

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (SHIPLEY) to be held on 11 April 2012

AA

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

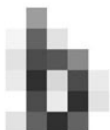
<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	Crack Lane Wilsden Bingley West Yorkshire - 11/04517/MAF [Approve] (page 1)	Bingley Rural
2.	Hoyle Court Primary School Fyfe Grove Baildon West Yorkshire BD17 6DN - 12/00824/VOC [Approve] (page 23)	Baildon
3.	Land At Thornton Moor Foreside Lane Denholme West Yorkshire - 12/00106/FUL [Approve] (page 30)	Bingley Rural

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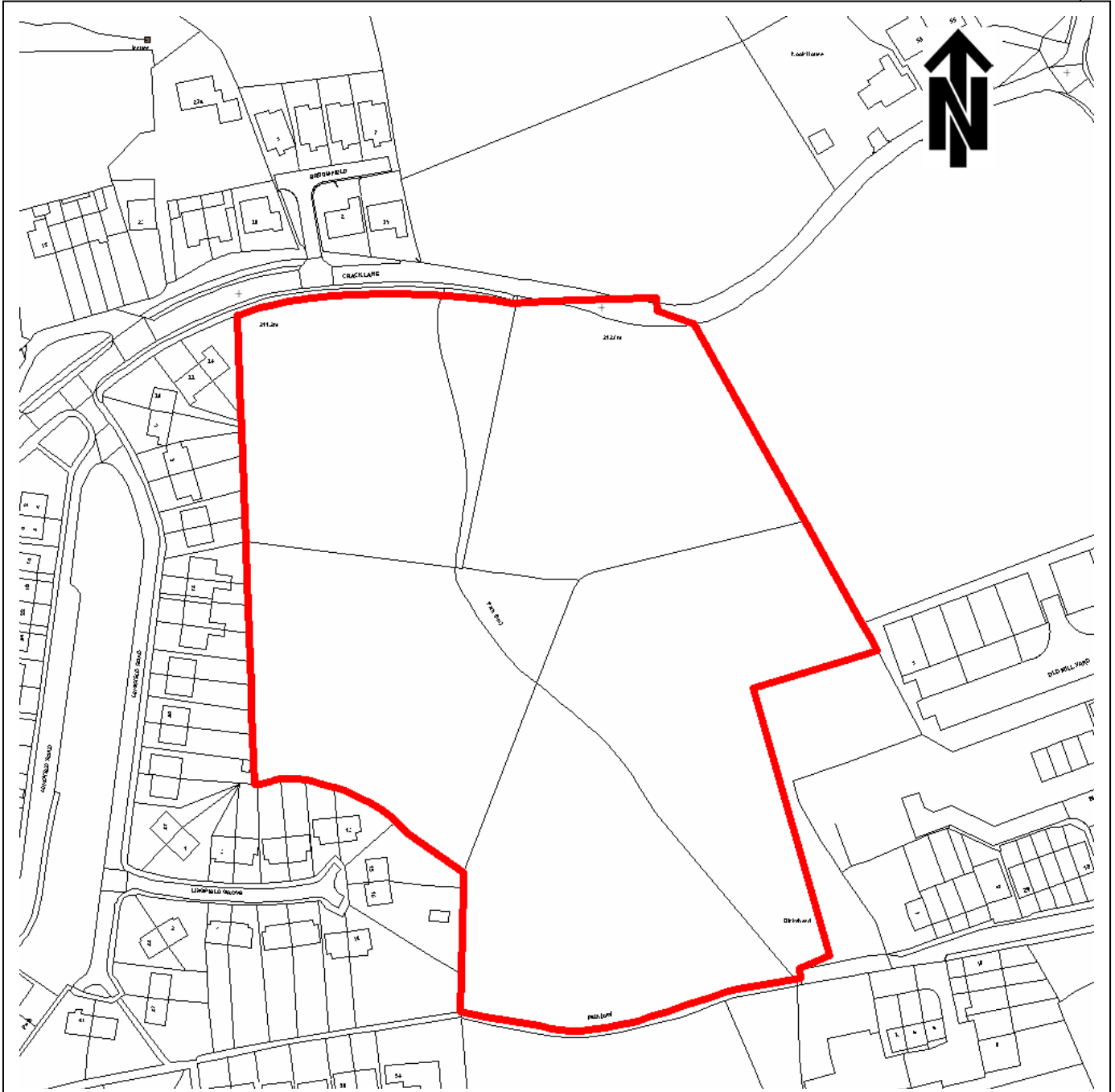
Portfolio:
Change Programme, Housing and Planning
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

11/04517/MAF

11 April 2012



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ITEM NO. : 1	LOCATION: Crack Lane Wilsden Bingley
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11 April 2012

Item Number: 1

Ward: BINGLEY RURAL

Recommendation:

GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

The proposed Heads of Terms of the Legal Agreement are:

Affordable Housing: The provision of 12 units with a total discount of £909,072. The units are 6 x Hadleigh 2-bed houses and 6 x Bamburgh 3 bed houses and the plots

Recreation: The sum of £88,574 will be paid to the Local Planning Authority for the purpose of maintaining the existing recreational facilities and playing pitches in the vicinity of the site.

Education: The sum of £242,382 will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure in the vicinity of the site.

Highway Improvements: Off-site highway works

Application Number:

11/04517/MAF

Type of Application/Proposal and Address:

This is a full application for the construction of 73 dwellings on land at Crack Lane, Wilsden.

Applicant:

Harron Homes Ltd

Agent:

James Podesta (CBRE)

Site Description:

The site comprises an open field located to the south of Crack Lane and to the east of Lingfield Road. There is a slight difference in land levels between the site and Crack Lane with the site being at a higher level. There are a number of trees located along the boundaries of the site, primarily in the southern section of the site. It is bounded to the west, the north west, south west and south east by residential development whilst to the east, south and north east are open fields.

Relevant Site History:

There is no relevant planning permission on the site.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is allocated as 'Safeguarded Land'.

