

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 21 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.	3 Glen Road Eldwick Bingley BD16 3EU - 10/03348/OUT [Approve] (page 1)	Bingley
2.	Beggars Roost 2 Heather View Eldwick Bingley BD16 3HH - 11/00870/FUL [Approve] (page 12)	Bingley
3.	C R Taylor (Timber) Limited Station Sawmill Station Road Denholme Bradford BD13 4BS - 11/01326/MAO [Approve] (page 20)	Bingley Rural
4.	Hoyle Court Primary School Fyfe Grove Baildon BD17 6DN - 11/00726/FUL [Approve] (page 51)	Baildon
5.	Lea Bank Sleningford Road Bingley BD16 2SF - 11/01375/OUT [Approve] (page 63)	Bingley

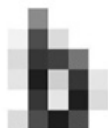
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Portfolio:
Environment and Culture

Improvement Committee Area:
Regeneration and Economy



21 July 2011

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

Application Number:
10/03348/OUT

Type of Application/Proposal and Address:

Outline planning application for the construction of one house, garage and access on land at 3 Glen Road, Eldwick, Bingley, BD16 3EU.

Details of access, layout and scale are submitted for consideration at this time. Details of appearance and landscaping are reserved for consideration at a later time.

Applicant:

Dr Aziz Hafiz

Agent:

Mr Steel

Site Description:

3 Glen Road is an impressive stone and rendered dwelling positioned to the north of Glen Road in Eldwick. The application site is an area of garden to the east of the existing dwelling which measures approximately 60m x 20m. The site slopes up gently from Glen Road, the boundary with which is demarked by a stone wall and a hedge. To the north and east are existing detached bungalows. There are protected trees along the site frontage. The area surrounding the application site is characterised by large detached dwellings on substantial plots with mature gardens.

Glen Road is a single track shared access road with limited passing places and two points of access. To the west is the junction with Sherriff Lane and to the east Glen Road meets Saltaire Road. Taking into account existing properties and extant planning consents, Glen Road currently serves 53 properties.

Relevant Site History:

82/02587/OUT – Detached bungalow and garage. Refused
05/08950/OUT - Erection of detached dwelling and garage with new access from Glen Road. Refused

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated.

Proposals and Policies

UR3 The Local Impact of Development
D1 General Design Considerations
TM2 Impact of Traffic and its Mitigation
TM12 Parking Standards for Residential Developments
NE5 Retention of Trees on Development Sites
NE6 Protection of Trees During Development

National Planning Policy:

PPS03 Planning Policy Statement 3 Housing

Parish Council:

There is no parish council in this ward.

Publicity and Number of Representations:

The proposal was advertised via neighbour notification letters and a site notice with an overall date for representations of 01.10.2010. Nine letters of representation have been received.

Summary of Representations Received:

- Glen Road is single track with no passing places or footpath and is becoming increasingly busy with additional cyclists, horses, walkers, mothers with prams etc, particularly those visiting Shipley Glen. For their enjoyment and safety it is essential that the number of vehicles using Glen Road does not increase. There has been a noticeable increase in foot traffic, in particular children and young people, in the past 12 months since the building of a new housing estate adjacent to Sheriff Lane.
- The junction at Glen Road has already been confirmed as blind and dangerous but in addition, due to the blockages, cars are forced to use the only alternative to Otley Road – via its obstructed blind spot junction with Saltaire Road.
- Glen Road is regularly blocked by delivery vehicles and long term parked trucks
- Design Bulletin 32 advises that up to 50 dwellings may be served by a shared surface road. I maintain that Glen Road was never suitable for this many.
- Traffic turning in to Glen Road at the junction with Sheriff Lane is required to reverse back to let on coming vehicles out. A car almost reversed over a young child last week. Will it take a death for someone to listen to our concerns and stop planning applications being passed?
- Vehicles coming down Sheriff Lane turning left into Glen Road have to reverse back up Sheriff Lane to allow traffic to exit Glen Road first. This is extremely hazardous
- Access for disabled transport and emergency services is nil at times
- Parking is a problem
- The house would overlook and block the natural surroundings and privacy of two properties, the proposed house being right up to the boundary
- The house would be squeezed onto a plot and would spoil the well thought out private aspect of the road and would not be in keeping with it's neighbours
- Drains and utility services are already being overused. We are experiencing more power cuts, leaking drains, overland flooding etc
- I support the reasons for refusal of the last application
- There is a restrictive covenant on the site preventing buildings being erected in gardens

- Three much admired silver birch on the adjacent property would most likely die due to the severance of roots necessary to build so close to them, and the beech hedge will be cast into deep shade prejudicing it's survival
- The proposal would necessitate the removal of mature trees and hedging on the site
- The proposed dwelling would be very close to the boundary with neighbouring properties and their windows. This will cause severe overlooking and overshadowing, taking light and privacy from homes
- The new dwelling will create a considerable amount of shade, changing the climate of the adjacent gardens, which have been tended for years. This will have a devastating effect.
- Glen Road is beside Eldwick Beck, a conservation area. Its nature and setting provide a valuable buffer zone to this conservation area and should be treated as such.
- The diseased trees along the frontage which are to be removed to provide the required sight lines are now diseased; I find this odd as they were healthy two years ago.
- In June 2010 the Government made two changes which give councils less incentive to give planning permission for new homes to be built in the gardens of existing gardens. Firstly, the definition of brownfield land has been changed to no longer include gardens. Secondly, the targets for minimum housing density were been abolished. These new powers need to be used effectively to stop such applications.
- The building work would be disruptive
- This dwelling would spoil the spacious and open aspect of all the houses on the road, it would be detrimental in its appearance and have an overbearing effect in its location.
- The appeal decision which allowed a dwelling to be constructed at 27 Glen Road is dismissed as being irrelevant because, as the inspector noted this site is much closer to the Saltaire Road junction which has better visibility than the Sheriff Lane junction

Consultations:

Drainage

No objection subject to a condition requiring the investigation of the site for the use of sustainable drainage techniques.

Trees

Initial comments:

The proposal will result in the loss of a number of protected trees with no compensatory replacement planting (it is accepted that some of these trees are in poor condition). The proposed access impacts unacceptably in the root protection areas of protected trees and there are no details on the construction of this or the wall to the boundary. Currently unable to support the application due to its potential impact on trees.

N.B. Since these comments were received discussions between the agent and the Council's tree and planning officers have been ongoing and for the reasons discussed in the appraisal section (below) the Arboricultural Officer now supports the proposal.

Highways

Initial comments:

This is a proposal to construct an additional detached dwelling in the garden of an existing dwelling. A previous application 05/08950/OUT was refused on highway and planning grounds. There were two highway grounds for refusal:

1. The proposed development would involve the intensification of use of a shared surface road, namely Glen Road, which is of restricted width, has no footways, has limited passing facilities and lacks satisfactory standards of visibility with both Sheriff Lane and Saltaire Road. Any further development would result in the intensification of a sub standard road likely to lead to conditions that would be prejudicial to highway safety.
2. Inadequate visibility splays from the site onto Glen Road.

The new dwelling would be accessed directly from Glen Road and the layout of the site entrance as shown on drawing no 5770-002D submitted with this application, provides adequate visibility splays and is wide enough to be used as a passing place. This addresses the second reason for previous refusal.

Glen Road is a shared surface through road with two points of access. The site is closest to the junction of Glen Road with Sheriff Lane, which is a fairly sub standard junction with poor geometrical layout and extremely poor sight lines. The other end of Glen Road forms a junction with Saltaire Road, which is also sub standard in terms of sight lines and layout. Over most of its length Glen Road is single track with no footways. There are no formal passing places and drive entrances to properties are used where it is difficult to pass.

National and local guidance indicates that no more than 50 dwellings should be served off a shared surface access road which has two access points and meets current design standards. An Inspector allowed an appeal at 27 Glen Road in 2004, which was the 51st dwelling, on the basis that this guideline figure should be treated flexibly. I accept that this guidance allows for a degree of flexibility but the total number of dwellings served off Glen Road including approvals still to be implemented is already at 53. It has also been established above that Glen Road is sub standard and it could therefore be argued that it is inadequate to access even 50 dwellings.

Notwithstanding the above, examination of road accident records shows that there have been no personal injury accidents recorded on Glen Road or at its junctions with Sheriff Lane and Saltaire Road over the past 5 years. These are the only accidents recorded by the police and accidents that just involve vehicle damage are not recorded. This lack of personal injury accidents reflects the generally low vehicle speeds of users of Glen Road. However, just because there have been no injury accidents does not necessarily mean that more developments are justified.

In view of the above, and the fact that reason 1 for previous refusal has still not been addressed, I would recommend that the highway safety implications of the proposed development are such that the application should be refused unless there are some significant and clearly defined benefits to outweigh the predicted highway problems.

N.B. Since this consultation response was received discussions between the agent, highway and planning officers have been ongoing and for the reasons discussed in the appraisal section (below) Highway Development Control officers now support the proposal.

Summary of Main Issues:

1. Impact on highway safety.
2. Impact on local and residential amenity.
3. Trees.

Appraisal:

A previous application for a dwelling on this site was refused on 30.01.2006 under application number 05/08950/OUT on the grounds that:

1. The proposed development would involve the intensification of use of the shared surface road, namely Glen Road, which is of restricted width, has no footways, has limited passing facilities and lacks satisfactory standards of visibility at its junctions with both Sheriff Lane and Saltaire Road. Any further development would result in the intensification of a substandard road likely to lead to conditions that would be prejudicial to highway safety contrary to advice issued in Design Bulletin 32 and policies TM2 and 19A of the Replacement Unitary Development Plan.
2. The proposed application fails to demonstrate adequate visibility splays from the site onto Glen Road to the detriment of road users and highway safety contrary to Policies TM2 and 19A of the Replacement Unitary Development Plan.
3. Notwithstanding the above reasons for refusal relating to access, the proposal would equate a net density per hectare of 7.7 and so fails to make best use of previously developed land and is contrary to PPG3 on Housing and Policy H7 of the RUDP.

The issues regarding residential and local amenity were considered at the time of the 2005 application and the proposal was considered to accord with the requirements of policies D1 and UR3. The site is of an adequate size to accommodate a further dwelling whilst providing suitable separation distances to neighbouring properties. It is not considered that a detached two storey dwelling of the size indicated would result in significant detrimental impacts on local or residential amenity which would warrant refusal of the application.

The main issue which must therefore be considered is whether these previous reasons for refusal are still valid and if so, whether they have been satisfactorily overcome.

Density

Amendments to PPS3 on "Housing" in June 2010 took residential gardens out of the definition of "previously developed land" and have deleted the national minimum density target of 30 dwellings per hectare. The proposal represents a density of just 7.7 dwellings per hectare (DPH) which is significantly below the minimum of 30 DPH expected by policy H7 of the RUDP which remains extant despite the changes to PPS3.

These changes to national planning policy are relevant, however, as they empower Local Planning Authorities to much more confidently assess housing developments on the basis of the appropriateness of that density to the local area and its character - with far less weight now having to be afforded to meeting minimum density targets.

Judged on its merits and against considerations of local character it is found that the proposed density of this scheme generally reflects the character of the surrounding area, which is typified by large mature dwellings on generous plots with mature planting. The proposal to build a single detached dwelling on this plot therefore reflects the prevailing character of the area and is acceptable in principle in accordance with the revised edition of PPS3. Density considerations are therefore no longer considered to be a defensible reason for refusal.

Highway Safety

Access onto Glen Road

The proposed access arrangements at the site have been revised following the refusal of application 05/08950/OUT. They have been further revised following the comments of the tree officer. Highway officers are satisfied that proposed visibility at the site entrance is acceptable and that this reason for refusal has been satisfactorily overcome.

Glen Road

In 2004 the Council lost an appeal against the refusal of planning permission for an additional dwelling on land at 27 Glen Road. The inspector upheld the appeal on the grounds that the traffic intensification arising from one dwelling above the number generally accepted as being the threshold for shared surface roads (i.e. 50) would be a marginal breach and not material to the case.

These comments were carefully considered at the time of the 2005 application at 3 Glen Road (05/08950/OUT), when the planning officer noted that the appeal property was sited significantly closer to the Saltaire Road junction with Glen Road, a junction with appreciably better visibility than the Sheriff Lane junction, and concluded that this, combined with the poor access layout onto Glen Road rendered the potential increase of two dwellings over the notional 50 threshold significant.

Highway officers have again given the proposal very careful consideration in light of the previous refusal on this site and the comment of the inspector in relation to the appeal at 27 Glen Road in 2004. The initial consultation response is detailed above, however further discussions have since taken place.

In 2007 the Department for Transport published the 'Manual For Streets' (MfS) which replaced the previous advice in "Design Bulletin 32". MfS was based on new research which indicated that many of the criteria that had routinely been applied to street design had been based on questionable or outdated practice. Officers have also considered whether this new guidance would indicate that the proposal is now acceptable.

MfS suggests that shared surface roads are likely to work well when laid out in short lengths or cul-de-sacs, where parking is controlled or takes place in designated areas and where the volume of motor traffic is below 100 vehicles per hour (peak). These trip rates would be higher than that generated by 50 dwellings. MfS is concerned with the creation of new road layouts but provides a useful starting point when assessing the standard of existing roads. Glen Road is of restricted width, has no footways, limited passing facilities and lacks satisfactory standards of visibility at its junctions with both Sheriff Lane and Saltaire Road. In addition parking is unrestricted and it is not laid out in short lengths or cul-de-sacs.

National and local guidance indicates that no more than 50 dwellings should be served off a shared surface access road which has two access points and meets current design standards, which Glen Road clearly does not. In allowing the appeal 27 Glen Road in 2004, however, which was the 51st dwelling, the inspector concluded that this guideline figure should be treated flexibly. Highway officers accept that this guidance allows for a degree of flexibility and there have been ongoing discussions about how much degree of flexibility might be appropriate, these discussions have continued since the original consultation response (documented above) was received from Highway Development Control.

A 10% increase over the 50 limit has been considered to be reasonable, dependent of course on the circumstances of each individual application.

The proposal at 3 Glen Road would, it is understood, be for dwelling number 54. The scheme includes some highway improvements as the new driveway will provide a passing place for vehicles. The nature of Glen Road is such that it comprises large dwellings with adequate parking, is lightly trafficked and whilst localised on street parking can be problematic, it is not frequent

The application includes a vehicle survey which was conducted during the peak morning time on a weekday in June 2010. This recorded just 16 two way vehicle movements in the 90 minutes from 7:30am until 9:00am; whilst this is a snap shot on a single day, it supports the notion that Glen Road is relatively lightly trafficked, with vehicle movements significantly below the 100 vmph specified by MfS.

When one considers the lightly trafficked nature of Glen Road, the slight highway safety improvement offered by the provision of a new passing place and the previous stance of the inspectorate that the 50 limit must not be slavishly adhered to, officers consider it unlikely that the Local Planning Authority would be able to defend a refusal on the basis of highway safety at appeal.

The comments of the objectors regarding highway safety have been very carefully considered and it is clear that there is a feeling amongst residents that further development along Glen Road must be curtailed; the question the local planning authority must determine is where the threshold for this is. It is considered that that point is not reached by this application, but that further development beyond 55 dwellings would not be acceptable.

Trees

The site has two small group TPO's along the site frontage. Within this group a number of these trees (T2-7 on the arboricultural plan) are considered unsafe and in need of removal.

The plans as originally submitted proposed an entranceway layout that would have necessitated excavations within the root protection areas of T8 and T9; single stemmed sycamores which are deemed worthy of retention. The council's tree officer considered that this would significantly prejudice the long term health of these trees and that it would be likely to result in their loss. These trees have clear public amenity value as demonstrated by their preservation orders. The plans have been amended and there will now be no development within the root protection areas of these trees. Rather than being demolished and rebuilt on a splayed alignment within the site the wall along the site boundary to the west of the new driveway will be lowered to a height of no more than 900mm to provide adequate visibility for motorists exiting the site. This is considered to be an appropriate solution which balances the need for visibility at the entranceway with the protection of these important trees. Landscaping is a reserved matter, however, a suitable replanting scheme has been received and the implementation of this can be secured by condition.

