existing performance of the culvert.] **“Since the survey could not be completed to the final stream discharge point, there is no logic in assuming that there are no problems downstream of the point beyond which the survey team was unable to progress, presumably due to more culvert blockage!”** [Again, the issues here relate to maintenance responsibility for the culvert and systems further downstream, not to the development proposals. The design philosophy is not to increase flows, which arguably would require assessment and potential upgrading the land drainage system downstream, but to restrict the flow to the greenfield rate].

- 2.9 **“The Engineer’s report says “existing defects on the culvert should be rectified”. However, in reality the Developer has made no promise that the culvert will be unblocked, repaired, and the various services that partially block the culvert diverted.”** [It is a worthwhile recommendation in the FRA that defects should be rectified, but this is not the responsibility of the developer. It is accepted that this may not be the case if an increased flow was proposed. The developer is in effect providing attenuation on site instead of having to clean, repair or divert the culvert, which he would have no prescriptive rights to undertake in any case.] **“This would be a costly business; it is clear that the Developer hopes that that Bradford Council will pay for all of the above. Upsizing of the culvert”** [unnecessary to service the development], **“or a parallel culvert laid to cope with additional run-off”** [No additional run-off. Restricted to the existing greenfield rate.] **“has not even been considered!”**
- 2.10 **“The Engineer suggests that the future point of connection for the new site’s surface water will be downstream of the initial stream section running through the gardens of nos.30 & 32 Moorland Ave, (to avoid flooding upstream.) However, the Engineer has failed to explain why high rainfall flows will not simply surcharge (backup) and flood the properties of nos 30 & 32. This is exactly what happens at present!”** [Agreed that this may be the case, but the proposed development will not worsen the existing situation, which will in fact be improved to some extent by the limited rate of discharge from the site and by intercepting overland flows].
- 2.11 **“The figures provided by Eastwood & Partners make various assumptions in trying to establish the volumes of surface water produced by the developed Derry Hill site, in order to establish the required capacity of storage tanks/pipes and the Detention Basin. Our great concern is that if the assumptions of Eastwood & Partners are incorrect then the volume of surface water runoff will be considerably more than anticipated:-“** [Calculations based on established methods to the approval of the EA and Bradford MDC drainage].

- ***“In the Engineer’s calculations the existing green field run-off from the overall site area is stated as 5.2ha, less than the 5.44ha quoted in the planning application. Moreover, the Engineer’s total impermeable area is stated as 2.2ha, which is a 30% underestimate of the actual areas shown on the plan (2.88ha). With an allowance for further hard landscaping by residents and a notional 40 conservatories, this rises to 3.15ha (a 43% increase).”***

The estimates are considered to be reasonable, but will in any event be reviewed in the light of design development and the final scheme ----- and subject to agreement by the LPA.

- ***“With the cut and fill required to terrace this site, the gradient of which is 1 in 13, all existing land drains and ancient waterways will be destroyed. Due to the distance from the west boundary to the stream, it is obvious that some of this drainage does not discharge into the stream and currently bypasses the flood risk area of Menston. The planning application has anticipated destruction of the historic drains and plans to introduce drainage Swales along the south (upland) boundary of the site. These swales are planned to discharge into the existing stream. The stream will therefore carry an additional proportion of the surface water generated by all the land to the south of the site. It is believed that this has not been taken into account in the Engineer’s calculations.”***

It is considered that the areas concerned that may discharge to the swales do form part of the stream catchment. The swales will intercept overland flows and will provide a degree of attenuation, which will not therefore worsen the existing situation.

- ***“At present, the land between the stream and the east boundary of the site falls away from the stream and is therefore not draining into the Dicks Garth Road culvert. If the development were to proceed, this area of land is understood to be drained back into the sewer. It is believed that this factor has not been taken into account.”***

It is correct to say that the area between the stream and Derry Hill includes a low lying area that is below (just) the level of the watercourse. Arguably therefore the extreme north-east corner of the site (say 0.15ha) does not drain directly to the watercourse. During wet weather, this and other areas along the northern boundary will become wet, and may become waterlogged or contain standing water to a shallow depth at times. During extreme events, these being when residents experience flooding, the overland flow is not readily accommodated in this way and, as the photographs show, flood water can overspill. Ultimately, this water will drain to the watercourse.

The area in question (NE corner) will be occupied by some new properties towards Derry Hill, but also by the proposed Detention Basin, forming part of the new on-site storage system totalling nearly 1,000m³ (500m³ in the basin, 450m³ in below ground sewerage). Not only will the basin act to capture water as the area does at present, albeit with increased capacity, but will also provide temporary storage in conjunction with a controlled discharge rate.

The design top water level of the basin will be below the boundary level of the site and would have to rise by another 250mm or more to overspill to any significant extent towards existing properties, which represents a freeboard in excess of 300m³ (+60%).

The area will be drained back to the culverted watercourse (incorrectly referred to as a "sewer" by the MAG), but only at a controlled rate.

In theory, the flow rate would only increase and/or the freeboard used during events more severe than 1 in 100 years (plus allowance for the potential effects of climate change), which is the required standard of protection under planning guidance.

- 2.12 ***“The principal cause of flooding of homes within Menston below Derry Hill, during periods of heavy rain, is the inability of the existing 400mm surface water culvert to cope with the flow rates.”*** [This is only part of the story. The principle cause of flooding at the adjacent properties, as illustrated by the MAG photographs, is overland flow (which will be much reduced) and restrictions in the initial section through gardens (for which the owners themselves are responsible and will in any case be by-passed as far as the proposed site drainage is concerned).] ***“It is indisputable that Derry Hill will increase run-off.”*** [This is not the case. The flow will be restricted to less than the existing "natural greenfield" flow rate occurring during the critical storm events - i.e. events less frequent than 1 in 1 year return.] ***“The Developer proposes to send the additional flows [no additional flows] down a culvert that is already severely compromised and has associated flooding issues. Because the development of the Derry Hill site will increase the incidence and/or severity of flooding events for Menston residents in the vicinity of Dicks Garth Road, development of the site should not be permitted.”***

3.0 HIGHWAYS

- 3.1 The applicant's highway and planning consultants have been in detailed discussions with the Council's highways officers pre and post submission of this application in September 2010 and several meetings have taken place to establish and detail a package of highway improvements in and around the village which are fairly and reasonably related to dealing with the combined traffic generation impacts of both the Derry Hill and Bingley Road residential development proposals. The same highway consultants Bryan G Hall Ltd, are acting on behalf of Barratts and Taylor Wimpey, the residential developers of the two sites, and this has ensured both a comprehensive and a co-ordinated approach to these highway proposals.
- 3.2 Each of the Menston applications has been accompanied by a full Transport Assessment (TA) and a Travel Plan (TP). The TA examines the combined impact of the development traffic on the highway network including on/off-site junctions and lengths of highway in the locality of Menston. The TP considers how car trips can be diverted to other travel modes and how an action plan can be put in place to encourage and increase this modal diversion.

- 3.3 An addendum to the TA was produced in February. The original TA was based on traffic distribution assumptions which included the closure of the Derry Hill/Derry Lane priority junction to through vehicular traffic and the restriction of left turns out and right turns in at the proposed site access on Derry Hill. These proposed 'restrictions' to the flow of traffic to and from the Derry Hill site resulted from the January 2010 Shipley Area Committee resolution. This resolution included a schedule of highway improvements in and around Menston. This schedule of improvements had been proposed without the benefit of the detailed traffic and transport analysis contained in the TA, the TP and arising from subsequent detailed negotiations with officers and survey analysis work. As a result changes to the access system were proposed and evaluated which involved the introduction of a simple 'all movements' priority access onto Derry Hill and also the retention of the Derry Lane/Derry Hill junction. These changes, discussed with officers, affect the distribution of development traffic and enable Derry Lane to be used as a convenient route for vehicular destinations to the north, east and south of Menston. Bradford MDC highway officers requested further information/analysis to support these revised proposals in the form of additional junction capacity assessment work. In addition Leeds City Council, as adjoining planning and highway authority reviewed the original TA and specifically commented upon the assessment of the Bradford Road/Bingley Road/Buckle Lane traffic signal controlled junction, which had been installed as part of the highway works required by the High Royds development. The analysis of that junction was therefore reviewed and also included in the Addendum TA.
- 3.4 The Addendum TA concluded that the combined traffic flows generated from the already committed development and the proposed Derry Hill and Bingley Road development can be safely and satisfactorily accommodated upon the existing and proposed highway network without the need to restrict movements in and out of Derry Hill site access and the need to introduce a point closure at the end of Derry Lane where it meets Derry Hill. The Addendum TA has also corrected the assessment of the Bradford Road/Bingley Road/Buckle Lane junction to the satisfaction of Leeds City Council.
- 3.5 While the TA and the negotiations with officers have confirmed that the traffic generated by the combined developments do not cause queuing problems at any of the junctions included in the agreed Scoping Report and the accident records do not indicate any safety issues a number of improvements to the highway network are formally proposed which will be funded by the two developments.
- 3.6 Although the TA's for both the Derry Hill and Bingley Road developments concluded that a number of the items on the schedule of schemes suggested by the January 2010 Shipley Area Committee were not justified both developers continued their dialogue with officers of the Council in order to agree and finalise the appropriate level and mix of highway measures which were considered to be fairly and reasonably related to the developments in scale and kind either singly or in combination. These improvements will form an improved system of traffic movement in and around the village and incorporate traffic management measures to slow vehicle speeds and to give greater priority to the walking, cycling and living environment while best accommodating the future traffic flows.

- 3.7 The proposed improvements can be summarised as follows and do not include the site specific accesses: -
- A. Bingley Road/Derry Hill junction improvements – these will improve the junction splay sight lines to provide for easier access to and from Derry Hill and also include an improvement to the left hand radius which will assist vehicles turning left out of Derry Hill.
 - B. Bingley Road traffic calming including new 30mph speed limit gateway sited to the north west of the Bingley Road/Derry Hill junction. The Bingley Road site specific access proposals incorporate footpath provision and appropriately designed lighting to reduce light pollution. This scheme while specific to the Taylor Wimpey development will be designed so that it fully integrates with this traffic calming scheme.
 - C. Improvements to the Bingley Road/Cleasby Road junction, the Bingley Road mini roundabout and traffic calming in between.
 - D. Traffic calming to Derry Lane/Hawksworth Drive including the introduction of a 20mph zone.
 - E. Traffic Management Scheme for Main Street including localised footpath widening/carrageway narrowing, raised tables at junctions and an extension of the 20mph zone.

Items A, B, C and E will be jointly funded by the two developers and a collaboration agreement is in the final stage of preparation which will ensure that if one development does not go ahead within the same broad timescale then the other will pick up the total costs of the jointly funded improvements.

- 3.8 The MAG response refers to congestion on the A65 and defines congestion as traffic speeds of less than 70% of the speed limit. The applicant's highway consultants have never heard of this definition as being a measure of congestion, although clearly common sense tells you that if there is congestion present then traffic speeds will be lower. It is however an unknown definition.

The Transport Assessment submitted as part of the application considers the impact of the development at the following junctions on the A65:

- A65 Bradford Road/A65 Burley Road/A6038 Otley Road Roundabout
- A65 Bradford Road/Bingley Road/Buckle Lane traffic signals
- A65 Bradford Road/A65 Otley Road/A6038 Bradford Road/Thorpe Lane Roundabout

All these junctions are shown to be operating with spare capacity at the present time and further work has been carried out since the preparation of the Transport Assessment to validate the results of the models i.e. actual queue lengths have been compared with those predicted by the models and this has been agreed with BMDC.

The applicant's highways consultants have also looked at a 'future' year scenario although they have not applied any growth to the existing traffic flows because instead they have taken account of the traffic that will be generated by other major committed development in the area and that from the Bingley Road site. Even allowing for traffic from committed development and the Derry Hill and Bingley Road sites, these junctions are predicted to be operating with some spare capacity. The methodology and results have not been challenged by BMDC.

- 3.9 Main Street Menston: - The earlier TA assumed that 36% of traffic from the site would use Main Street to access the A65 at the traffic light junction installed as part of the High Royds development as the 'forced' route via Derry Hill and Bingley Road is longer (i.e. the former design for the Derry Hill site access involved the prohibition of the left turn out movements. The highway consultants assumed the 36% trip allocation to avoid any accusation that they were deliberately trying to minimise the impact on Main Street. As a result of the removal of the Derry Lane point closure more traffic will now be assigned to the Derry Lane/Hawksworth Drive route than along Main Street. Both of these routes will be subject to traffic calming schemes with speeds reduced to 20mph.

4.0 PUBLIC TRANSPORT

- 4.1 Reference is made by MAG, the Parish Council and the Menston Community Association in their representations to the rail infrastructure and to the current rail service operating between 120 and 150% capacity. This percentage range arises from an independent survey that MAG undertook, which in part looked at the number of people standing on trains. The survey did not take into consideration the fact that some passengers choose to stand when there are in fact seats still available. The MAG response refers to "severe peak period overcrowding".
- 4.2 Dacres Planning have held a number of discussions with officers of the West Yorkshire Passenger Transport Executive pre and post the application submission. These discussions initially centred around whether there were any programmed improvements to the Wharfedale Line rail services in terms of frequency or capacity and what other public transport improvements might be meaningfully related to the Derry Hill and Bingley Road developments. From these initial discussions it was clear that there were no programmed improvements or allocated capital expenditure. Dacres Planning therefore asked the PTE officers for their advice on the most appropriate package of short and medium term public transport improvements in Menston. Later meetings and correspondence firmed up and then confirmed a package of measures related to the rail and bus services.
- 4.3 With regard to the alleged congestion Dacres Planning have held discussions with the WYPTTE and the Department of Transport as well as carrying out their own observations (team members regularly use these peak hour services for their commuting journeys). The Department of Transport confirmed that the national measure of congestion was 135% capacity (i.e. 35 people standing for every 100 seats in a carriage). Discussions with the PTE provided access to the Northern Rail survey results for 2010 which established that there were only two occasions both of which were within the January to March quarter of 2010 when any peak services

were above the 135% capacity threshold. These were the 7.40a.m and 8.05a.m Ilkley to Leeds services. This week we have been advised by the PTE that the national capacity enhancement package will see the introduction of two additional peak services commencing in December 2011, one in the a.m peak 07.55a.m Ilkley to Leeds and one in the p.m peak 17.47p.m Leeds to Ilkley.

- 4.4 A package of public transport contributions has been agreed with WYPTE and Bradford Council and these include: -
- A. The provision of Metro Cards at a cost of £83,325 for the 173 dwellings at Derry Hill.
 - B. Provision of a new bus stop and shelter on Hawksworth Drive.
 - C. Provision of a subsidy contribution of £116,107 to retain and extend the operation of bus service 967 (Otley, Menston Station, Leeds Bradford Airport). The combined subsidy with the Bingley Road site is £200,000 over a five year period.
 - D. Menston station improvement package – a total joint contribution with Bingley Road of £100,000 (Derry Hill contribution £58,054.69) which includes a new station shelter, platform help point, ticket machine and real time information displays in the car park.
 - E. Rail Capacity Enhancement Contributions – the joint contribution is £250,000 (Derry Hill - £145,134) which is to be used either as a contribution to a future capacity enhancement project or for the provision of a further park and ride facility within the village at the Menston Working Mens Club site.

5.0 HOUSING NEED AND SUPPLY

- 5.1 MAG have argued that the housing allocations at Derry Hill and Bingley Road have been imposed as a result of the RSS housing targets and that when they submitted their representations the residential allocations were “out of date as there have subsequently been major changes within the planning system”. While it is true to say that the incoming Coalition Government in May/June 2010 made it clear that they proposed changes to the planning system including
- the early abolition of the RSS and the ‘top down’ establishment of each districts housing requirement.
 - the introduction of a new Localism Bill in late 2010 providing for neighbourhood planning.
 - local planning authorities would be able to establish their own annual housing requirements provided these were based on sound evidence.

the outcome to date has been somewhat different. The Secretary of State for Communities and Local Government attempted to achieve the early revocation of RSS but this was successfully challenged in the first Cala Homes case in the High Court. As a result of this and subsequent decisions the RSS will remain in place as part of the Development Plan until the Localism Bill has been enacted and the abolition of each RSS has been subject to strategic environmental assessment. While the latest

Cala Homes Court of Appeal decision (2nd June 2011) means that the intended abolition of RSS can be taken into account as a material consideration in any planning decision this does not mean that little or no weight should currently be given to the RSS including its annual housing requirement targets and the evidence base for these targets.

- 5.2 DCLG Ministers Greg Clarke and Bob Neil have made very clear statements to the effect that the current Government wish to see an increase in the rate of house building and they have introduced the New Homes Bonus, payable to local authorities in order to incentivise the process. “Increasing the rate of house building is a top priority for the Government and is backed by incentives to kick start building (Bob Neil – 2nd June 2011). Greg Clarke in an earlier interview (11th February 2011 – “Planning”) stated “Clearly assessing the future housing needs of an area goes beyond the remit of any particular neighbourhood, so it’s absolutely right that that should be decided by the appropriate democratic body, which is the local planning authority”.

He also stated that “the primacy of the Local Plan is absolute, which itself has to conform with national policy. Any plan drawn up by a group of local people that didn’t conform to the strategic aspects of the local plan would have no standing in the planning system at all”.

- 5.3 The evidence base for determining each district’s housing requirement comprises a number of key sources including: -
- Nationally produced household forecasts.
 - The RSS and its evidence base. This evidence base will still be relevant for a period after the revocation if not replaced by a more up to date and acceptable set of figures.
 - The Strategic Housing Market Assessment (SHMA) for Bradford District.
- 5.4 Bradford Council recognise that future housing need within the District is one of the highest levels in England and they have made it clear that they intend to continue to use the RSS annual housing requirement of 2,750 dwellings in all planning decisions until replaced by a new figure in the Local Development Framework (LDF) at some future date. Indeed officer reports have indicated that the annual figure may justifiably need to be increased to circa 3,000 dwellings per annum.
- 5.5 Revisions to national policy guidance in PPS3 (June 2010) make it clear that the provision of a five year deliverable housing land supply remains as an essential requirement of the planning system. A planning appeal decision allowing the release of a greenfield reserved land site at Braithwaite, Keighley (May 2010) for residential development established that Bradford District had only a circa 3.5 year deliverable supply of residential land. This is a ‘best case’ scenario because the statistical analysis applied in this case assumed that all Phase 2 sites would be delivered.
- 5.6 In conclusion therefore on this point there is absolutely no basis for arguing that these allocations are in any way out of date, or no longer needed. Indeed the need for their early release is compelling given current policy and the housing requirement endorsed by the Council.

- 5.7 MAG argue that in advance of the significant changes in the Localism Bill that it is premature to determine applications advocating the scale of development in the Bingley Road and Derry Hill allocations. Reference is made to the nature of emerging government policy and the suggestion that decisions about new housing development should be made at the local level. These assumptions are unfounded on a number of counts: -
- Several greenfield allocated sites have been released at the national level and locally in Bradford and Leeds. A series of favourable appeal decisions in Leeds on Phase 2 and 3 greenfield allocations, the latest of which was a decision by the Secretary of State at Grimes Dyke, Whinmoor for a phase 2 allocation development of circa 500 dwellings (May 25th 2011) have clearly established that this prematurity argument has no basis.
 - Ministerial statements have made it clear that the Local Plan (the Bradford UDP in this case until replaced by the emerging Local Development Framework) comprises the prime strategic policy. As these sites are allocated in the Local Plan (the 2005 Replacement UDP) there is no basis for arguing that they should be ignored or sidelined until further planning work is undertaken.
- 5.8 MAG further argue that the 5 year land supply requirement no longer carries any weight as the calculation is based on RSS targets, which will be abolished. As already stated i) RSS remains in place and its housing figures are a material consideration ii) Bradford Council accept the RSS annual housing requirement as their figure and consider a higher requirement figure may be needed. iii) Ministers have endorsed through PPS3 policy revisions, in statements and in appeal decisions that the requirement for a 5 year deliverable supply is national policy and this must be based on the best available evidence and that this includes for the time being the RSS evidence base.
- 5.9 MAG quote paragraph 73 of PPS3 (June 2010) in aid of their argument. This paragraph is not the appropriate policy context for considering the Derry Hill and Bingley Road applications. The relevant guidance is contained in paragraphs 69 (general criteria) 70 and 71 (give favourable consideration to applications where there is not a 5 year deliverable land supply). Indeed, paragraph 70 permits the early development of allocated sites even where a 5 year supply exists subject to not undermining other objectives of the plan. Paragraph 73 guidance deals with the circumstances where it is not clear that the site is likely to be developed or where the original permission does not deliver the policy objectives of PPS3. This position is very far removed from the circumstances surrounding the Derry Hill and Bingley Road proposals.
- 5.10 The applicants therefore conclude that all MAG's arguments are unfounded and that there is a compelling case for granting planning permission on both sites.