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development

UDP3 Quality of Built and Natural Environment

UR3 The Local Impact of Development

UR5 Safeguarded Land

UR6 Planning Obligations and Conditions

H7 Housing Density Expectation

H8 Housing Density Edficient Use of Land

H9 Affordable Housing

TM1 Transport Assessment

TM2 Impact of Traffic and its Mitigation

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

D1 General Design Considerations

D4 Community Safety

D5 Landscaping

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees During Development

NE10 Protection of Natural Features and Species

CF2 Education Contributions in New Residential Development

OS5 Provision of Recreation Open Space and Playing Fields in New Development

NR16 Surface Water Run Off and Sustainable Drainage Systems

H01 Regional Spatial Strategy Provision and Distribution of Housing

H02 Regional Spatial Strategy Managing and Stepping Up the Supply and Delivery of Housing

H04 Regional Spatial Strategy the Provision of Affordable Housing

H05 Regional Spatial Strategy Housing Mix

Planning Policy Statement 1 Delivering Sustainable Development

Planning Policy Statement 3 Housing

Planning Policy Guidance 13 Transport

Planning Policy Statement 23 Planning and Pollution Control

Planning Policy Statement 25 Development and Flood Risk

The Draft National Planning Policy Framework (DNPPF):

At the time of writing this report the government have stated that the National Planning Policy Framework will be issued on 27 March and members will updated concerning this matter.

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Draft Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

The Parish Council have objected to the proposal on a number of grounds:

Conflict with existing policies:

- The Inspectors Report Volume 6 Shipley on the RUDP commented on an objection from Allied Textiles that 'in view of the settlements location and lack of good quality public transport links to the main urban area I conclude that it is not a sustainable place for substantial housing allocation'. Whilst this is a reference to Wilsden in general rather than to this specific site it does not suggest a pressing need to develop a site that at best could be described as 'unpromising' for a major development.
- The LDF 'Landscape Character: Volume 9 Wilsden' states that Wilsden 'does not have the capacity to accommodate vast amounts of new development mainly due to the associated infrastructure' and it goes on to conclude that 'suburban style housing in non-traditional materials on the edge of Wilsden detract from the landscape character'.
- The proposal also conflicts with existing density requirements and contains a sub-par number of affordable homes.

Highway issues:

- Two attempts within the past 15 years to put development on this site have foundered on the inability of the developer to provide satisfactory access arrangements that will offer safety to both vehicular traffic and to pedestrians
- The position of the site is not amenable to safe access from either the west via Crack Lane or Lingfield Road

With regard to the additional information submitted in relation to the highway improvements the Parish Council have reaffirmed their objection as it does not provide a sustainable solution to traffic issues. The removal of the parking at the Lingfield Road junction with Main Street will have an adverse effect on the businesses in the area. The imposition of double yellow lines on the section of Lingfield Road with the junction with Crack Lane will deprive the elderly residents in the blocks of flats the right to park close to their property.

Publicity and Number of Representations:

The application was publicised through a site notice, press notice and neighbour notification letters. The expiry date for the publicity exercise was the 23rd February 2012.

As a result of the publicity exercise 454 letters have been received objecting to the proposal together with a petition comprising 82 signatures.

Summary of Representations Received:

- The developer is not concerned with the after effects of the development
- It contradicts the intentions of the LDF
- It is contrary to the SPD 'Local Development Framework for Bradford' (vol. 9 Wilsden) which states that 'newer, suburban style detached dwellings are beginning to weaken the overall character of the area' and that Wilsden 'does not have the capacity to accommodate vast amounts of new development, mainly due to the associated infrastructure'
- The local community did not want the land safeguarded
- It will affect cyclists due to the narrowness of the roads
- The topography of the village is not conducive to cyclists
- Lee Lane is a rat run and has been used as such for many years
- There will be a reduction in the level of parking on Lingfield Road which will result in an increase in vehicle speeds
- There will be parking problems as the dwellings do not have off-street parking
- It will result in the loss of a piece of open, well maintained land to create highway improvements
- The roads are country roads and not suitable for an increase in traffic
- The creation of 'no parking' areas will result in those residents having to park elsewhere
- The removal of on-street parking will impact on existing businesses
- The creation of a 'one-way' system will impact on existing residents
- There is a review of bus provision and therefore more car journeys will result
- The footpaths are a means of exercise and enjoyment for residents and will become less secure through the installation of high fences along them
- The site acts as a huge soakaway for floodwater after heavy rains
- Have the Planners visited the site
- How much money is the development group giving in favours
- Need transparency in consultations, if there was there would be far more objections
- The plans should be made available locally – not all people have access to the internet
- The plans are incorrectly marked with Lingfield Road and Emily Hall Gardens
- Cattle have grazed the field for many years and residents would like to see this continue
- Concerns regarding the dry stone walls within the site – will they be retained
- There are sufficient brownfield sites in Bradford to prevent expansion onto green field locations
- Brownfield development is the way for Wilsden to expand without the need to build on green fields
- Wilsden will not remain a village by ever expanding
- There is no demand for new houses as there are unbuilt houses with planning permission and lot of houses for sale
- The dwellings are out of character with the rest of the village
- The flats at the bottom of Lingfield Road are for the elderly – how will the additional traffic affect them?
- How will the building work affect the houses and roads adjoining the site

- The development will reduce the appeal and value of existing dwellings
- It will affect rights for the protection of private life and home as it will seriously affect the enjoyment of the property and will be an interference with rights under Article 8 of the Human Rights Act 1998
- If the development is approved then Section 106 monies should be sought for education improvements
- Has an environmental impact study been done?
- The houses will be at an elevated siting above the adjacent land
- Why have Yorkshire water withdrawn their objection
- The village has limited shopping and recreation facilities
- The local schools are all full
- The GP's surgery is full
- Developments on this site have already been turned down twice
- Broadband and water pressure will be affected
- Effect on wildlife and the countryside
- There are existing mine shafts on the site
- There are underground natural springs in the area

Consultations:

Education Services – No objection, but are seeking a financial contribution of £242,382 towards improving the existing educational infrastructure in the vicinity of the site due to the existing schools being full

Yorkshire Water – No objection

LDF Team – No objection to the principle of the development as the site is allocated as 'safeguarded land' within the RUDP and the Council doesn't have a 5 year supply of deliverable sites. There are concerns about the density of development (21 units per hectare) and the housing mix

Urban Design Officer – The quality of the scheme is poor in that the design is based on a highway dominated layout with standard detached house types arranged around it and little in the way of open space. The scheme also lacks any features that would help to reduce its environmental impact.