Impact on Local And Residential Amenity

The proposed dwelling would sit on a substantial, spacious plot which “reads” as an obvious gap in the built form along Glen Road. The indicative site layout plan shows that the dwelling would be situated 20m from the rear boundary of the plot, 4m from the boundary with No 7 and 3m from the proposed boundary with the existing dwelling at No.3. It will be set back 36m from the highway. The application indicates the scale parameters for the new dwelling; these are in keeping with surrounding properties. The separation distances and the proposed scale are such that no significant issues of overlooking, overbearing, or overshadowing of adjacent dwellings or gardens will occur.

Other Matters

It is asserted by an objector that there is a restrictive covenant in place which prevents further development within its curtilage. The Local Planning Authority is not privy to such information and this matter is not a material planning consideration.

Community Safety Implications:

None foreseen.

Reason for Granting Planning Permission:

The proposed development will have no significant impact on local and residential amenity, respects the local character of Glen Road and overcomes previous reasons for refusal. Accordingly the proposal meets the requirements of Policies UR3, D1, NE4, NE5, TM2, TM12 and TM19A of Bradford’s Replacement Unitary Development Plan (2005).

Conditions of Approval:

1. Application for approval of the matters reserved by this permission shall be made to the Local Planning Authority not later than three years from the date of this permission.

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

2. The development hereby permitted shall begin 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. Details of the appearance and landscaping of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

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

5770-003A – Site Location Plan
5770-004D – Indicative Massing Plan
Received by the Council on 6th July 2010

And

9729 Rev.C - Proposed Site Layout
Received by the Council on 1st July 2011

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

5. The development shall not be begun, nor shall any site preparation, groundworks, construction materials or machinery be brought on to the site until temporary Tree Protective Fencing has been erected around the Root Protection Areas of the retained trees within the site and along the boundaries of the site. The Tree Protective Fencing shall be to a minimum standard as indicated in BS 5837 (2005) "Trees In Relation To Construction". The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority). It shall be fixed in position and mounted on poles driven at least 0.6m into the ground 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 a satisfactory position and to a satisfactory specification.

No development, excavations, engineering works and storage of materials or equipment shall take place within the protected 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.

8. Notwithstanding the requirement to submit a full landscaping scheme at the reserved matters stage, the replacement trees shown on Drawing No. 9729 Rev.C shall be planted no later than in the first planting season following the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interest of visual amenity and in accordance with policy NE4 of the Replacement Unitary Development Plan.

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

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

8. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include details of sustainable drainage arrangements for surface water or a technical explanation of why this is not possible along with suitable alternative proposals. The scheme so approved shall be implemented prior to the occupation 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.

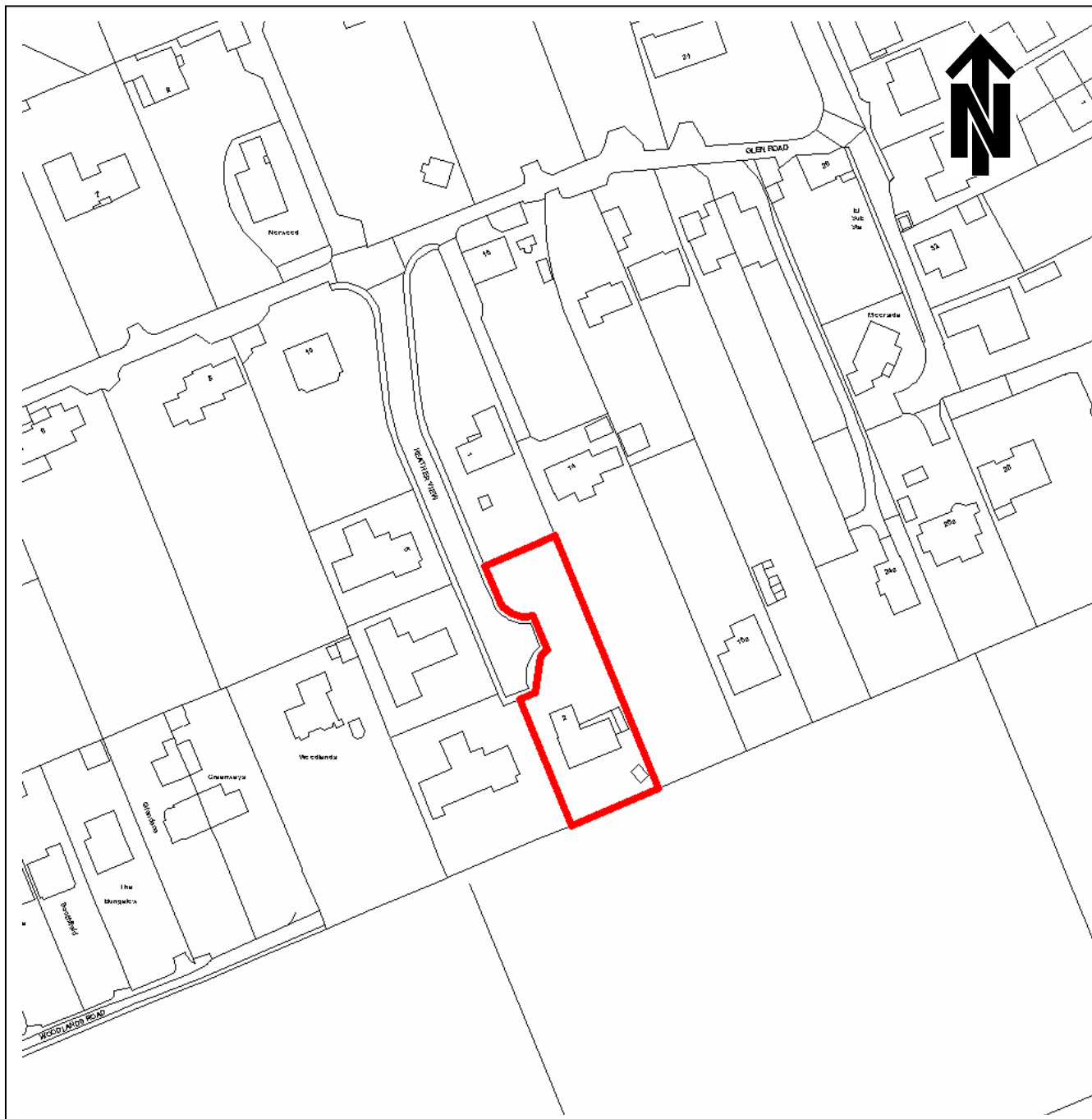
Footnote:

It should be noted that the granting of outline planning consent does not confer permission to fell trees which are protected by Tree Preservation Orders (TPOs). If the removal of the trees indicated on the approved plan is required prior to the approval of a reserved matters application, a separate application for works to trees subject to a TPO will be required.

Area Planning Panel (Shipley)

11/00870/FUL

21 July 2011



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ITEM NO. : 2

LOCATION:

**Beggars Roost
2 Heather View
Eldwick Bingley**

21 July 2011

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

Application Number:
11/00870/FUL

Type of Application/Proposal and Address:

Full application for the erection of a bungalow with integral garage on land at 2 Heather View, Bingley.

Applicant:
Mr Ian Firth

Agent:
Mr J O Steel

Site Description:

The site is located at the southern end of Heather View, a short cul-de-sac comprising a mixture of two storey and single storey 1960/70's dwellings which leads off from Glen Road, a single track lane. The application site comprises garden land to the front of 2 Heather View, a large detached two storey 1970's dwelling located at the head of the cul-de-sac, across the street from the adjacent bungalow at 4 Heather View. The site is currently given over to grass and fruit trees and is bounded by tall hedges. The land drops away to the east with the adjoining property at 14 Glen Road set approximately 1m below the level of the application site.

Relevant Site History:

10/01516/FUL - Construction of two-storey dwelling – refused 12/7/10
09/03291/OUT - Construction of three bedroom two-storey house with double garage – refused 17/9/09
07/09497/OUT – Construction of dwelling – refused 3/1/08

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the Replacement Unitary Development Plan.

Proposals and Policies

UR3 – Local impact of development
D1 – Design
TM2 – Impact of Traffic and its Mitigation
TM12 – Parking Standards for Non-Residential Developments
TM19A: Highway safety
NE4 – Trees and Woodlands
NE5 – Retention of Trees on Development Sites
NR16 – Surface water run off and sustainable drainage systems

Parish Council:

There is no parish council in this ward.

Publicity and Number of Representations:

The proposal was advertised via neighbour notification letters and site and press notices with an overall date for comments of 08.04.2011.

Nine letters of objection have been received including one from a local Councillor who has referred the application to Shipley Area Planning Panel if recommended for approval.

Summary of Representations Received:

- Intensification of traffic movements, particularly on Glen Road
- Overlooking and overshadowing of neighbouring properties
- Out of keeping with the surrounding area with houses set in spacious plots
- Harmful impact on trees and hedges
- Recent changes in classification of garden land
- Drainage concerns
- Proposal does not overcome previous reasons for refusal

Consultations:

Highways:

This is a proposal to construct a bungalow in the garden of an existing dwelling on Heather View. A previous application 10/01516/FUL was refused on planning grounds. Highway Development Control raised no objections. Access to the site is from Glen Road which is a shared surface through road with two accesses. Heather View joins Glen Road about mid point from its junctions at either end. These junctions provide access to the wider highway network via Sheriff Lane to the west and Saltaire Road to the east. Both junctions are fairly sub-standard with poor geometrical layout and extremely poor sight lines. Over most of its length Glen Road is single track with no footways. There are no formal passing places and drive entrances to properties are used where it is difficult to pass. National and local guidance indicates that no more than 50 dwellings should be served off a shared surface access road which has two access points and meets current design standards. An Inspector allowed an appeal at 27 Glen Road in 2004, which was the 51st dwelling, on the basis that this guideline figure should be treated flexibly. In view of this, Highway Development Control recently decided that whilst the limit of dwellings being served off Glen Road would remain at 50, by applying the guidance flexibly up to 55 dwellings would be allowed in highway terms. An application for a dwelling at 3 Glen Road which is the 54th dwelling is to be considered by Shipley Area Panel in the near future. This application would be the 55th dwelling. I therefore raise no objections on highway grounds.

Drainage:

Separate system required within site boundary.

Records show that the sewer in Heather View is surface water only. Developers must therefore clarify their proposals for foul water. Details required for disposal of foul and surface water drainage.

Summary of Main Issues:

- Site history
- Highway safety
- Impact on the residential amenity of occupiers of adjoining properties
- Impact on local visual amenity
- Trees and hedges

Appraisal:

Site History:

The site has been subject of three previous planning applications for residential development all of which have been refused.

The reasons for refusal have included:

- Intensification of traffic to the substandard Glen Road, off which Heather View is accessed.
- Overlooking of neighbouring properties.
- Overbearing impact on neighbours and harmful impact on the character of the area.

This application has been submitted in an attempt to overcome the previous reasons for refusal and now proposes a bungalow property rather than a 2 storey dwelling.

Highway Safety

Access to the site is from Glen Road which is a shared surface through road with two accesses. Heather View joins Glen Road about mid point from its junctions at either end. These junctions provide access to the wider highway network via Sheriff Lane to the west and Saltaire Road to the East. Both junctions are fairly sub-standard with poor geometrical layout and extremely poor sight lines. Over most of its length Glen Road is single track with no footways. There are no formal passing places and drive entrances to properties are used where it is difficult to pass.

There has been much comment received once more raising concerns about the impact of increasing traffic levels further on Glen Road. As mentioned above, two previous outline applications on this site included highway reasons for refusal. However, there has subsequently been an appeal decision which has altered the assessment of capacity of traffic on Glen Road.

The view held by the Council prior to the appeal decision was that for assessment purposes, Glen Road was classed as a shared surface road with two points of access and as such should serve no more than 50 dwellings. However an Inspector allowed an appeal at 27 Glen Road in 2004, which was the 51st dwelling, on the basis that guideline figures should be treated flexibly. In view of this, Highway Development Control recently decided that the limit of dwellings being served off Glen Road could be raised to 55 dwellings.

Heather View itself is a more standard cul-de-sac layout currently serving 6 detached properties. The proposal would take its access off Heather View to the northern end of the site with single width driveway 7.5 metres in length to an integral single garage. Accordingly the proposal meets the required off road parking standards by providing two spaces, one to the garage and one on the driveway.

In light of the appeal decision and the comments received by the Council's Highways Section, whilst the existing difficulties are acknowledged in and around Glen Road, the previous reasons for refusal regarding highway safety are no longer considered to be sustainable for the aforementioned reasons.

Impact on the amenity of occupiers of neighbouring properties

The application has been designed to attempt to address previous concerns with respect to the likely impact on neighbouring properties.

Previous applications have been for two storey detached properties and have given rise to concerns, in particular with respect to a harmful impact upon the living conditions of the occupiers of 14 Glen Road, both through overlooking and also due to potential overbearing impacts on those properties that abut the site.

The current proposal has been amended to a bungalow property in order to overcome overlooking concerns and also to minimise any overbearing impact on the property to the north east. The proposal would be close to the boundary with the rear garden of number 14 Glen Road to the north east (1.5 metres) but would not cause significant loss of amenity for the occupiers of that property.

The boundary is defined by a mature privet hedge which is stated to be retained. The lower height of the proposed dwelling and the retention of the boundary hedge are such that the impact upon number 14 would not be so significant as to justify a refusal. The intervening boundary screening would prevent unacceptable overlooking; the proposed windows to the eastern elevation are to serve utility, kitchen and hallway.

The proposed dwelling would also be located in close proximity to the boundary with number 1 Heather View set 1.5 metres to the south of it. The boundary is defined with a high mature Beech hedge over 2 metres in height. Number 1 Heather View itself is set in excess of 20 metres north of the shared boundary and as such would not suffer from any potential overlooking or overshadowing.

Impact on local visual amenity

A recent change in PPS3 has re classified garden land which is no longer considered to be 'brown field' (or 'previously developed') land. As such it is considered that the local character which comprises large detached dwellings with spacious gardens should be maintained as far as possible. Previous applications have included reasons for refusal regarding the impact on the local character due to the proposals appearing cramped on the site.

The proposed footprint still takes up a large portion of the site, however the bungalow design and retention of boundary hedges is such that the visual impact of the current proposal would be significantly reduced compared with previously refused proposals for two storey dwellings. The proposed bungalow would also be more in keeping with the three bungalow properties to the west and south west at 3, 4 and 5 Heather View.

The proposed dwelling would be kept low and set behind mature hedges to minimise the massing of building. As such the proposal would maintain some of the spaciousness and open character of the area. The proposed dwelling also reflects some of the design characteristics of numbers 3, 4 and 5 Heather View, in particular the external chimney feature.

Materials proposed include a mixture of stone and render for the walls with concrete tiles to the roof. The surrounding properties are in random natural stone with reclaimed stone roof slates. The proposed materials would be in keeping with the character of the area and would ensure that the dwelling integrates appropriately into the street scene. A condition should be attached regarding approval of materials.

The southern boundary would be defined by a new stone wall 1.5 metres in height, to separate it from the parent dwelling, number 2 Heather View. The existing beech hedge to the Heather View frontage is to be retained to provide a mature setting for the development with the exception of a section where the properties driveway would take its access.

With appropriate materials, the proposed dwelling would sit appropriately into the site and respect the local character and in particular the bungalow properties 3-5 Heather View.

Trees/Hedges

There are mature hedges which form the boundaries of the site; these are stated to be retained. Whilst the proposed dwelling would be located in relatively close proximity to the hedges (1.5 metres from the northern and eastern boundaries), the hedges could survive construction and be retained. The existing hedge to Heather View would also be retained, with the exception of a section to be removed to form the driveway. The retention of this hedge is important in ensuring the development maintains the character of the cul-de-sac.

There are two fruit trees within the site towards the northern end of the site which would be removed, The large willow to the southern end is to be retained and would help to screen views from the site to the parent property, number 2 Heather View and provide a mature setting for the development.

Outside of the site and located within the garden of number 1 Heather View, close to the site boundary are 3 mature silver birch trees which are of some amenity value within the street. It is recommended that to ensure the retention of these trees and also the boundary hedges that condition be attached regarding protective fencing during the construction phase.

Other issues

Comment has been received regarding a restrictive covenant pertaining to the site. This is a private legal matter between the interested parties and is not a material planning consideration which might sustain a reason for refusal.