6.0 DESIGN ISSUES RAISED

6.1 HOUSING DENSITY: -

It is interesting to note that MCA and MPC state that the application fails to meet the net density requirements of the Menston SPD whereas MAG state that the development is too dense. As the DAS and the SPD demonstrate a variety of character areas and densities apply within the existing village including those areas closest to the site where housing densities range from 10/ha to 55/ha. The overall net density of the Derry Hill site is 36 dwgs/ha but as advised in the SPD a variety of character areas/densities are achieved in the Master Plan.

6.2 INSUFFICIENT LANDSCAPING: -

Comments made by MPC and MCA refers to “a lack of landscaping and boundary treatments”. Since these comments were made in December 2010 detailed negotiations have been held with officers including the Council’s specialist landscape, tree and countryside officers. As a result of these and related negotiations on the housing layout and design the landscape proposals have been further enhanced and a planting plan produced together with a Landscape Management Plan for the future maintenance of the POS and landscape proposals. Following these design iterations officers now support the detailed landscape proposals.

6.3 MATERIALS: -

The critique of the MPC/MCA and indeed the Council has been accepted by the Derry Hill applicants and artificial stone has been replaced by a mixed palette of material including natural stone, red brick and render. The materials will be selected to complement house types and groups and their position within the character areas and in relation to existing developments adjacent to the site.

6.4 HOUSE DESIGN: -

Some of the MCA/MPC critique of house designs reflects that of the Council’s design experts and the applicant has paid close attention to these comments leading to a series of design negotiations with officers and the re-elevation of all the house types to create an appropriate mix of contemporary and vernacular styles using key design features from the Victorian core of the village for the vernacular styles. This process is, at the time of writing, in the final negotiation stage.

7.0 LACK OF EMPLOYMENT

7.1 Reference to the lack of local employment in Menston is covered in the Planning Case Report submitted as part of the application. The Planning Case Report informs that

“While local jobs within the village are largely in the service sector, there are large concentrations of locally accessible employment at Ilkley 9.3 kms to the north west, Otley 4.6 kms to the north, Guiseley 3.8 kms to the south east and at Leeds Bradford International Airport 9 kms to the south east. Bradford and Leeds City Centres are major centres of employment which are easily accessed by the electrified Wharfedale line rail service which provides a regular half hourly service to both city centres with a journey time of 20 – 25 minutes. This line provides local connections to Ilkley every 15 minutes during the day with a journey time of 12 minutes. There are also local bus services to Leeds, Otley, Guiseley, Shipley and Leeds Bradford International Airport.

The 967 bus service is of relevance to this application; it operates from Menston Railway station connecting to Otley, Pool and then Leeds Bradford Airport and runs every half an hour.”

8.0 HERITAGE AND CONSERVATION: -

- 8.1 We accept that the Heritage Report forming part of the application pack predates the publication of PPS5 in 2010. We disagree that this constitutes “a significant flaw in the planning application”. No negative consultation response has been received from the Council’s Specialist Conservation officers and the Heritage Report and subsequent work on the Design & Access Statement have taken account of the Conservation Area context. We have also reviewed the guidance in PPS5, the Menston SPD and the Council’s Conservation Area Assessment (August 2003) and Conservation Area Appraisal (June 2007). We recognise that it is possible as a result of the Conservation Area Appraisal that the Conservation Area may be extended along Derry Hill and Dicks Garth Road.
- 8.2 Page 43 of the Menston SPD endorses certain recommendations in the Menston Conservation Area Assessment and adopts these as specific design guidance. Six specific areas of guidance have been identified in this heritage context and all of these have been applied as appropriate in arriving at the final design proposals.
- 8.3 The Derry Hill site is part of the wider setting of the Menston Conservation Area but it is not specifically identified as a key part of that setting in the Conservation Area reports produced by the Council. The importance of views from the higher points of Derry Hill to the south are identified which are instanced as showing the village in its wider landscape setting.
- 8.4 Policy HE10 of PPS5 provides policy guidance for the consideration of applications for development affecting the setting of a designated asset. The assessments of the Menston Conservation Area do not provide evidence which give significance to the Derry Hill site as part of the Conservation Area setting. However the retention of the historic field pattern in the layout and framework landscaping and views into and out of the site along existing and new footpath links do help to reveal some of the significance of the Conservation Area.
- 8.5 In relation to policy HE6 the historic environment record has been interrogated. The site has been subject to a baseline archaeological survey. In relation to policy HE7 the designation records along with other sources of information have been examined and expert advice has been utilised.

Appendix 2

Response to Menston Action Group, Menston Parish Council and Menston Community Association responses to Derry Hill application.

Mr. Stewart Currie
Senior Planning Officer
Bradford MDC
Jacobs Well Bradford
2nd. December 2010

**Menston Parish Council and Menston Community Association
Joint Objection to Application 10/04551/FUL – Land North East of 2 The
Coach House, Menston. (referred to as Derry Hill Development)**

Dear Mr. Currie,

Menston Parish Council and Menston Community Association make the following representations together with relevant Appendices 1 and 2 to the above planning application which in many instances translate into objections that in our view warrant rejection of this application in its current form.

SETTING THE SCENE

These representations and objections make reference to the plans and documents as submitted by the Developers on 10th. Sept. 2010, to the Menston Supplementary Planning Document by GVA Grimley of August 2007 (MSPD), BMDC Shipley Area Committee decisions of 20th.Jan 2010 and to the Menston Village Design Statement(MVDS).

It must be recognised that the MSPD document was a notable statement of intent by BMDC to mitigate any adverse effects the development would have on the village. Likewise the decisions taken at the Shipley Area Committee meeting on 20th Jan 2010 were also vital in establishing mitigation measures to ensure that the village road system did not suffer because of the developments increased traffic demand.

We have therefore taken this document and decisions as a reference for our representations to ensure their provisions are met and properly applied by this application.

It is of real concern that **this application often ignores or is in sharp conflict with the detailed guidelines and indeed the general underlying concepts of the above**. This lack of respect for the sterling work done by BDMC in the preparation of the Planning Brief for this site and it demands that the interests of the village has to be made clear at the outset. The abiding character of this application is the skating over or failing to even acknowledge on occasions the potential adverse consequences of this development not only within Menston but also in the broader community as described in Appendix 2.

The contrast and often conflict between the detailed provisions of the MSPD and the Shipley Area Committee decisions with this Planning Application are included with this letter as a Check List in summary form and where appropriate with a relevant comment in Appendix 1.

KEY ISSUES WITHIN THE SITE.

BUILDING DESIGN and MATERIALS

Design and Material considerations are paramount when assessing this application. Design decisions made today will affect how this development will look in 50 years or so time and it is imperative that we understand that the choice of materials used in this development and its design needs careful and thoughtful appraisal. The MSPD abounds with requirements for any application to deliver a high quality development that protects and enhances the natural and historic environment and is sympathetic and integral with the surroundings.

Materials

The application details walls as being constructed of artificial stone with no variations noted throughout the site. The requirement by MSPD for properties at entrances to the site and at key points within the site to be of natural stone has been ignored. It was stipulated in the MSPD that no artificial materials should be used. Likewise the roof material is proposed as artificial slate with 2 variations of shade. It is considered that artificial stone in conjunction with natural stone has been used to good effect in recent developments within the village. Irrespective of the possible use of the artificial nature of the materials proposed the lack of variety in colour, coursing and use of alternative materials will result in a bland uninteresting development that fails to meet the expectations of the MSPD.

Accordingly it is concluded that the application should be rejected on the grounds that the materials chosen for the walls and roofs fail to accord with the expectations of the MSPD to provide a high quality development.

Design

National policy states that design should take the opportunities available to improve the character and quality of the area. The MSPD insists that any “new development must demonstrate an understanding of context and must respect neighbouring buildings”. Menston has a conservation area which is likely to be extended to the adjacent area of Dick’s Garth Road and Walker Road. We consider the application falls short of these policy objectives.

The housing lacks individuality and variation of form with many bland flat facades and elevations of overbearing uniformity. Houses that back onto each other at 90 degrees and houses in uniform blocks without projections or recesses provide examples of this. Windows with stone sills and heads are the only modest concession to a Menston context but they are only included to front elevations even when the rear of properties face onto other properties such as Moorfield Avenue. . There is no variety in the design of the houses that would enhance the visual interest and give character to the development. Without being prescriptive besides a greater variety in materials as noted above, the design lacks such items as hipped roofs, variation to roof levels and pitch, together with some variation in the setting and style of doors and windows. We would welcome some of the buildings having the addition of stone corner blocks used in conjunction with other materials together with mullions, lintels and sills and even stone copings to roofs or stone blocks supporting gutters. Whatever such detail added to the houses would be more representative of Menston buildings. Things like mock windows and windows built to look as if filled in, as types E and K, are completely at odds with our interpretation of good design that would integrate with the rest of the village.

It is quite apparent that the house types are taken from a standard manual that has certainly been used at High Royds. We have therefore looked at this development regarding the similarities and concluded that many of the design issues we have are there to see at High Royds. However even there, where the design brief possibly had less restriction, variations in design and style are a little more evident with some houses having hipped roofs, some of a more contemporary or cottage style, and some reflecting the character of their immediate surroundings.

Having said that we do not wish this development to replicate High Royds or any other development for that matter but ask that the Developer reconsiders the design and by doing so presents a scheme that is not only representative of, but in the future will enhance the character of the village.

This application therefore should be rejected until the proposed plans demonstrate a sense of architectural merit, visual attractiveness and interest and a firm Menston context.

OTHER DESIGN ISSUES

The MSPD states very clearly that **3 storey buildings** should be restricted to the area adjacent to Dick's Garth Road as only this area can comfortably handle the extra height of the properties. This application rejects this concept entirely. The siting and use of 3 storey houses is of real concern at the highest point of the site (SW corner) where they will dominate the skyline, and the rest of the adjacent street scene. Properties 2.5 stories high are also to be seen in the skyline to the SE corner of the site. The three storey properties proposed adjacent Mount Pleasant will have an overbearing and overlooking effect on these properties their amenity space and dominate the view as you emerge from Main Street. Ironically there are no proposed 3 storey houses adjacent to Dick's Garth Road.

This application should be rejected as the proposed siting of 3 storey and several other high ridged houses are in areas totally contrary to the MSPD and accordingly will have serious adverse effects on views from outside the site including existing properties.

The **general layout of the development** is that of cul-de-sacs and twisting roads whereas the MSPD document promoted a straighter more uniform style. Whilst we do not take issue with the layout principle we are concerned with the results of this approach:-

- a. The sense of green spaces composed of pleasant gardens within the individual blocks have been severely mitigated and in some cases almost lost entirely.
- b. The provision of car parking at the rear of properties which in some cases may raise safety issues, certainly results in the excessive need for tarmac due to the requirement for turning spaces for vehicles and ugly design features related to property design to facilitate access.
- c. The loss of green space in front of buildings so characteristic of Menston properties.
- d. The increased risk of overshadowing and overlooking of adjacent properties.
- e. Currently about 50% of the properties have a suitable orientation to receive solar generation which is materially lower than the plans in the MSPD would have expected.

We are also not convinced that **the focal point** meets the expectation of the MSPD due to location away from the site centre, its modest size and lack of detail and on its provision of features that would attract people to use it and meet there.

This application should be rejected until the revised plans adequately address these issues which inevitably will require the layouts to more closely reflect the grid layout proposed in the MSPD.

GREEN AND LANDSCAPE

The proximity of the buildings to the roads as just described explains the **lack of landscaping and boundary treatments within the development**. We acknowledge and promote the retention of stone walls to the outer boundaries but ask that in any revised design stone walls are included within the development as required by the MSPD. We accept there will be wood and post fencing but this must not be used on boundaries fronting public spaces and roads. Very little **landscaping** is noted within the site again which is inconsistent with the MSPD. Details have not been provided for street **furniture, lighting and signage**. Any revision should also include children's play areas and equipment and areas of green open recreational space that can also be accessed and used by people from outside of the development.

The application should be rejected for reasons of insufficient landscaping and lack of the provision of a children's play area within the site, insufficient provision and detail of street lighting and boundary treatment.

DENSITY AND MIX OF HOUSING

We note this application gives a **net density of 32** houses per hectare whereas the MSPD recommends 35 houses per hectare. The requirements of higher density of properties within the site following principle routes and at focal points of the site are not evident in this application. As regards **housing mix** we are not in a position to adequately comment on the details of the housing mix in the plan and how it matches with the market need. We do note however that there appears to be **little or no high quality accommodation for the elderly within the site**, which the MSPD recognises is needed and should be as close to the village as possible and also open spaces. What such accommodation would do would be to allow many elderly people to downsize, stay in the village and release larger family houses onto the market. This then may impact on the mix of properties on site. Further we are concerned on the high number of 1 bed studios which we understand have low market appeal. Indeed Low Hall development following their experience in Burley refused to have any such properties in their development as they were un-saleable. Anecdotal evidence from High Royds supports this view. The siting of such properties if the need is clearly established must be relocated from a site ideal for the elderly.

The Application fails to meet the net density and density mix requirements of the MSPD. Further there is a notable lack of high quality accommodation for the elderly and a question on the need for 1 bed studios and also the sensibility of the overall housing mix. Until these issues are addressed this application should be rejected.

HIGHWAY ISSUES

The key insistence of the MSPD and the Shipley Area Committee decision of the 20th January 2010 was to avoid the adverse consequence on the village road network traffic to and from the Derry Hill site should not be routed into or through the village. Further a number of important highway changes were agreed at the above meeting to facilitate this.

The application ignores this key insistence and requests to route traffic from this site not only down Main Street from Moor Lane but also along Derry Lane.

The result of the highway stance taken by the application is of all the decisions made above and itemised in Section E of the attached Check List only one has been met by this application, the mandatory right turn out of the site onto Derry Hill. All the other decisions taken have been ignored as the application plan is to not route traffic through the preferred roads determined by Shipley Area Committee, most notably up Derry Hill.

The context of this site has to be clearly understood. All the roads that can be used are either/or narrow steeply graded subject to forced parked traffic, involve difficult access points onto other parts of the local road network and particularly in the case of Derry Lane safety issues involving the elderly and children. This site has long been acknowledged as having a severe access and egress problem which rarely must have afflicted a site of this magnitude.

Derry Lane was specifically rejected by Shipley Area Committee as a suitable route for site traffic as it may be a reasonable width but this is much reduced due to parked traffic as local residents have no off street parking provision. Further there is a road safety issue as many children and elderly people are in this area. Indeed it is a Lane that runs alongside the village primary school and runs past the Children`s home. Additionally the access from this recognised estate road is via two junctions one with Cleasby Road and an acute and difficult junction into Bingley Road.

With respect to Derry Hill it is steeply graded with a bend and in sections is effectively single carriage way. The Junction at the top is awkward to turn left on and coming in from Bingley road is a hazard as site lines do not exist down Derry Hill until the vehicle is facing down the hill. Further all heavy traffic is forced to cut the corner about this junction because of a sharp bend at this point. Highways made a number of recommendations to reduce these problems. Widening Derry Hill so it is two lane along its whole length is in our opinion an additional essential requirement to give vehicles travelling to and from this site a comfortable and safe route on to other parts of the local road network. It can be done but it will cost which is what the developer is trying to avoid.

There are a number of other Highway decisions taken on the 20th January 2010 which are fully described in the Checklist attached.

This application has ignored the potential adverse effects on the village streets following on from this development and the important mitigating decisions taken by Shipley Area Committee. This application should unquestionably be rejected until all the highway improvements required by the MSPD and Shipley Area Committee are accepted and agreed in the application together with the further necessary upgrading of Derry Hill detailed above.

OTHER PLANNING ISSUES

Drainage concerns are comprehensively dealt with in the Check List. In summary we accept that some real plans have been made to mitigate flooding from the fields to the south of the site. We support BMDC in the need to fully repair the culvert down Dick's Garth Road.

However we are very concerned that the 1 in a year event that this culvert has to deal with in conjunction with the drainage protection measures on site by the reports own statement gives no contingency and further measures must be put in place to reduce still further risk of flooding in the existing housing to the north of the site. We also consider that Yorkshire Water in their letter confirming that sewage from the site can be safely carried in the existing pipe infrastructure down Derry Hill have been economical with the truth in so much that no reference was made to the historical problems in Burley Lane. Yorkshire Water must be required to confirm the 225mm pipes in Burley Lane also can without doubt cope with this extra load or put in additional measures here to ensure it can cope. We also consider the current flooding problems in the gardens to the south of the site should be addressed as part of the flooding protection measures put in place, which currently is totally ignored in this application.

This application must not be approved until the drainage issues above have been satisfactorily addressed otherwise there will be unacceptable flood risks to the properties as far north of the site as Burley Lane.

SAFE ACCESS FROM SITE

With reference to safe access from the site to schools, shops, buses and the train station all routes must be safe, well lit and have dropped curbs to aid mothers with prams, the disabled and elderly to have practical access. These measures are not referred to in the current application.

The application must not be approved until these measures have been clearly and adequately adopted in the application.

SECTION 106 AND 278 MEASURES AFFORDABLE HOUSING

We support the need for the 40% affordable housing on site. We cannot however comment on whether it meets the MSPD requirements which should be indistinguishable from other housing and be evenly distributed about the site as there is no information to comment on within the application. It follows we cannot comment on the appropriateness of the mix of these properties compared to need. We request very strongly that Menston and other local residents have first options on these properties enshrined in an appropriate legal document.

It has to be confirmed that the mix and the location and character of the affordable properties is consistent with the demands of the MSPD before this application is accepted.

CHILDREN'S PLAY SPACES AND PLAYING PITCH PROVISION

As note above there is no new children play spaces on site and even off site which is a clear requirement of the MSPD and Bradford policies. The playing field obligation is planned to be made good in the recreational open space of the primary school the loss of which is not made good elsewhere in the development. We are concerned that this option results in this loss and also the possible restrictions for public access onto school grounds. The effect of the increase of vehicle parking and noise on local residents when in use (both of which have caused problems in the past) and the risk that the school will charge for its use which would be totally unacceptable. There are other sporting facilities within the village that could be enhanced, created or improved that would benefit from investment of this kind and detailed discussion should be had locally to ensure correct distribution of agreed funding.

The issue of lack of the new children's play space on and off site needs resolving and the best way of dealing with the playing pitch and other recreational needs within the village provision needs further discussion before the Application is approved.

SUSTAINABLE TRANSPORT INITIATIVES

None of the measure itemised in section G of the Checklist have been addressed in the Application. The only provision is for advice to be given to all new residents on public transport, walking and cycling options plus a pack of information and maybe an umbrella. The walking times based on 3 miles an hour are grossly optimistic in view of the 200 foot climb involved from the station and for all but the fittest of the residents. Also the likelihood of many people cycling to Otley, Burley or Baildon or even the station is always going to be limited due the 300 foot climbs involved. Buses to the site may because of the local road infrastructure be difficult to arrange though the 967 service could be extended to cover the rush hours and stop at the Main Street Burley Lane junction before turning back down Fairfax Road to the Station.

The sustainable transport initiatives recommended by the MSPD need to be implemented in a sensible and effective way to achieve important sustainable transport initiatives before this application is approved.

CONSTRUCTION TRAFFIC

We express severe concern regarding site access, delivery vehicles accessing the site and the construction phase in general. Assuming the construction period will not be less than 2 years the village will suffer dramatically during this time. Safety on the village streets is of prime importance and highways risk assessments must be undertaken to prove that the site is accessible by heavy construction plant and vehicles. Moor Lane is defined as unsuitable for heavy goods vehicles and many would regard Derry Hill because of its steep gradient, single carriageway stretches, a sharp bend and entry into a dense residential area even more unsuitable. Serious concerns must be made about using Main St. through the village centre and passing the school. Using Derry Lane and Hawkeworth Drive would also be dangerous and with parked traffic and access from the wider village road infrastructure would be impractical due to narrow streets and very tight junctions. It is also clear that the village will suffer from dirty and possibly dangerous road surfaces throughout this period and measures should be put in place to prevent this and other impacts the construction phase will have on the village.