Landscape Design Unit – The site is located within the Wilsden Landscape Character Area and any proposals should look to conserve and enhance the landscape qualities of the area

Highways – No objection subject to the imposition of conditions

Rights of Way Officer – No objection in principle as there is a link proposed between the development and the existing public footpath 49 Bingley that crosses and abuts the site – this link should form part of any highways adoption agreement

West Yorkshire Ecology – No objection in principle, the landscape proposals should place a greater emphasis on the maintenance and enhancement of existing biodiversity features on the site and a continuation of this corridor

Environment Agency – No objection, condition sought relating to the development being carried out in full accordance with the Flood Risk Assessment

Minerals Section – No objection but point out that the site is located in close proximity to a landfill site which has been restored to a satisfactory standard. Seek information with regard to level changes including the importation/removal of materials to and from the site

Drainage Services – No comments received

Parks and Landscape Services – No objection, seek a contribution of £114,424 towards improving existing off-site recreation facilities

Environmental Health – No objection on the grounds of potential nuisance affecting the development

West Yorkshire Passenger Transport Executive – No objection to the proposal and seek improvements to the existing public transport infrastructure through the provision of ‘live’ bus information displays together with the provision of MetroCards to future occupiers of the dwellings

Environmental Protection – No comments received

West Yorkshire Police – No comments received

Housing Services – No objection, seek on-site provision of affordable housing in the form of 12 units

Tree Officer – No objection, condition sought in relation to protecting the retained trees

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Recreation open space
7. Trees
8. Affordable housing
9. Education
10. Secured by design
11. Contaminated land
12. Other issues

Appraisal:

The proposal relates to the construction of 73 dwellings on a piece of open land off Crack Lane. The breakdown of the sizes of the dwellings include 6x2 bed, 6x3 bed and 61x4+ bed. Vehicular access to the site will be taken directly off Crack Lane.

1. Principle of development

The site is allocated as a Safeguarded Site within the Replacement Unitary Development Plan (Ref: BW/UR5.6). Such sites generally lie between the built-up area and the Green Belt and are protected by a policy which will ensure that any uses of the land do not prejudice the potential for development in the longer term and that the sites are likely to remain in their existing use during the period of the Plan.

However, recent National Planning Policy through Planning Policy Statement 3 requires Local Authorities to identify a 5 year housing land supply. In the absence of a 5 year supply paragraph 71 of the guidance states that:

‘Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69’

Paragraph 69 states:

'In general, in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives, e.g. addressing housing market renewal issues.'

At a recent appeal into a refusal of planning permission at North Dean Avenue, Keighley the Inspector concluded that 'a five year supply of deliverable housing land in the Councils area has not been demonstrated. Where there is not a five year supply of deliverable housing land, paragraph 71 of PPS3 requires applications for housing schemes to be considered favourably having regard to the policies elsewhere in that PPS'. As such the appeal was allowed.

The site measures 3.38 hectares in size and proposes a scheme of 73 dwellings. This equates to a density of approximately 22 dwellings per hectare. However, the net developable area is in fact only 2.67 hectares and this equates to a density of 27 dwellings per hectare. Policies H7 and H8 of the RUDP are relevant in that policy H7 states that planning permission will only be granted for residential development if a density of between 30 to 50 dwellings per hectare net at least is proposed whilst policy H8 states that the Council will refuse planning permission where it is satisfied that the site is capable of accommodating a greater density of development than that proposed. Density of development was originally incorporated in Planning Policy Statement 3 (Housing) and encouraged sites to have a density range of between 30-50 dwellings per hectare. However, in June 2011 the Government re-issued PPS3 to include changes to housing density by removing the requirement for Local Authorities to have regard to the national minimum density for housing of 30 dwellings per hectare. The Ministerial Statement of 9 June 2010 stated that the change was to allow Local Authorities the flexibility to set density ranges that suit local needs, particularly for family housing. It also stated that 'Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications'. As such whilst the density is below that required by the policies contained within the RUDP there is national policy guidance, through the re-issued PPS3, to suggest that the reduced density is acceptable.

An objection has been received on the grounds that the proposal is contrary to the Supplementary Planning Document 'Local Development Framework for Bradford' (vol. 9 Wilsden) which states that 'newer, suburban style detached dwellings are beginning to weaken the overall character of the area' and that Wilsden 'does not have the capacity to accommodate vast amounts of new development, mainly due to the associated infrastructure'. These comments are contained with a Supplementary Planning Document and do not form Council Policy towards the future development of Wilsden. Within the RUDP there is a hierarchy of settlements in relation to identifying sites with Wilsden being identified as meeting 'local needs and/or support local services giving priority to previously developed land'.

With regard to whether or not the principle of residential development on this particular site is acceptable all the issues outlined above need to be fully considered. Whilst Wilsden is a small settlement which seeks to provide housing to meet local needs, the site is an allocated site and was allocated in order to provide longer term development land for housing or employment purposes. The Council no longer have a 5 year housing land supply of deliverable sites and this was recognised by the Inspector in determining the appeal at North Dean Avenue that has been referred to above. Bearing all this in mind it is considered that the principle of residential development on the site is acceptable.

2. Visual amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing, height and materials.

The site is located on the edge of the settlement of Wilsden and is adjoined by existing residential development as well as open fields. The neighbouring residential properties comprise a mix of older traditional stone built cottages and more modern semi-detached dwellings of brick and render construction. They are all generally 2 storeys in height.

The proposal is for construction of 73 dwellings mainly in the form of detached dwellings but also semi-detached (4) and 2 terraces comprising 3 and 5 dwellings. The layout of the dwellings results in them having relatively spacious gardens and reduces the visual impact of the proposal. It is proposed to incorporate some additional landscaping wrapping around the north eastern elevation. The dwellings are 2 and 2½ storeys in height and will be constructed of reconstituted stone and interlocking concrete tiles. Whilst the design of the dwellings is not architecturally significant it is not considered that they will have a visually detrimental impact on the character and appearance of the locality.

3. Residential amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should not harm the amenity of prospective or existing users and residents.

In terms of the impact on residential amenity there are 2 main relationships to consider, firstly that with the neighbouring properties abutting the site, and, secondly internally within the site.