Recommendation: To grant planning permission subject to conditions.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The proposal has been designed to preserve the amenities of neighbouring residents and the respect the local character and overcomes previous reasons for refusal. Accordingly the proposal meets the requirements of Policies UR3, D1, TM2, TM12 and TM19A of Bradford's Replacement Unitary Development Plan (2005).

Conditions of Approval:

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

Site Survey

10/PM/FIRTH-4/01 - Proposed and Existing Site Plan

10/PM/FIRTH-4/02 - Plans and Elevations

10/PM/FIRTH-4/03 - Elevations

Received by the Council on 24.02.2011

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

2. 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.

3. Concurrently with the submission of a sample of the walling materials, a sample panel of those materials and type of coursing to be used shall be erected on site for inspection before development begins.

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

4. 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.

5. The development shall not be begun, nor shall any demolition, site preparation, groundworks, construction materials or machinery be brought on to the site until temporary Tree Protective Fencing has been erected around the Root Protection Areas of the trees and hedges along the boundaries of the site. The Tree Protective Fencing shall be to a minimum standard as indicated in BS 5837 (2005) Trees In Relation To Construction. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority). It shall be fixed in position and mounted on poles driven at least 0.6m into the ground 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 a satisfactory position and to a satisfactory specification.

No development, excavations, engineering works and storage of materials or equipment shall take place within the protected 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.

6. 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.

7. 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.

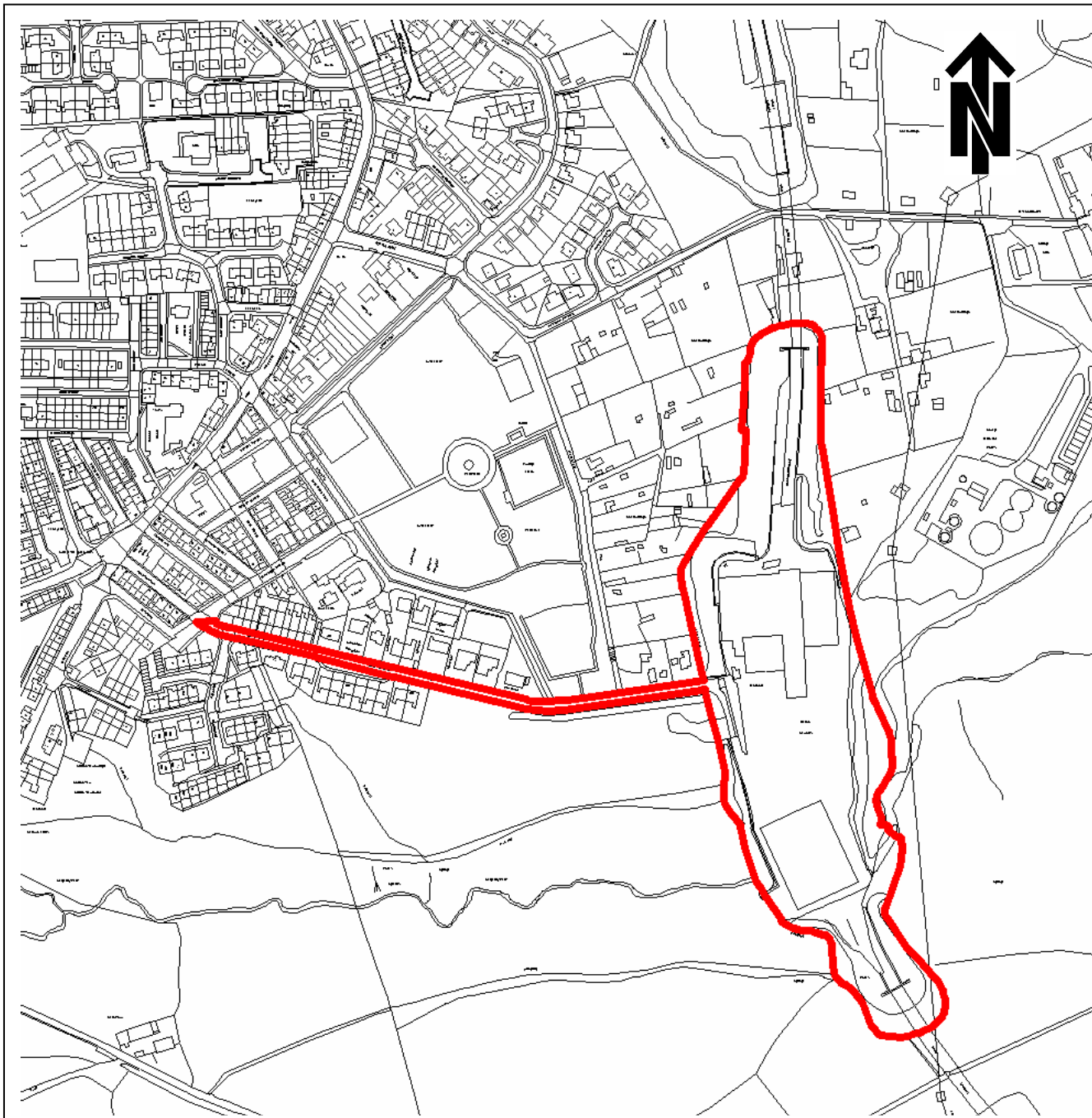
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the rear elevation; without prior written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

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

Area Planning Panel (Shipley)

11/01326/MAO

21 July 2011



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ITEM NO. : 3

**LOCATION:
C R Taylor (Timber) Limited
Station Sawmill
Station Road
Denholme Bradford**

21 July 2011

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

Application Number:
11/01326/MAO

Type of Application/Proposal and Address:

An outline application for the construction of up to 73 dwellings and 511 sqm (5,500 sq ft) of B1 (b/c) employment floor space following demolition of the existing buildings at C R Taylor (Timber) Limited, Station Sawmill, Station Road, Denholme.

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

Applicant:
CR Taylor (Timber) Ltd

Agent:
Rachel Flounders, ID Planning

Site Description:

The site was formerly a railway station and extends to approximately 4.6 hectares although a significant proportion of the land at the northern and southern extremes is very narrow and does not form part of the land associated with the existing built form. The development plateaux of the site is approximately 2.2 hectares in extent and comprises a level platform which is cut into the hillside with embankments rising up towards Denholme on the western boundary and steep slopes down to the reservoir on the east.

This site is currently occupied by two collections of buildings. One cluster is located at the northern extent of the site which extends to approximately 5500 sqm and comprises the original station mill building (of traditional brick construction with a timber trussed roof) and a number of steel frame buildings with basic timber cladding and asbestos roofing. The second building cluster located in the southern apex of the site, which extend to approximately 3100 sqm and comprise timber storage sheds of cladding with asbestos roofs. There is with associated hard standing in the south west part. Beyond the development plateaux, the northern and southern extremities of the site lead to the former railway tunnels.

This site is currently the main headquarters for CR Taylor and they are seeking to consolidate their exiting operation and move to smaller modern premises to improve efficiency.

Bradford Wildlife Area – Doe Park/Carperley Beck, a reservoir area bounds part of the eastern boundary of the development site. To the north and south are the former railway tunnels (now disused). Along the western boundary and beyond lie various residential properties and allotments. Along the south east boundary there lies safeguarded site S/UR5.3 which is a Greenfield site previously identified for housing in the 1998 adopted UDP and forms a Bradford Wildlife Area.

Access to the site is via Station Road (in the ownership of the applicants) which leads from Main Road.

Relevant Site History:

There is no relevant history for any specific redevelopment proposal on this parcel of land. Outline planning application 10/01753/MAO for the construction of 73 dwellings and 372 sq meters B1/B8 employment with associated access was withdrawn from determination in 2010.

Replacement Unitary Development Plan (RUDP):

Allocation

Within the Proposals for the Shipley Constituency of the Replacement Unitary Development Plan, the majority of the site is identified as being unallocated with a small parcel of land to the south leading to the former railway tunnel as green belt. The following policies are relevant:-

Proposals and Policies

UDP1 – Promoting sustainable patterns of development
UDP2 – Restraining development
UDP3 – Quality of built and natural environment
UDP7 – Reducing the need to travel
UR2 – Promoting sustainable development
UR3 – The local impact of development
UR6 - Planning Obligations and conditions
E4 – Protecting Land and Buildings in the rural areas
H7 – Housing Density – expectation
H8 – Housing Density – efficient use of land
H9 – Affordable housing
TM1 - Transport Assessment
TM2 – Impact of traffic and its mitigation
TM5 – Railway Lines and Former Railway Network
TM8 - New Pedestrian and cycle Links
TM11 – Parking standards for non-residential developments
TM12 – Parking standards of residential developments
TM13 - On Street Parking controls
TM19A – Traffic management and road safety
D1 – General design considerations
D2 – Energy Efficiency and Sustainable Design
D4 – Community safety
D5 - Landscaping
D6 - Meeting the needs of Pedestrians
D7 – Meeting the needs of Cyclists
D14 – External Lighting

CF2 – Education contributions in new residential developments
OS5 – Provision of recreational open space
NE4- Trees and Woodlands
NE5 - Retention of Trees on Development Sites
NE6 - Protection of Trees during development
NE9 - Other sites of Landscape or wildlife interest
NE10 - Protection of Natural features and Species
NE11 - Ecological Appraisals
NR15B – Flood Risk
NR16 - Surface Water Run Off and sustainable Drainage Systems
NR17A – Water Courses and Water bodies

Regional Spatial Strategy (RSS):

Policies

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

Town Council:

The Town Council has serious concerns regarding this development and believes that the scale and layout of the development does not meet the requirements quoted in the developer's design and access statement. PPS1, PPS3 D1 and D5 should all be considered.

In the previous Town Council comments we asked for a better mix of types/styles of development to be considered, not just low cost housing. This point does not appear to have been addressed. The Council feels such a development would be detrimental to the character of the area and an inappropriate concentration of low cost housing in one particular area of the village.

Given the number of young families which are likely to reside within a development of this size, the Town Council would like to see additional S106 funding made available for Denholme Primary School to ensure adequate provision for the additional intake of children.

The Town Council would request that serious consideration is given to West Yorkshire Archaeology Services recommendations in relation to the former Goods Shed currently located on the site. The Town Council would completely concur with their stated recommendations.

The Town Council has concerns in relation to the proposed traffic generation figures and would express the view that the figures produced are completely unrealistic. The figures produced with the planning documentation focus very much on the envisaged reduction in HGV traffic but do not acknowledge the significant increase in car traffic. Town Council is also concerned that the Traffic Survey quoted within the developers assessment is dated 10 June 2008. There has been a significant increase in traffic within the village since this date.

Town Council has significant concerns regarding traffic safety at the junction of Station Road with the A629. Traffic on this junction has recently increased with the opening of a Café on the corner of Station Road. They feel that it is necessary for Highways Officers to undertake a full reassessment of priorities at this junction to improve safety.

Given the size and nature of this development along with potential impact on the local vicinity, the Town Council would request that this application is referred to Shipley Area Planning Panel for a final decision.

Publicity and Number of Representations:

Site notices were displayed at the site and individual neighbourhood notifications were also carried out with the statutory period of expiry date for comments being 29 April 2011. Due to the changes in the red line boundary and the submission of additional details a further consultation period of 10 days was initiated with comments to be submitted by 14 July 2011. Three individual letters of representations of objection/comment have been received to date and are reported below.

Any additional representations which may be received after the publication of this report will be reported orally at the planning panel.

Summary of Representations Received:

Objections

- The full ownership of CR Taylors (which extends the length of Station Road should be made clear.
- No objection to the overall principle of a residential development on the former site subject to the following:
 - (i) That the historic former Great Northern Railway Goods Warehouse is embraced within the development, either as conversion to a dwelling, or dwellings, or another suitable use, and that all principal original features which still exist in the fabric of the building are sympathetically restored and retained. The assertion by the consultants acting for the applicant that the goods warehouse has no potential future use is described as nonsense. Not once in their unimaginative appraisal have they considered a residential conversion.
 - (ii) strong objection to the suggestion that the building should be demolished. It is cheaper to throw up modern housing than make the effort to give a new lease of life to a rare and historic building which is part of Denholme's industrial heritage - virtually all of which has disappeared, the Denholme Velvets former mill building being the latest victim of "progress."
 - (iii) The redevelopment must satisfy the requirements of Bradford Council's own UDP which stipulates that former railway formations should be protected. Therefore, the line of the former track bed at Denholme should be protected for the proposed extension of the Great Northern Railway Trail which aims to link Cullingworth and Queensbury. Bradford Council is working as a partner with the GNRT Forum and SUSTRANS to complete the trail. The track bed ran through the middle of the site and alongside the goods shed which would be a major interpretative feature for the trail. I would, therefore, expect this line to be protected for future use by SUSTRANS.
- The application will be used to take employment opportunities out of the village and possibly out of Bradford altogether.
- There is every chance that the proposed employment units will not get let given the difficulties faced elsewhere in the village or surrounding area of attracting new industry.

- The great northern railway goods shed is a monument of historic importance and should therefore be protected and enhanced.
- Such a large amount of housing will change the characteristics along Station Road.
- Would like to know what will happen to the area of the car park which belongs to the company (which lays adjacent/within a parcel of land labelled S/UR5.3.
- It is not clear about what works will be evident on Station Road.
- Would welcome the opportunity to discuss the screening of the proposed employment units.
- Proposed changes should address the following: more land set aside for wildlife, space for visitors to park and jog the Great Northern Cycle trail, retention of the former Railway goods shed, set aside land for future employment uses, relocation of the employment area to the northern end where the railway cuttings are deeper and will provide better screening, reduction in the housing density, ensuring that the adjacent land is cleared and return it to its former state.

Consultations:

Local Development Framework - Policy Section – This proposed residential and employment land uses on the site are acceptable in principal. The application proposes 73 dwellings on 2.14 hectares of land which gives a density of 34 dwellings per hectare. The proposed development would see the loss of 8600 sqm of B2 employment space through demolition and the applicant proposes 511 sqm of B1 (b/c) employment floor space as part of the new mixed use residential and employment scheme.

The applicant has submitted a Loss of Employment Land Statement as part of the application which concluded that the site is beyond its useful economic life, is unlikely to be of interest of modern industrial occupiers, the cost of refurbishment of the buildings to bring them to the standard for industrial purposes or the redevelopment of the site for employment use are not viable and that demand in the area is for smaller premises. Because of the overall shortage of employment of land in the district it is important to retain existing land and buildings for employment use and prevent the loss to other uses. However, the conclusions of the Loss of Employment Land Statement are generally accepted. The increased amount of employment floor space to offset the significant loss of employment land is acceptable.

Highways (Development Control) Section - The proposed development is acceptable in principle and it has been accepted by the Council that whilst the proposal will lead to an increase in the number of vehicle trips generated by the site, the junction of Station Road with Old Road/Main Road will still operate within capacity.

Proposed off-site highway improvement has now been submitted and shows an upgrading of the highway/footway along Station Road. These details should form part of a S106/278 legal agreement

Major Highway section (Cycleway details) – 1. The application needs to include the full extent of the proposed Trail that lies within the applicant's landownership i.e. the red line boundary should extend to meet the blue line boundary over the length of the Trail.
2. Construction of the Trail should take place at the same time as construction of the residential estate roads and footways and be completed before first occupation of dwellings.
3. The Trail needs to be considered as an integral part of the development and go through the planning process as such, and not be treated as a separate development.

4. The design of the Trail should comply with the Design Checklist and Guidance document on the Cycling England web site, and match those sections of the Trail already built in terms of geometry, construction and style.

Reasons:

1. So that the Council avoids time delays and financial costs associated with protracted future land negotiations, separate planning applications, the possible use of compulsory powers, a possible public inquiry and avoids the risk of the uncertainty as to the outcome of that inquiry.
2. So that the potential occupiers of the new dwellings have certainty about the Trail in the vicinity of their dwellings.
3. So that occupiers of the dwellings do not suffer noise, disruption, danger and dust due to construction traffic running through their streets for the construction of the Trail in the future.
4. So that the new occupiers of the dwellings can use the Trail at the earliest opportunity.
5. So that the rest of the Trail can continue to be developed in the knowledge that a continuous route is more likely to be achieved.

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

Environmental Protection (noise) – no objections or concerns to raise in principle to the development.

Environmental Protection (Contamination) – A Phase 1 desktop and a phase 2 intrusive site investigations have been submitted. Conditions regarding further intrusive excavations, gas protection of the residential buildings, further ground investigation, and a final remediation report are recommended on any permission granted.