There must be an agreed safe route to the site for all construction traffic before this application is accepted

CONTEXTUAL ISSUES

These are dealt with in Appendix 2. It is worth noting however that the application generally refers as little as possible to the likely adverse effects of this proposed development on the village and so offers little in action to mitigate these problems. This approach is in some ways even more startlingly expressed on the issues of rush hour train provision to Leeds, and the A65 and employment prospects in the area. In this Appendix the optimistic assertions stated by Dacres, the development agent, in their Planning Case Report are hopefully clearly dashed by the reality of reason.

There is no question that employment in the area is in sharp decline forcing more people in addition to new residents the prospect of longer and longer journeys to work on either increasingly more overcrowded public transport or local and not so local highways. This is of course contrary to the Government intentions to build new housing near employment and so reduce the carbon footprint of the country. When one takes into account the condition of the local roads to the site it is increasingly incomprehensible to us that the objections to develop this site made in 2006 were ignored. The loss of Green Belt is of concern, the practical difficulties of making this site sustainable in any meaningful way a formidable challenge.

CONCLUSION

We conclude that the present application falls well short of the necessary expectations of the MSPD and the Shipley Area Committee Decisions of the 20th January 2010 and every area including design, layout, highways sect 106 and 278 requirements not to mention specific additional concerns relating to drainage and construction traffic. In our opinion this application should be rejected in its current form with no further consideration to its merits until the issues above have been effectively addressed in the plans.

Yours sincerely,

Cllr. G. S Metcalfe (on behalf of and Chair of Menston Parish Council Planning Committee)
P. Ward. (On behalf of Menston Community Association)

APPENDIX 2.

TRAIN CONGESTION

The Dacre Application makes light of the issue of train overcrowding at peak periods to and from Leeds to such an extent that at times boarding is difficult by the time the train gets to Guiseley and standing room only is common when it gets to Menston. We understand that the Rail Users estimate overcrowding to be between 110% and 125% during the rush hours morning and evening. We understand that the trains on this line are the most heavily congested in the Leeds area and one of the most congested in the country: one of the trains with nearly 140% overcrowding. The addition of people created by the development can only worsen this untenable situation which does not account for the fact High Royds is still only about 30% complete with approximately 350 properties still to be built. It is also important to note that rail traffic on this line has increased 34% since 2006 and natural growth continues. We understand that METRO are reporting to the Committee with data emphasising the effects the development will have on the transport system and that they will confirm that measures cannot be put in place to ease the congestion on trains and roads previously suggested. (Increased platforms / additional platforms / longer trains / more trains/dual carriageways/ tramways etc.).

PARKING

The parking in and around the train station is inadequate for the existing demand and should people from the development access the station by car then the current arrangements for parking will be further compromised with the inevitable spillage out onto the streets currently managed to some degree by local restrictions. The existing car park is incapable of being extended unless an underground car park is considered. Land and space is not available within the immediate vicinity for any further car parking facilities.

A65 AND OTHER ROUTES TO LEEDS AND BRADFORD

With regards to the A65 little mention of congestion is made on this road in the application which is a notable omission. Leeds is accessed for employment more than Bradford. Development along the A65 to Leeds has increased to such a level that the road is gridlocked for much of the working day and weekends. Planned developments in the future that have planning permission at Guiseley, Horsforth and Kirkstall will add further to the problem. We also understand Leeds City Council commissioned a report on the A65 in 2004 that concluded in 2005, with a report that has only recently been released, that the road "is not fit for purpose" and there was no prospect of improving the situation. A lot of employment is situated in places around Leeds not accessible by train and therefore a great number of employees from Menston and surrounding areas who currently rely on the A65 will be further inconvenienced by the additional traffic created as a consequence of this development. In addition to this problem many ancillary roads to Leeds are becoming oversaturated and the road into Shipley from Hollins Hill continues to be a source of major traffic congestion.

BUSES

Menston has a bus service that is not overused and therefore any new passengers from the development can be catered for except that we conclude little increase will occur because of the long distance from the development to the stops for the buses to Leeds and also that the bus will take such a long time for the reasons above. We also note the lack of provision on the plan for bus turning and routing should the service be extended.

EMPLOYMENT

Dacre argue that Menston is close to good employment centres in Otley, Guiseley and Ilkley. This is contrary to the reality of the situation. Employment in Menston has contracted to an

extent it is minimal and locally the businesses that employed Menston people such as High Royds and Otley Hospitals, Garnetts, Crompton Parkinson, Silver Cross together with many other reasonable sized employers including several mills have all closed down over the last few years and the sites being or in the process of being converted into residential developments. It is interesting that even in the highway report by Bryan Hall they conclude there are no employment prospect in the Rombalds area and so have reallocated traffic movements to primarily the Leeds and Bradford road network. The inevitable conclusion has to be that Menston is a not suitable place to gain local employment and it will continue, perhaps even more so, for employment to be not only within Leeds and Bradford centres but to the employment growth areas near the major motorways, an uncomfortable and not very sustainable prospect.

Cllr. G. S Metcalfe (on behalf of and Chair of Menston Parish Council Planning Committee)
P. Ward. (On behalf of Menston Community Association)

Appendix 3

Comparison of proposed works and endorsements of Shipley Area Committee (January 2010)

**DERRY HILL AND BINGLEY ROAD SITES, MENSTON
COMPARISON OF PROPOSED WORKS AND ENDORSEMENTS OF SHIPLEY AREA COMMITTEE (JANUARY 2010)**

LOCATIO N No	LOCATION	Endorsements Of Shipley Area Committee (SAC)	WORKS PROPOSED BY DERRY HILL AND BINGLEY ROAD PLANNING APPLICATIONS
1a	Derry Hill Site Access	Creation of new priority junction access 30 metres to north of Derry Lane with mandatory right turn on to Derry Hill (and no right turn into site from Derry Hill)	Simple priority junction on to Derry Hill with no restricted turns
1b	Derry Lane junction with Derry Hill	Point closure of Derry Lane at the junction with Derry Hill	No closure. Introduction of a speed reduction table at the junction and the proposed site access. Introduction of a 20 mph Zone on Derry Lane and Hawksworth Drive.
1c/d	Derry Hill (south of Derry Lane)	Improvements to Derry Hill to encourage use by development traffic. Parking review of traffic on Derry Hill (entire length)	No works proposed
1e	Bingley Road Junction with Derry Hill	Widen and re-line Bingley Road to form ghost island. Increase radius and sight line from Derry Hill. Improve street lighting and reduce speed limit on approach to junction	As recommendation to SAC apart from provision of ghost island
1f	Moor Lane east of Derry Hill site access	Creation of off-street residents parking facility for residents of 1-10 Mount Pleasant on Derry Hill site and modification of existing road alignment	As recommendation to SAC apart from road realignment. TRO adjacent to bend to ban on-street parking
2a	Bingley Road from eastern access to development site to Cleasby Road junction	Improvements to Bingley Road to encourage use by development traffic to access A65	As recommendation to SAC
3a	Bingley Road junction with Main Street	Improvements to existing mini-roundabout junction comprising realignment of radius adjacent to recreation field	Introduction of speed reduction table at the junction

3b	Bingley Road east of junction with Derry Hill to western access of the Bingley Road development site	Improvements to Bingley Road to encourage use by development traffic diverted along Derry Hill	As recommendation to SAC
3c	A65 Bradford Road/Leatheley Road/Station Road	Review of parking around Menston Station including possible modification to existing TROs and possible TRO to improve operation of junction	Provision of S106 monies to allow Main Street to be further traffic calmed (20 mph Zone extended) and the introduction of a pedestrian crossing facility (to be carried out by S278 Works)

Background Documents

RUDP

Menston Housing Sites Supplementary Planning Document

Planning for Crime Prevention Supplementary Planning Document

Sustainable Design Guide Supplementary Planning Document

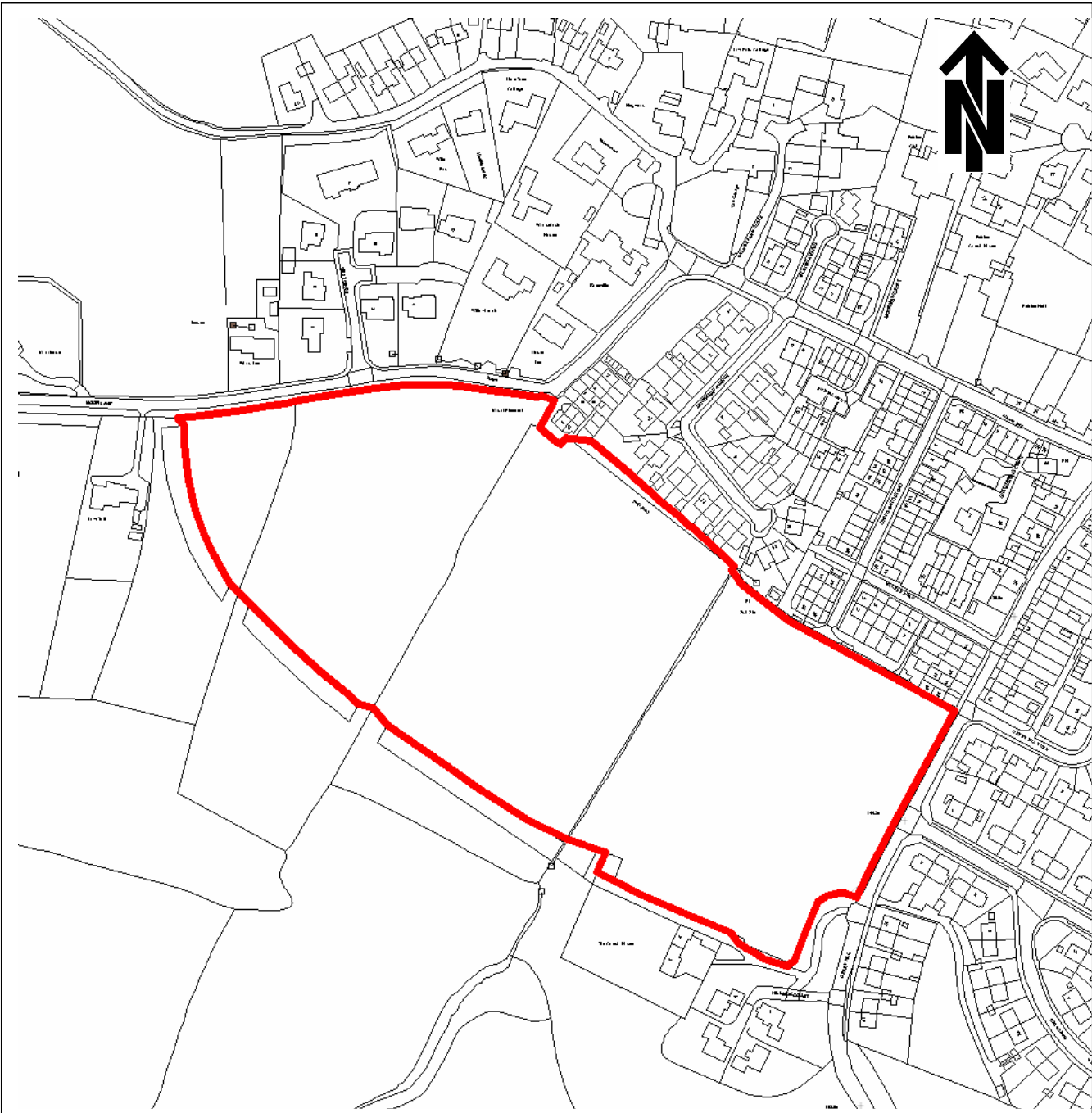
Planning Obligations Supplementary Planning Document

Landscape Character Area Supplementary Planning Document

Area Planning Panel (Shipley)

10/04551/MAF

19 July 2011



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<p>ITEM NO. : 2</p>	<p>LOCATION: Land North East Of 2 The Coach House Derry Hill Menston</p>
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19 July 2011

Item Number: 2
Ward: WHARFEDALE

Recommendation:
THAT THE APPLICATION BE APPROVED SUBJECT TO THE COMPLETION OF A SECTION 106 AGREEMENT AND THE CONDITIONS OUTLINED IN THE REPORT

Application Number:
10/04551/MAF

Type of Application/Proposal and Address:
A full application for 174 dwellings and public space land at Derry Hill, Menston.

Applicant:
Barratt Homes Yorkshire West

Agent:
Dacres

Site Description:
The application site is located on the western side of Derry Hill, to the south- western edge of Menston village. The site is 5.4 hectares in area and comprises three fields used as pasture. There are a number of well established hedgerows to the field boundaries and along the southern boundary; there are dry-stone walls to the Derry Hill and Moor Lane boundaries.

The site slopes upwards from north/north-east to south/south west. A public footpath runs along the northern boundary of the application site, connecting Derry Hill and Mount Pleasant.

A watercourse travels north-south through the site and is culverted along its northern length.

Relevant Site History:
None.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is allocated as a Phase 2 housing site in the RUDP, reference S/H2.18.

Proposals and Policies

Policy UR2 - promotes sustainable development.

Policy UR3 - local impact of development.

Policy UR6 - the Council will seek planning obligations where development proposals require or would not be acceptable without the provision of - physical infrastructure, the mitigation of adverse environmental impacts and/or the enhancement of the environment and social infrastructure.

Policy H4 protecting allocated housing sites.

Policy H7 housing density.

Policy H8 housing density, efficient use of land.

Policy H9 affordable housing.

Policy TM1 developments likely to be significant generators of travel, would be required to be supported by a Transport Assessment (TA). The TA should incorporate proposed traffic reduction measures and measures to promote sustainable travel.

Policy TM2 impact of traffic and its mitigation.

Policy TM8 new pedestrian and cycle links.

Policy TM12 parking standards.

Policy TM19A impact on traffic management and road safety.

Policy D1 all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping.

Policy D2 development should maximise opportunities to conserve energy and water resources.

Policy D4 developers are required to integrate crime prevention measures, to provide a safe and secure environment.

Policy D5 development proposals designed so that important existing and new landscape features are incorporated in the proposal.

Policy CF2 education contributions in new residential development.

Policy OS5 provision of recreation open space and playing fields.

Policy NE3/NE3A landscape character area.

Policy NE10 development should ensure that ecological features and wildlife habitats, accommodating protected species are protected.

Policy NR16 surface water run-off and sustainable drainage systems

Proposals for the Shipley Constituency.

S/H2.18 Derry Hill, Menston.

A greenfield site identified by the RUDP Inspector, located on the south-western edge of Menston.

Menston Housing Sites Supplementary Planning Document

The purpose of the SPD is to provide a planning framework that will sensitively control and plan for the land at the two sites. It also identifies the wider impact new residential development will have on the local environment as well as how community and physical infrastructure may be managed and mitigated.

The objectives of the SPD include to –

- maintain a successful, stable and sustainable community;
- advise on the most appropriate form of development in terms of layout, access and integration with Menston;
- provide a design code, a set of principles specific to Menston;
- ensure that the cumulative impact of the developments is understood and mitigated;
- secure appropriate contributions from developers.

Planning for Crime Prevention Supplementary Planning Document

This SPD identifies five core principles in planning for crime prevention – defensible space; natural surveillance; safe permeability; property security and maintenance. These components contribute to making criminal/anti-social behaviour less likely to happen, in well-designed buildings and spaces.

Sustainable Design Guide Supplementary Planning Document

The SPD identifies four key objectives for achieving sustainable development – social progress that recognises the needs of everyone; effective protection of the environment; the prudent use of natural resources; maintaining high levels of economic growth and employment. Sustainable design is embedded within sustainable development and is concerned with ensuring the minimising of resources through environmentally friendly construction materials; built fabric is re-used as far as possible; the use of renewable energy sources; energy efficient buildings; buildings have a long lifespan and can be easily adapted.

Planning Obligations Supplementary Planning Document

This sets out the approach taken to the implementation of Policy UR6 of the RUDP in guidance for developers in terms of the Council's key areas for contributions. In order to mitigate against any adverse impact of development, a number of key areas for contributions are identified. These include transportation & highways, education, recreation open space, affordable housing and green space.

Parish Council:

The Parish Council has lodged a joint objection with Menston Community Association to the application. This is in the form of representations as “key issues within the site and a checklist of plans against supplementary planning and highway decision documents”.

The key issues are identified as –

- Building design and materials;
- Green and landscape;
- Density and mix of housing;
- Highway issues;
- Safe access from the site;
- Section 106 and 278 measures
- Affordable housing
- Childrens play spaces and playing pitch provision
- Sustainable transport initiatives
- Construction traffic
- Contextual Issues
- Train congestion
- Parking
- A65 and other routes to Leeds/Bradford
- Buses
- Employment

Publicity and Number of Representations:

The application was advertised through site notices and in the local press.

There have been 1005 objections to the application, 1 letter supporting the application and 6 letters of representation.

Summary of Representations Received:

The objections to the application are based on the following –

Non-compliance with policy.
Affect on Conservation Area.
Nuisance, noise and fumes.
Loss of privacy/overshadowing.
Inappropriate design, choice of materials.
School provision.
Traffic and pedestrian safety.
Traffic congestion.
Unsuitable vehicular access.
Inadequate parking provision.
Inadequate drainage.
Adverse affect on wildlife.
Impact on landscape.
Rail services overcrowded.

Consultations:

West Yorkshire Police has no objection to residential development on this site. There are some concerns in respect of the permeability (footpaths/links) within the proposal which may lead to crime and anti-social behaviour. Safer Places advice for the creation of safe footpath links is that they should be wide, clear of hiding places, busy, overlooked by dwellings, well-lit and follow a direct route.

WYP refers to the requirements of RUDP Policy D4 being met, in relation to the following:

- front and rear boundary treatments;
- front and rear plot divides;
- separation between the different uses within the development.

Housing Enabling comments that the site is located in Wharfedale, where the affordable housing quota is 40% and a sales discount on open market value of 50% is required for affordable housing. The requirement is split as:

- 60% family housing, comprising a mix of mainly 2 and 3-bed houses, with a smaller proportion of 4-bed. The floor area requirements are 70-75 sq metres (2-bed); 80-85 sq metres (3-bed) and 115-125 sq metres (4-bed).
- 30% housing aimed at singles and couples, comprising a mix of 1-bed apartments (floor area 48-52 sq metres) and 2-bed apartments (floor area 58-65 sq metres), with a greater proportion of 2-bed. It's envisaged most of the 1-bed apartments and about half of the 2-beds would be available for rent, to meet the needs of this client group.
- 10% housing for elderly persons comprising a mix of 2-bed bungalows (floor area 65-70 sq metres) and 2-bed apartments (floor area 58-65 sq metres).

Education comments that the nearest primary school is Menston Primary, which currently has places available and therefore a contribution to primary facilities would not be required. The nearest secondary school is Ilkley Grammar which has no places available. With an increase in population within the local area, a secondary school contribution would be required. This is calculated as £236,377. Subject to parental preference, secondary provision may need to be expanded, the following Bradford schools are currently attended by children from Menston - Bingley Grammar, Parkside, St. Bedes (Catholic), Titus Salt and University Academy Keighley.

The Environment Agency has no objection in principle and recommends conditions to cover flood risk and protection of groundwater.

Yorkshire Water has suggested conditions, if planning permission is granted.

Metro comments that there are two issues. The first is the accessibility of the site to public transport services, the second relates to the cumulative impact of the development on the Wharfedale rail line and associated facilities.

In order to address these issues, it is Metro's view that the following mitigation measures are required, bus service enhancement; annual MetroCards; rail enhancements.

Metro states that there is currently no formally adopted policy for accessibility criteria in Bradford. However, Metro assesses development sites on both best practice guidance and through benchmarking against other Passenger Transport Executive (PTE) standards. The standards used are based on best practice guidance Planning for Public Transport in Developments published by the Institute of Highways and Transportation (IHT).

Metro considers that developments should be located no more than 400 metres (walk route) from a bus service and or no more than 800m (walk route) from a rail station. This criteria is broadly used by all PTE's. As the site is 1.1km from Menston station and over 400m from bus services offering a reasonable frequency of service, it does not meet this criteria.

Initial discussions have focused on extending the 967 Otley - Menston bus service to include a loop at the end of the route to connect to the application site.

This would be covered by a contribution of £117,000 to be used by Metro towards the provision of bus service enhancement to serve the occupiers of the Derry Hill residential development via Main Street, St. Peters Way, Hawksworth Drive, with a service frequency of no less than thirty minutes between 0700 and 2000 hours Monday to Saturday and hourly (60 minutes) on Sundays. The service shall run for a minimum of 5 years provided -

- (a) that the bus service will operate on occupation of the first dwelling; and
- (b) that the bus service shall also serve Menston Railway Station.