The site is bounded by existing residential development to the west (Lingfield Road and Lingfield Grove), to the east (Birkshead Mews), and, to the north (Crack Lane). Also adjacent to the south eastern corner of the site is a row of small industrial units (Old Mill Yard).

To the west of the site the relationship between the proposed and existing dwellings is, in the majority of cases, a minimum of 20 metres. The only exception to this is the relationship of plot 15 to 11-13 Lingfield Road. Whilst the separation distance between the main bodies of the dwellings is 21 metres the proposed plot 15 has a single storey projection (a living room) on its rear elevation which reduces the separation distance to 17½ metres. This is no different to having a conservatory on the rear of the house and any potential overlooking will be negated by the boundary treatment running along the joint boundary. It is not therefore considered that there will be any significant harm caused to the residential amenities of the occupiers of either the existing or proposed dwellings.

To the east of the site are residential properties on Birkshead Mews with a gable end facing onto the proposed site. The separation distance is in excess of 21 metres and therefore there will be no loss of amenity to the occupiers of either the proposed or existing dwellings. There is also a row of industrial units adjacent to the eastern boundary of the site with a separation distance of a minimum of 20 metres between the proposed dwellings. These units are small starter units with a small yard located to their front. Any prospective owner/occupier who makes the decision to purchase such a property will be informed and in full knowledge of the relationship between the dwellings and the industrial units, i.e. buyer beware, and as such it is not considered that the residential amenities of the future occupiers will be adversely affected.

To the north of the site are some dwellings that front onto Crack Lane. The separation distance between the existing and proposed dwellings is in excess of 21 metres and therefore the residential amenities of the occupiers of both dwellings will not be caused any significant harm.

Internally within the site the separation distances between the proposed dwellings does not always comply with the 21 metres normally required. The distance does go as low as 17 metres. However, any prospective owner/occupier who makes the decision to purchase such a property will be informed and in full knowledge of the relationship between the dwellings, i.e. buyer beware, and as such it is not considered that the residential amenities of the future occupiers will be adversely affected.

4. Highway safety

Policies TM2 and TM19A of the RUDP support proposals for new development providing that, amongst other things, the Council is satisfied that the proposal does not adversely affect existing and proposed transport infrastructure or services, including public transport and walking and cycling facilities, in the vicinity of the site or the local environment. Policy TM12 requires the provision of parking in accordance with the Councils adopted standards.

The Applicant has agreed to various off-site highway works to enable significant improvements to be made to the surrounding highway network to facilitate a better access arrangement to the site. These improvements include:

- Provision of 2.4x4.3 metre visibility splays at the entrance to the site
- Proposed Entry Only into Crack Lane from Main Street – the length of the one way system is to be agreed with the Highways department
- Realignment of the junction of Crack Lane and Lingfield Drive
- Proposed 'No Waiting at Any Time' restrictions along Lingfield Road
- New signs on Lingfield Road and Crack Lane stating 'Oncoming vehicles in middle of road' and T-junction
- Relocation of existing lighting column on Crack Lane adjacent to the site
- A contribution towards the provision of a speed table as part of the wider transport improvement programme

These off-site highway works are considered acceptable by the Highways Department and their provision will be secured through a Section 106 Legal Agreement.

The site will be mainly served by a single point of access located in the centre of the northern boundary. A separate private drive will be created directly off Crack Lane to provide access to 3 dwellings (plots 1-3) located in the north western corner of the site. Following initial concerns from the Highways Department further amendments have been made to the internal road layout such as the provision of a 2.0 metre wide footpath along the entire length of the estate road. Parking provision within the site equates to 146 spaces which is significantly higher than the policy requirement (110 based on an average of 1½ spaces per unit throughout the development) which will ensure that any on-street parking within and adjacent to the site is minimised.

The Rights of Way Officer has pointed out that Public Footpath No.49 Bingley crosses the southern boundary of the site east to west and will need to be maintained on its current line. The proposed link between the proposed development and the right of way is welcomed and needs to form part of any highways adoption. The use of steps should be discouraged however these are incorporated within the path due to the changes in land levels and it would be unlikely that a footpath with no steps could be incorporated without being on a tortuous route.

West Yorkshire Passenger Transport Executive have not raised an objection to the scheme in principle but are seeking improvements to the public transport infrastructure through the provision of a new 'live' bus information display at the nearest bus stop on Main Street together with the provision of MetroCards for the future occupiers of the dwellings. Due to the level of contributions already being sought from the developer, including significant highway improvements, it is not recommended further contributions through the provision of those requested by WYPTE are not sought.

5. Drainage

Policy NR16 of the RUDP relates specifically to the provision of adequate surface water drainage systems whilst policy UR3 states that proposals should not have an adverse impact on the surrounding environment.

With regard to the disposal of foul sewage and surface water it is proposed to connect to the main sewer and use sustainable drainage techniques. No objections have been received to this and appropriate conditions are recommended.

The Environment Agency is seeking the imposition of a condition requiring the development to be carried out in accordance with the measures as detailed in the Flood Risk Assessment submitted with the application.

6. Recreation open space

Policy OS5 of the RUDP states that new residential development will be required to make appropriate provision of or equivalent commuted payment for recreation open space and playing fields.

Within the proposed layout there is limited open space whether it be informally or formally laid out. There is an area of land wrapping round the north eastern boundary of the site that will provide an open walk way into the site whilst also providing some tree planting. Along the southern boundary there is also an open strip of land adjacent to the public footpath running adjacent to the site. Parks and Landscape Services have not raised an objection to the proposal but are seeking the payment of a commuted sum to enhance the existing recreational facilities within the vicinity of the site. The sum they are seeking is £114,424. However, as some informal open space has been provided within the site and with the extent of the costs associated with other social contributions and off-site highway improvements it is recommended that a sum of £88,574 be sought for recreational improvements. This contribution will be sought through the provision of a Section 106 Legal Agreement.

7. Trees

Policy NE4 of the RUDP seeks to preserve and enhance the contribution that trees make to the landscape character of the district whilst policy NE5 seeks to retain those trees which are healthy and which have or would have a clear public amenity benefit. The Council will require the protection during construction of trees to be retained and, where appropriate, replacement tree planting for trees lost or damaged during construction.