Environment Agency – Comments awaited and will be reported orally.

Rights of Way Section – There are existing public footpaths to the west of the site, one of which currently follows the perimeter. Public Footpath 92 (Denholme) starts a short distance ways from Station Road (from the parking area) so any changes to this parking area will need to ensure that the footpath still makes a like to Station Road.

Public Footpath 89 (Denholme) is closer to the site and will be subsumed into the new estate road. A link is also proposed into the site to join Public Footpath 56 (Denholme).

The route which is shown in the RUDP as protected follows the original rails track bed, this historic alignment is generally referred by the Great Northern Railway Trail Forum. The cycleway shown on the application takes an alternative route to the east of the site which would allow better views from the Trail of Doe Park Reservoir.

There are member of the Forum who would like to see the retention of the Goods Shed and if this were possible then it would be desirable to have some kind of public route alongside it in order to accentuate the railway heritage and add context and meaning to the trails.

The current layout has very poor sightlines other approaches of the tunnel. This is an important consideration as it is the intention over time to open these tunnels to continue the route.

After discussion with other members of the Forum, the broad consensus is that the cycleway route shown on the layout gives pleasing views of the reservoir and the forum would like that to be retained as well as ensuring the RUDP route through the proposed residential estate roads units is also protected.

The section of the Trail that could be created here is extremely valuable to the overall development of the Trail, even if at first it may not form a continuous part of the Trail. The design of the terrain should match those sections already open. Would like to see the Trail built at the same time as the construction of residential estate roads and footways and to be completed before dwellings are occupied. Provision of litter bins would be useful and the developer should agree to construct the Trail on this site and for this to be included in a S106 legal agreement.

West Yorkshire Ecology – The ecological assessment is satisfactory and the proposals for biodiversity mitigation set out in section 5 should be covered by a suitably worded condition. Additional bat surveys will be needed before any demolition work takes place.

Drainage Section – the site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Suggest conditions are attached to any permission granted regarding the land drainage network, surface water discharge to watercourse, and disposal of foul and surface water drainage. In addition the developer must undertake a survey of the culverted section of the bank to ascertain its line and structural condition prior to works commencing on site

Design Enabler – No comments

Minerals and Waste Section – The southern tip of the site is situated 40 metres from landfill site ref: 03SE14. Tipping of waste at Denholme House Farm occurred in 1989 and our records indicate that the material included wood, polythene and farm waste. Although planning permission for the area, including the railway cutting, was granted in January 1994 (ref. 92/01/06532) for infilling with inert waste to date the permission has not been implemented.

I note that the application is accompanied by a Desk Study and Full Geo-environmental Site Investigation Report. The Phase II report is based upon the findings of an August 2009 site investigation which included 4 trial pits and 14 boreholes. Variable depths and compositions of made ground were found across the site with made ground deepest in southern central part of the site (up to 4.45m).

Olfactory evidence of hydrocarbon contamination was found during excavation of trial pits in the location of a known pollution incident. Laboratory testing found elevated levels of hydrocarbon and pesticide related contaminants within made ground and groundwater in the area affected by the pollution incident and poly-aromatic hydrocarbon contamination in ash/clinker found in made ground elsewhere under the site. Pollutant linkages were identified in relation to construction workers, future residents and controlled waters (Carperley Beck and Doe Park Reservoir).

To mitigate risks to controlled waters the report recommends the excavation and removal of contaminated materials in the vicinity of the pollution incident, further unspecified remediation is recommended to mitigate risks to future residents. Further site investigations and risk assessment are recommended in order to inform a remediation strategy. Gas monitoring revealed elevated levels of methane and therefore the report also recommends the provision of gas protection measures within the construction of the new dwellings.

Heritage/Conservation – The proposed development is situated on land which was previously the location of Denholme station and associated sidings and goods facilities. Almost nothing remains of the buildings and structures once on the site, except a former stone built goods shed, now surrounded and concealed by later structures. This former goods shed has been extended and altered and is in a relatively poor state of repair. However, it constitutes an undesignated heritage asset under the criteria within PPS5 and thus is a material planning consideration.

The applicants have summarised that the undesignated asset could not be incorporated into the intended layout for commercial or residential purposes. The presumption for undesignated heritage assets as with designated assets would be their retention to provide a positive contribution to place shaping and local distinctiveness. Thus the applicants will need to demonstrate that no viable use can be found for the asset allowing its retention, and that would include repair, adaptation and conversion to suitable alternative uses including residential. If total loss of the asset remains the applicant's aspiration, this must be justified with any perceived benefits of the development balanced against the harm comprised in the loss.

Should the loss of the building ultimately be considered to be acceptable, it will require comprehensive analysis and recording.

Comments on the amended submission details and architects submission will be reported orally.

The Great Northern Trail Forum - taking this opportunity to set out our formal views as a Forum. The Forum is the local partnership that acts as a steering group for the development of the Trail from Queensbury to Cullingworth for cycling, as well as walking and horse riding.

Railway Goods Shed - The Forum is strongly of the view that the existing railway shed should be retained and converted to residential units as part of the residential content within the site. We reject the applicant's view that this building has no economically viable function. Alan Whitaker and Jan Rapacz, both Forum members, have individually submitted to you their written response, arguing for the retention of the goods shed. The Forum, since it was formed some ten years ago, has fought hard to retain the remaining railway heritage from bridges, viaducts, track bed, and railway buildings, much of which was demolished many years ago. The development of the Trail has meant that important viaducts have been retained for the public benefit.

Trail Route - The line of the Trail is protected in the Council's Replacement Unity Development Plan. This shows the protected line through the middle of the applicant's site. It is noted that the applicant has chosen the reservoir edge as the Trail route.

The position of the Forum on this matter is as follows:

They require that the Trail, as set out below, is constructed by the applicant/developer, and paid for by the applicant/developer, or failing that, by Bradford Council with a commuted sum. This must include all items associated with the Trail as set out below. This should be a legal requirement of any planning permission under a Section 106 Agreement. They also require the Trail to be wholly constructed before the first dwelling is occupied. The route should run smoothly and coherently through the site as an integrated scheme with the siting of proposed dwellings reinforcing the importance of the Trail as a major design feature for the benefit of occupants and those who move along it.

The protected line of the Trail should form the line of the main public access road for the housing development with long distant unobstructed views of the tunnels at both ends seen from within the site. The line of the access road should run close to the existing goods shed with suitable interpretation provided and paid for by the applicant/developer. This spine access road should also allow for direct access to the Trail at various points for cyclists, walkers and horse riders, particularly at the northern and southern ends of the housing site to permit egress to Denholme via Station Road. Such links should be of similar standard as part of the trail. The applicant has already shown the access road following the protected Trail route, but significant amendments will be needed to comply with our requirements (refer to drawings to be supplied by Bradford Council's major highways department).

The Trail should follow 'the reservoir route' largely as shown in the applicant's indicative layout. However, they require a nine to ten metre wide green corridor with good level of visibility of the tunnels. The indicative layout proposed by the applicant would need to be amended to accommodate such sightlines. This route should be in accordance with a drawing to be supplied to you by Bradford Council's major highways department. It is also accompanied by a design specification showing the technical requirements for the construction of the Trail and associated works.

There should be various access points from the Trail to public access roads such as is shown on the applicant's indicative layout drawing. The proposed dwellings, close to the Trail, should front onto the Trail with 'permitted development rights' withdrawn for such, so as to maintain an open and attractive aspect. This measure will help ensure that there is good public surveillance along the route. This Trail should be a major selling feature for the applicant and future developer.

This corridor should include the design of, and construction of, the landscaping of the corridor, design and printing of publicity leaflets for public use, seating, picnic tables, protective fencing/railings, barriers (that only permit cycles, walkers and horse riders), signage, and interpretation panels. Additional directional signage should also be provided on public highways from the A629, at the entrance to the proposed site on Station Road, and within the proposed housing site.

The Trail must be constructed within the applicant's ownership, viz the blue line, and not just within the red line.

Maintenance of the Trail will be undertaken by Bradford Council or through Sustrans, both key partners in the development of the Trail. Access arrangements need to be included in any S106 Agreement, along with arrangements for the transfer/lease of land by the applicant to either Sustrans or the Council.

Landscaping Section - In relation to the submitted Landscape and Visual Impact Assessment, the visual assessment includes computer generated existing and proposed views which are very useful as supporting information. The significance of impacts and residual effects within the visual impact assessment are all assessed as positive. This would seem an acceptable conclusion, provided the recommended mitigation measures are put in place.

In relation to these mitigation measures, I would make the following specific comments:

Any proposed planting would ideally be managed as a single landscape component within the public realm.

5m planting areas are generally too narrow (unless this is a native hedge with small scale emergent trees).

Existing woodlands should be managed as a single landscape component together with any proposed planting. This would ideally be carried out by a management company with provision made for the long term.

Trees within the streets would be supported provided there is a robust mechanism in place for long term maintenance.

'Low key informal streets' would generally be best paved with a sett type block paving in a natural colour to blend in with the surrounding landscape.

In relation to the Indicative layout, this appears generally well considered, subject to incorporation of the comments above. My only specific comment at this stage is that the landscape buffer to the employment units should be carefully considered. A native hedge with emergent trees may be the best solution, with consideration given to space for long term maintenance

Tree Section - There are no details of impact on important Sycamore tree to site entrance in relation to any access or footway improvements. Trees Team has following comments to make should outline be granted and reserved matters submitted:

The indicative layout generally relates well to woodland edges and showing cycle way and end houses gable on to woodland is supported. Suggest conditions on any permission granted.

West Yorkshire Archaeology Advisory Service – Consider that the goods shed to be significant due to the rarity of this type of building and the survival of features associated with its role in the secure transshipment of goods and raw materials. They do not agree that the goods shed has been significantly extended but do concede that the building roof is in a poor condition which threatens its long term survival.

WYAS consider that the Denholme goods shed is of Regional Significance and worthy of preservation. They therefore still recommend that the application as submitted be refused or subject to a requirement for redesign. Should BMDC decide to grant planning permission then the goods shed should be subject to an appropriate level of archaeological and architectural recording prior to demolition commencing. This record would be secured by means of a condition on any grant of planning permission made.

Metro - Good pedestrian access to/from the site to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired. It is recommended that Metro cards are provided for the scheme for 60% of units on a first come first served basis.

Education Section – There is capacity in primary schools for additional children, but there is no surplus secondary provision. They therefore request a contribution towards secondary educational provision based on 2 additional students per school year group per 100 homes based on the following calculation:

2 students x 6 year groups x 73/100 x costs £12,688 = £111,147

Development and Enabling (affordable housing) Section – The affordable housing quota for Denholme is 25% and there is a need in the area for affordable 2&3 bed houses. Accordingly it is requested that 25% of the net developable floor area be assigned to affordable housing in the forms of the above mix, to be sold to a nominated RSL at a discount of 35% of open market value. The floor areas required are around 75sqm for 2 beds and around 85sqm for 3 beds. The actual tenure and mix of units will be determined at a later stage when the full scheme mix has been finalized and the affordable housing subsidy calculated.

Parks and Landscape Section – As the application is in outline only and no specific details given, assuming all the 73 properties are 2/3 bedroom we would ask the developer for £114,374 in order to meet the open space needs that the development would generate.

Summary of Main Issues:

Principle of development
Density
Design/landscape impacts
The Great Northern Trail
Rights of way impacts
Highway Safety
Impact on the amenities of the nearby properties/premises
Other impacts: - contamination, flooding/drainage, biodiversity
Use of planning conditions/unilateral obligations/contributions
Comments on representations made
Community Safety

Appraisal:

1. Outline permission is sought for the construction of the following development:-
 - up to 73 dwellings with associated parking;
 - 511 sqm of B1 (b/c) employment floor space;
 - 2.5m wide cycleway through the site leading from and to the two tunnels at each end of the site, and;
 - associated highway improvement works to Station Road.
2. Only matters of access to the site are to be considered at this outline stage with the appearance, landscaping, layout and scale of the proposal reserved for any future application(s) which may be made.

3. Although the proposed layout plan is indicative only, it shows the residential and commercial uses are located across the main central body of the site. The red line boundary has been amended to lead across the areas of the applicant's ownership towards the tunnels at each end of the site. The red line boundary also includes Station Road which leads into the centre of Denholme Village. Vehicular access to the site is via the existing road along Station Road. Works to Station Road include the following:-
 - proposed traffic calming;
 - existing verge along the northern part of Station Road to be reconstructed as a footway;
 - Proposed footway with new construction and kerbing along the southern side of 'Station Road which links into the existing footway adjacent to no 39 station Road.
4. Whilst the scale of the development is not being formally considered within this outline application, the parameters drawing indicates that the maximum heights of the proposed is 9 metres from the floor level to roof height. The majority of the units would be two stories in height with the higher 2.5 story properties providing a focal point within the development. The proposed employment units would be a mix of single and two storey units.
5. The existing footpaths along the edges of the development site are proposed to be retained with footpath 89 being subsumed into the new road. A new cycle track is proposed to link one end of the site (from, the existing tunnel to the other end of the site (to/from another tunnel) to link up the Great Northern Trail. The cycleway is proposed on the eastern side of the application site looking over Doe Park Reservoir and is set within a green corridor. The applicants have advised that if Members were to consider that it was more appropriate to have the cycle link going along the residential spine road (though the middle of the application site) then this could be accommodated and the proposed preferred route adjacent to Doe Park could be subsumed into the landscape.

Principle of Development

6. Current Government policy expressed in PPS1 is to promote mixed-use development as a way of achieving sustainable development and improving the vitality and viability of urban areas. Within such areas it is important to ensure that a balance of uses is maintained in order for the objectives of mixed use to be achieved. The key principles of the document are that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. Accessibility should be a key consideration in all development decisions. Most developments that are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. In light of the above policies, it is considered that in general terms mixed use development should be promoted especially when taking into account the regeneration of an area. However, despite the clear policy advice given above, full account must be given to existing uses of land and specific allocations of land within development plan policies.

7. Replacement Unitary Development policies seek to ensure that land and buildings that are currently in employment use are not lost for other non-employment uses. Policy E4 seeks to ensure that within rural settlements the development of existing employment land or buildings for other uses will not be permitted unless:
 - (i) the proposal contributes positively to the re-use of a listed building or other historic buildings in a conservation area; or
 - (ii) the proposal contributes positively to preserving or enhancing the character of a conservation area; or
 - (iii) it is no longer appropriate to continue as an employment use because of the adverse affect on the surrounding land uses; or
 - (iv) the building has become functionally redundant for employment use.
8. As discussed above, the site is a former railway station which is currently in use as a saw mill and timber storage and distribution business. The proposed development involves the demolition of two main clusters of buildings. The collection of buildings to the north of the site consists of the original station mill buildings (of brick construction with a timber trussed roof) and a number of rectangular, framed storage buildings with timber cladding and asbestos roofing. The storage bays have been added over time to form a bespoke timber storage facility. Office accommodation and a customer trade facility have also been added to this collection of structures. The building to the south of the site consists of three bays of steel framed construction which is clad in timber slats and asbestos roofing. The buildings are currently occupied by a timber firm. The reduction in the amount of commercial buildings/uses from 8600 sqm to 511 sqm would essentially have to satisfy Policy E4 of the Replacement Unitary Development Plan.
9. Given the lesser perceived demand for employment land in the smaller rural settlements in the west of the District, the principle of a mixed use development is considered acceptable. The outstanding issue is thus the level of employment land appropriate for this location.
10. C R Taylor occupied the site in the 1960's. Its current use lent itself to the geography and topography of the site, the type of buildings in situ and the company most likely acquired the premises at competitive terms.
11. It is agreed that in the current economic situation, the macro location of the site is not attractive to investors and developers for purely employment enterprises. It is unlikely to perform well compared to sites within the main Bradford urban area and particularly adjacent to transport hubs such as Airedale, or along motorway corridors. At the local level, the site is poorly accessed and there is a potential for conflict between residential traffic and heavy goods vehicles. The site is located at some distance from the village commercial centre and from a principal highway frontage. There are better located sites within Denholme that can deliver large scale economic activity.