(An alternative option, suggested by Bradford officers, was to provide an express bus service from Menston to Bradford. Metro has considered this suggestion and feel that it doesn't provide a realistic solution to improve the accessibility of the site. We estimate that to achieve a 30 minute frequency service a minimum of 4 buses would be required. This would cost in the region of £450,000 per annum. Furthermore, significant bus priority would have to be provided on the route to allow the service to compete with the existing rail service journey times into Bradford).

It is Metro's view that the main transport impact from the development will be primarily commuter trips to both Bradford and Leeds. The Transport Assessment (TA) and Travel Plan have both used 'travel to work' patterns to assess the expected trip levels from the site based on the Menston ward area. From the analysis in the TA, the predominant mode of travel is by private car, which accounts for 75% of trips. Sustainable modes (public transport, walking and cycling) only accounts for 24%, of which 11% is by rail. In real terms this equates to 20 two-way trips in the AM peak period by rail. Given the significant journey time savings that are made when using rail to access Leeds and Bradford, combined with effective travel planning, it's felt that despite the site's location, this significantly underestimates the propensity to travel by rail services.

In order to encourage the use of public transport and to change travel behaviour, the applicant should enter into the Residential MetroCard scheme. The scheme provides residents with an annual Zone 1-3 MetroCard, followed by the option of significant discounts in the following two years. Research on the 'take up' of the scheme has shown sites where there is an opportunity to use rail service have had the best take-up. The cost of implementing this scheme on a site of 174 dwellings would be £138,000.

The Wharfedale rail line is currently well-used by commuters to access Bradford and Leeds. This is reflected in the data taken from Northern Rail Automatic Passenger Counters (APC) installed on the trains. The APC data shows that the Ilkley – Leeds AM peak departures (0710, 0740, 0805) from Menston are approaching seated capacity. On arrival into Leeds station, these trains are significantly over capacity and in some instances over the Department for Transport franchise capacity level (135% of seated capacity). A similar pattern occurs in the PM peak with trains leaving Leeds over seated capacity. The same pattern is evident on Bradford bound trains, albeit at lower levels.

The projected rail patronage provided in the TA estimates 11% of trips to use rail in the AM peak. Whilst this projected increase in rail patronage from this development in isolation is marginal, Metro has concerns about the cumulative additional demand on the rail service and facilities as a result of new developments close to rail stations. The 2007 Rail White paper and the Northern Route Utilisation Strategy, a railway planning document produced by Network Rail, both predict strong rail growth into Leeds over the coming years. The Northern RUS predicts growth of 44% on all peak services into Leeds by 2019, which by 2029 is expected to grow further to 72%.

The Department for Transport has recently announced the procurement of additional carriages to tackle overcrowding across the national network between now and 2019. At this stage it is not known what carriages will be available for West Yorkshire, but it is very unlikely that sufficient carriages will be available to eliminate the current overcrowding issues on the Wharfedale Line. Metro will need to consider alternative ways of dealing with the cumulative impact of developments.

A long-term solution to provide rail enhancements is to pool contributions from a number of separate developments along the rail line. This may allow the capacity of the line and station facilities to be improved over a longer time period with multiple contributions or other more deliverable interventions to be funded in the short to medium term. This approach should be applied to this development. Metro considers that a commuted sum should be paid to Metro to be used for either rail capacity enhancements or improvements to rail facilities in Menston. Metro believes a contribution of £204,000, for the development of rail services including rolling stock procurement or other improvements to rail facilities, such as additional car park to serve Menston station should be provided.

Environmental Health (Scientific & Health Services) comments that the site has not been subject to any known contaminating land use. The site investigation methodology provides sufficient information to enable site characterisation and concludes that there is no source of contamination and that topsoil from the site is suitable for reuse on the site. This is accepted. In order to ensure that any other infill material or topsoil imported to the site is suitable for use and does not bring contamination to the site, and, given the sensitive end use of the site for housing with gardens, and there may be a need to import top soil or fill material to the site, it's recommended that the following conditions be included:

1. Any infill material, soil or soil forming material brought on to the site shall be tested for contamination and suitability for use. The methodology for testing shall be submitted to, and approved by, the Local Planning Authority prior to these materials being imported onto site. The testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information including laboratory certificates shall be submitted to and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.
2. In the event that contamination not previously identified prior to issue of this decision notice, is encountered then all works on site, except site investigation works, shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days.
3. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until either a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.
4. Following the completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the site or phase of a site shall not be brought into use until such time as all necessary verification information has been approved in writing by the Local Planning Authority.

The site lies within an area identified by the HPA where between 1-3% of properties are affected by radon. The Health Protection Agency recommends that if the estimated percentage is 3% or more, new homes or extensions, conversions or refurbishments should incorporate basic radon protection measures.

Internal Consultations

Drainage - full surface water drainage scheme details to be submitted for approval, prior to works commencing on site; a surface water drainage scheme, floor & ground levels to be designed & constructed to comply with the recommendations & conclusions of the Flood Risk Assessment submitted by Eastwood & Partners, ref. NJB 30864 Rev D.

Certain areas of the site may be suitable for the use of sustainable drainage techniques. The suitable areas of the site must be investigated for their potential for the use of sustainable drainage techniques. Only in the event of such techniques proving impractical would disposal of surface water to an alternative outlet be considered.

An unrecorded watercourse exists adjacent to the electricity sub station, the layout of this watercourse across the development site must be investigated & a report submitted indicating any proposed diversions, alterations or works affecting the watercourse.

Countryside & Rights of Way (CROW)

The applicant is proposing the creation of a new public footpath within the application site, connecting Moor Lane and Burley Moor Road. This is supported.

Landscape Design.

The site lies within the Wharfedale Landscape Character Area, as noted in the Menston SPD. The landscape character area is described in the Landscape Character Supplementary Planning Document, Volume 8: Wharfedale, adopted by Bradford Council in October 2008. The Landscape Character Supplementary Planning Document (SPD) supplements policies NE3 and NE3A of the Replacement Unitary Development Plan.

The site lies within the Enclosed Pasture Landscape Character Type. The landscape is described as having a well wooded character, made up of small blocks of woodland, groups of trees around scattered farmsteads, boundary trees and occasional isolated trees within the pasture fields. For Ben Rhydding and Menston specifically, policy guidelines state:

- Keep settlement edges neat and discreet and utilise a framework of tree planting.
- The visual impact of any proposal would need to be considered in detail and may involve additional on-site and off-site planting to absorb the development into the landscape. The associated infrastructure of access roads, lighting and signage, would also need to be carefully considered.

In relation to the landscape masterplan, the proposed open space to the south of the site is a key consideration. The plan shows a parkland landscape with a hedgerow and trees as an immediate buffer to the residential back gardens. This approach would be appropriate to the existing landscape character. Equally, this area could be woodland or wood pasture (as discussed at previous meetings with both countryside and tree officers) and still be appropriate to the landscape context. The off-site planting shown on this drawing is a key consideration. The delivery mechanism for this feature should be determined to ensure it forms part of the developer's legal obligation and can be successfully maintained in the long-term.

The treatment shown to the rest of the site on the landscape masterplan is supported. I would suggest that the species shown are considered by the countryside and tree officers, although I am generally comfortable with the range of species proposed. I would suggest that ornamental bulb planting is kept within the housing site only.

In relation to the public open space concept plan, no. Bir.3312_09, 14th March 2011, the focal feature would appear to be an appropriate solution, situated on the junction/activity node and allowing the maximum open green space for a variety of uses. The paths/ desire lines may need further consideration, possibly a link from the north side or simply omitting the paths to encourage free movement. Precedents in the Netherlands have left spaces open and added paths to follow desire lines created at a later date, ensuring paths are in the right place. The opening from the focal area should remain however.

Visuals have been provided which show a manicured hedge running through the site. As raised at the recent meeting, these should be far more naturalistic in appearance and subject to careful management in line with biodiversity requirements.

The long-term management proposals for this off site planting and other public spaces should be clearly set out to ensure their long-term integrity.

Finally, in relation to the landscape management plan, general support for the approach taken. As with previous comments, landscape management operations will also impact upon biodiversity and tree issues, so suggested that the Countryside and Arboricultural Officers have an input here.

Trees

The proposed woodland area would benefit from additional woodland planting. I had in mind a very strong new wooded area with perhaps woodland pasture/copses of smaller scale trees nearer the houses. Suitable species for the woodland area would comprise Oak (Q robur), Ash (F excelsior) Alder (A glutinosa) S Birch (B pendula) Cherry (P padus) and Pine (P sylvestris) and under planted with hawthorn, hazel, f maple, and holly etc. A woodland management agreement would also be prudent as we would need to know details of management and timescales of operations please.

Support for the application would hinge on the implementation and enforceability of the woodland planting and management, so the planting is formalised via Section 106 agreement.

Design Enabler

This application is now acceptable from a design point of view. The changes that have been made are as follows:

- Building for Life is the national standard for well-designed homes and neighbourhoods. Schemes are assessed on a number of criteria - environment and community; character; streets, parking and pedestrians; design & construction. There are 5 points within each criteria. The score for the Building for Life assessment is now 14.
- Space standards are satisfactory and meet the standards for the Affordable Housing.
- A statement has now been provided in relation to Lifetime Homes (and Affordable Housing). Unfortunately no bungalows are being provided (See Section 4).
- A statement has now been provided in relation to the Code for Sustainable Homes All dwellings will now be Code 3.
- Major improvements to the layout, the character of the houses (the house types), the elevations themselves and their facing materials have been made. This has been the most important aspect of the application and the applicant has now responded well to the Council's concerns.

Local Development Framework

The proposal is acceptable in principle, as a site allocated within the Replacement Unitary Development Plan (RUDP) for housing development (Policy S/H2.18). The RUDP and the policies and proposals within it, were subject to extensive consultation, and the objections to the site's allocation were considered and rejected by the Planning Inspector who presided over the RUDP public inquiry in 2003. The principle of the use of the site for housing is therefore established.

Notwithstanding the status of the site, the response also covers whether there are any new strategic considerations which support or undermine the principle of development on this site.

One of the key strategic roles of the RUDP 2005 was to identify enough land to meet the scale of housing need thought likely to arise for the plan period to 2014. This equated to an annual house building target of 1390 dwellings per annum.

Within the RUDP, housing site allocations to meet this requirement were divided into 2 phases. The application site was identified as a phase 2 site. Phase 1 sites were released for development immediately, whereas phase 2 sites, often on green field land, were held back for the latter part of the plan period. The trigger point for the release of phase 2 sites, related to the point when 90% of the phase 1 housing requirement had actually been built by developers. This was reached in 2008 and thus in August of that year, phase 2 sites joined the remaining undeveloped phase 1 sites, as available for development.

In 2008, under legislative requirements, the Council was required to submit to the Secretary of State, its proposals for which policies within the RUDP should be saved beyond October 2008. The housing site allocations and many of the housing policies within the Policy Framework were saved.

Since the adoption of the RUDP in 2005 there have been a number of changes to national and regional planning policy and the Council has also set out its strategic priorities with regards to regeneration and housing in the Big Plan and the District Housing Strategy. The sum total of these changes is to underline and increase the importance of delivering housing development on RUDP sites, in support of the district's growing population.

The most important change in circumstance since the RUDP was produced, is that the scale of need for new housing is now thought to be near double that which led to the allocation of the application site. This makes it difficult to sustain any reasonable objection to the principle of development of this site.

Significantly, the most up to date projections by the Government, suggest that the number of households is set to increase in the district by on average around 3100 a year in the period up to 2026. This figure is actually higher than the number planned for in the Regional Spatial Strategy. Even factoring in of recent cyclical trends in the economy, the state of the housing market, and current restrictions on lending, it is likely that the RSS figure of 2700 new dwellings per annum would be close to a level of new development to be making provision for in future years.

Furthermore, the LDF would need to identify a considerable and substantial increase in the supply of land for development over and above that which remains undeveloped from the current RUDP, if the needs of the districts population are to be met.

Both the past and present Government's policy, as set out in Paragraph 71 of PPS3, has put particular emphasis on Local Planning Authorities ensuring that there is a 5 year supply of deliverable housing land. Where Local Planning Authorities are not able to demonstrate that there is sufficient deliverable land they are required to consider favourably, applications for planning permissions for housing development to redress this shortfall, subject to compliance with other aspects of national policy.

The Planning Service is working with developers, as it is required to do, to assess the precise outturn against this 5 year land supply requirement, but the results so far suggest that the district only currently has around half the required 5 year supply of land, judged against the annual house building target of 2700 dwellings per annum. This supply would be further reduced if planning permission was not achieved on the site at Derry Hill, as this is one of the remaining undeveloped RUDP allocations that appear to be viable in the short-term, even in the current market conditions. In addition to the impact of non-delivery of new homes needed, reducing the 5 year land supply by rejecting or delaying development at Derry Hill could increase the threat of other sites/areas of land in the district, which are not currently identified in the RUDP for housing development – including open space, safeguarded land and green belt - being given permission via the appeal process. This is precisely what has happened in other parts of the country and the approval in 2010, at appeal, of the proposed development on safeguarded land at North Dean Avenue, Keighley underlines this potential threat.

The need to ensure that RUDP housing sites are implemented is further underlined by the relatively poor performance over recent years in terms of the number of new homes, particularly affordable homes, being built in the district. The number of new homes completed has in recent years failed to match either the actual increase in population and households in the district, or the policy based targets set in the RSS. Failure to deliver the right number of homes over an extended period runs the risk of exacerbating existing problems of overcrowding, putting increased pressure on the social housing stock which is already oversubscribed, and undermining regeneration. Furthermore, recent work carried out for the forthcoming LDF has revealed the actual scale of need for affordable homes i.e. those provided for social rent or under shared ownership or shared equity schemes. This suggests an affordable housing need equivalent to around a third of the total housing requirement, or over 700 dwellings per annum. This is well in excess of anything achieved in recent years. The proposed development therefore has the potential to make a contribution to both open market and affordable housing need.

In conclusion, the district faces a significant challenge in securing sufficient housing to meet its need over the coming years. Ensuring the delivery of development on existing identified housing sites will be the first step to meeting this challenge. It is essential that land is available now which can be prepared and progressed so that the needs of the district's population are met, as confidence among both developers and house buyers recovers. The site at Derry Hill would also boost the supply of new homes at a time when housing delivery has dropped to a relatively low level. Therefore, if an acceptable scheme is achieved, the site will contribute to the Council's 5 year land supply and thus reduce the pressure and threat of unplanned releases of land in other locations which conflict with current RUDP policy as outlined above.

The Menston SPD covers the two principal allocated housing sites in Menston - Derry Hill and Bingley Road. Its purpose and overarching aim is to provide a planning framework that will sensitively control and plan for the development of land for housing. In doing so it advises on the appropriate form of development for both sites, in terms of access, design and layout, and aims to preserve and enhance the landscape and historic character of the wider area by securing contributions to mitigate the impact of development.

The production of the SPD involved extensive public engagement. Two consultation events were held in Menston, prior to a draft version of the SPD being produced. The first event took place at Menston Primary School on 15th March 2006. Large maps of the two sites were displayed and a questionnaire was handed out to visitors to invite comments on the possible impacts of developing these allocations. A second event took place at the Kirklands Community Centre on 22nd April 2006. This event included an exhibition illustrating the progress made on the preparation of the draft SPD.

The draft version of the SPD was then subject to a further six-week public consultation between 25th September 2006 and 6th November 2006. As part of the consultation, two further drop-in sessions were held in Kirklands Community Centre on 30th September 2006 and 5th October 2006. The Council received seventy nine written responses to the draft SPD during the public consultation period.

The Menston SPD was approved by Executive in September 2007 and adopted by the Regulatory and Appeals Committee in October 2007.

It is important to be mindful of the need to take account of any new circumstances which have arisen since the document's production, for example the current state of the housing market and changes in the nature of housing demand. Nevertheless, the proposed scheme raises a number of issues.

It is essential that any approved scheme makes suitable provision for open space. The applicant needs to be clear as to which areas of open space are contributing to the 0.89 hectare figure they have put forward as being provided in paragraph 6.7 of their design and access statement. Furthermore, there are other peripheral locations identified within the applicant's landscape strategy which are also not appropriate for inclusion within the on site open space calculation since they have no practical use for recreation.

It is also an important principle within the SPD that all residential units should be designed and constructed to 'Building for Life' and 'Lifetime Homes' standards. It is disappointing that the applicant implies that this standard will only be applied to the affordable units (see paragraph 2.23 of the applicant's sustainability statement).

Additionally, all the proposed dwellings should be constructed in accordance with the current building regulations (as amended in Oct 2010) and the wider elements of Code Level 3 (i.e. not just the criterion which relate to the conservation of fuel and power). The applicant has acknowledged this in making reference to paragraph 3.17 of the SPD in paragraph 1.5 of their sustainability statement. A code assessment should also be undertaken prior to the development commencing.

In terms of density, paragraph 4.22 of the SPD recommends that the development achieve a density of 35 units per hectare. The site is 5.44 hectares in size which equates to 190 units. The application proposes 174 units, a density of approximately 32 dwellings per hectare, above the 30 dwellings per hectare as set out in Policy H7 of the RUDP.

Transportation & Highways - Traffic Generation.

The development proposal is predicted to generate some 137 two-way vehicle movements during the AM peak hour, and 146 during the PM peak hour. This is based on 85th percentile trip rates and represents the worst case scenario.

Highway capacity analysis of local junctions has been undertaken using trip rates for all proposed developments in this area, including High Royds. The results of the analysis indicate that all of the junctions analysed are predicted to operate with significant reserve capacity with the additional development traffic in both the AM and PM peak hour periods for future year scenarios. The development traffic would not have a material impact upon the operation of nearby junctions or lead to an increase in congestion or delay on the surrounding highway network.

Car and Cycle Parking

344 car parking spaces are to be provided for the development, representing c.2 spaces per dwelling average for the development. Whilst this is a higher provision than the RUDP standard of 1.5 spaces per dwelling average for the development, it reflects the high car ownership for this area. Inadequate parking provision within residential developments can also lead to on-street parking problems.

Cycle storage is an integral part of the design of each dwelling and if a house has no direct access to the garden or garage without going through the house, cycle storage is being provided at the entrance.

Sustainable Access

The guideline figures used by Metro for walking distances are 400m to bus stop and 800m to rail station. The nearest bus stop from the centre of the site is c. 450m and the rail station is 1.1km. Although the Derry Hill site is not within close walking distance of either the nearest bus stop or the rail station, these are guideline figures, which are based on research carried out by Institution of Highways and Transportation in 1999. More recent research by Department for Transport published in 2008 'Building Sustainable Transport into New Developments' identifies that '...propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating...'

Quite clearly this is a high quality area where an additional 300m distance would not deter people from walking to the rail station.

Bus Usage - the 967 service operates between Menston Station and Leeds Bradford Airport via Otley. The first bus from Menston Station leaves at 0522 and operates every 30 minutes until 2022, when the frequency drops to 60 minutes until 2325.

Between the hours of 0949 – 1619 the bus continues beyond Menston Station and loops around St Peter's Way, Hawksworth Drive and back to Menston Station before heading back to Leeds Bradford Airport.

The developer is providing a funding contribution to enable the service to be extended to undertake the above loop throughout the whole timetable, and thereby bring the service closer to the development site in the morning and evening peaks.

A bus stop on Hawksworth Drive would also be provided with a shelter.

Rail Usage/Capacity - the Transport Assessment modal split predicts that an extra 11 people from the Derry Hill development would use the rail service. Whilst this appears to be an underestimate of rail usage potential, the incremental growth impact would still be marginal even if this number of passengers from the site doubled.

The seating capacity of a train is 360 and the franchise capacity 467 (i.e. 135% national standard definition). Northern Rail carried out capacity surveys on the Wharfedale Line, for the first three quarters of 2010, using automatic counters on the carriage entrances. The results expressed as averages showed that in the January – March period, two trains leaving Ilkley at 7.40 and 8.05 were at or near capacity when leaving Guiseley station (479 and 410 passengers). This position was not repeated in other quarters. This indicates that there is sufficient capacity in the rail system to accommodate demand from the Derry Hill site.

Notwithstanding the above, the developer is making a financial contribution to rail capacity enhancement and a package of improvements at Menston station including: new shelter; platform help point; ticket machine; and real time Information displays (within the car park).

Walking & Cycling - the developer would fund measures between the site and Menston Station to control traffic speeds and improve safety of pedestrians, including extension of 20mph zone to cover the whole of Main Street and a pedestrian crossing facility close to the centre of the village.