There are a limited number of trees located within and adjacent to the site. The more prominent trees along the northern boundary are to be retained and have been afforded an adequate distance between them and the proposed dwellings to ensure their future growth. The dwellings adjacent to the south eastern and south western corners of the site have again been afforded an adequate separation distance from the proposed dwellings and will not be impacted upon. The Trees Officer has not raised an objection to the scheme and is seeking a condition requiring the installation of protective fencing during the construction phase of the development.

8. Affordable housing

Policy H9 of the RUDP states that the Council will negotiate for a proportion of affordable housing based on, amongst other things, the extent and type of need, and, the economics of provision.

The site is within an area where there is a requirement for the provision of affordable housing. The affordable housing provision within this area is normally 25% of the net developable area to be provided to a Registered Social Landlord at 35% discount on open market value. In this instance that would equate to 18 dwellings, however due to the open market values of the proposed properties Housing Services have negotiated a reduced number of dwellings (12) to be provided at a higher discount. This provision is considered to be acceptable and will be sought through a Section 106 Legal Agreement.

9. Education

Policy CF2 of the RUDP states that where new housing proposals would result in an increased demand for educational facilities which cannot be met by existing schools and colleges, the Council will seek to enter into a planning obligation in order to secure the provision of, or contribution towards, new or extended facilities.

Education Services have not raised an objection to the proposal but have stated that the schools within the vicinity of the site at both primary and secondary sector level are all full. As such a commuted sum is sought that will be used to help enhance the existing educational infrastructure and this equates to £242,382 and is broken down into £125,348 at primary sector level and £117,034 at secondary sector level. The money will be sought through the provision of a Section 106 Legal Agreement.

10. Secured by Design

Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The site is laid out such that the main vehicular entrance to the site is well overlooked by the proposed properties as is the footpath wrapping round the north eastern corner of the site. There is also clear definition of public and private spaces throughout the site. The majority of the car parking is within the curtilage of the property it serves and where this does occur, such as plots 9-11, the spaces are overlooked by at least 2 of the properties. Appropriate boundary treatment, particularly along the southern boundary adjacent to the public footpath, will be provided through a condition attached to a planning permission.

11. Contaminated land

Planning Policy Statement 23 - Planning and Pollution Control - states that Contamination of land may threaten public health and safety, the natural environment, the built environment and economic activities, through its impacts on the users of the land, and on neighbouring users. Land contamination, or the possibility of it, is therefore a material planning consideration in the preparation of development plan documents and in taking decisions on individual planning applications. It remains the responsibility of the landowner/developer to identify land affected by contamination and to ensure that remediation is undertaken to secure a safe development.

A Site Investigation Report has been submitted with the application which states that the site comprises agricultural land with there having been a house in the north western corner of the site until it was demolished in 1969. Coal Authority reports suggest that there is, around the south eastern corner of the site, a mineshaft. However, no properties are proposed in the vicinity of the shaft but it is recommended that a surface scrape is carried out to confirm the presence or not of this shaft. Chemical testing that has been undertaken indicates that contaminants were below their respective guideline values and therefore the topsoil is suitable for reuse within the proposed development and no capping layer is required in gardens or landscaped areas. Overall it is not expected that there is any contamination of the site that could impact on the proposed development.

12. Ecological issues

Policy NE10 of the RUDP states that planning permission will not be granted for development which would have an adverse impact on species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981, as amended, or European birds and habitat Directives.

West Yorkshire Ecology have reviewed the ecological assessment submitted with the application and broadly concur with the conclusions. It is recommended that the landscaping proposals should restrict the planting to include locally native species and they should place a greater emphasis on the maintenance and enhancement of the existing biodiversity features within the site and create an extension to these features. Appropriate conditions requiring the submission of an amended landscaping scheme are therefore recommended.

13. Other issues

There are a number of issues that have been raised during the publicity exercise that have not been assessed in the above sections of this report.

The developer is not concerned with the after effects of the development – this is not a material planning consideration

The local community did not want the land safeguarded – the land has been allocated as Safeguarded Land within the RUDP and therefore the application has to be determined on this basis whether or not the local community wanted this allocation

Have the Planners visited the site – the Planners have visited the site as they do with every application

How much money is the development group giving in favours – this is not a material planning consideration

Need transparency in consultations, if there was there would be far more objections – the application has been publicised and advertised in accordance with the Councils protocol. Amended plans received in relation to the amended highway works were also readvertised. As such it is considered that the proposal has been properly publicised

The plans should be made available locally – not all people have access to the internet – the plans were made available in accordance with the Council protocol for advertising an application. It is impossible to supply copies of plans for all individuals. Paper copies of the plans are available for inspection at Council Offices

The plans are incorrectly marked with Lingfield Road and Emily Hall Gardens – this was an unfortunate error but does not have a material impact in considering the application

Concerns regarding the dry stone walls within the site – will they be retained – these have been shown to be retained within the scheme wherever possible

There is no demand for new houses as there are unbuilt houses with planning permission and lot of houses for sale – this is not a material planning consideration

The development will reduce the appeal and value of existing dwellings – this is not a material planning consideration

It will affect rights for the protection of private life and home as it will seriously affect the enjoyment of the property and will be an interference with rights under Article 8 of the Human Rights Act 1998 – this has been thoroughly assessed with regard to the impact on the adjacent properties and it is not considered that it will cause any significant harm to the residential amenities of the occupiers of the neighbouring dwellings

Has an environmental impact study been done? – an EIA has not been carried out but a scoping opinion was undertaken which identified that an EIA was not required

The village has limited shopping and recreation facilities – Section 106 money has been secured to improve recreation facilities. The additional houses will generate further support for the local businesses and ensure their retention and continued growth

The GP's surgery is full – this is not a material planning consideration

Developments on this site have already been turned down twice – there have been no relevant previous planning applications on this site

Broadband and water pressure will be affected – the issue of broadband is not a material planning consideration whilst Yorkshire Water have not objected to the proposal

There are existing mine shafts on the site – this issue has been raised with the applicant and they are fully aware of its existence

There are underground natural springs in the area – no objections have been received from the appropriate organisations with regards to the impact on any natural springs

Community Safety Implications:

There are no community safety issues associated with the proposal other than those referred to in the above sections of the report.