12. From a sustainability perspective, there is a need to provide employment land in the small settlements and also to accommodate local demand created by local communities. It is important then to quantify this local need and this can be based on a comparison of the performance of similar schemes and circumstances. Shay Lane at Wilsden presented such an opportunity and on a pro rata basis, the initial figure of 25,300 sq ft of required business floor space was obtained for Station Road. The submitted report undertakes an analysis of this level of perceived demand and raised concerns about the methodology, recommending a much lower quantum of space.
13. The Wilsden units totalling 14400 sq ft were offered to the market in 2008 when it was fairly buoyant. Now, 3 years later, at least 44% of the space is still vacant and to let and Agents attribute this to the poor macro and micro locational aspects of the site. There is therefore some credence that a more realistic demand in Wilsden is for around 7500 sq ft. Given that Denholme has a similar property market and demand, and that it is 24% smaller in its population, the applicants argue that apparent demand in Denholme should be closer to 5700 sq ft. This argument is reinforced by the condition of development at 'Pennine Fibres' which will bring forward a further 5240 sq ft of new units onto the market.
14. RUDP Policy demands an employment use development site. However, in policy terms it is considered reasonable to accept the arguments put forward by the applicants for a reduction in employment space. It is therefore considered that 3 units of 1500 sq ft and one of 1000sq ft are acceptable in principle.
15. With regard to the principle of residential development on the remainder of the site, it is considered that as the proposal for residential is on Brownfield land i.e previously developed land. It would therefore support the goals of protecting Greenfield sites from housing development and supporting development on Brownfield land. The site is also relatively well located at the edge of Denholme Village centre and public transport connections including a bus service. This would potentially reduce the amount of trips by car. The adjoining site is identified as a safeguarded site within the proposals for this part of the District (reference S/UR5.3). Safeguarded allocation means that the site is capable of coming forward for residential or commercial development in the near future. Indeed, it should also be noted this adjoining site was formerly identified for housing in the 1998 adopted UDP subject to ensuring that any adverse impact on the BWA were minimized.
16. Moreover, the principle of housing being located in the urban 'Brownfield' areas of our villages and towns is supported by the Regional Spatial Strategy and Replacement Unitary Development Plan policy. The proposal also supports the contribution to the housing delivery aims of national and regional policy and the housing requirement set out in the Yorkshire and Humber Plan.

Density

17. The application site is an irregular shaped parcel of land of which approximately 2.2 hectares in extent forms the development plateau. The provision of 73 dwellings on the site would equate to 33 dwellings per hectare. It is considered that this density is considered acceptable and in accordance with established policy for a less sustainability located area such as Denholme Village. Indeed, it is considered that PPS1, PPS3 and policies H7 and H8 of the RUDP, each of which promotes to use land effectively and efficiently will be satisfied by the density current proposed.

Design/landscape impacts

18. Matters of detailed design (layout, scale and appearance) and landscaping are reserved and as such do not fall within this application to be considered. Parameter/illustrative layout plans have been submitted which advises of the areas where the different uses will be sited. A condition should be attached to any permission granted to ensure that the proposed uses only take place in these identified locations. Appropriate phasing conditions should also be attached to any permission granted to ensure that this large site is only developed in accordance with any approved phasing plan. This will ensure that any proposed development can be suitably controlled whilst also allowing flexibility in when each of the difference phases is programmed to come forward. Such a condition will also ensure that the further specialist reports which are required can be tailored to that part of the phase which development is proposed at that time. This will ensure greater clarity and focus in dealing with the most sensitive parts of the site adjacent to the BWA.
19. The proposed residential units will be up to 9 metres in height and comprise primarily 2 storey dwellings with a several 2.5 storey dwellings at focal points. The commercial units will be a maximum of 2 stories in height. Overall, whilst scale is not being considered within this application, it is considered that the development to the maximums proposed would not unduly impact on the surrounding locality or any nearby property.
20. The location of the proposed development is within the Thornton and Queensbury Landscape Character Area. The Landscape Character Supplementary Planning Document (SPD) supplements policies NE3 and NE3A of the Replacement Unitary Development Plan. The adopted UDP policies relevant to landscape issues for this application include D1 regarding general design consideration D4 for crime prevention through improved design and D5 regarding landscaping.
21. The site lies at the edge of the settlement of Denholme. To the east of it is Doe Park Reservoir that is also used as a recreational facility. The Landscape Character Type for this area is the Mixed Upland Pasture. The policy guideline for the area is to conserve and enhance. Conserve areas with stronger landscape character and enhance areas with weaker landscape character through removing and screening urban elements or through encouraging a managed return to natural vegetation and habitats.
22. Whilst landscaping is not to be considered as part of this application it is considered that the landscape/arboriculture statements submitted by the applicants appropriately identify the impacts of the proposal. The significance of these impacts and residual effects within the visual impact assessment are all assessed as positive. This would seem an acceptable conclusion, provided the recommended mitigation measures are put in place.
23. It is recommended that a management plan agreement forms part of any S106 legal agreement in order that any proposed planting is managed as a single landscape component within the public realm. Furthermore, the existing woodlands are all recommended to be managed as a single landscape component together with any proposed planting which would be carried out by a management company with provision made for the long term.

Heritage Impacts

24. The former site of Denholme Station still retains one building from its former use, the goods shed now incorporated in later industrial buildings. This building survives comprehensively and is a good example of its type, poorly represented with statutory protection in the area. Having regard for this undesignated heritage asset (a material consideration in planning decisions, Para. 5 Introduction PPS5), a description of the significance of this asset and the implications has been submitted to accord with PPS5.
25. The applicants have summarised that the undesignated asset could not be incorporated into the intended layout for commercial or residential purposes. The presumption for undesignated heritage assets as with designated assets would be their retention to provide a positive contribution to place shaping and local distinctiveness. It is considered that the applicants have now demonstrated via the submission of an additional architect's report that no suitable viable residential or commercial use can be found for the asset allowing its retention.
26. West Yorkshire Archaeology Service (WYAS) and The Great Northern Trail Forum consider the goods shed to be significant due to the rarity of this type of building and the survival of features associated with its role in the secure transshipment of goods and raw materials. They do not agree that the goods shed has been "significantly extended" but rather later structures have been built up against its outer walls (5.11) and internally evidence of track, cranes and staging survives. WYAS do however concede that the buildings roof is in a poor condition which threatens its long term survival.
27. Whilst it would be preferable if the building could be retained and adapted for employment/residential use as part of the development it is concluded that this is not practical and as such it is recommended that the building must be fully recorded prior to demolition. Whilst the context of the building is already lost, a condition regarding recording of the asset prior to its demolition would ensure that its significance is not ignored. An interpretative panel is recommended to explain the significant of the former uses at the site etc and how they integrate into the whole area and it is proposed to put this forward as part of the management plan element of the S106 legal agreement.
28. The development will be visible from the listed St Paul's Church but will not harm the setting of this. A landscaped buffer is noted to the edge of the development which will help to integrate it into the landscape. Careful choice of materials will be required to ensure the development does not appear incongruous in the landscape.

The Great Northern Trail

29. Policy TM5 of the Replacement Unitary Development Plan seeks to ensure that the Council will support and encourage the retention and extension of the Districts railway lines and will ensure that disused railway lines, as identified on the proposals map, are safeguarded from development to allow their use for sustainable transport purposes. Appropriate use may include rail scheme, cycle routes, and pedestrian path and bridleways.

30. The Forum of the Great Northern Trail is strongly of the view that the existing railway shed should be retained and converted to residential units as part of the residential content within the site. They reject the applicant's view that this building has no economically viable function. Members of the Forum have written arguing for the retention of the goods shed. The development of the Trail has meant that important viaducts have been retained for the public benefit.
31. The line of the Trail is protected in the Council's Replacement Unity Development Plan. This shows the protected line through the middle of the applicant's site. The applicants have proposed a Trail route through the application which follows the reservoir edge as the Trail route instead of leading through the proposed housing development. It is proposed that the Trail will form part of the S106 legal agreement for this site and will be constructed and paid for by the applicant/developer. This construction will include all items associated with the Trail as set out below i.e litter bins etc.
32. The Forum has requested that the Trail to be wholly constructed before the first dwelling is occupied. It is however considered that this would be an extremely onerous requirement to form part of the S106 as it is unlikely an construction works for the built development could take place – for either the residential or commercial uses – if the Trail was in use as there would be Health and Safety issues of persons cycling/walking through a development site.
33. If the Trail were to be constructed around the edge of the site adjacent to the reservoir, it is considered that parts of the RUDP protected Trail line (which runs through of the middle of the site) could also be used because the scheme has been designed in order to easily be able to interchange access between the proposed reservoir route and the main spine road of the residential development. Overall, it is considered that the proposal fulfils the requirements of established planning policy and provides a valuable link through this development site to complete a further section of the Trail.

Rights of Way

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

Highway Safety

35. Whilst the application is in outline, the means of access to the site is to be considered on this scheme which shows the quantum of the proposed development – c 551 sqm of employment uses and up to 73 residential properties - all of which have associated parking. The proposal is to utilise and upgrade the existing vehicular access to the site via Station Road.

36. There is no highway objection in principle to this proposed development. A Transport Assessment and Travel Plan have been submitted as part of the application. It is agreed that the junction of Station Road with Old Road/Main Road will still operate within capacity. The proposal is therefore considered to accord with established highway standards and policies TM2 and TM19A of the RUDP.
37. Although layout is not a matter to be considered within this application, the illustrative plan shows that internal parking standards are to accord with those set out the RUDP.
38. The Travel Plan promotes the integration of travel modes to improve the accessibility of the site by means other than the single person occupied car, to ensure that the travel plan framework meets the needs of the residents and employees, to make employees aware of the benefits to be derived from the travel plan, to minimise the level of vehicular traffic generated by the development and to enable the development to protect and enhance the environment as far as practically possible. It is considered that the provision of a travel plan will ensure that the development of this site in the manner proposed encourages, as far as practically possible, sustainable practices in this location in accordance with Planning Policy Statement 1 and Planning Policy Guidance Note 13. A condition regarding the implementation of a travel plan for this development is suggested on any permission granted.

Effects on the surrounding locality

39. The development is proposed within the urban grain at the edge of Denholme Village but adjacent to the green belt and to Doe Park Reservoir. In principle, development of the site for the uses proposed is acceptable. Indeed, as this scheme is merely in outline with detailed design aspects reserved for a future application, it is considered there is no undue adverse impact which would arise out of the grant of outline planning permission on this site in the manner proposed. As part of a subsequent full planning permission application or reserved matters application the developer will be required to submit photomontages showing the impact of the development on views from both urban and rural/green belt locations. Such views and impacts will depend on the use of building materials and landscape treatments - both aspects need to be dealt with in a comprehensive manner in any future detailed application(s).

Effects on the adjoining residential properties

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

Other Impacts - Contamination Issues

41. The submitted report and plans have been examined to identify information which demonstrates that the site has been appropriately characterised to:
- (i) Identify land gas migration, (ii) gas protection of the residential buildings, (iii) quantify contaminants of potential concern sufficiently via further extensive ground investigations and (iv) long term management of pollutant linkage controls is defined.

42. BMDC specialist officers concur with the recommendations laid down in the submitted information and it is recommended that further site investigations will be required prior to construction work commencing at the site. This is necessary to ensure that sufficient information is available to enable robust and sustainable remedial decisions to be made. As such, conditions regarding the submission of additional investigation reports and final verification are recommended to be attached to any permission granted to ensure that the site is 'fit for purpose'.

Other Impacts – Flooding/Drainage

43. The majority of the site is located within a flood zone 1 although a small area, where the water course is culverted is considered to be zone 3. A flood risk assessment (FRA) has been submitted with the application which advises of sustainable urban drainage for the site and a proposed drainage strategy. Conditions to deal with drainage issues at the site are recommended on any permission granted. It is considered the suggested conditions will prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and comply with policies UR3 and NR16 of the Replacement Unitary Development Plan.

Other Impacts - Biodiversity

44. ODPM Circular 06/2005 to accompany Planning Policy Statement 9 Biodiversity and Geological Conservation states 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all material planning considerations may not have been addressed in making the decision.' In addition, Policy NE9 of the Replacement Unitary Development Plan seeks to ensure that the substantive nature conservation value of a site or adjoining sites is not damaged and that in order to protect wildlife habitats planning conditions/obligations will be attached to any permission granted to provide adequate mitigation and/or compensation measures.
45. The development is located immediately adjoining two Bradford Wildlife Areas. Ecological surveys have been submitted as part of this application and Natural England, West Yorkshire Ecology have made comments on the findings, the application site, its sensitivity and put forward ways of ensuring the conservation of biodiversity. It is considered that whilst the impacts of any proposed scheme are not fully known at this stage (until a detailed design is put forward for the site), a development of the scale of that proposed, can be acceptable if conditions are associated with this outline decision to ensure that the Bradford Wildlife Areas are adequately protected and biodiversity measures part of the reserved matters design process.

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

46. Development of the scale proposed inevitably involves physical infrastructure works, management plans and social infrastructure works such as recreation provision, and affordable housing. In line with policy UR6 of the Replacement Unitary Development Plan it is usually appropriate that the developer should enter into a Section 106 to address the following issues – affordable housing, recreational provision, transport infrastructure and educational contributions.

47. Policy H9 of the Replacement Unitary Development Plan seeks to achieve affordable housing provision within development sites in the Villages such as Denholme of 25%. The housing enabling section has also identified a need for 2 and 3 bedroom properties in the area. It is considered appropriate that affordable housing is provided within the scheme to accord with relevant planning policy and the applicants have agreed to provide for this identified need.
48. Policy OS5 of the RUDP requires that new residential development be required to make appropriate provision of or equivalent commuted payment for recreational open space. Whilst some recreational space is shown on the indicative layout, in line with current standards a commuted sum of £114,374 would be required.
49. Further development contributions also include: -
- (i) the upgrading of station road to adoptable standards with the provision of footways along its length which link to the development site.
- (ii) Educational provision - Under policy CF2 of the Replacement Unitary Development Plan, new housing proposals that would result in an increased demand for educational facilities that cannot be met by existing schools and colleges should contribute to new and extended school facilities. The nearest schools, at secondary level, are full and a contribution of £111,147 is therefore sought. .
50. As such, in accordance with policies in the Replacement Unitary Development Plan and the Councils Supplementary Planning Guidance on Planning Obligations the Heads of Terms of any legal agreement should include: The provision of 25% of the houses on the site as affordable units at a discount of 35% on the open market value. Two bedroomed houses should be provided at 75 sqm and three bedroomed houses should be provided at 85 sqm.
- A contribution of £114, 374 for the provision of recreation facilities in the Bingley Rural or adjoining wards.
 - A contribution of £111,147 for the provision of secondary education facilities in this ward - Bingley Rural or the adjoining ward of Worth Valley.
 - The provision of a cycle way through the site to link up with the tunnels at each end of the development site. Suitable access controls to the cycleway should be provided at each end of the road links (these links should comprise an A-frame, horse stile, and maintenance vehicle access gate. Direction signs, bench seats and litter bins should also be provided along with suitable lighting of the route. Maintenance of the cycle way should also be undertaken. The cycleway works to be provided in accordance with a timetable agreed by the Local Planning Authority
 - Provision of footpath links from the development site to Public Footpath 56 (Denholme)

- Highway Works to include works to Station Road – (i) proposed footway to tie into the proposed internal footpath (ii) existing carriageway to be investigated with trial holes. Road cores and then suitable measures to be agreed with the LPA to bring Station Road to an adoptable standard (iii) proposed traffic claming (iv) proposed footway along the southern edge of Station Road (v) existing verge along the northern side of the site to be reconstructed as a footway (vi) condition of the existing footway outside existing properties in Station road to be investigated and suitable measures to be agreed with the LPA.
- Management Plan (which shall include details of an interpretative panel detailing where the former goods shed was) – full details required of maintenance of communal areas which shall include the cycleway.

Comments on the letters of representation

51. The issues raised in the letters of representations received have mainly been covered within the relevant sections of the above report .e.g. the retention of the goods shed and the protection of the Great Northern Trail through the site. It is agreed that it is imperative that the full details for the Trail are secured through a S106 legal agreement to ensure that this valuable link along the route is fully secured.
52. It is clear from the letters of representation that there is desire from the Great Northern Trail Forum members to preserve the existing goods shed on the site. The applicants have provided further evidence to suggest that it is not viable to retain this structure as any conversion would involve substantive changes to the exterior of the building which significantly diminishes its attraction for retention. BMDC specialist officers have confirmed that, in light of the justifications put forward by the applicants, it is acceptable to demolish the building providing it is appropriately recorded.
53. One of the main concerns of the Town Council is traffic safety at the junction of Station Road with the A629. Highways engineers have confirmed that the junction is capable of taking the additional traffic generated by the development. Funding for education needs which are generated by the development will form part of the S106 legal agreement.