The developer is also providing a walking route through the site connecting Moor Lane with Bingley Road

Travel Plan - a comprehensive Travel Plan accompanies the Transport Assessment. The TP sets out targets for site traffic generation and provides a monitoring and enforcement regime. The measures and actions detailed within the Travel Plan aim to encourage reduced car use and promote alternative travel modes.

Internal Site Layout

Two accesses are provided in line with DfT advice in Manual for Streets, with a spine road running through the site.

The design of the internal layout endeavours to encourage low traffic speeds and give priority to pedestrians and cycle movements.

The internal road network and turning facilities are adequate to cater for emergency and service vehicles.

Off-site Highway Works

Shipley Area Committee considered a package of measures to mitigate the traffic impact of the Derry Hill and Bingley Road residential developments, January 2010. This package of measures had been drawn up by Council officers in conjunction with local groups, and was based on the guidelines outlined in the Menston SPD, see table below. It was acknowledged that the measures as presented were broad concepts, not definitive solutions, which would need to be developed further through a detailed design process.

All the measures have been assessed jointly, by the Planning, Transportation & Highways service and the developer as part of the applications. The measures are discussed below in the same order as considered by the Area Committee -

1. Creation of a new priority junction access 30 metres to the north of Derry Lane with mandatory right turn onto Derry Hill (south bound) for all development traffic

The purpose of this is to prevent development traffic accessing Main Street via the sub-standard section of Derry Hill north of the site access, thereby reducing development impact on Main Street.

The developer whilst prepared to provide an appropriate junction layout to prevent both left turning traffic out of the development and right turning traffic into development, considers that this is not necessary, if Derry Lane remains open (see below).

The Transport Assessment shows that with Derry Lane open, there is very little demand for development traffic to use the sub-standard section of Derry Hill north of the site access. Notwithstanding this, traffic management measures such as making Derry Hill one way, as suggested in the Menston SPD, could be implemented but this is likely to increase traffic using either Derry Lane or Main Street.

2. Point closure of Derry Lane at the junction with Derry Hill

This proposal was put forward by Menston Working Party, to discourage use of Derry Lane and Hawksworth Drive, as this road has a large proportion of elderly residents and is a route used by pupils attending Menston Primary School. The developer, however, does not agree to closure of Derry Lane / Derry Hill junction. The Panel needs to bear in mind that this closure is not essential to the functioning of the Derry Hill site, and that it cannot be justified on technical grounds. It is considered that the Derry Lane – Hawksworth Drive route is of a sufficient standard to carry additional traffic from the development. The Transport Assessment confirms that there is no capacity problem at any of the junctions along this route.

Examination of accident records shows that there were no injury accidents along this route. Indeed the records show only two personal injury accidents over the last 5 years in Menston, both on Main Street. These are the only accidents recorded by the police and accidents that involve solely vehicle damage are not recorded. This low number of recorded injury accidents reflects the generally low vehicle speeds in Menston.

Notwithstanding the above, the developer is proposing to fund traffic calming measures and 20 mph speed limit along Derry Lane / Hawksworth Drive, to mitigate any adverse impact of development traffic.

It would also be prudent to point out that the steep gradient up Derry Hill would discourage any traffic using that route during adverse weather conditions. If Derry Lane is closed, most development traffic would end up using Main Street during such conditions.

3. Implementation of improvements to Derry Hill (south of Derry Lane) to encourage use by development traffic including the existing of the eastern and western footways, improvements to street lighting and resurfacing of the carriageway.

Any highway improvements along this route would be limited due to land ownership issues. The most that could be achieved is localised widening to remove pinch points, resurfacing and low level lighting. The developer is prepared to carry out improvements to Derry Hill south on this basis.

There is no pedestrian desire line along this route to justify footway provision. The developer is providing a pedestrian link through the site connecting Moor Lane to Bingley Road.

4. Undertaking a detailed review of parking on Derry Hill to identify opportunities for improving traffic flow by possible modification of existing Traffic Regulation Orders, the costs of this to be secured via a £10,000 contribution specified in any subsequent Section 106 agreement.

The Transport Assessment shows that with Derry Lane open there is very little demand for development traffic to use the sub standard section of Derry Hill north of the site access. The existing layout also acts as a deterrent to through traffic and any improvement, such as one way operation, is likely to increase traffic on Main Street or Derry Lane.

5. Improvements to the junction of Bingley Road with Derry Hill incorporating widening of Bingley Road and creation of a ghost island arrangement, increasing the radius and sight line from Derry Hill, improvements to the street lighting provision and a reduction in the speed limit to 30 mph on approach to junction.

The junction of Bingley Road with Derry Hill will be improved to provide an appropriate sight line to the left when emerging from Derry Hill.

Speed limit will be reduced to 30 mph on Derry Hill in conjunction with traffic calming and gateway features starting just beyond the junction. It is considered that traffic calming Derry Hill is not necessary due to the alignment and width of the road, which makes it difficult to travel at high speeds.

6. Creation of an off-street parking facility for residents of 1-10 Mount Pleasant who have no alternative off street provision, realignment of existing road alignment opposite 1 to 5 Mount Pleasant to improve sight lines.

Parking for Mount Pleasant residents is being provided within the site. A TRO will also need to be implemented to ensure the residents do not continue to park on-street.

It is recommended that the road is not realigned as the bend is an effective measure for slowing traffic, and that waiting restrictions at this location are implemented to improve highway safety.

7. Improvements to the existing mini-roundabout junction comprising realignment of radius adjacent to recreation field at the junction of Bingley Road and Main Street.

The junction has recently been implemented by Leeds Council with funding from High Royds, but it is ineffective in slowing traffic, in particular the straight ahead move from Bingley Road east. A low cost solution has been designed which slows vehicles on all approaches to the roundabout. (Drawing No 09-213-07-270-TR-001)

8. Improvements to Bingley Road from its junction with Derry Hill to the proposed Western Access to the Bingley Road development site including extensions of footways, improved street lighting provision, resurfacing / reconstruction of Bingley Road and extension of the existing 30 mph speed limit

The speed limit on Bingley Road would be reduced to 30mph, to just beyond the Derry Hill junction in conjunction with traffic calming and gateway features. Traffic calming in the form of speed ramps will be provided from Derry Hill to the roundabout junction at Main Street. (Drawing No 09-213-09-270TR-002)

There is no pedestrian desire line on this section of Bingley Road to justify footway improvements, but low level lighting would be provided.

In view of the low volume of development traffic that would be using this section of Bingley Road, particularly if Derry lane remains open, reconstruction of Bingley Road cannot be justified. The developer would provide some carriageway resurfacing where appropriate.

9. A financial contribution of £30,000 secured via a Section 106 condition to fund a review of parking around Menston station and to examine the need/desirability of introducing traffic management measures around the junction of A65 Bradford Road / Leathley Road / Station Road junctions.

A parking review funded by High Royds has already been undertaken and implemented.

In conclusion, adequate and safe access can be achieved to the site, and the modest level of traffic likely to be generated by the development can be safely accommodated within the surrounding highway network.

Minerals & Waste

No comment.

Summary of Main Issues:

Principle of development.
Design, layout and appearance.
Affect on residential amenity.
Transportation & highway implications.
Affect on wildlife.
Planning obligations.

Appraisal:

Principle of Development

Following the RUDP Inspectors recommendation, the application site was allocated as a Phase 2 housing site in the RUDP, 2005. The principle of residential development at the application site is therefore accepted and the application complies with relevant policy.

As outlined in the LDF response above, there are compelling reasons to support the allocation of the application site for housing, under Policy H4.

In regard of the objectors arguments on the government's proposals re the abolition of the Regional Spatial Strategy in the proposed Localism Bill; it is considered that only limited weight can be given to this consideration as things currently stand pending enactment of relevant legislation. Therefore pending abolition Regional Strategies remain part of the statutory development plan and relevant policies can therefore be given significant weight.

The proposal accords with Policies H7 & H8 of the RUDP.

Design & Layout

The principles of the Menston SPD cover:

- Layout and form.
- Movement.
- Scale and density.
- Landscape.
- Materials & appearance.

The design principles applied by the applicant, seek to create a layout that uses the topography of the site to produce an “interesting form”. The topography of the application site impacts upon the proposed layout of the development, with the sloping nature in part, determining the highway layout. Due to the challenges of the topography, the resultant highway network reflects a more traditional estate type layout. Through discussions with the applicant, the housing layout has been designed to address the requirements of the SPD. This would be achieved by using the sites contours to create an interesting form; use of existing landscape features to create views and links through the development and creating a new edge to Menston village.

In terms of movement the application seeks to provide links through the site to connect the development with the adjacent area. This would be achieved by providing a pedestrian link from Dicks Garth Road to the site and a new public footpath through the site southwards, towards the open countryside and Moors beyond.

The proposed houses vary between 2 and 3-storeys and comprise detached, semi-detached and terraced house types. The 3-storey buildings would be located predominantly to the western part of the site.

In terms of density, the SPD recommends that the development achieves a density of 35 units per hectare. The net density would be 38 units per hectare. The proposed development seeks to vary the building density, from a higher density on the eastern part, to a lower density in the western part. The higher density development being along the northern boundary, adjoining the terraced houses; the lower density development being to the southern part of the site, adjoining fields.

The SPD provides design guidance and establishes a number of architectural principles. This states, design whilst contemporary should be both contextual and sensitive to the Menston locality.

The proposed scheme is of a more traditional design approach. In view of the context within which the application site is located - Victorian terraced properties to the north, post-war housing to the east and farmsteads around Menston, the character is varied, without one particular characteristic defining Menston. As such, the approach of a traditional interpretation of the local context, avoiding pastiche is considered appropriate. This design approach being supported on the basis that the houses are well detailed and reflect the context of the dwellings within the surrounding area. Consequently, the applicant has redesigned the house types, to better reflect the context of traditional house design in Menston.

At the time of writing the report, the discussions on house types had not been concluded. It was confirmed with the applicant, that the application would be reported to the Area Planning Panel on the basis that the house types would be settled prior to the date of the Panel meeting and reported verbally. (If the house types had not been agreed within that timeframe, the Panel would be requested to defer any decision on the planning application).

A limited palette of materials has also been chosen to reflect the traditional materials of Menston. This includes natural stone, brick, render and slate roofs.

A number of measures would be implemented to improve the energy performance of the dwellings. These include, where supplied, energy efficient 'white goods'; energy efficient lighting; efficient water heating systems and recycling facilities.

Policy D4 seeks to ensure a safe and secure environment, in relation to the following:

- Front and rear boundary treatments.
- Front and rear plot divides.
- Separation between the different uses within the development.

West Yorkshire Police has no objection to the principle of residential development on this site.

The existing stone walls to the eastern and northern boundaries would be retained and where necessary repaired, as part of the proposed development.

There are three hedgerows aligned north-south within the application site and a tree belt to the southern boundary.

The tree belt to the southern boundary would be retained, managed and complemented by additional planting, with houses now sited to reduce potential overshadowing by the trees and the subsequent threat to the trees retention.

The proposed development would be located some distance from the Menston Conservation Area. Whilst there would be long views from within the conservation area, looking south towards the application site, the development would be seen in the context of an existing residential area. Consequently, neither the character nor setting of the Menston Conservation Area would be adversely affected by the proposed development.

Loss of privacy/overshadowing/disturbance.

There are a number of residential properties on Moorfield Avenue, which adjoin the application site along the northern boundary. These properties being the nearest to the proposed dwellings.

The minimum distance between the main aspects of the existing houses and the proposed dwellings would be 21m. The minimum distance between main and secondary aspects would be 14m.

The resultant distance between existing properties and proposed properties is not considered to result in a loss of privacy or overshadowing. The proposed layout is considered to provide an acceptable distance between existing and proposed properties, without adversely affecting the residential amenity of either existing or prospective residents.

In the event of construction work and associated activities taking place, this could result in disturbance to local residents. However, measures would be put in place to ensure that any impact on local residents was minimised. This could for example include control over hours of working and signage to control development traffic movements. Consequently, it is not envisaged that the construction of the development would cause any nuisance that couldn't be controlled by the environmental legislation.

Inadequate Drainage.

The surface water scheme for the development at Derry Hill has been designed to ensure that surface water from the development would not enter the watercourse at a rate greater than the existing green field run-off rate, up to and including a rainfall event which will occur, on average, once every one hundred years.

There would be no increase in flow, to the land drainage network in the area, due to the provision of on-site flow balancing facilities, together with flow control.

The flooding problems affecting the existing properties to the north of the site have been witnessed. The problems witnessed were a result of surface water flow. If the development is constructed there would be a significant reduction in overland flow leaving the site, with the likely consequence that flooding would actually be reduced rather than exacerbated.

The Council has information gathered by a surveying technique known as LIDAR, which when used in conjunction with other software, indicates surface water flow paths. The flow paths for this site show clearly that water from this site has, in the past, ultimately finished up following the line of the culverted watercourse.

No flooding event up to and including a 1% (on average, once every one hundred years) would increase the flow to the watercourse and consequently the proposed development would neither create, nor exacerbate any instance of flooding.

A sustainable drainage system has been designed as an integral element of the proposed development. This incorporates the existing watercourse to drain the site at the lowest lying area meeting the aims of Policy NR16.

Transportation & Highways

The applicant has submitted a Transport Assessment (TA) along with a Travel Plan. On consideration of the affect of traffic generated by the proposed development, together with the measures included within the Travel Plan, it is not believed that there would be any adverse affect on the local highway network to the extent warranting refusal of the application.

The proposed off-site highway improvements have been the subject of scrutiny following the comments of the Shipley Area Committee (SAC). There are a number of measures that would be provided by the applicant, in the event of planning permission being granted, to address concerns on vehicular access; traffic & pedestrian safety and traffic congestion. The mitigation measures endorsed by SAC and the measures proposed by the applicant are included in the table below:

As part of the proposed development the applicant is in discussion with the Rights of Way section regarding the creation of a new public footpath route through the application site. The provision of a new pedestrian route in Menston is welcomed and reinforces the aims of Policy TM8 of the RUDP.

The car parking standard given in the RUDP Appendix C is 1.5 spaces per unit and is normally applied as a maximum. This calculates at 261 spaces, 323 spaces are proposed. Applying the guideline figure of 1.5 spaces to the 1 and 2-bed units, and 2 spaces to the 3, 4 and 5- bed houses, results in a figure of 323. This figure is considered to be appropriate to the type of development and represents a balance between a sufficient level of parking and the impact of cars. There would be a more than adequate level of car parking.

To encourage the use of public transport, Metro has been heavily involved in discussions with the Council and the applicant. In this case, with Menston having its own rail station, the focus has been on enhancements/improvements to the rail facility. The applicant has agreed to fund a ticket machine; platform shelter and signage at the rail station. Additionally, monies would be allotted to the provision of additional car parking to serve the rail station and a contribution to rolling stock. Together with contributions to fund the extension of the 967 bus service and a bus shelter at St Peters Way, it is considered that public transport accessibility would be improved.

In conclusion the proposed development would be served by suitable vehicular access; the level of parking within the development would be appropriate to the type and design of the scheme; pedestrian highway users safety would not be compromised and the proposal would not result in traffic congestion on the local highway network.

Ecological Impact

All locations where badgers could establish setts or leave any other form of evidence such as hairs, latrines, tracks or snuffle holes were searched for during the phase 1 survey and no evidence was found, at this time or during subsequent studies.

Consequently, it has been clarified that sufficient survey effort was undertaken in respect of the badgers.

Together with the bat survey work carried out at the location, the measures in place for habitat creation and protection are considered appropriate, without there being any adverse affect on wildlife. The requirements of RUDP Policy NE10, being met by the application.

Planning Obligations

In the event of the planning application being approved, there would be a requirement, for contributions for affordable housing, education facilities, recreation open space, highway improvements and public transport infrastructure improvements/enhancements.

As part of the process, in view of the 'cross-over' between off-site highway requirements and public transport enhancements, between this site and the Bingley Road application site, the question has been raised as to what would happen to the provision of infrastructure improvements/financial contributions if only one of the two allocated sites gained planning permission and development was progressed on only one site. Another scenario could be that approval is given to both sites but the commencement of development of one site becomes divorced from the other.

As such, the two applicants have expressed their commitment to bring these sites forward and would commence development “as soon as possible”. However in order to have a robust response to the issue raised, the applicants have agreed to deal with the above scenarios through a ‘Collaboration Agreement’. This approach would ensure that where Section 106 requirements are to be met jointly by the applicants, a mechanism would be in place to provide the surety that those obligations are met and appropriate monies paid by the developers.

Affordable Housing

The applicant has been in dialogue with Housing, in regard of providing on-site affordable housing. Agreement has been reached on the provision of affordable housing and accordingly this requirement would be met by 61 houses and 8 shared equity flats, on-site.

Education

A number of objections refer to the issue of school provision to serve the proposed development. In terms of education provision, Education has confirmed that there is capacity for primary education provision at Menston Primary. In terms of secondary education provision, however, whilst there is a secondary school on the outskirts of Menston, St Marys, this is not in the Bradford District, and is a faith school. Previously, due to Menston lying outside of a Secondary school catchment area, where there have been spare places in Leeds district, places were made available to schoolchildren living in Menston. Due to changing circumstances and the increase in pupil numbers, Leeds City Council has advised that it is unlikely that any school places would be made available in the Leeds District, for school children living in the Bradford District.

Education has also confirmed that there are unlikely to be any additional places at Ilkley Grammar School, following BSF funding being removed by the coalition Government. There would however, still be a need for additional school places, as a result of the proposed development, with the expansion of other schools in the District.

Consequently, funding would be sought to contribute towards the costs any expansion of secondary provision to serve the proposed development. Education has requested a contribution of £261,000 towards secondary provision in accordance with Policy CF2 of the RUDP. The applicant has agreed to this contribution.

Recreation & Open Space

Sport & Leisure Services has calculated a contribution of £146,000 for playing field and recreation open space improvements. This contribution would be used for the drainage of the existing football pitch at Menston Recreation Ground, £25,000; changing rooms to Football Association standard, £50,000; improvements to the tennis courts, £15,000 and the upgrading of the childrens play area, £56,000. The applicant has confirmed that a contribution for the above facilities would be provided.

Transportation & Highway improvements

Following the Menston Working party recommendations at the Shipley Area Committee, January 2010, the applicant has agreed to make a number of off-site highway improvements, outlined in the Transportation & Highways section above. A further contribution of £58,000 is to be provided by the applicant for traffic management and walking and cycling measures between the application site and Menston Station.

Public transport infrastructure improvements

Public comments have been made on public transport service and in particular the rail service on the Wharfedale line.

As part of the public transport infrastructure improvements, the following measures would be funded jointly by the applicant -

- New Rail Station shelter;
- Platform Help Point;
- Station Ticket Machine;
- Real Time Information displays (within the Station car park);

The applicants contribution to the above being £58,000.

Additionally, the developer shall would within twenty working days of receipt of written notice from Metro (accompanied by reasonable evidence) that a scheme or schemes have been developed including:

- Additional train services on the Airedale-Wharfedale line;
- Menston station car park extension;
- New off-site station car parking,

pay the sum of £146,000 to Metro. If no such notice has been received from Metro within ten years after the completion of the site, then this obligation shall cease.

In terms of other public transport infrastructure improvements, the applicant has also agreed to fund the following –

- Annual Metrocards, in accordance with the Metro scheme, £84,000;
- bus shelter at St Peters Close, £10,000.

A contribution of £117,000 to be used by Metro towards the provision of the enhancement of the 967 bus service. The 967 service operates between Menston Station and Leeds-Bradford Airport via Otley. This service operates every 30 minutes until 2022.

Between the hours of 0949 – 1619 the bus service continues beyond Menston Station and loops around St Peter's Way, Hawksworth Drive and back to Menston Station before heading back to Leeds-Bradford Airport. The developer is providing a funding contribution to enable this service to be extended to undertake the above loop throughout the whole timetable, and thereby bring the service closer to the development site in the morning and evening peaks.

Options

The Panel can either defer and delegate approval to the Assistant Director, Planning, Highways & Transportation, subject to conditions and the completion of Section 106 Agreement as recommended, or refuse the application. If the application is refused, reasons for refusal would have to be given.

Community Safety Implications:

The application has been considered against the relevant RUDP policies on crime prevention and there are not considered to be any adverse implications on community safety.

Human Rights Act

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

Trade Union

No implications.

Not for publication documents

None.