Reason for Granting Planning Permission:

The scheme provides a residential scheme on a site for which the density, scale, form, layout and design of the proposal are acceptable and present no concerns with regard to residential amenity and highway safety. The proposal is considered acceptable and, with the attached conditions and legal agreement to secure a contribution towards affordable housing, education, recreation and off-site highway improvements, satisfies the requirements of policies UDP1, UDP3, UR3, UR5, UR6, H7, H8, H9, TM1, TM2, TM12, TM19A, D1, D4, D5, NE5, NE6, NE10, CF2, OS5, and, NR16 the adopted Replacement Unitary Development Plan.

Conditions of Approval:

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

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

- 2) The development hereby approved shall only be carried out in accordance with the approved plans listed below:

Drawing number 3436/PD dated Sept 2011 showing the Tutbury Type Planning Drawing and received by the Council on the 29th September 2011

Drawing number 3436/PD/ST dated March 2011 showing the Edlingham Stone Type Planning Drawing Elevations and received by the Council on the 29th September 2011

Drawing number 3436/PD dated July 2011 showing the Rochester Stone Type Planning Drawing and received by the Council on the 29th September 2011

Drawing number 3436/PD dated Sept 2011 showing the Middleham Type Planning Drawing Stone and received by the Council on the 29th September 2011

Drawing number 3446/PD/39 Rev B dated August 2010 showing the Salcombe 'Corner' Type Planning Drawing and received by the Council on the 29th September 2011

Drawing number 3436/PD/ST Rev A dated March 2011 showing the Salcombe Stone Type Planning Drawing and received by the Council on the 29th September 2011

Drawing number 3446/PD/ dated July 2011 showing the Tiverton Type Planning Drawing and received by the Council on the 29th September 2011

Drawing number 3446/PD dated July 2011 showing the Cheveley Type Planning Drawing and received by the Council on the 29th September 2011

Drawing number 3436/PD/ST dated March 2011 showing the Hadleigh Stone Type Planning Drawing and received by the Council on the 29th September 2011

Drawing number 3436/PD/ST Rev A dated March 2011 showing the Kenilworth Stone Type Planning Drawing and received by the Council on the 29th September 2011

Drawing number 3436/PD/ST Rev A dated March 2011 showing the Adlingham Stone Type Planning Drawing Elevations and received by the Council on the 29th September 2011

Drawing number 3436/PD dated April 2010 showing the Adlingham Type Planning Drawing Plans and received by the Council on the 29th September 2011

Drawing number 3436/PD/ST dated March 2011 showing the Canterbury Stone Type Planning Drawing and received by the Council on the 29th September 2011

Drawing number 3436/PD/ST dated March 2011 showing the Porchester Stone Type Planning Drawing Elevations and received by the Council on the 29th September 2011

Drawing number 3436/PD/ST dated March 2011 showing the Bamburgh Stone Semi 'front door Option A' Type Planning Drawing and received by the Council on the 29th September 2011

Drawing number 3436/PD/ST Rev A dated March 2011 showing the Dunstanburgh Stone Type Planning Drawing and received by the Council on the 29th September 2011

Drawing number 11-014-P55 dated May 2011 showing the Proposed Streetscenes and received by the Planning Authority on the 29th September 2011

Drawing number 2249/3 Rev B dated 14 Jul 11 showing the Landscape Proposals and received by the Planning Authority on the 29th September 2011

Drawing number S7437 dated February 2011 showing the Site Survey and received by the Council on the 29th September 2011

Drawing number 282-C-50 dated 09/03/2012 showing the Refuse Vehicle Swept paths and received by the Council on the 13th March 2012

Drawing number 11-014-1 'H' dated May 2011 showing the Site Plan and received by the Council on the 13th March 2012

Drawing number J085/offsite/Fig1 dated 11/3/2012 showing the Offsite Improvements and received by the Council on the 13th March 2012

Drawing number J085/access/Fig1 dated 28/2/2011 showing the Site Access and received by the Council on the 13th March 2012

The Site Location Plan received by the Council on the 13th March 2012

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

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

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

- 4) The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

Reason: In the interests of satisfactory and sustainable drainage and to comply with policy UR3 of the Replacement Unitary Development Plan.

- 5) Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either of the centre line of the sewers, which cross the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

- 6) No piped discharge of surface water from the development site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.

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

- 7) The development shall not begin until details of a scheme for foul and surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. 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 policy UR3 of the Replacement Unitary Development Plan.

- 8) Any visibly contaminated or odorous material encountered on the site during the development work, must be excavated and stockpiled at the site. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present, and its potential for the pollution of the water environment and other associated risks. Details of the appropriate measures to prevent pollution of the groundwater and surface water, including provisions for monitoring, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

Reason: To protect the water environment and ensure that the site is reclaimed to an appropriate standard and to comply with policy UR3 of the Replacement Unitary Development Plan.

- 9) Before any of the dwellings to be constructed as part of the development are brought into use the adoptable visibility splays hereby approved on plans numbered 11-014-1 'H' and J085/access/Fig1 shall be laid out, hard surfaced, sealed and drained within the highway.

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

- 10) Before any works towards construction of the development commence on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site to base course level in accordance with the approved plan numbered 11-014-1 'H' and completed to a constructional specification approved in writing by the Local Planning Authority.

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

- 11) 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.

- 12) Before any of the proposed dwellings to be constructed as part of the development are occupied, the vehicle turning areas hereby approved shall be laid out, hard surfaced, sealed and drained within the site, as shown on approved plan 11-014-1 'H', and retained as such whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse onto or from the highway in the interests of highway safety and to accord with policies TM2 and TM19A of the Replacement Unitary Development Plan.

- 13) Unless otherwise agreed in writing by the Local Planning Authority, notwithstanding the details shown on the plans, before any development commences on site, full details of the type and position of down lighting units for the buildings and car parking areas, including measures for ensuring that light does not shine directly on the adjacent public highways or is visible to highway users, shall first have been submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be carried out and maintained thereafter whilst ever the use subsists.

Reason: No suitable details have been submitted, to avoid road users being dazzled or distracted in the interests of highway safety and to accord with policies TM2 and TM19A of the Replacement Unitary Development Plan.

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) the garages shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of a private dwelling house) which would preclude the use for the housing of a private motor vehicle.