Community Safety Implications:

54. As the scheme is in outline only, it is considered that issues of detail with regard to (i) defensible space and the clear definition, differentiation and robust separation of public, private and semi-private space including appropriate boundary fences; (ii) access control and postal arrangements to the communal buildings; and (iii) lighting of the development can be satisfactorily resolved when the reserved matters application is submitted. Overall, the proposal will accord with the spirit of policy D4 of the Replacement Unitary Development Plan.

Reason for Granting Planning Permission:

In granting permission for this development the Council has taken into account all material planning considerations including those arising from the comments of many statutory and other consultees, public representations about the application and Government Guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and the content and policies within the Supplementary Planning Guidance and The Development Plan consisting of the Regional Spatial Strategy and the Replacement Unitary Development Plan for the Bradford District 2005.

The Council considers that the following matters justify the grant of planning permission:

The development of this site with a well conceived mixed use residential and business scheme is considered a beneficial reuse of a visually unattractive site that gives the opportunity to provide a sustainable pattern of housing and commercial development on Brownfield land within the existing urban fabric of Denholme. The effect of the proposal on the adjoining Bradford Wildlife Areas, the surrounding locality and the adjacent neighbouring properties along Station Road has been assessed and is acceptable with the scheme, in principle, providing a positive enhancement of this site by securing the Great Northern Trail through it and an enhancement of the views to and from Doe Park Reservoir. The provision of an access to the site in the manner and location proposed is appropriate whilst the upgrading of Station Road will encourage more sustainable means of travel. Overall, it is considered that the provision of a mix use scheme with both residential and commercial uses in the manner proposed is in conformity with the regeneration principles outlined within the Replacement Unitary Development Plan and with policies UDP3, UR3, E4, H7, H8, H9, TM1, TM2, TM8, TM11, TM12, TM19A, D1, D4, D5, D6, D7, CF2, OS5, NE4, NE5, NE9, NE10, NE11, NR16 and NR17A.

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

Conditions of Approval:

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

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

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

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

3. Before any development is begun plans showing the:

- i) appearance,
- ii) landscaping,
- iii) layout,
- iv) and the scale,

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

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

4. Prior to the commencement of development, a phasing scheme for the carrying out of works shall be approved in writing by the Local Planning Authority. Following approval, the works shall be carried out in accordance with the phasing scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

5. The development hereby approved shall only be carried out in accordance with the indicative layout drawing PO7 4000 SK06 Rev A which identifies the extent of the development plateaux and the defined areas of employment uses, residential uses, and landscaped amenity spaces unless otherwise agreed in writing by the Local Planning Authority.

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

6. The application shall only be carried out in accordance with the following approved plans PO7 4000 02 Rev B, PO7 4000 SK06 Rev A, Station Road improvement plan: 5000-001 Rev B and the specific following documentation - the principles enshrined in the Design and Access Statement

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

7. The development permitted by this planning permission shall only be carried out in accordance with the approved ecology survey and assessment by ERAP Ltd dated October 2009 and the following measures detailed within the submitted report:

- i) the proposals for biodiversity mitigation and the recommendations including habitat creation and enhancement measures stated in Section 5 of the submitted report.
- ii) The carrying out, submission and approval of additional bat surveys (paragraph 5.5.2) prior to any demolition work taking place.

Reason: To ensure that the ecology value on the site is appropriately protected, mitigated and enhanced and to accord with Planning Policy Statements 1 and 9 and the UK Biodiversity Action Plan

8. Unless otherwise approved in writing by the Local Planning Authority, no construction of buildings or other structures shall take place until measures to divert or otherwise formally close the sewer that is laid within the site have been implemented in accordance with details that have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of satisfactory and sustainable drainage and to maintain the public network and to accord with policy UR3 of the Replacement Unitary Development Plan.

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

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

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

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

11. Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

12. Prior to the development commencing, a detailed investigation and drainage camera survey shall be carried out of all the surface and rainwater drainage systems across the site. A full report of the groundwater and rainwater drainage systems, the extent of the land drainage network and the proposals for dealing with any watercourses, culverts, land drains, track side drainage within the site boundary shall be submitted to and approved in writing by the local Planning Authority.

Reason: Due to the culver ting of Carperley Beck through the proposed site and numerous surface water drains that eventually discharge into the Beck and/ or Doe Park Reservoir it is necessary to establish a map of all the surface and rainwater drainage pipe work layout across the site to ensure that no adverse effects are created on the surrounding locality and on the adjacent BWA.

13. Before any phase or part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site and completed to a constructional specification approved in writing by the Local Planning Authority.

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

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

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

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

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

15. Before any part of the development is brought into use the proposed highway works to Station Road shall be provided in accordance with the approved plan 5000-001 Rev B. The internal access roads, vehicles turning facilities and car parking area shall be provided in accordance with a phasing scheme to be submitted to and approved in writing by the Local Planning Authority, as part of any subsequent reserved matters application. As and when a phase or the whole of the development is completed the final road surfacing, drainage, vehicle turning and parking area relating to that phase or the whole development (whichever shall apply, shall be laid out and the street lighting installed. The approved scheme shall be retained for the duration of the development.

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

16. Prior to development commencing a Phase 2 site investigation and risk assessment scheme to assess the nature and extent of any contamination on the site, along with a remedial options appraisal scheme where necessary must be submitted and approved in writing by the Planning Service.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy UR3 of the Replacement Unitary Development Plan.

17. Prior to development commencing an investigation and risk assessment must be completed in accordance with the site investigation scheme to assess the nature and extent of any contamination and ground gases on the site, whether or not they originate on the site. The investigations and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Planning Service. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination and ground gases;
- (ii) an assessment of the potential risks to receptors;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s) if recommended.

Reason: To ensure that risks from land contamination and ground gases to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with policy UR3 of the Replacement Unitary Development Plan and Planning Policy Statement 23.

18. Prior to development commencing, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Planning Service. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria and timetable of works.

Reason: To ensure that risks from land contamination and ground gases to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with policy UR3 of the Replacement Unitary Development Plan Policy and national guidance contained within Planning Policy Statement 23.

19. Construction of the development shall not commence until the remediation verification report has been submitted to and approved in writing by the Planning Service. Unless otherwise agreed in writing by the Planning Service the verification report shall include.

- A description of the remediation works which have been carried out.
- Details of the results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met and that the site has been brought to a condition suitable for the intended use.
- Details of the longer-term monitoring of pollutant linkages, maintenance of remediation works and arrangements for contingency action.

Reason: To ensure that risks from land contamination and ground gases are appropriately remediated in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and Planning Policy Statement 23.

20. If, during the course of development, contamination not previously identified is found to be present the contamination shall be reported to the Planning Service within a period of 48 hours following its discovery. A further assessment shall be made, in accordance with details to be agreed in writing by the Planning Service, which shall be incorporated into the assessment, remediation and verification and monitoring as required by the above conditions.

21. Any soil or soil forming materials brought to site for use in areas of soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Planning Service prior to these materials being imported to site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed, as determined by risk assessment. Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information shall be submitted to and approved in writing by, the Planning Service prior to these materials being imported to site.

Reason: To ensure that contaminated soil and infill material is not imported to site, and that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy UR3 of the Replacement Unitary Development Plan and Planning Policy Statement 23.

22. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

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

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

Reason: To ensure that the amenities of the adjacent locality are not unduly compromised, to protect biodiversity of the site and to accord with Policies UR3, D14 and TM19A of the Replacement Unitary Development Plan.

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

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

25. A management plan/maintenance agreement for the long term management/maintenance of communal/public open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas including the wildlife area adjoining the river, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any unit. The management plan/maintenance agreement shall be carried out as approved.

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

26. The development shall not be begun, nor shall there be any tree demolition, site preparation, ground works, tree removals, or materials or machinery 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 remains 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.

27. The development shall not be begun, nor shall there be any tree demolition, site preparation, ground works, tree removals, or materials or machinery brought on to the site until an arboricultural and construction method statement showing details of tree friendly construction with tree Root Protection Areas to comply with BS5837 2005 is submitted to and approved in writing by the Local Planning Authority. All site operations shall be carried out in accordance with the approved arboricultural and construction method statement or as otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure tree damage is minimised and to safeguard the visual amenity provided by the trees on the site to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

28. No demolition or development to take place within the areas indicated until the applicant or their agents or successors in title, has secured the implementation of a programmed of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological/building recording consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is fully assessed in terms of its archaeological merits and to accord with Planning Policy Statement 5.

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

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

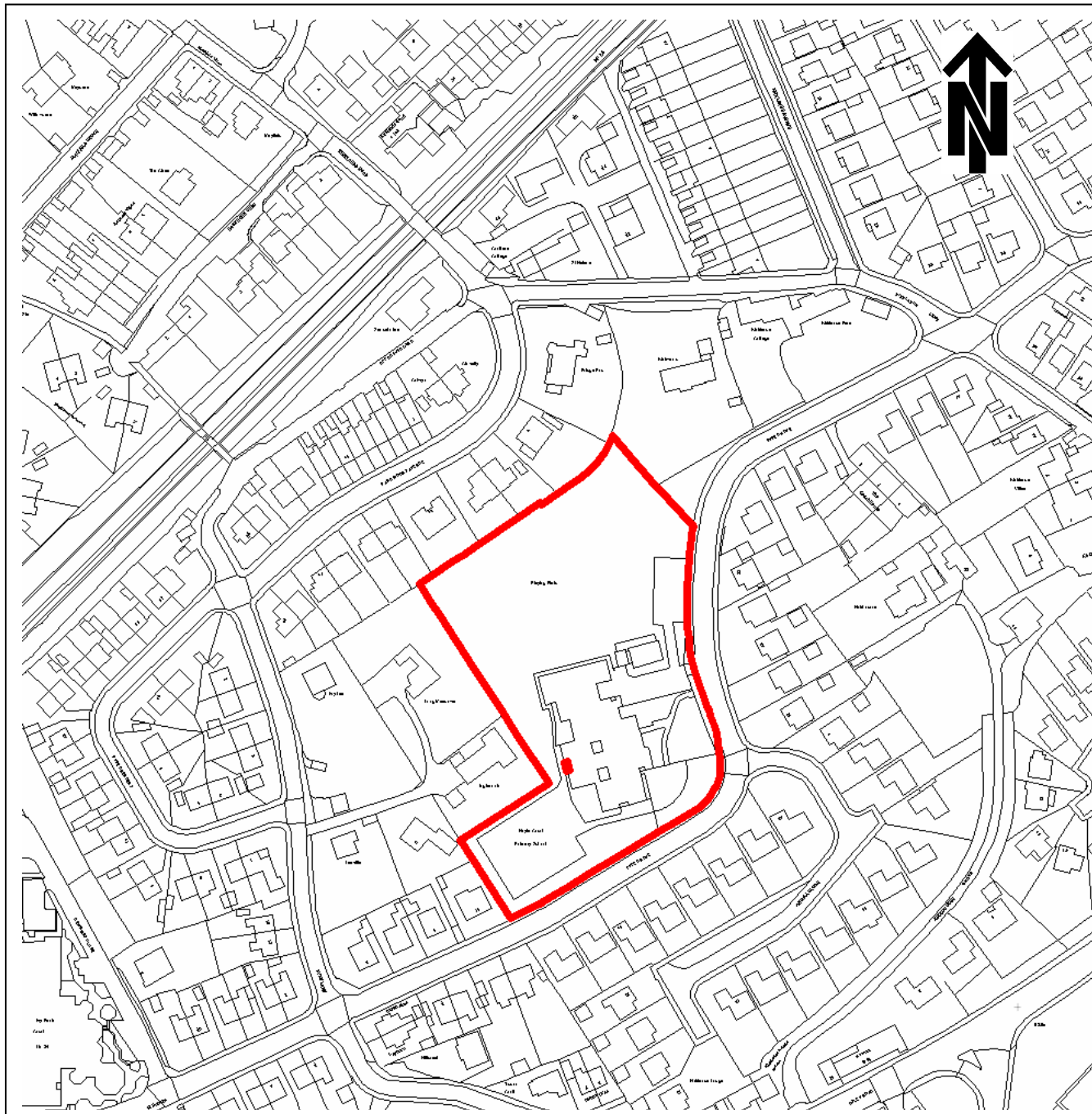
Heads of Terms of any a Section 106 unilateral undertaking /S278 highways works agreement

- The provision of 25% of the houses on the site as affordable units at a discount of 35% on the open market value. Two bedroomed houses should be provided at 75 sqm and three bedroomed houses should be provided at 85 sqm.
 - A contribution of £114, 374 for the provision of recreation facilities in the vicinity of the site.
 - A contribution of £111,147 fro the provision of secondary education facilities in this ward - Bingley Rural or the adjoining ward of Worth Valley.
 - The provision of a cycle way through the site to link up with the tunnels at each end of the development site. Suitable access controls to the cycleway should be provided at each end of the road links (these links should comprise an A-frame, horse stile, and maintenance vehicle access gate. Direction signs, bench seats and litter bins should also be provided along with suitable lighting of the route. Maintenance of the cycle way should also be undertaken. The cycleway works to be provided in accordance with a timetable agreed by the Local Planning Authority.
 - Provision of footpath links from the development site to Public Footpath 56 (Denholme).
 - Highway Works to include works to Station Road – (i) proposed footway to tie into the proposed internal footpath (ii) existing carriageway to be investigated with trial holes. Road cores and then suitable measures to be agreed with the LPA to bring Station Road to an adoptable standard (iii) proposed traffic claming (iv) proposed footway along the southern edge of Station Road (v) existing verge along the northern side of the site to be reconstructed as a footway (vi) condition of the existing footway outside existing properties in Station road to be investigated and suitable measures to be agreed with the LPA.
 - Management Plan (which shall include details of an interpretative panel detailing where the former goods shed was) – full details required of maintenance of communal areas which shall include the cycleway.
-

Area Planning Panel (Shipley)

11/00726/FUL

21 July 2011



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ITEM NO. : 4

LOCATION:

**Hoyle Court Primary School
Fyfe Grove
Baildon**

21 July 2011

Item Number: 4
Ward: BAILDON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
11/00726/FUL

Type of Application/Proposal and Address:

Full application for construction of a new single storey extension and associated works at Hoyle Court Primary School, Fyfe Grove, Baildon, comprising four new classrooms, workshop area and library with associated toilet and cloakroom areas, stores etc. The former caretaker's house is to be refurbished and re-roofed and incorporated into the new extension. Alterations and refurbishments are proposed to the existing school building. Externally the steep banking is to be replaced by a gabion wall and new fencing. An extension to the existing car park is also proposed.

Applicant:

Mr Steven Jenks

Agent:

Wm Saunders

Site Description:

Hoyle Court Primary school is located in the centre of a residential area to the north of the A6038 Otley Road in Baildon, characterised by suburban detached and semi detached properties on generous plots with driveways and front and rear gardens. The site currently comprises the existing school building (which includes previous extensions), a hard surfaced school yard and play equipment and a relatively small grassed playing field. The boundary to Fyfe Grove is marked with a hedge and fence to approximately 1.5m. To the north the school is separated from the properties on Park Mount Avenue by a belt of trees. The school is separated from its westerly residential neighbours by either a stone wall or a hedge. There are significant level changes across the site, with the school's playing field being at a higher level than the school buildings, which are dug into the land. To the north of the school building - between it and the playing field - is a steep embankment some 9m wide, topped with a conifer hedge.

The existing school buildings are single storey brick construction with a pitched green coloured steel sheet roof.