Reason for Granting Planning Permission:

The proposed development would accord with the RUDP - meeting planning obligations, for the provision of physical infrastructure and the enhancement of social infrastructure, H9 affordable housing, Policy TM2 measures to promote sustainable travel, Policy CF2 education contributions, Policy OS5 provision of recreation open space and playing fields; ensuring the development of an allocated housing site, Policy H4; making a positive contribution to the environment through high quality design, layout and landscaping and providing a safe and secure environment, Policies D1 and D4.

Section 106 Agreement

Heads of Terms to cover:

Recreation contribution

£146,000 for playing field and recreation open space improvements incl. the drainage of the existing football pitch at Menston Recreation Ground, £25,000; changing rooms to Football Association standard, £50,000; improvements to the tennis courts, £15,000 and the upgrading of the childrens play area, £56,000.

Education contribution

Education has requested a contribution of £261,000 towards secondary provision. for the purpose of upgrading the existing educational infrastructure.

Affordable Housing contribution

Provision of 61 affordable housing units on-site at 50% sales discount, and 8 shared equity flats.

Public Transport Contributions

Metrocards	£84,000
Bus shelter on St Peters Close	£10,000
Bus service enhancement	£117,000
Menston station improvements	£58,000
Rail capacity enhancement	£146,000
Walking and cycling measures between the application site and Menston Station, traffic calming and 20 mph zone	£58,000

Conditions of Approval:

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

Approved Plan Details: to follow

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

2. 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).

3. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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 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 development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 1995 (as amended) (or any subsequent equivalent legislation) no garages or carports shall be erected on the site without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and to accord with Policy of the Replacement Unitary Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 1995 (as amended) (or any subsequent equivalent legislation) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling forward of any wall of that dwelling which fronts on to a highway without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenities of the area by retention of the open plan character of the development and to accord with Policy of the Replacement Unitary Development Plan.

8. 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.

9. 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.

10. The existing wall along the site boundaries shall be retained and shall only be altered and/or lowered where necessary to provide access and sight lines in accordance with the approved plans. In these circumstances, the wall shall be made good using materials to be agreed in writing with the Local Planning Authority, and constructed prior to the first occupation of the development hereby permitted and shall be so retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy D5 of the Replacement Unitary Development Plan.

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to the Local Planning Authority for concurrent approval in writing with the landscaping scheme. The landscape management plan shall be carried out as approved.

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

12. 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 D5 of the Replacement Unitary Development Plan.

13. No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

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

14. Prior to development commencing details of a long-term Tree Belt Transformation and Management Plan shall be submitted to and agreed in writing by the local planning authority. The agreed details shall include a timetable for the delivery of the plan and shall be implemented in accordance with the timetable.

Reason: In the interests of the protection of trees in accordance with Policy NE4.

15. Prior to development commencing details of a Meadow Creation Plan/Programme shall be submitted to and approved in writing by the local planning authority. The agreed details shall include a timetable for the delivery of the plan/programme and shall be implemented in accordance with that timetable.

Reason: In the interests of the ecology of the site and to accord with policies UR3 and NE12 of the replacement unitary development plan.

16. Provide a landscape/habitat development and management plan for the southern open space and hedgerows (in addition to the formal landscaping) within the housing site including species, planting and seeding mixes, fencing, surfacing and long-term management prescriptions and provision. To be agreed with the LPA before any works commence on site.

Reason: To ensure maintenance of the public open space and to accord with policies UR3 and NR12 of the replacement unitary development plan.

17. Surface water drainage scheme, floor & ground levels to be designed & constructed to comply with the recommendations & conclusions of the F.R.A. submitted by Eastwood & Partners, ref NJB 30864 Rev D.

Reason: To ensure the site is properly drained and to accord with policy UR3 of the replacement unitary development plan.

18. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

19. The development shall not commence until details have been submitted to and approved in writing by the LPA demonstrating that the development will achieve Code Level 3 of the Code for Sustainable Homes with a pre-construction assessment by an accredited Code Level assessor. The approved development to be carried out in accordance with the agreed details.

Reason: To meet sustainable design objectives in Policy D2 of the replacement unitary development plan.

20. Before the occupation of each dwelling, the off-street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of 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.

21. The Travel Plan shall be implemented in accordance with the travel plan administration and promotion details and travel plan measures set down in the travel plan framework document submitted by Bryan G Hall. The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

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

22. 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 and to a constructional specification approved in writing by the Local Planning Authority. 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.

23. 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 in accordance with the approved plan numbered 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.

24. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

25. 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.

26. Prior to commencement of development, a scheme showing full details of the contractor's means of access, vehicle parking facilities, loading/unloading areas for materials, location of the site compound, together with internal turning facilities, temporary warning and direction signs on the adjacent highway, levels, gradients, construction, surface treatment and means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented and be available for use before the commencement of any construction works on the site. Any temporary works, signs and facilities shall be removed and the access reinstated on completion of the development.

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

27. The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

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

28. Before any development commences on site details of temporary warning and direction signing arrangements for the construction site entrance and contractor's means of access showing size, type, colour and location of such signs shall be submitted to and approved in writing by the Local Planning Authority. The approved signs shall be installed and maintained for the duration of works and on completion of the development the temporary signs shall be removed.

Reason: To ensure vehicles entering or leaving the site can do so safely, and that main road traffic and pedestrians are aware of such movements and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

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

Footnote:

Where trees are present on site, it shall be the responsibility of the developer to ensure that adequate foundations are laid, in accordance with NHBC Practice Note 3 (1985) and British Standard 5837 (1991).

Appendices

Appendix 1

Joint objection from Menston Parish Council/Menston Community Association

1.0 INTRODUCTION

- 1.1 This report provides a summary response to the various matters raised in the formal consultation responses submitted to Bradford Metropolitan District Council regarding the proposed residential development at Derry Hill, Menston. These consultation responses from the Menston Parish Council, Community Association and the Menston Action Group were made in early December 2010.
- 1.2 Since the full application scheme was validated in September 2010 there has been further extensive consultation with the Council and other public consultees. As a result of comments from third party objectors and other consultees a number of changes have been made to the proposals. These changes do not alter the principles of the scheme (the original submission was for 174 dwellings and this has been reduced to 173 dwellings as a result of design changes) or the framework design. However as a result of negotiations with Bradford MDC planning officers and taking into account the comments from the Menston community a number of detailed design changes have been made. Negotiations with Council officers and public reaction have also contributed to the finalisation of detailed proposals regarding the off-site highway network, public transport, drainage, public open space, footpath connections and landscaping.
- 1.3 This report is broken down into the various subject matters that arise within the Menston community consultation responses and provides a synopsis of the up to date position as at June 6th 2011 and the applicant's response on the issues raised.

2.0 DRAINAGE

- 2.1 The detailed drainage comments within the MAG response have been individually assessed by the applicant's drainage consultant (Eastwood and Partners) and the following comments provide a detailed response to the concerns raised. The text highlighted in bold italics is the MAG response and the response to MAG's text is in normal text.

Page 4 of the MAG Response

- 2.2 ***"8) Flooding and Drainage***
The Developer appears to be unaware (by failing to consult with local residents) that properties adjacent to the proposed Derry Hill development are already subject to regular flooding."

Eastwood and Partners have not consulted directly with the residents, but consultations have taken place with the Bradford MBC drainage department. The history of flooding of properties adjacent to the Derry Hill properties has been noted, as recorded in the FRA. The principle that development of the site with a positive drainage system incorporating flow attenuation and storage will provide a positive benefit, substantially improving the existing situation, has been accepted and endorsed by the Council's engineers.

- 2.3 ***“There is also concern regarding the safety of an electrical substation; this has a culvert running under it and another culvert beside it and the base of the substation floods regularly. The proposals inadequately address the impact on the existing drainage system.”***

The situation here is that the watercourse runs through private gardens where maintenance is the responsibility of the riparian land owner(s). The channel at this location is reduced in both size and gradient and is also culverted in part, straddled by a garden shed. This reduction in capacity is clearly, in part at least, a fundamental cause of any localised flooding. It is to be stressed that it is not the responsibility of the developer to address/improve the existing unsatisfactory situation at this or any other location, only to ensure that flood risk is not made worse as a consequence of the development. It is anticipated however that the situation will be improved as a consequence of the development as an element of the existing flow will be intercepted and diverted around the garden area in question and run-off from the field will therefore be transferred downstream, attenuated by the new independent drainage system.

- 2.4 ***“Furthermore, the culvert forming the main surface water drainage system suffers from a number of blockages of up to 50% cross section. The Developer’s report fails to propose any repair work or upgrading of the culvert, presumably because this would be extremely costly. By developing the site, the surface water run-off is inevitable higher than present. More extensive and more severe flooding of existing properties would be a direct result of the development.”***

Presumably these words refer not only to the section through gardens, to be by-passed by the proposed drainage system, but also to the culverted watercourse downstream where it is proposed to connect the new outfall. The hydraulic capacity of the culvert has been assessed and one or two issues relating to restrictions from pipes have been identified and referred to the Council. Again, it is to be appreciated that it is not the responsibility of the developer to deal with existing defects in the system, only to ensure that the situation is not made any worse. In fact it is not within the developer’s control to deal with alterations or improvements to the watercourse, responsibility for which, as already stated, falls to individual riparian owners.

It is to be accepted that the culvert does not have sufficient capacity for extreme storm events, only for something like a 1 in 10 year event, perhaps less when poor maintenance and blockages are taken into account. By restricting the rate of flow from the site to the 1 in 1 year greenfield rate however, the flow in the culvert at return periods greater than 1 in 1 year will in fact be reduced, not made worse. These fundamental principles do not appear to have been appreciated or understood by the authors of the MAG report.

The site only represents a relatively small proportion of the catchment area currently draining to the watercourse and culvert system downstream, most of which will remain as before, but the peak run-off from the site element during extreme storm events will in fact be much reduced compared with the existing situation. The total volume, which is related to the amount of rainfall falling on the ground, will remain much the same, but will be released more gradually than at present. This will be achieved by flows being intercepted across the land, retention within gardens and open space areas,

and attenuation within the proposed on-site storage systems, resulting in an improvement on the existing situation. The MAG statement that "more extensive and more severe flooding of existing properties would be a direct result of the development" is therefore based on a misunderstanding of the development proposals as set out in the FRA.

Pages 8-10 of the MAG response

Further Evidence:

- 2.5 ***“There has been no consultation with local residents regarding the existing flood situation or history. Therefore, the starting point for the flood risk assessment has been inadequately understood by Eastwood & Partners Engineers. [see above comments] Furthermore, the Engineer’s estimations of surface water run-off rates are “optimistic” and therefore an underestimate of reality.”***
The rate of run-off will be controlled and, by definition therefore, are neither overestimated nor optimistic. The estimated volumes are based on established methods.
- 2.6 ***“Yorkshire Water has stated that the local public sewer network does not have capacity to accept any discharge of surface water from the proposed site. The only available 400mm surface water sewer”*** [This pipe is not a "sewer", it is a "culverted watercourse". It is not the responsibility of Yorkshire Water but is the responsibility of individual riparian owners as covered by land drainage legislation.] ***“(culvert) is in Dicks Garth Road and takes all the flow from the stream which runs down the proposed site from the south (upland) boundary via a water outfall in the garden of 19 Moorland Avenue, which regularly floods.”*** [Noted and agreed, as discussed above.] ***“In addition, the culvert takes surface water from adjacent housing paved areas and roads.”*** [Noted and agreed, but this does not affect the assessment.]
- 2.7 ***“The calculations of the culvert’s flow capacity, by Eastwood & Partners Engineers, started from an initial assumption that the culvert is a series of pipes with increasing diameters from 400mm to 600mm. However, this is a flawed assumption - a severely blocked culvert carries a lot less flow than the calculation implies, leading to flooding upstream.”***
This is not in itself a flawed assumption. The pipe sizes are a matter of record. Yes, the capacity is reduced by blockages, but this is an existing problem that is not made worse by the proposed development. Maintenance responsibility, including the clearing of blockages rests with the riparian owners.
- 2.8 ***“The Lanes and Drains survey report on the condition of the culvert (surface water sewer) down Dick’s Garth Rd and Main Street found a large number of problems in the condition of the culvert including 40% blockage by a sewer pipe”*** [This is incorrectly referred to by Lanes for Drains as a "sewer" and should in fact be noted as a private drainage pipe. The defect of this pipe conflicting with the sewer should ideally be rectified as it does affect the capacity locally, although it is not the same as would be the case with a 40% blockage with silt/debris at invert level.

The matter has been referred to Bradford MDC and the householder(s) responsible for this pipe should rectify. As already stated however, this is an existing issue, which, if rectified, would assist in relieving any existing flooding during storm events. It is not something that is made worse by the development proposals and falls within the responsibility of others.], **“50% rubble blockage”** [These areas are well downstream of the site (in Main Road) and appear to be localised. The watercourse needs to be cleared and maintained under land drainage legislation. It is not something of itself that prevents satisfactory drainage of the development site.] **“and many cracks”** [Generally, the sewer is in a fair structural condition and the capacity is not significantly affected by the cracks that have been recorded. These defects are in any case quite localised and affect a fairly low proportion of the length. Again, there is a question relating to maintenance responsibility, which rests with others. The development proposals will not adversely affect the existing performance of the culvert.] **“Since the survey could not be completed to the final stream discharge point, there is no logic in assuming that there are no problems downstream of the point beyond which the survey team was unable to progress, presumably due to more culvert blockage!”** [Again, the issues here relate to maintenance responsibility for the culvert and systems further downstream, not to the development proposals. The design philosophy is not to increase flows, which arguably would require assessment and potential upgrading the land drainage system downstream, but to restrict the flow to the greenfield rate].

- 2.9 **“The Engineer’s report says “existing defects on the culvert should be rectified”. However, in reality the Developer has made no promise that the culvert will be unblocked, repaired, and the various services that partially block the culvert diverted.”** [It is a worthwhile recommendation in the FRA that defects should be rectified, but this is not the responsibility of the developer. It is accepted that this may not be the case if an increased flow was proposed. The developer is in effect providing attenuation on site instead of having to clean, repair or divert the culvert, which he would have no prescriptive rights to undertake in any case.] **“This would be a costly business; it is clear that the Developer hopes that that Bradford Council will pay for all of the above. Upsizing of the culvert”** [unnecessary to service the development], **“or a parallel culvert laid to cope with additional run-off”** [No additional run-off. Restricted to the existing greenfield rate.] **“has not even been considered!”**
- 2.10 **“The Engineer suggests that the future point of connection for the new site’s surface water will be downstream of the initial stream section running through the gardens of nos.30 & 32 Moorland Ave, (to avoid flooding upstream.) However, the Engineer has failed to explain why high rainfall flows will not simply surcharge (backup) and flood the properties of nos 30 & 32. This is exactly what happens at present!”** [Agreed that this may be the case, but the proposed development will not worsen the existing situation, which will in fact be improved to some extent by the limited rate of discharge from the site and by intercepting overland flows].

2.11 ***“The figures provided by Eastwood & Partners make various assumptions in trying to establish the volumes of surface water produced by the developed Derry Hill site, in order to establish the required capacity of storage tanks/pipes and the Detention Basin. Our great concern is that if the assumptions of Eastwood & Partners are incorrect then the volume of surface water runoff will be considerably more than anticipated:-”*** [Calculations based on established methods to the approval of the EA and Bradford MDC drainage].

- ***“In the Engineer’s calculations the existing green field run-off from the overall site area is stated as 5.2ha, less than the 5.44ha quoted in the planning application. Moreover, the Engineer’s total impermeable area is stated as 2.2ha, which is a 30% underestimate of the actual areas shown on the plan (2.88ha). With an allowance for further hard landscaping by residents and a notional 40 conservatories, this rises to 3.15ha (a 43% increase).”***

The estimates are considered to be reasonable, but will in any event be reviewed in the light of design development and the final scheme ----- and subject to agreement by the LPA.

- ***“With the cut and fill required to terrace this site, the gradient of which is 1 in 13, all existing land drains and ancient waterways will be destroyed. Due to the distance from the west boundary to the stream, it is obvious that some of this drainage does not discharge into the stream and currently bypasses the flood risk area of Menston. The planning application has anticipated destruction of the historic drains and plans to introduce drainage Swales along the south (upland) boundary of the site. These swales are planned to discharge into the existing stream. The stream will therefore carry an additional proportion of the surface water generated by all the land to the south of the site. It is believed that this has not been taken into account in the Engineer’s calculations.”***

It is considered that the areas concerned that may discharge to the swales do form part of the stream catchment. The swales will intercept overland flows and will provide a degree of attenuation, which will not therefore worsen the existing situation.

- ***“At present, the land between the stream and the east boundary of the site falls away from the stream and is therefore not draining into the Dicks Garth Road culvert. If the development were to proceed, this area of land is understood to be drained back into the sewer. It is believed that this factor has not been taken into account.”***

It is correct to say that the area between the stream and Derry Hill includes a low lying area that is below (just) the level of the watercourse. Arguably therefore the extreme north-east corner of the site (say 0.15ha) does not drain directly to the watercourse. During wet weather, this and other areas along the northern boundary will become wet, and may become waterlogged or contain standing water to a shallow depth at times. During extreme events, these being when residents experience flooding, the overland flow is not readily accommodated in this way and, as the photographs show, flood water can overspill. Ultimately, this water will drain to the watercourse.

The area in question (NE corner) will be occupied by some new properties towards Derry Hill, but also by the proposed Detention Basin, forming part of the new on-site storage system totalling nearly 1,000m³ (500m³ in the basin, 450m³ in below ground sewerage). Not only will the basin act to capture water as the area does at present, albeit with increased capacity, but will also provide temporary storage in conjunction with a controlled discharge rate.

The design top water level of the basin will be below the boundary level of the site and would have to rise by another 250mm or more to overspill to any significant extent towards existing properties, which represents a freeboard in excess of 300m³ (+60%).

The area will be drained back to the culverted watercourse (incorrectly referred to as a "sewer" by the MAG), but only at a controlled rate.

In theory, the flow rate would only increase and/or the freeboard used during events more severe than 1 in 100 years (plus allowance for the potential effects of climate change), which is the required standard of protection under planning guidance.

- 2.12 ***“The principal cause of flooding of homes within Menston below Derry Hill, during periods of heavy rain, is the inability of the existing 400mm surface water culvert to cope with the flow rates.”*** [This is only part of the story. The principle cause of flooding at the adjacent properties, as illustrated by the MAG photographs, is overland flow (which will be much reduced) and restrictions in the initial section through gardens (for which the owners themselves are responsible and will in any case be by-passed as far as the proposed site drainage is concerned).] ***“It is indisputable that Derry Hill will increase run-off.”*** [This is not the case. The flow will be restricted to less than the existing "natural greenfield" flow rate occurring during the critical storm events - i.e. events less frequent than 1 in 1 year return.] ***“The Developer proposes to send the additional flows [no additional flows] down a culvert that is already severely compromised and has associated flooding issues. Because the development of the Derry Hill site will increase the incidence and/or severity of flooding events for Menston residents in the vicinity of Dicks Garth Road, development of the site should not be permitted.”***

3.0 HIGHWAYS

- 3.1 The applicant's highway and planning consultants have been in detailed discussions with the Council's highways officers pre and post submission of this application in September 2010 and several meetings have taken place to establish and detail a package of highway improvements in and around the village which are fairly and reasonably related to dealing with the combined traffic generation impacts of both the Derry Hill and Bingley Road residential development proposals. The same highway consultants Bryan G Hall Ltd, are acting on behalf of Barratts and Taylor Wimpey, the residential developers of the two sites, and this has ensured both a comprehensive and a co-ordinated approach to these highway proposals.