Reason: To secure a satisfactory standard of on-site parking provision in accordance with the Councils policies and in the interests of highway safety and to accord with policies TM2 and TM12 of the Replacement Unitary Development Plan.

- 15) Before any development works start on site, full details for the works associated with any Section 278 Agreement shall be submitted to and approved in writing by the Local Planning Authority. The plans so approved as well as appropriate timescales for the delivery of these highway improvements shall be implemented in accordance with the specifications of the Local Highways Authority.

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

- 16) Any gates to be constructed as part of the development shall not open over the highway.

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

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

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

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

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

- 18) Unless otherwise agreed in writing by the Local Planning Authority, the development shall not begin until a scheme of landscaping the site, which shall include details of all existing trees and hedges on the land and details of any to be retained, has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 20) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) PR/LEM/33412 dated April 2011 and the following mitigation measures detailed within the FRA:

Limiting the surface water run-off generated by the site to no greater than 10 litres/second. This applies for up to and including 1 in 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

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

- 21) The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, 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 remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

- 22) Prior to development commencing full details of the proposed changes in levels, including a survey of the existing and proposed levels, details of the volume in tonnes or cubic metres and nature of any materials to be removed or deposited and details of

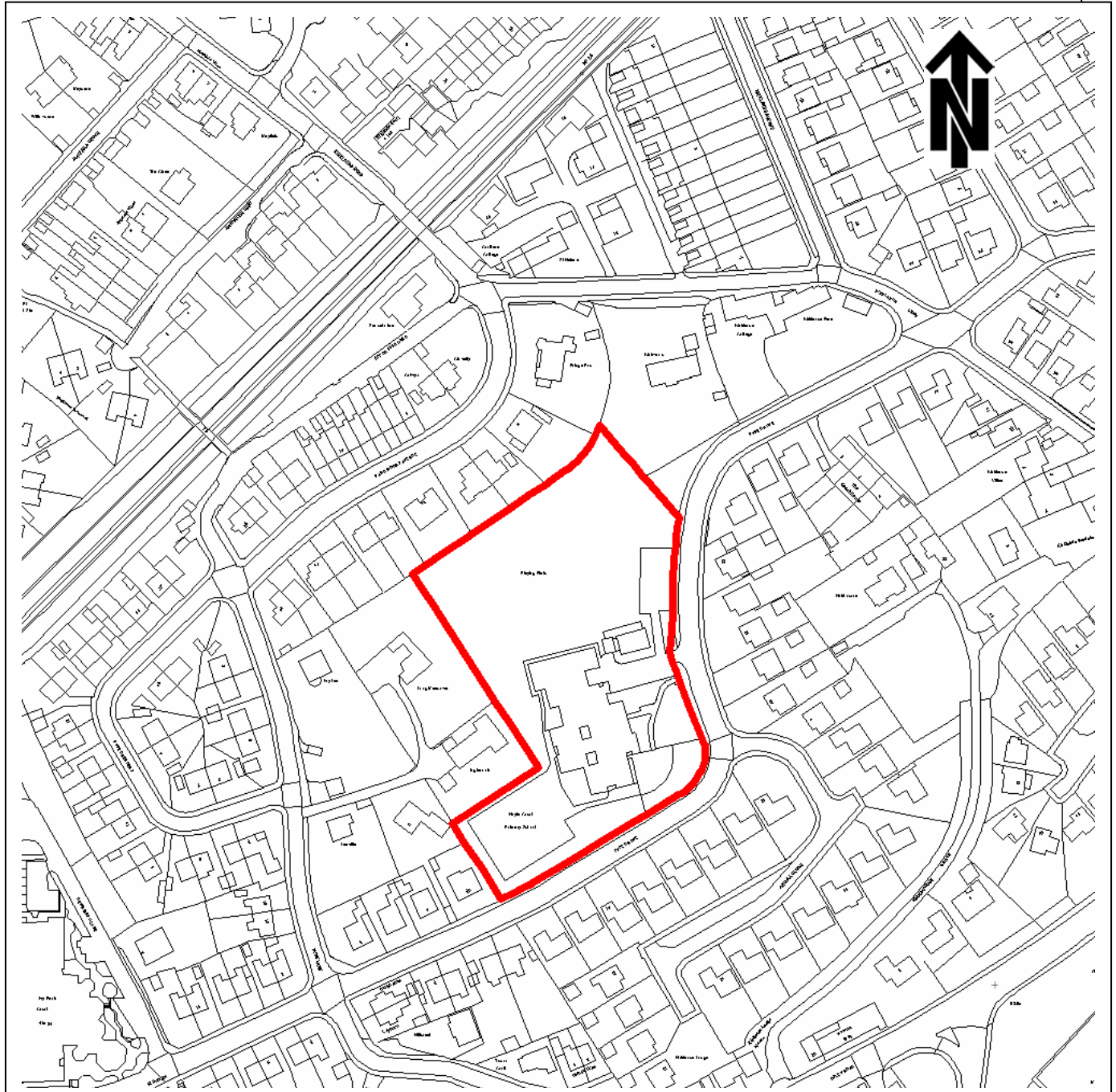
the number of vehicle movements likely to be required to transport the aforementioned materials shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be adhered to.

Reason: In the interests of pollution prevention and resource conservation and to accord with policies UR2 and UR3 of the replacement Unitary Development Plan.

Area Planning Panel (Shipley)

12/00824/VOC

11 April 2012



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ITEM NO. : 2	LOCATION: Hoyle Court Primary School Fyfe Grove Baildon
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11 April 2012

Item Number: 2
Ward: BAILDON
Recommendation:
TO GRANT APPROVAL FOR THE REMOVAL OF THE CONDITION

Application Number:
12/00824/VOC

Type of Application/Proposal and Address:
Application for the removal of condition 4 attached to planning approval 11/00726/FUL to proceed with development without the erection of an acoustic fence.

Applicant:
Mr Steven Jenks

Agent:
William 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 and the first phase of the extensions permitted under application 11/00726/FUL), a hard surfaced school yard and play equipment and a relatively small grassed playing field.

The school yard is located to the south west of the school buildings and is bounded by three residential dwellings, Inglenook to the north west, 8 Fyfe Grove to the west and 10 Fyfe Grove to the south west. The boundary with 10 and 8 Fyfe Grove is marked by a stone wall to a height of approximately 1m whilst the boundary with Inglenook, which is positioned at a higher level than the playing ground, is marked by a low stone wall, a landscaped slope beyond and a then a substantial conifer hedge.