Relevant Site History:

00/01381/REG Temporary classroom accommodation for twenty-four months GRANT
09.06.2000

00/01510/REG Retention of temporary classroom, removal of previous condition number two
GRANT 14.06.2000

01/03515/FUL Classroom extension including new toilets, lobby, toilet for disabled and store
GRANT 05.12.2001

93/01023/REG Two quadrangles to seal and make into teaching areas, GRANT 15.06.1993
99/01958/REG Erection of temporary classroom unit for school re organisation into two tier system GRANT 26.08.1999
99/02578/REG Flat roof to pitch roof conversion GRANT 21.10.1999
99/03308/REG Extension to provide three new classrooms and extension to staff room GRANT 18.01.2000
08/00025/FUL Installation of timber playground equipment comprising of stage/garden area, pergola and climbing frame plus replacement wrought iron gates to the front of the school. Wooden "farm gate" at the side of school to be replaced with a wrought iron gate GRANT 27.03.2008

Replacement Unitary Development Plan (RUDP):

Allocation

Part of the site is designated as protected playing field where policy OS3 applies

Proposals and Policies

UR3 The Local Impact of Development
TM1 Transport Impact Assessment
TM2 Impact of Traffic and its Mitigation
TM11 Parking Standards for Non-Residential Developments
TM18 Parking for People with Disabilities
TM19 Cycle Parking
TM19A Traffic Management and Road Safety
TM20 Transport and Highway Improvements
D1 General Design Considerations
D2 Energy Efficiency and Sustainable Design
D3 Access for People with Disabilities
D4 Community Safety
OS3 Protection of Playing Fields
NE4 Trees and Woodlands
NE5 Retention of Trees on Development Sites
NE10 Protection of Natural Features and Species

Baildon Parish Council:

No comment other than the existing traffic calming measures should be sufficient for the increased traffic that the proposed development will bring.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification and by the display of a Major Development site notice - Publicity Expiry Date - 08.04.2011. 70 representations have been received.

Summary of Representations Received:

68 signed copies of a standard template letter have been received, raising the following concerns:

- No proper justification of the need for this scheme has been established in relation to the two other Baildon Schools (Sandals Primary and Baildon CoE Primary)
- The proposed buildings are not in character with the area, fundamentally altering the size of a school which has continued to grow in recent years and substantially change the building lines

- Insufficient consideration has been given to the likelihood of a substantial increase in local traffic as well as vehicle parking both onsite and on Fyfe Grove/Argyll Close which is contrary to the aim of increasing the number of pupils walking to school
- Up to a quarter/third of the playing field will be lost (which is already too small for the number of pupils)

The following additional comments were made as an addendum to the standard letter:

- No consideration appears to have been taken into account regarding traffic calming measures already commenced
- 1¹/₂ form entry will necessitate classes of mixed age/ability
- The temporary site access will destroy the existing Hawthorne hedge and fencing on Fyfe Grove.
- Traffic and parking problems will be increased – there are numerous junctions in close proximity to the school. This will make it more hazardous for pupils walking to school
- The existing congestion on this narrow and sinuous road has a high potential for generating accidents
- The projected increase of nearly 80% in the school roll will result in a large increase in traffic
- The local residents are mainly mature and do not need more school places; they will suffer the most inconvenience and the least benefit.

Three individual objections were received raising the following points:

- Our garden adjoins the playground and we strongly object to the proposed works on the grounds of the increased noise from the playground which affects the enjoyment of our property. Whilst the increase is over 7 years but there will eventually be a potential of 125 more pupils in the playground (20 spaces now plus 15 more each year for 7 years). That will coincide with our middle old age when we will want to spend more time than ever in our own garden. The screaming which occurs now at playtimes is bad enough and the thought of this three times a day with 125 more screaming their heads off is too much. The noise level has increased significantly as it is since the school changed the leaving age to 11 so when even more pupils fill the playground there will be a proportionate increase in noise which is not acceptable to us.
- Major increase in traffic resulting in health and safety risks from too many parked cars despite new humps and speed limit, increased carbon footprints and more congestion.
- It is difficult as it is to exit from Fyfe Lane. We do not need more traffic.
- Why has Hoyle Court been chosen to be a larger school? Why not Ladderbanks or the Church School where they have much more land for expansion and provision for off road car parks?
- Previous extensions to the school have been out of character with the original design and have altered the building line. The new building will dominate its surroundings contrary to the original design ethos and will create a “mish mash” of styles.
- The proposed building is being shoehorned onto a sloping piece of land which will require an extensive retaining wall with attendant danger to children.
- The development will eat up a third of the playing field, making it severely undersized for the size of the school.
- The catchment area is too wide reducing the opportunity for sustainable travel in contravention of PPG13.

- There are currently 22 official parking spaces and 4 more casual spaces, not the 21 marked spaces as suggested in the Travel Assessment. The development will reduce this by 2 spaces and yet teacher numbers are to rise from 27 to 30.
- School places are to rise from 210 to 315, without including a preschool of 51. According to the transport survey 32% use cars, I estimate that based on an area where there is a high chance that a car would be used a modest proposed increase would be 40%, ie 126 cars. The forecast will be for an increase of 59 cars or an 88% increase in traffic.
- An extension westwards would be a better solution; set back from the road whilst still retaining some hard playing area.
- The school is increasing in size from 1483m² to 2298m² or 155%, maximum pupil numbers will increase from 210 to 315 or 150%. There must be a prima facie assumption that there will therefore be a very considerable increase in demand for parking, reducing parking provision is the wrong response.
- There is inadequate disabled parking contrary to policy TM18.
- Consideration should be given to the demolition of the caretakers bungalow due to the cost of the conversion proposed.
- The suggested re roofing of this building will reinforce the appearance of a light industrial complex.
- Whilst the proposed green roof is laudable in its green aims, its style is at odds with the existing building.
- The transport assessment is apparently based on one unrepresentative site visit.
- Restricting parking on site will not result in a reduction in demand for parking; the burden will simply be borne by residents as a result of increased on street parking. Yellow lines will only push the problem out to other residents.
- Traffic movement and parking, which is nearing peak capacity, could potentially double to the detriment of pupil and resident safety.
- The proposal has not been considered in the wider planning context of education in Baildon.
- There are bats in the area; this has not been taken into account.

Consultations:

LDF Policy Team

The extension proposals necessitate development on playing fields allocated on the RUDP (Policy OS3). If these parts of the playing fields are no longer required by the school or local community, are required but can be replaced, or their loss does not adversely affect the character of the area, then the proposal is acceptable, subject to the views of Sport England. If the proposal fails to satisfy any one of these requirements, then the proposal is unacceptable in principle.

Sport England

Having reviewed the application details we have no comments to make.

Highways Development Control

This is a proposal to extend Hoyle Court primary school from one form entry to one and half form entry. The school is located in a residential area on Fyfe Grove, close to the A6038 Otley Road corridor. A Transport Assessment (TA) and School Travel Plan (STP) have been submitted with the application.

The current capacity of the school is 210 pupils, though the current number of pupils is only 186. The TA indicates that proposed class room extension will increase capacity to 315 pupils, but STP indicates that proposed capacity will be 335 pupils. Notwithstanding this inconsistency, the overall increase in pupil numbers will be staggered evenly over the 5 year period to 2017, amounting to an increase of around 25 pupils per annum. Consequently the additional traffic impact will also be incremental over the 5 years.

Travel to school modal split is generally in line with Bradford district average, with walking accounting for 62% of trips, car 32% , car share 4% and 1% each for cycling and public transport. The TA indicates that car use is currently around 67 vehicles, but as this is based on current number of pupils, at full capacity the figure is likely to be around 75 vehicles. Applying a 50% pupil increase to this figure, then car use is likely to increase to around 115 vehicles i.e. an additional 40 vehicles, if the school reaches its full capacity in 2017.

There are existing problems along Fyfe Grove and Hoyle Court Road with parents blocking drives and these problems are likely to increase with the proposal. Whilst the proposed measures set out in the STP would assist in reducing car travel, there would still be an increased impact on local residents, albeit for a short period in the morning and afternoon. Although accident records show that there were no recorded injury accidents over the last 5 years within 100m of the site, this does not mean that problems could not arise in the future.

Car parking information is inconsistent between the TA and STP. The TA shows that there are 21 spaces including 3 disabled, whereas the STP indicates that there are 23 spaces including 3 disabled. This discrepancy may be due to some spaces being unmarked and used informally. This is not a major issue, what is of concern is that TA proposes a total 24 car parking spaces including two disabled to cater for 28 FTE staff, but STP proposes an additional 11 spaces giving total of 33 spaces. The TA figure is more credible in terms of sustainability and encouraging staff to use alternative modes of transport. I cannot accept the higher figure even if this means that some teachers may end up parking on street.

The School Travel Plan needs revising to address the inconsistencies identified above and also to take on board the comments from the Council's TP officer, but this can be conditioned as part of any approval. I would also recommend that the school contributes £20,000 to enable the council's Traffic Unit to carry out further studies of traffic and parking problems in the local area. This would include consultation with local residents to determine their concerns and needs, and provision of traffic calming measures where appropriate including vehicle actuated speed signs (VAS).

Landscape Design Unit

The site is difficult to develop but further consideration should be given to the quality of and access to the proposed external spaces as the external spaces are a valuable resource and have a significant effect on the ethos of the school and the quality of education pupils receive.

The proposed sedum roof will continue the green theme and soften the visual impact from the surrounding residential properties.

The perimeter area around the new extension appears to be a simple paved area with a gabion retaining wall. This could be detailed with consideration given to creating a variety of spaces and uses for the children with access to the playing field. Cross sections of the extension proposals, retaining walls and the remaining grass playing field would show how much is useable open space.

The application refers to the grass area being badly drained and difficult to use so the extension can extend into this space. Consideration should be given to the detailed design of the remaining playing field area as there are a variety of ways to improve this space for the children, e.g. improve drainage, all weather surfaces, access etc.

Details need to be submitted for all proposed planting. The proposed should consider how the children can access this area other than walking through the proposed car park. In conclusion, further design consideration is required to address the issues raised above.

Drainage

I note that it is the developer's intention to dispose of a proportion of the surface water from the development using green roof technology. This is acceptable; however, the developer's should also investigate the site in order to determine its potential for the use of sustainable drainage techniques in disposing of the remaining surface water from the development. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered.

In order to keep the impermeability of the site to a minimum the applicant should investigate the use of porous materials in the construction of the additional car parking & hard-standing areas.

Environmental Protection

No recommendations or concerns with regard to any potential "nuisance" issues. However, as there are many existing residential properties nearby it is requested that if consent is granted that a condition is added to restrict the hours of operation at the construction stage. For example; Works shall be carried out only between the hours of 0730hrs and 1800hrs Monday to Friday, 0800 hrs to 1300hrs Saturdays. There shall be no works on Sundays or Bank Holidays.

Minerals and Waste Team

No Comments

Trees

The submitted tree survey is acceptable. With regard to protective fencing the construction detail is acceptable however the siting of the fencing is somewhat vague. Trees to the main entrance need to be protected. If the L shaped fence around the car park shown on the plans is the protective fencing then this is acceptable.

Summary of Main Issues:

- Principle of the Proposal
- Design
- Local and Residential Amenity
- Highway Safety
- Trees
- Biodiversity

Appraisal:

Introduction

The scheme proposes extensions and alterations to the existing primary school to facilitate a projected increase in pupil numbers. The school currently accepts a one form entry each year, and the additional space is sought to provide accommodation for a one and a half form entry. This will have the effect of staggering the increase in pupil numbers over the 5 year period to 2017, from the current maximum of 210 to a maximum, in 2017, of 315 (an increase of 105 pupils, or 50%).

The extension and alterations will be constructed in a phased process over a three year period; the planning application presents the overall master plan for the school.

Principle of the Proposal

The main school site is unallocated whilst the playing field to the north of the school building is designated as protected playing field under policy OS3 of the rUDP. When land was designated under policy OS3 a "broad brush" approach was adopted, with the designation often taken right up to the school building, irrespective of whether all the land included formed, or was capable of forming, a playing pitch.

Policy OS3 is phrased in such a way as to prevent building on protected playing field unless certain criteria can be met.

At Hoyle Court the usable playing field space is reduced by the trees on the north boundary and the change in level adjacent to the school on the south boundary. The existing playing field is located at a higher level than the school building and there is a steep embankment between the two. The proposal will cut into the existing embankment, pushing the built form into the existing playing field by approximately 5m. The embankment would be replaced by a gabion wall minimising the encroachment into the field. The existing area is too small to accommodate a football pitch and so no pitch potential is lost; the area is badly drained and is only used for informal games occasionally when the ground is dry enough.

The application includes an increase in the size of the sports hall and the provision of proper changing facilities which will facilitate and encourage more indoor sport; overall the sports facilities at the school will be improved. The objectors assert that around a third of the playing fields would be lost. This is a gross over estimation which is not substantiated by the facts; the true figure is no more than 15%.

Sport England has viewed the application, and has not raised any objections to the scheme.

The proposal is found to comply with the requirements of policy OS3 as the proposed development will only affect land which is incapable of forming a playing pitch and the improvements to indoor sports facilities will mitigate the loss of outdoor play space.

Design

The proposed scheme includes a single storey extension and the reroofing of the former caretaker's house which is to be incorporated into the new extension. Alterations and refurbishments are proposed to the existing school building however these are mainly internal. Externally the steep banking is to be replaced by a gabion wall and new fencing. There is an extension to the existing car park. The new rooflines will be of a vaulted style, with the new extension having a living "green" roof. Whilst the style of the development is different from that of the main building it is not considered that the proposal would be detrimental to visual amenity. The landscaping team have raised some concerns about the quality of and access to external spaces but these will largely remain unchanged. A new 5m access strip will be created to the north of extension to provide flow around the building. If the school wishes to use the space creatively in the future, there is nothing to prevent them from doing so however a detailed landscaping showing how this space could be used for play is not crucial to the planning merits of the scheme.

Impact on local and residential amenity

The proposed extension would be located to the north of the existing school building, which is the elevation furthest away from neighbouring residential properties. It would be single storey and set in to the land form. There are no concerns regarding overlooking or overshadowing from the enlarged building.

An objection has been received by a neighbour regarding the impact that the increased numbers of children will have on the levels of noise arising from the school playground, as they consider this will result in unacceptable detriment to their residential amenity, particularly as this will coincide with their retirement. This property is adjacent to a school where noise from playing children could be clearly anticipated when local residents purchased their homes. The increase in pupil numbers will be approximately 23-25 per year for 5 years and whilst this may result in some increase in the level of noise emanating from the playground, this will be staggered and limited to play times during the school day. At evening, weekends and holidays the site will be silent.

Highway safety

Many of the objections centre on perceived traffic problems and highway safety concerns and seem to be predicated on varying figures regarding the percentage increase in the size of the school, the percentage increase in the numbers of pupil and therefore the level of extra traffic and parking demand predicted all of which are inaccurate. However, it is acknowledged that traffic, parking and highway safety issues are of concerns to the resident, and these issues have been given very careful consideration.

Taking into account the modal split of the current travel to school and the figures for the existing car use detailed in the submitted Travel Assessment highway officers predict that the increase in car number will be somewhere in the order of 40 vehicles beyond the current level of 75 i.e. car use is likely to increase to around 115 vehicles, staggered over 5 years until the school reaches its full capacity in 2017. This means an increase in cars of 8 per year for 5 years based on the current modal split of travel. It is acknowledged that there are existing problems at school start and finish times and that the increase in the roll call of the school may exacerbate this. However, this is for a relatively short period at the start and end of the school day.

The school has a travel plan and this has been revised as part of the application process with a view to reducing the actual increase in car travel to below that which has been predicted based on current trends. The school have also submitted a timetable which shows how this plan will be monitored, improved and updated over the course of the coming and subsequent school years.

The travel plan outlines the current situation, identifies the barriers which prevent more children walking or cycling to school (such as a lack of cycle storage, lack of shelter for parents waiting in the yard, lack of lighting on the pedestrian bridge over the railway, lack of buses etc), identifies ways in which these barriers could be overcome and sets targets for the future.

The expansion of Hoyle Court Primary is part of a programme of expansion of schools across the district with the aim of providing sufficient school places and of providing these close to where people live; this will help to reduce the distance that must be travelled to school and therefore the number of trips by car.

The current parking provision is around 22 spaces with some further informal parking outside of marked bays. The plans include a small increase in the level of parking to 23 spaces.

Overall, whilst it is acknowledged that there are some issues at the start and end of the school day and that the increase in pupil numbers may exacerbate this it is considered that the measures in the school travel plan will help to mitigate these impacts and that the development will not result in conditions prejudicial to highway safety.