- 3.2 Each of the Menston applications has been accompanied by a full Transport Assessment (TA) and a Travel Plan (TP). The TA examines the combined impact of the development traffic on the highway network including on/off-site junctions and lengths of highway in the locality of Menston. The TP considers how car trips can be diverted to other travel modes and how an action plan can be put in place to encourage and increase this modal diversion.
- 3.3 An addendum to the TA was produced in February. The original TA was based on traffic distribution assumptions which included the closure of the Derry Hill/Derry Lane priority junction to through vehicular traffic and the restriction of left turns out and right turns in at the proposed site access on Derry Hill. These proposed 'restrictions' to the flow of traffic to and from the Derry Hill site resulted from the January 2010 Shipley Area Committee resolution. This resolution included a schedule of highway improvements in and around Menston. This schedule of improvements had been proposed without the benefit of the detailed traffic and transport analysis contained in the TA, the TP and arising from subsequent detailed negotiations with officers and survey analysis work. As a result changes to the access system were proposed and evaluated which involved the introduction of a simple 'all movements' priority access onto Derry Hill and also the retention of the Derry Lane/Derry Hill junction. These changes, discussed with officers, affect the distribution of development traffic and enable Derry Lane to be used as a convenient route for vehicular destinations to the north, east and south of Menston. Bradford MDC highway officers requested further information/analysis to support these revised proposals in the form of additional junction capacity assessment work. In addition Leeds City Council, as adjoining planning and highway authority reviewed the original TA and specifically commented upon the assessment of the Bradford Road/Bingley Road/Buckle Lane traffic signal controlled junction, which had been installed as part of the highway works required by the High Royds development. The analysis of that junction was therefore reviewed and also included in the Addendum TA.
- 3.4 The Addendum TA concluded that the combined traffic flows generated from the already committed development and the proposed Derry Hill and Bingley Road development can be safely and satisfactorily accommodated upon the existing and proposed highway network without the need to restrict movements in and out of Derry Hill site access and the need to introduce a point closure at the end of Derry Lane where it meets Derry Hill. The Addendum TA has also corrected the assessment of the Bradford Road/Bingley Road/Buckle Lane junction to the satisfaction of Leeds City Council.
- 3.5 While the TA and the negotiations with officers have confirmed that the traffic generated by the combined developments do not cause queuing problems at any of the junctions included in the agreed Scoping Report and the accident records do not indicate any safety issues a number of improvements to the highway network are formally proposed which will be funded by the two developments.

- 3.6 Although the TA's for both the Derry Hill and Bingley Road developments concluded that a number of the items on the schedule of schemes suggested by the January 2010 Shipley Area Committee were not justified both developers continued their dialogue with officers of the Council in order to agree and finalise the appropriate level and mix of highway measures which were considered to be fairly and reasonably related to the developments in scale and kind either singly or in combination. These improvements will form an improved system of traffic movement in and around the village and incorporate traffic management measures to slow vehicle speeds and to give greater priority to the walking, cycling and living environment while best accommodating the future traffic flows.
- 3.7 The proposed improvements can be summarised as follows and do not include the site specific accesses: -
- A. Bingley Road/Derry Hill junction improvements – these will improve the junction splay sight lines to provide for easier access to and from Derry Hill and also include an improvement to the left hand radius which will assist vehicles turning left out of Derry Hill.
 - B. Bingley Road traffic calming including new 30mph speed limit gateway sited to the north west of the Bingley Road/Derry Hill junction. The Bingley Road site specific access proposals incorporate footpath provision and appropriately designed lighting to reduce light pollution. This scheme while specific to the Taylor Wimpey development will be designed so that it fully integrates with this traffic calming scheme.
 - C. Improvements to the Bingley Road/Cleasby Road junction, the Bingley Road mini roundabout and traffic calming in between.
 - D. Traffic calming to Derry Lane/Hawksworth Drive including the introduction of a 20mph zone.
 - E. Traffic Management Scheme for Main Street including localised footpath widening/carriageway narrowing, raised tables at junctions and an extension of the 20mph zone.

Items A, B, C and E will be jointly funded by the two developers and a collaboration agreement is in the final stage of preparation which will ensure that if one development does not go ahead within the same broad timescale then the other will pick up the total costs of the jointly funded improvements.

- 3.8 The MAG response refers to congestion on the A65 and defines congestion as traffic speeds of less than 70% of the speed limit. The applicant's highway consultants have never heard of this definition as being a measure of congestion, although clearly common sense tells you that if there is congestion present then traffic speeds will be lower. It is however an unknown definition.

The Transport Assessment submitted as part of the application considers the impact of the development at the following junctions on the A65:

- A65 Bradford Road/A65 Burley Road/A6038 Otley Road Roundabout
- A65 Bradford Road/Bingley Road/Buckle Lane traffic signals
- A65 Bradford Road/A65 Otley Road/A6038 Bradford Road/Thorpe Lane Roundabout

All these junctions are shown to be operating with spare capacity at the present time and further work has been carried out since the preparation of the Transport Assessment to validate the results of the models i.e. actual queue lengths have been compared with those predicted by the models and this has been agreed with BMDC. The applicant's highways consultants have also looked at a 'future' year scenario although they have not applied any growth to the existing traffic flows because instead they have taken account of the traffic that will be generated by other major committed development in the area and that from the Bingley Road site. Even allowing for traffic from committed development and the Derry Hill and Bingley Road sites, these junctions are predicted to be operating with some spare capacity. The methodology and results have not been challenged by BMDC.

- 3.9 Main Street Menston: - The earlier TA assumed that 36% of traffic from the site would use Main Street to access the A65 at the traffic light junction installed as part of the High Royds development as the 'forced' route via Derry Hill and Bingley Road is longer (i.e. the former design for the Derry Hill site access involved the prohibition of the left turn out movements. The highway consultants assumed the 36% trip allocation to avoid any accusation that they were deliberately trying to minimise the impact on Main Street. As a result of the removal of the Derry Lane point closure more traffic will now be assigned to the Derry Lane/Hawksworth Drive route than along Main Street. Both of these routes will be subject to traffic calming schemes with speeds reduced to 20mph.

4.0 PUBLIC TRANSPORT

- 4.1 Reference is made by MAG, the Parish Council and the Menston Community Association in their representations to the rail infrastructure and to the current rail service operating between 120 and 150% capacity. This percentage range arises from an independent survey that MAG undertook, which in part looked at the number of people standing on trains. The survey did not take into consideration the fact that some passengers choose to stand when there are in fact seats still available. The MAG response refers to "severe peak period overcrowding".
- 4.2 Dacres Planning have held a number of discussions with officers of the West Yorkshire Passenger Transport Executive pre and post the application submission. These discussions initially centred around whether there were any programmed improvements to the Wharfedale Line rail services in terms of frequency or capacity and what other public transport improvements might be meaningfully related to the Derry Hill and Bingley Road developments. From these initial discussions it was clear

that there were no programmed improvements or allocated capital expenditure. Dacres Planning therefore asked the PTE officers for their advice on the most appropriate package of short and medium term public transport improvements in Menston. Later meetings and correspondence firmed up and then confirmed a package of measures related to the rail and bus services.

- 4.3 With regard to the alleged congestion Dacres Planning have held discussions with the WYPTE and the Department of Transport as well as carrying out their own observations (team members regularly use these peak hour services for their commuting journeys). The Department of Transport confirmed that the national measure of congestion was 135% capacity (i.e. 35 people standing for every 100 seats in a carriage). Discussions with the PTE provided access to the Northern Rail survey results for 2010 which established that there were only two occasions both of which were within the January to March quarter of 2010 when any peak services were above the 135% capacity threshold. These were the 7.40a.m and 8.05a.m Ilkley to Leeds services. This week we have been advised by the PTE that the national capacity enhancement package will see the introduction of two additional peak services commencing in December 2011, one in the a.m peak 07.55a.m Ilkley to Leeds and one in the p.m peak 17.47p.m Leeds to Ilkley.
- 4.4 A package of public transport contributions has been agreed with WYPTE and Bradford Council and these include: -
- A. The provision of Metro Cards at a cost of £83,325 for the 173 dwellings at Derry Hill.
 - B. Provision of a new bus stop and shelter on Hawksworth Drive.
 - C. Provision of a subsidy contribution of £116,107 to retain and extend the operation of bus service 967 (Otley, Menston Station, Leeds Bradford Airport). The combined subsidy with the Bingley Road site is £200,000 over a five year period.
 - D. Menston station improvement package – a total joint contribution with Bingley Road of £100,000 (Derry Hill contribution £58,054.69) which includes a new station shelter, platform help point, ticket machine and real time information displays in the car park.
 - E. Rail Capacity Enhancement Contributions – the joint contribution is £250,000 (Derry Hill - £145,134) which is to be used either as a contribution to a future capacity enhancement project or for the provision of a further park and ride facility within the village at the Menston Working Mens Club site.

5.0 HOUSING NEED AND SUPPLY

5.1 MAG have argued that the housing allocations at Derry Hill and Bingley Road have been imposed as a result of the RSS housing targets and that when they submitted their representations the residential allocations were “out of date as there have subsequently been major changes within the planning system”. While it is true to say that the incoming Coalition Government in May/June 2010 made it clear that they proposed changes to the planning system including

- the early abolition of the RSS and the ‘top down’ establishment of each districts housing requirement.
- the introduction of a new Localism Bill in late 2010 providing for neighbourhood planning.
- local planning authorities would be able to establish their own annual housing requirements provided these were based on sound evidence.

the outcome to date has been somewhat different. The Secretary of State for Communities and Local Government attempted to achieve the early revocation of RSS but this was successfully challenged in the first Cala Homes case in the High Court. As a result of this and subsequent decisions the RSS will remain in place as part of the Development Plan until the Localism Bill has been enacted and the abolition of each RSS has been subject to strategic environmental assessment. While the latest Cala Homes Court of Appeal decision (2nd June 2011) means that the intended abolition of RSS can be taken into account as a material consideration in any planning decision this does not mean that little or no weight should currently be given to the RSS including its annual housing requirement targets and the evidence base for these targets.

5.2 DCLG Ministers Greg Clarke and Bob Neil have made very clear statements to the effect that the current Government wish to see an increase in the rate of house building and they have introduced the New Homes Bonus, payable to local authorities in order to incentivise the process. “Increasing the rate of house building is a top priority for the Government and is backed by incentives to kick start building (Bob Neil – 2nd June 2011). Greg Clarke in an earlier interview (11th February 2011 – “Planning”) stated “Clearly assessing the future housing needs of an area goes beyond the remit of any particular neighbourhood, so it’s absolutely right that that should be decided by the appropriate democratic body, which is the local planning authority”.

He also stated that “the primacy of the Local Plan is absolute, which itself has to conform with national policy. Any plan drawn up by a group of local people that didn’t conform to the strategic aspects of the local plan would have no standing in the planning system at all”.

- 5.3 The evidence base for determining each district's housing requirement comprises a number of key sources including: -
- Nationally produced household forecasts.
 - The RSS and its evidence base. This evidence base will still be relevant for a period after the revocation if not replaced by a more up to date and acceptable set of figures.
 - The Strategic Housing Market Assessment (SHMA) for Bradford District.
- 5.4 Bradford Council recognise that future housing need within the District is one of the highest levels in England and they have made it clear that they intend to continue to use the RSS annual housing requirement of 2,750 dwellings in all planning decisions until replaced by a new figure in the Local Development Framework (LDF) at some future date. Indeed officer reports have indicated that the annual figure may justifiably need to be increased to circa 3,000 dwellings per annum.
- 5.5 Revisions to national policy guidance in PPS3 (June 2010) make it clear that the provision of a five year deliverable housing land supply remains as an essential requirement of the planning system. A planning appeal decision allowing the release of a greenfield reserved land site at Braithwaite, Keighley (May 2010) for residential development established that Bradford District had only a circa 3.5 year deliverable supply of residential land. This is a 'best case' scenario because the statistical analysis applied in this case assumed that all Phase 2 sites would be delivered.
- 5.6 In conclusion therefore on this point there is absolutely no basis for arguing that these allocations are in any way out of date, or no longer needed. Indeed the need for their early release is compelling given current policy and the housing requirement endorsed by the Council.
- 5.7 MAG argue that in advance of the significant changes in the Localism Bill that it is premature to determine applications advocating the scale of development in the Bingley Road and Derry Hill allocations. Reference is made to the nature of emerging government policy and the suggestion that decisions about new housing development should be made at the local level. These assumptions are unfounded on a number of counts: -
- Several greenfield allocated sites have been released at the national level and locally in Bradford and Leeds. A series of favourable appeal decisions in Leeds on Phase 2 and 3 greenfield allocations, the latest of which was a decision by the Secretary of State at Grimes Dyke, Whinmoor for a phase 2 allocation development of circa 500 dwellings (May 25th 2011) have clearly established that this prematurity argument has no basis.
 - Ministerial statements have made it clear that the Local Plan (the Bradford UDP in this case until replaced by the emerging Local Development Framework) comprises the prime strategic policy. As these sites are allocated in the Local Plan (the 2005 Replacement UDP) there is no basis for arguing that they should be ignored or sidelined until further planning work is undertaken.

- 5.8 MAG further argue that the 5 year land supply requirement no longer carries any weight as the calculation is based on RSS targets, which will be abolished. As already stated i) RSS remains in place and its housing figures are a material consideration ii) Bradford Council accept the RSS annual housing requirement as their figure and consider a higher requirement figure may be needed. iii) Ministers have endorsed through PPS3 policy revisions, in statements and in appeal decisions that the requirement for a 5 year deliverable supply is national policy and this must be based on the best available evidence and that this includes for the time being the RSS evidence base.
- 5.9 MAG quote paragraph 73 of PPS3 (June 2010) in aid of their argument. This paragraph is not the appropriate policy context for considering the Derry Hill and Bingley Road applications. The relevant guidance is contained in paragraphs 69 (general criteria) 70 and 71 (give favourable consideration to applications where there is not a 5 year deliverable land supply). Indeed, paragraph 70 permits the early development of allocated sites even where a 5 year supply exists subject to not undermining other objectives of the plan. Paragraph 73 guidance deals with the circumstances where it is not clear that the site is likely to be developed or where the original permission does not deliver the policy objectives of PPS3. This position is very far removed from the circumstances surrounding the Derry Hill and Bingley Road proposals.
- 5.10 The applicants therefore conclude that all MAG's arguments are unfounded and that there is a compelling case for granting planning permission on both sites.

6.0 DESIGN ISSUES RAISED

6.1 HOUSING DENSITY: -

It is interesting to note that MCA and MPC state that the application fails to meet the net density requirements of the Menston SPD whereas MAG state that the development is too dense. As the DAS and the SPD demonstrate a variety of character areas and densities apply within the existing village including those areas closest to the site where housing densities range from 10/ha to 55/ha. The overall net density of the Derry Hill site is 36 dwgs/ha but as advised in the SPD a variety of character areas/densities are achieved in the Master Plan.

6.2 INSUFFICIENT LANDSCAPING: -

Comments made by MPC and MCA refers to "a lack of landscaping and boundary treatments". Since these comments were made in December 2010 detailed negotiations have been held with officers including the Council's specialist landscape, tree and countryside officers. As a result of these and related negotiations on the housing layout and design the landscape proposals have been further enhanced and a planting plan produced together with a Landscape Management Plan for the future maintenance of the POS and landscape proposals. Following these design iterations officers now support the detailed landscape proposals.

6.3 MATERIALS: -

The critique of the MPC/MCA and indeed the Council has been accepted by the Derry Hill applicants and artificial stone has been replaced by a mixed palette of material including natural stone, red brick and render. The materials will be selected to complement house types and groups and their position within the character areas and in relation to existing developments adjacent to the site.

6.4 HOUSE DESIGN: -

Some of the MCA/MPC critique of house designs reflects that of the Council's design experts and the applicant has paid close attention to these comments leading to a series of design negotiations with officers and the re-elevation of all the house types to create an appropriate mix of contemporary and vernacular styles using key design features from the Victorian core of the village for the vernacular styles. This process is, at the time of writing, in the final negotiation stage.

7.0 LACK OF EMPLOYMENT

7.1 Reference to the lack of local employment in Menston is covered in the Planning Case Report submitted as part of the application. The Planning Case Report informs that

“While local jobs within the village are largely in the service sector, there are large concentrations of locally accessible employment at Ilkley 9.3 kms to the north west, Otley 4.6 kms to the north, Guiseley 3.8 kms to the south east and at Leeds Bradford International Airport 9 kms to the south east. Bradford and Leeds City Centres are major centres of employment which are easily accessed by the electrified Wharfedale line rail service which provides a regular half hourly service to both city centres with a journey time of 20 – 25 minutes. This line provides local connections to Ilkley every 15 minutes during the day with a journey time of 12 minutes. There are also local bus services to Leeds, Otley, Guiseley, Shipley and Leeds Bradford International Airport. The 967 bus service is of relevance to this application; it operates from Menston Railway station connecting to Otley, Pool and then Leeds Bradford Airport and runs every half an hour.”

8.0 HERITAGE AND CONSERVATION: -

8.1 We accept that the Heritage Report forming part of the application pack predates the publication of PPS5 in 2010. We disagree that this constitutes “a significant flaw in the planning application”. No negative consultation response has been received from the Council's Specialist Conservation officers and the Heritage Report and subsequent work on the Design & Access Statement have taken account of the Conservation Area context. We have also reviewed the guidance in PPS5, the Menston SPD and the Council's Conservation Area Assessment (August 2003) and Conservation Area Appraisal (June 2007). We recognise that it is possible as a result of the Conservation Area Appraisal that the Conservation Area may be extended along Derry Hill and Dicks Garth Road.

- 8.2 Page 43 of the Menston SPD endorses certain recommendations in the Menston Conservation Area Assessment and adopts these as specific design guidance. Six specific areas of guidance have been identified in this heritage context and all of these have been applied as appropriate in arriving at the final design proposals.
- 8.3 The Derry Hill site is part of the wider setting of the Menston Conservation Area but it is not specifically identified as a key part of that setting in the Conservation Area reports produced by the Council. The importance of views from the higher points of Derry Hill to the south are identified which are instanced as showing the village in its wider landscape setting.
- 8.4 Policy HE10 of PPS5 provides policy guidance for the consideration of applications for development affecting the setting of a designated asset. The assessments of the Menston Conservation Area do not provide evidence which give significance to the Derry Hill site as part of the Conservation Area setting. However the retention of the historic field pattern in the layout and framework landscaping and views into and out of the site along existing and new footpath links do help to reveal some of the significance of the Conservation Area.
- 8.5 In relation to policy HE6 the historic environment record has been interrogated. The site has been subject to a baseline archaeological survey. In relation to policy HE7 the designation records along with other sources of information have been examined and expert advice has been utilised.

Appendix 2

Response to Menston Action Group, Menston Parish Council and Menston Community Association responses to Derry Hill application.

Mr. Stewart Currie
Senior Planning Officer
Bradford MDC
Jacobs Well Bradford
2nd. December 2010

**Menston Parish Council and Menston Community Association
Joint Objection to Application 10/04551/FUL – Land North East of 2 The
Coach House, Menston. (referred to as Derry Hill Development)**

Dear Mr. Currie,

Menston Parish Council and Menston Community Association make the following representations together with relevant Appendices 1 and 2 to the above planning application which in many instances translate into objections that in our view warrant rejection of this application in its current form.

SETTING THE SCENE

These representations and objections make reference to the plans and documents as submitted by the Developers on 10th. Sept. 2010, to the Menston Supplementary Planning Document by GVA Grimley of August 2007 (MSPD), BMDC Shipley Area Committee decisions of 20th.Jan 2010 and to the Menston Village Design Statement(MVDS).

It must be recognised that the MSPD document was a notable statement of intent by BMDC to mitigate any adverse effects the development would have on the village. Likewise the decisions taken at the Shipley Area Committee meeting on 20th Jan 2010 were also vital in establishing mitigation measures to ensure that the village road system did not suffer because of the developments increased traffic demand.

We have therefore taken this document and decisions as a reference for our representations to ensure their provisions are met and properly applied by this application.

It is of real concern that **this application often ignores or is in sharp conflict with the detailed guidelines and indeed the general underlying concepts of the above**. This lack of respect for the sterling work done by BDMC in the preparation of the Planning Brief for this site and it demands that the interests of the village has to be made clear at the outset. The abiding character of this application is the skating over or failing to even acknowledge on occasions the potential adverse consequences of this development not only within Menston but also in the broader community as described in Appendix 2.

The contrast and often conflict between the detailed provisions of the MSPD and the Shipley Area Committee decisions with this Planning Application are included with this letter as a Check List in summary form and where appropriate with a relevant comment in Appendix 1.

KEY ISSUES WITHIN THE SITE.

BUILDING DESIGN and MATERIALS

Design and Material considerations are paramount when assessing this application. Design decisions made today will affect how this development will look in 50 years or so time and it is imperative that we understand that the choice of materials used in this development and its design needs careful and thoughtful appraisal. The MSPD abounds with requirements for any application to deliver a high quality development that protects and enhances the natural and historic environment and is sympathetic and integral with the surroundings.

Materials

The application details walls as being constructed of artificial stone with no variations noted throughout the site. The requirement by MSPD for properties at entrances to the site and at key points within the site to be of natural stone has been ignored. It was stipulated in the MSPD that no artificial materials should be used. Likewise the roof material is proposed as artificial slate with 2 variations of shade. It is considered that artificial stone in conjunction with natural stone has been used to good effect in recent developments within the village. Irrespective of the possible use of the artificial nature of the materials proposed the lack of variety in colour, coursing and use of alternative materials will result in a bland uninteresting development that fails to meet the expectations of the MSPD.