Trees

The school benefits from some mature trees which add character to the street scene, these will be retained and protected during the development and the requirements of policies NE5 and NE6 have been met.

Biodiversity

A scoping exercise was conducted in January 2010 to assess the potential of the buildings to provide roosting site for bats and to determine if further survey work should be undertaken in the summer months when bats are active. This concluded that the buildings offered very low potential for roosting bats, that further survey work was not required and that the development could proceed in a diligent manner.

Other Matters

The objectors are concerned that there is no justification of need for the proposed expansion in relation to the other primary schools in Baildon, and that those other schools have larger sites and therefore more capacity for expansion. This is not a material planning consideration however the Department of Services to Children and Young People have confirmed that the expansion at Hoyle Court Primary School is as a consequence of predicted population growth within the District, and specifically within Baildon. Regular forecast modelling is undertaken which enables the Authority to predict future demand for school places.

With regard to the other local schools: Baildon CE and Sandal Primary, although appearing appear to have more land available to physically expand at their location are already two form entry schools, whilst Hoyle Court is currently a One Form of Entry School. Geographically all three schools are almost equidistant from the centre of Baildon and Hoyle Court taking an additional half form will retain a balance of numbers across the immediate schools within Baildon.

Conclusion

The proposed extensions and alterations will have no significant detrimental impact on visual, local or residential amenity and have been designed to make the best use of a difficult and restricted site. Whilst the development will result in the loss of some land that is designated as protected playing field this will accord with the requirements of policy OS3 of the rUDP and the scheme has not attracted an objection from the Council's statutory consultee; Sport England. The increase in pupil and staff numbers will lead to an increase in traffic and demand for parking but this will be partially mitigated by the measures in the school travel plan and will not give rise to conditions which would be so detrimental to highway safety as to warrant refusal of the application.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The proposed renovation and extension of the school, together with the external works and the increase in the car parking provision would have no adverse effects upon local amenity, the amenity of adjoining occupiers or the wider environment. It is acknowledged that there will be some loss of protected playing field however this affects land which, whilst used for informal games, is incapable of forming a proper playing pitch. The development will result in an increase in traffic however this is considered to be moderate, mitigated by the measures included in the submitted travel plan and not likely to result in conditions prejudicial to highway safety. The proposals are considered to be acceptable in light of Policies UDP3, OS3, UR3, D1, NE5, NE6, TM2 and TM19A of the Replacement Unitary Development Plan for the Bradford District.

Conditions of Approval:

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

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

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

TBC

Received by the Council on [date tbc]

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

3. The School Travel Plan submitted to and received by the Local Planning Authority on 28 June 2011 and the corresponding timetable for its implementation and monitoring shall be implemented in its entirety to the satisfaction of the LPA.

Reason: In the interests of sustainability, pedestrian and vehicular safety in accordance with Policies UR3, TM2 and TM19A of the Replacement Unitary Development Plan

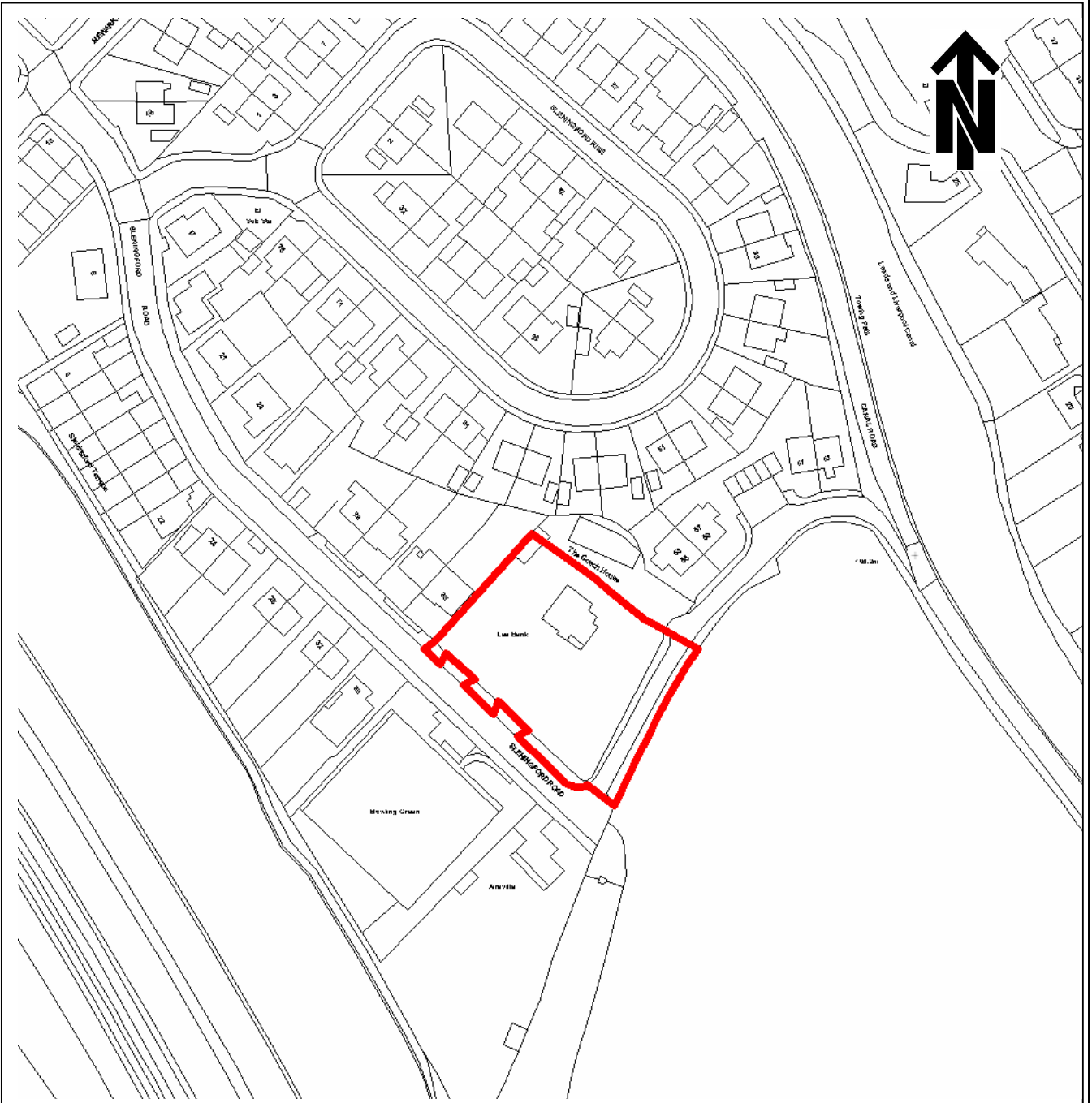
4. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include details of sustainable drainage arrangements for surface water or a technical explanation of why this is not possible along with suitable alternative proposals. The scheme so approved shall be implemented prior to the occupation 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.

Area Planning Panel (Shipley)

11/01375/OUT

21 July 2011



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<p>ITEM NO. : 5</p>	<p>LOCATION: Lea Bank Slensingford Road Bingley</p>
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21 July 2011

Item Number: 5
Ward: BINGLEY
Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH PETITIONS

Application Number:
11/01375/OUT

Type of Application/Proposal and Address:

An outline planning application for the construction of 6 dwellings following the demolition of the existing dwelling, Lea Bank, Sleningford Road, Crossflatts, Bingley. All matters are submitted for consideration with the exception of landscaping details which are reserved for consideration at a future time.

Applicant:
Mr Bedford

Agent:
Jason Allatt, Belmont Design Services

Site Description:

The site consists of an existing detached residential property and its associated private curtilage. The surrounding area is mainly residential with a variety of properties ranging from modern semi-detached dwellings to interwar and Victorian properties. The Leeds and Liverpool Canal conservation area is located immediately to the south of the site, on the opposite side of the unadopted road leading to dwellings to the northeast of the site. There are no protected trees on site and the existing property, Lea Bank, is not listed.

Relevant Site History:

10/03213/FUL: Demolition of existing dwelling and the construction of 8 dwellings (refused [by Shipley Area Planning Panel] on 16/12/2010)

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
D1	General Design Considerations
D4	Community Safety
D5	Landscaping
H7	Housing Density – Expectation
H8	Housing Density – Efficient Use of Land
TM2	Impact of traffic and its mitigation
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
NE4	Trees and woodland
NE5	Protection of trees on development sites
NE6	Protection of Trees during Development
NE11	Ecological Appraisals
NE10	Protection of Natural Features and Species
BH10	open space within or adjacent to conservation areas

National policy:

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

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application has been publicised by individual neighbour notification letters and by site notice. Expiry of the publicity period was 5 May 2011. A total of 128 individual letters of representation have been received at the time of report preparation; 66 objections and 62 letters of support for the development proposal. In addition, two petitions objecting to the proposal have been received.

Summary of Representations Received:

Objections to the scheme

1. The site should not be developed – it's private garden area and amounts to 'garden grabbing'.
2. The existing house should not be demolished.
3. The development will lead to highway safety issues as it will generate more traffic which cannot be managed by the existing road system.
4. No need for further housing in the area.
5. The details on the application form are not accurate.
6. Loss of residential amenity.
7. Loss of trees on the site in 2009.
8. The grass verge is not within the ownership of the applicant.
9. Adverse effect on the setting of the conservation area.
10. The development presents a poor design and appearance, out of keeping with the local area.
11. The reasons for refusal of the previous application have not been addressed.

In support of the scheme

1. The development is a good use of the existing land.
2. The development will help to reduce pressure on the green belt from future development.
3. The site is located within a sustainable location.
4. The scheme features a sympathetic design.
5. Sufficient off-street parking provided to prevent congestion.
6. The development will provide employment during the construction phase.

Consultations:

Highways:	No objections subject to conditions
Minerals and waste:	No comments
Drainage:	No objection, subject to conditions
British waterways:	No comments
Heritage management:	No objections subject to conditions
Biodiversity officer:	No comments received

Summary of Main Issues:

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

Appraisal:

1. Principle

The site forms a modest area of undeveloped land forming the curtilage of the existing detached residential property. Recent changes to planning policy Statement 3 (PPS 3) have changed the status of private garden areas from 'previously developed land' to 'greenfield land'. However, this makes little material difference to the assessment of this application and, in addition, no statement is made in the revised PPS 3 that development of private garden areas is unacceptable *per se*. The site is modest in scale, but quite large for a private curtilage at approximately 1700 m², and is sustainably located close to a local rail station and public transport bus routes. It is considered, given the lack of a 5 year housing supply in the Bradford district, an increasing population, and a need for family accommodation, that the principle of development would be acceptable at the site and refusal would not be justified simply on the basis of the site being classified as green field land. PPS3 makes it clear that when a 5 year housing supply is not achieved, local authorities must assess applications for residential development favourably. It is also noted that the principle of development was not opposed under recently refused planning application 10/03213/FUL.

The 6 dwellings proposed on site would result in a density of 35 dwellings/ha. This would represent an efficient use of the site and would be in character with the surrounding area.

2. Residential amenity

Within the site, the layout and relationship between houses is considered acceptable. All required facing distances are achieved between proposed properties and between proposed and existing properties around the site. Although the property at 35 Sleningford Road presents a side habitable room window towards plot 1, this window is secondary and overlooks only the driveway area of this plot. Although the primary windows in this property face north and so received no direct sunlight, it is considered that the development would not cause significant harm to the amenity of this property.

The impact on the 'Coach House' to the north would not be significant as plot 6 is not directly in line with this property, thereby protecting its outlook. The development, as outlined above, is considered to be acceptable in terms of its effect on both existing and future residential amenity.

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

The design of the dwellings has been amended since the last application. The architect has received guidance from planning and conservation officers and has responded positively to suggestions that have been made. As a result, the dwellings now proposed relate more sympathetically to the setting of the conservation area to the east, featuring recessed windows and timber fascia details redolent of Lea Bank, and with good quality aluminium external pipe work. Natural stone and slate is also specified to walls and roof. Plot 5 presents a large detached dwelling with replica historic features to make full use of the corner of the site closest to the conservation area and successfully 'turns the corner' presenting 'front' elevations to two sides. The widening of the side road will still maintain the grass verge and stone wall bordering the conservation area to the east. It is considered that the scheme now makes a positive contribution to the street scene and the setting of the Leeds and Liverpool Canal conservation area.

4. Highway safety

The development will be accessed via a series of private drives from Sleningford Road and the unadopted side road. A total of 12 off-street parking spaces are provided, plus visitor parking on Sleningford Road. It is considered that both the level of off-street parking and private drive access is acceptable in highway safety terms in this quiet location. Service vehicle access to the site will not be affected by the development; however, the side road will be improved in terms of its surfacing to facilitate service vehicle access to plot 6 and improved access to properties further along the road. The road will be widened also and provision for two visitor parking spaces will be made in the form of lay-bys at the eastern boundary of the site. Turning will be possible at the end of Sleningford Road as exists now. The proposal would not result in any significant highway safety implications.

5. Biodiversity and protected species

The site is located within a bat awareness area. A bat survey was submitted with the previous application and carried out on the site between May 19 and June 17, 2010. The results of the survey confirm that the building only supports one bat with a summer roost. The survey makes certain recommendations for work/monitoring during the process of demolition – this is considered appropriate to control through conditions. Given that only one year has passed since the last survey, it is unlikely that the situation will have changed significantly. Conditions would still be appropriate to protect the species during demolition of the existing dwelling and construction work on the site.

6. Comments on representations received

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

1. The site should not be developed – it's private garden area and amounts to 'garden grabbing'.
See 'principle'. The status of the site as previously developed land or Greenfield is just one of the issues to consider when determining the acceptability of development; the development proposal accords with PPS 3 in its sustainable location and there is no presumption against development of private gardens.
2. The existing house should not be demolished.
The existing house has no specific protection it not being listed or within a conservation area – its demolition would therefore be acceptable in principle subject to the submission of a prior notification application for demolition.
3. The development will lead to highway safety issues as it will generate more traffic.
The development will generate only small volumes of traffic owing to its scale. In addition, adequate off-street parking is to be provided, reducing the demand for on street parking close to the site.
4. No requirement for housing on this site or in the area.
See 'principle'.
5. Loss of residential amenity.
The layout of the development is not considered to adversely affect existing residential amenity.
6. Loss of trees on the site in 2009.
The trees on the site were not/are not protected by a tree preservation order and therefore planning permission was/is not required for their removal.
7. The grass verge is not within the ownership of the applicant.
The red line of the application extends to encompass the side road and site frontage – ownership certificate A has been signed to confirm ownership by the applicant. No evidence has come to the attention of the planning authority to challenge this claim.
8. Adverse effect on the setting of the conservation area.
The loss of the existing dwelling is not considered significant to the setting of the conservation area and the proposed scheme is considered visually sympathetic to the character of the adjacent conservation area.
9. The development presents a poor design and appearance, out of keeping with the local area.
See comments above.
10. The reasons for refusal of the previous application have not been addressed.
The reasons for refusal of the previous application have been fully addressed, as discussed in the main body of the report.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The principle of residential development of the site is considered acceptable in line with Planning Policy Statement 3, the site being of modest scale and sustainably located. No significant implications are foreseen in terms of highway safety, residential amenity, impact on protected species or visual amenity. The proposal is therefore considered to comply with policies UR2, UR3, D1, D4, TM2, TM12, TM19A, H7, H8, NE4, NE5, NE6, BH10 and NE10 of the replacement Unitary Development Plan.

Conditions of Approval:

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

6737/02C: AMENDED PROPOSED SITE PLAN
6737/04C: AMENDED PROPOSED ELEVATIONS DWELLINGS 1
6737/06C: AMENDED PROPOSED ELEVATIONS OF DWELLING 3 and 4
6737/08B: AMENDED PROPOSED ELEVATIONS OF DWELLING 5
6737/10C: AMENDED PROPOSED ELEVATIONS DWELLINGS 6
6737/14: PROPOSED SECTION THROUGH DWELLINGS 5 and 6
6737/15: PROPOSED SECTIONS

Received by the Council on April 8, 2011

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

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

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

3. Before any development is begun plans and details showing the:

- i) landscaping of the site

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

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

4. The Development to which this notice relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

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

5. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 6737/02C 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.

6. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

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

7. 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.

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

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

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

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

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

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

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

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

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

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

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

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