Accordingly it is concluded that the application should be rejected on the grounds that the materials chosen for the walls and roofs fail to accord with the expectations of the MSPD to provide a high quality development.

Design

National policy states that design should take the opportunities available to improve the character and quality of the area. The MSPD insists that any “new development must demonstrate an understanding of context and must respect neighbouring buildings”. Menston has a conservation area which is likely to be extended to the adjacent area of Dick’s Garth Road and Walker Road. We consider the application falls short of these policy objectives.

The housing lacks individuality and variation of form with many bland flat facades and elevations of overbearing uniformity. Houses that back onto each other at 90 degrees and houses in uniform blocks without projections or recesses provide examples of this. Windows with stone sills and heads are the only modest concession to a Menston context but they are only included to front elevations even when the rear of properties face onto other properties such as Moorfield Avenue. . There is no variety in the design of the houses that would enhance the visual interest and give character to the development. Without being prescriptive besides a greater variety in materials as noted above, the design lacks such items as hipped roofs, variation to roof levels and pitch, together with some variation in the setting and style of doors and windows. We would welcome some of the buildings having the addition of stone corner blocks used in conjunction with other materials together with mullions, lintels and sills and even stone copings to roofs or stone blocks supporting gutters. Whatever such detail added to the houses would be more representative of Menston buildings. Things like mock windows and windows built to look as if filled in, as types E and K, are completely at odds with our interpretation of good design that would integrate with the rest of the village.

It is quite apparent that the house types are taken from a standard manual that has certainly been used at High Royds. We have therefore looked at this development regarding the similarities and concluded that many of the design issues we have are there to see at High Royds. However even there, where the design brief possibly had less restriction, variations in design and style are a little more evident with some houses having hipped roofs, some of a more contemporary or cottage style, and some reflecting the character of their immediate surroundings.

Having said that we do not wish this development to replicate High Royds or any other development for that matter but ask that the Developer reconsiders the design and by doing so presents a scheme that is not only representative of, but in the future will enhance the character of the village.

This application therefore should be rejected until the proposed plans demonstrate a sense of architectural merit, visual attractiveness and interest and a firm Menston context.

OTHER DESIGN ISSUES

The MSPD states very clearly that **3 storey buildings** should be restricted to the area adjacent to Dick's Garth Road as only this area can comfortably handle the extra height of the properties. This application rejects this concept entirely. The siting and use of 3 storey houses is of real concern at the highest point of the site (SW corner) where they will dominate the skyline, and the rest of the adjacent street scene. Properties 2.5 stories high are also to be seen in the skyline to the SE corner of the site. The three storey properties proposed adjacent Mount Pleasant will have an overbearing and overlooking effect on these properties their amenity space and dominate the view as you emerge from Main Street. Ironically there are no proposed 3 storey houses adjacent to Dick's Garth Road.

This application should be rejected as the proposed siting of 3 storey and several other high ridged houses are in areas totally contrary to the MSPD and accordingly will have serious adverse effects on views from outside the site including existing properties.

The **general layout of the development** is that of cul-de-sacs and twisting roads whereas the MSPD document promoted a straighter more uniform style. Whilst we do not take issue with the layout principle we are concerned with the results of this approach:-

- a. The sense of green spaces composed of pleasant gardens within the individual blocks have been severely mitigated and in some cases almost lost entirely.
- b. The provision of car parking at the rear of properties which in some cases may raise safety issues, certainly results in the excessive need for tarmac due to the requirement for turning spaces for vehicles and ugly design features related to property design to facilitate access.
- c. The loss of green space in front of buildings so characteristic of Menston properties.
- d. The increased risk of overshadowing and overlooking of adjacent properties.
- e. Currently about 50% of the properties have a suitable orientation to receive solar generation which is materially lower than the plans in the MSPD would have expected.

We are also not convinced that **the focal point** meets the expectation of the MSPD due to location away from the site centre, its modest size and lack of detail and on its provision of features that would attract people to use it and meet there.

This application should be rejected until the revised plans adequately address these issues which inevitably will require the layouts to more closely reflect the grid layout proposed in the MSPD.

GREEN AND LANDSCAPE

The proximity of the buildings to the roads as just described explains the **lack of landscaping and boundary treatments within the development**. We acknowledge and promote the retention of stone walls to the outer boundaries but ask that in any revised design stone walls are included within the development as required by the MSPD. We accept there will be wood and post fencing but this must not be used on boundaries fronting public spaces and roads. Very little **landscaping** is noted within the site again which is inconsistent with the MSPD. Details have not been provided for street **furniture, lighting and signage**. Any revision should also include children's play areas and equipment and areas of green open recreational space that can also be accessed and used by people from outside of the development.

The application should be rejected for reasons of insufficient landscaping and lack of the provision of a children's play area within the site, insufficient provision and detail of street lighting and boundary treatment.

DENSITY AND MIX OF HOUSING

We note this application gives a **net density of 32** houses per hectare whereas the MSPD recommends 35 houses per hectare. The requirements of higher density of properties within the site following principle routes and at focal points of the site are not evident in this application. As regards **housing mix** we are not in a position to adequately comment on the details of the housing mix in the plan and how it matches with the market need. We do note however that there appears to be **little or no high quality accommodation for the elderly within the site**, which the MSPD recognises is needed and should be as close to the village as possible and also open spaces. What such accommodation would do would be to allow many elderly people to downsize, stay in the village and release larger family houses onto the market. This then may impact on the mix of properties on site. Further we are concerned on the high number of 1 bed studios which we understand have low market appeal. Indeed Low Hall development following their experience in Burley refused to have any such properties in their development as they were un-saleable. Anecdotal evidence from High Royds supports this view. The siting of such properties if the need is clearly established must be relocated from a site ideal for the elderly.

The Application fails to meet the net density and density mix requirements of the MSPD. Further there is a notable lack of high quality accommodation for the elderly and a question on the need for 1 bed studios and also the sensibility of the overall housing mix. Until these issues are addressed this application should be rejected.

HIGHWAY ISSUES

The key insistence of the MSPD and the Shipley Area Committee decision of the 20th January 2010 was to avoid the adverse consequence on the village road network traffic to and from the Derry Hill site should not be routed into or through the village. Further a number of important highway changes were agreed at the above meeting to facilitate this.

The application ignores this key insistence and requests to route traffic from this site not only down Main Street from Moor Lane but also along Derry Lane.

The result of the highway stance taken by the application is of all the decisions made above and itemised in Section E of the attached Check List only one has been met by this application, the mandatory right turn out of the site onto Derry Hill. All the other decisions taken have been ignored as the application plan is to not route traffic through the preferred roads determined by Shipley Area Committee, most notably up Derry Hill.

The context of this site has to be clearly understood. All the roads that can be used are either/or narrow steeply graded subject to forced parked traffic, involve difficult access points onto other parts of the local road network and particularly in the case of Derry Lane safety issues involving the elderly and children. This site has long been acknowledged as having a severe access and egress problem which rarely must have afflicted a site of this magnitude.

Derry Lane was specifically rejected by Shipley Area Committee as a suitable route for site traffic as it may be a reasonable width but this is much reduced due to parked traffic as local residents have no off street parking provision. Further there is a road safety issue as many children and elderly people are in this area. Indeed it is a Lane that runs alongside the village primary school and runs past the Children's home. Additionally the access from this recognised estate road is via two junctions one with Cleasby Road and an acute and difficult junction into Bingley Road.

With respect to Derry Hill it is steeply graded with a bend and in sections is effectively single carriage way. The Junction at the top is awkward to turn left on and coming in from Bingley road is a hazard as site lines do not exist down Derry Hill until the vehicle is facing down the hill. Further all heavy traffic is forced to cut the corner about this junction because of a sharp bend at this point. Highways made a number of recommendations to reduce these problems. Widening Derry Hill so it is two lane along its whole length is in our opinion an additional essential requirement to give vehicles travelling to and from this site a comfortable and safe route on to other parts of the local road network. It can be done but it will cost which is what the developer is trying to avoid.

There are a number of other Highway decisions taken on the 20th January 2010 which are fully described in the Checklist attached.

This application has ignored the potential adverse effects on the village streets following on from this development and the important mitigating decisions taken by Shipley Area Committee. This application should unquestionably be rejected until all the highway improvements required by the MSPD and Shipley Area Committee are accepted and agreed in the application together with the further necessary upgrading of Derry Hill detailed above.

OTHER PLANNING ISSUES

Drainage concerns are comprehensively dealt with in the Check List. In summary we accept that some real plans have been made to mitigate flooding from the fields to the south of the site. We support BMDC in the need to fully repair the culvert down Dick's Garth Road.

However we are very concerned that the 1 in a year event that this culvert has to deal with in conjunction with the drainage protection measures on site by the reports own statement gives no contingency and further measures must be put in place to reduce still further risk of flooding in the existing housing to the north of the site. We also consider that Yorkshire Water in their letter confirming that sewage from the site can be

safely carried in the existing pipe infrastructure down Derry Hill have been economical with the truth in so much that no reference was made to the historical problems in Burley Lane. Yorkshire Water must be required to confirm the 225mm pipes in Burley Lane also can without doubt cope with this extra load or put in additional measures here to ensure it can cope. We also consider the current flooding problems in the gardens to the south of the site should be addressed as part of the flooding protection measures put in place, which currently is totally ignored in this application.

This application must not be approved until the drainage issues above have been satisfactorily addressed otherwise there will be unacceptable flood risks to the properties as far north of the site as Burley Lane.

SAFE ACCESS FROM SITE

With reference to safe access from the site to schools, shops, buses and the train station all routes must be safe, well lit and have dropped curbs to aid mothers with prams, the disabled and elderly to have practical access. These measures are not referred to in the current application.

The application must not be approved until these measures have been clearly and adequately adopted in the application.

SECTION 106 AND 278 MEASURES AFFORDABLE HOUSING

We support the need for the 40% affordable housing on site. We cannot however comment on whether it meets the MSPD requirements which should be indistinguishable from other housing and be evenly distributed about the site as there is no information to comment on within the application. It follows we cannot comment on the appropriateness of the mix of these properties compared to need. We request very strongly that Menston and other local residents have first options on these properties enshrined in an appropriate legal document.

It has to be confirmed that the mix and the location and character of the affordable properties is consistent with the demands of the MSPD before this application is accepted.

CHILDREN'S PLAY SPACES AND PLAYING PITCH PROVISION

As note above there is no new children play spaces on site and even off site which is a clear requirement of the MSPD and Bradford policies. The playing field obligation is planned to be made good in the recreational open space of the primary school the loss of which is not made good elsewhere in the development. We are concerned that this option results in this loss and also the possible restrictions for public access onto school grounds. The effect of the increase of vehicle parking and noise on local residents when in use (both of which have caused problems in the past) and the risk that the school will charge for its use which would be totally unacceptable. There are other sporting facilities within the village that could be enhanced, created or improved that would benefit from investment of this kind and detailed discussion should be had locally to ensure correct distribution of agreed funding.

The issue of lack of the new children's play space on and off site needs resolving and the best way of dealing with the playing pitch and other recreational needs within the village provision needs further discussion before the Application is approved.

SUSTAINABLE TRANSPORT INITIATIVES

None of the measure itemised in section G of the Checklist have been addressed in the Application. The only provision is for advice to be given to all new residents on public transport, walking and cycling options plus a pack of information and maybe an umbrella. The walking times based on 3 miles an hour are grossly optimistic in view of the 200 foot climb involved from the station and for all but the fittest of the residents. Also the likelihood of many people cycling to Otley, Burley or Baildon or even the station is always going to be limited due the 300 foot climbs involved. Buses to the site may because of the local road infrastructure be difficult to arrange though the 967 service could be extended to cover the rush hours and stop at the Main Street Burley Lane junction before turning back down Fairfax Road to the Station.

The sustainable transport initiatives recommended by the MSPD need to be implemented in a sensible and effective way to achieve important sustainable transport initiatives before this application is approved.

CONSTRUCTION TRAFFIC

We express severe concern regarding site access, delivery vehicles accessing the site and the construction phase in general. Assuming the construction period will not be less than 2 years the village will suffer dramatically during this time. Safety on the village streets is of prime importance and highways risk assessments must be undertaken to prove that the site is accessible by heavy construction plant and vehicles. Moor Lane is defined as unsuitable for heavy goods vehicles and many would regard Derry Hill because of its steep gradient, single carriageway stretches, a sharp bend and entry into a dense residential area even more unsuitable. Serious concerns must be made about using Main St. through the village centre and passing the school. Using Derry Lane and Hawkeworth Drive would also be dangerous and with parked traffic and access from the wider village road infrastructure would be impractical due to narrow streets and very tight junctions. It is also clear that the village will suffer from dirty and possibly dangerous road surfaces throughout this period and measures should be put in place to prevent this and other impacts the construction phase will have on the village.

There must be an agreed safe route to the site for all construction traffic before this application is accepted

CONTEXTUAL ISSUES

These are dealt with in Appendix 2. it is worth noting however that the application generally refers as little as possible to the likely adverse effects of this proposed development on the village and so offers little in action to mitigate these problems. This approach is in some ways even more startlingly expressed on the issues of rush hour train provision to Leeds, and the A65 and employment prospects in the area. In this Appendix the optimistic assertions stated by Dacres, the development agent, in their Planning Case Report are hopefully clearly dashed by the reality of reason.

There is no question that employment in the area is in sharp decline forcing more people in addition to new residents the prospect of longer and longer journeys to work on either increasingly more overcrowded public transport or local and not so local highways.

This is of course is contrary to the Government intentions to build new housing near employment and so reduce the carbon footprint of the country. When one takes into account the condition of the local roads to the site it is increasingly incomprehensible to us that the objections to develop this site made in 2006 were ignored. The loss of Green Belt is of concern, the practical difficulties of making this site sustainable in any meaningful way a formidable challenge.

CONCLUSION

We conclude that the present application falls well short of the necessary expectations of the MSPD and the Shipley Area Committee Decisions of the 20th January 2010 and every area including design, layout, highways sect 106 and 278 requirements not to mention specific additional concerns relating to drainage and construction traffic. In our opinion this application should be rejected in its current form with no further consideration to its merits until the issues above have been effectively addressed in the plans.

Yours sincerely,

Cllr. G. S Metcalfe (on behalf of and Chair of Menston Parish Council Planning Committee)
P. Ward. (On behalf of Menston Community Association)

APPENDIX 2.

TRAIN CONGESTION

The Dacre Application makes light of the issue of train overcrowding at peak periods to and from Leeds to such an extent that at times boarding is difficult by the time the train gets to Guiseley and standing room only is common when it gets to Menston. We understand that the Rail Users estimate overcrowding to be between 110% and 125% during the rush hours morning and evening. We understand that the trains on this line are the most heavily congested in the Leeds area and one of the most congested in the country: one of the trains with nearly 140% overcrowding. The addition of people created by the development can only worsen this untenable situation which does not account for the fact High Royds is still only about 30% complete with approximately 350 properties still to be built. It is also important to note that rail traffic on this line has increased 34% since 2006 and natural growth continues. We understand that METRO are reporting to the Committee with data emphasising the effects the development will have on the transport system and that they will confirm that measures cannot be put in place to ease the congestion on trains and roads previously suggested. (Increased platforms / additional platforms / longer trains / more trains/dual carriageways/ tramways etc.).

PARKING

The parking in and around the train station is inadequate for the existing demand and should people from the development access the station by car then the current arrangements for parking will be further compromised with the inevitable spillage out onto the streets currently managed to some degree by local restrictions. The existing car park is incapable of being extended unless an underground car park is considered. Land and space is not available within the immediate vicinity for any further car parking facilities.

A65 AND OTHER ROUTES TO LEEDS AND BRADFORD

With regards to the A65 little mention of congestion is made on this road in the application which is a notable omission. Leeds is accessed for employment more than Bradford. Development along the A65 to Leeds has increased to such a level that the road is gridlocked for much of the working day and weekends. Planned developments in the future that have planning permission at Guiseley, Horsforth and Kirkstall will add further to the problem. We also understand Leeds City Council commissioned a report on the A65 in 2004 that concluded in 2005, with a report that has only recently been released, that the road "is not fit for purpose" and there was no prospect of improving the situation. A lot of employment is situated in places around Leeds not accessible by train and therefore a great number of employees from Menston and surrounding areas who currently rely on the A65. will be further inconvenienced by the additional traffic created as a consequence of this development. In addition to this problem many ancillary roads to Leeds are becoming oversaturated and the road into Shipley from Hollins Hill continues to be a source of major traffic congestion.

BUSES

Menston has a bus service that is not overused and therefore any new passengers from the development can be catered for except that we conclude little increase will occur because of the long distance from the development to the stops for the buses to Leeds and also that the bus will take such a long time for the reasons above. We also note the lack of provision on the plan for bus turning and routing should the service be extended.

EMPLOYMENT

Dacre argue that Menston is close to good employment centres in Otley, Guiseley and Ilkley. This is contrary to the reality of the situation. Employment in Menston has contracted to an extent it is minimal and locally the businesses that employed Menston people such as High Royds and Otley Hospitals, Garnetts, Crompton Parkinson, Silver Cross together with many other reasonable sized employers including several mills have all closed down over the last few years and the sites being or in the process of being converted into residential developments. It is interesting that even in the highway report by Bryan Hall they conclude there are no employment prospect in the Rombalds area and so have reallocated traffic movements to primarily the Leeds and Bradford road network. The inevitable conclusion has to be that Menston is a not suitable place to gain local employment and it will continue, perhaps even more so, for employment to be not only within Leeds and Bradford centres but to the employment growth areas near the major motorways, an uncomfortable and not very sustainable prospect.

Cllr. G. S Metcalfe (on behalf of and Chair of Menston Parish Council Planning Committee)
P. Ward. (On behalf of Menston Community Association)

Appendix 3

Comparison of proposed works and endorsements of Shipley Area Committee (January 2010)

DERRY HILL AND BINGLEY ROAD SITES, MENSTON
COMPARISON OF PROPOSED WORKS AND ENDORSEMENTS OF SHIPLEY AREA COMMITTEE (JANUARY 2010)

LOCATIO N No	LOCATION	Endorsements Of Shipley Area Committee (SAC)	WORKS PROPOSED BY DERRY HILL AND BINGLEY ROAD PLANNING APPLICATIONS
1a	Derry Hill Site Access	Creation of new priority junction access 30 metres to north of Derry Lane with mandatory right turn on to Derry Hill (and no right turn into site from Derry Hill)	Simple priority junction on to Derry Hill with no restricted turns
1b	Derry Lane junction with Derry Hill	Point closure of Derry Lane at the junction with Derry Hill	No closure. Introduction of a speed reduction table at the junction and the proposed site access. Introduction of a 20 mph Zone on Derry Lane and Hawksworth Drive.
1c/d	Derry Hill (south of Derry Lane)	Improvements to Derry Hill to encourage use by development traffic. Parking review of traffic on Derry Hill (entire length)	No works proposed
1e	Bingley Road Junction with Derry Hill	Widen and re-line Bingley Road to form ghost island. Increase radius and sight line from Derry Hill. Improve street lighting and reduce speed limit on approach to junction	As recommendation to SAC apart from provision of ghost island
1f	Moor Lane east of Derry Hill site access	Creation of off-street residents parking facility for residents of 1-10 Mount Pleasant on Derry Hill site and modification of existing road alignment	As recommendation to SAC apart from road realignment. TRO adjacent to bend to ban on-street parking
2a	Bingley Road from eastern access to development site to Cleasby Road junction	Improvements to Bingley Road to encourage use by development traffic to access A65	As recommendation to SAC
3a	Bingley Road junction with Main Street	Improvements to existing mini-roundabout junction comprising realignment of radius adjacent to recreation field	Introduction of speed reduction table at the junction

3b	Bingley Road east of junction with Derry Hill to western access of the Bingley Road development site	Improvements to Bingley Road to encourage use by development traffic diverted along Derry Hill	As recommendation to SAC
3c	A65 Bradford Road/Leatheley Road/Station Road	Review of parking around Menston Station including possible modification to existing TROs and possible TRO to improve operation of junction	Provision of S106 monies to allow Main Street to be further traffic calmed (20 mph Zone extended) and the introduction of a pedestrian crossing facility (to be carried out by S278 Works)

Background Documents

RUDP

Menston Housing Sites Supplementary Planning Document

Planning for Crime Prevention Supplementary Planning Document

Sustainable Design Guide Supplementary Planning Document

Planning Obligations Supplementary Planning Document

Landscape Character Area Supplementary Planning Document