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

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

11/00726/FUL Construction of a new single storey extension comprising four new classrooms, workshop area and library with associated toilet and cloakroom areas, stores etc. GRANT 09.08.2011

Replacement Unitary Development Plan (RUDP):

Allocation

Part of the site is designated as protected playing field where policy OS3 would apply. The school yard is on unallocated land.

Proposals and Policies

UR3 – The Local Impact of Development

D1 – General Design Considerations

P7 – Noise

The Draft National Planning Policy Framework (DNPPF):

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Draft Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

No comments as of 16th March – deadline for comments 19th March 2012

Publicity and Number of Representations:

The application has been publicised by way of neighbour notification letters, site notice and advertisement in the local press, with an overall expiry date for comments to be received of 24th March 2012. One representation has been received from the resident of 19 Fyfe Grove

Summary of Representations Received:

I do not want an acoustic fence putting up near to my garden wall. The visual effect would not please me. I therefore support the application.

Consultations:

Environmental Protection:

Following the receipt of further information about this application I have no objections to the removal of condition 4 from the planning approval.

I have taken into consideration that the school day is relatively short and that any noise would be during the day when most people are at work, therefore not intruding on anyone's sleep.

I have concerned that the increase number of children may mean that break times are staggered and the children are out playing out for longer periods. However, if complaints are received by this Department in connection with noise from the school then they would be investigated.

The erection of such a large fence would be costly and at this time not required. I have also been informed that a number of residents would not wish to have such a fence at the bottom of their garden.

Summary of Main Issues:

1. Nature of the noise issue
2. Efficacy of the proposed acoustic fence
3. Whether the acoustic fence will have a detrimental impact on visual and residential amenity that would be significant enough to outweigh the benefits in terms of noise reduction.

Appraisal:

The application is for the removal of condition 4 attached to planning approval 11/00726/FUL.

Planning permission was granted by the area planning panel in July 2011 for extensions and alterations to the existing primary school to facilitate a projected increase in pupil numbers (app No. 11/00726/FUL). Previously the school accepted a one form entry each year. The additional space was sought to provide accommodation for a one and a half form entry. This will result in a staggered increase in pupil numbers over a 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%).

This application attracted a large number of objections, including one from 8 Fyfe Grove raising concerns about the impact of the extra noise from the increased number of pupils on their residential amenity. No objections were received from the other two neighbours adjoining the playground – Inglenook and 10 Fyfe Grove.

The condition requiring the erection of acoustic fencing along the boundary where adjacent to residential dwellings was added by members at panel. Unfortunately the minutes of the meeting do not record the reasons for their doing so and from the minutes it does not appear that there was a discussion about the noise concerns.

The applicant does not wish to comply with this condition and is therefore requesting its removal. The applicants have commissioned a report to investigate the noise associated with the use of the playground and to assess the likely effectiveness or otherwise of acoustic fencing.

The report notes that the adjacent residential properties do suffer from a "relatively high" level of noise from the playground and that an acoustic barrier could provide a significant attenuation to the level of noise at the dwellings.

The sound testing conducted in the playground during break time found that the noise was around 55-80 dB (A) with occasional peaks up to 100 dB (A). Once playtime was over the background noise level was around 45dB (A). A suitable barrier (with the optimum height being 2.5-3m above ground level) could reduce the noise by around 15dB(A) to 20dB(A), although the higher level would only be achieved "under relatively restricted conditions, if at all". A reduction of 10dB (A) to the human hearing system equates to around a halving of the noise experienced, so a reduction of 10 -15dB (A) will be a reduction of around a half to one third. The report includes calculations to show the theoretical effectiveness of different heights of barrier on the dwellings to the west and north of the playground. A barrier of at least 2.5m above ground level is recommended, in the form of a carefully designed timber fence.

Pupils attend school 5 days a week for approximately 40 weeks a year, about 55% of 365 days in the year. On school days the playground is used for a brief period when the children arrive in the morning, for two 15 minute breaks and for about an hour at lunch time. These are not noise sensitive parts of the day and the playground is unused at the weekend and during school holidays, including a 6 week period over the summer which includes the whole of August. Therefore, whilst an acoustic fence may provide a significant reduction in the noise experienced by neighbouring occupants, the noise is only experienced for relatively short amounts of time, at insensitive times of the day for a limited number of days per year. Any decision regarding the fence must take into account the impact of the noise and the efficacy of the proposed fence and weigh this against the impact of the structure on visual and residential amenity and considerations regarding the level of amenity that residents bounded by a school playground can reasonably expect. It would also seem reasonable to consider the cost and maintenance burden the fence would place on the school.

The application for the removal of the condition is accompanied by a site plan showing that the acoustic barrier would need to be erected in a L shape along the boundary with Inglenook to the north west, 8 Fyfe Grove to the west and 10 Fyfe Grove to the south west. 8 and 10 are positioned relatively level with the playground, whilst Inglenook is set approximately 1.8m higher. A sectional drawing through the boundary with Inglenook shows that to provide a 3m barrier above the ground level of this property, the fence along the northern boundary of the playground would need to be 4.8m tall; a very substantial structure that would be visible in public views from Fyfe Grove. This boundary is currently treated with a tall conifer hedge which is approximately 2 or 2.5m tall level with the dwelling. Once the barrier was constructed, a gap of about 3m would remain between it and the neighbour's hedge. The acoustic fence would project a limited amount above the level of the existing hedge; this coupled with its position to the south of the dwelling will prevent serious overshadowing.

Along the western boundary the fence would need to be 2.5m or 3m depending on the level of attenuation desired. 10 Fyfe Grove has a number of ground floor windows which would suffer a degree of overshadowing, particularly in the morning before the sun moves round and it is considered that this would have some detrimental impact on residential amenity. A 3m barrier in particular would be a rather oppressive boundary feature.

It is considered that to be effective, a fence of between 2.5 and 3m above ground level of the adjacent dwellings would be required. Whilst this would reduce the noise experienced by neighbouring properties by a half to a third, the physical structure will have some detrimental impacts on residential amenity. In addition, the fence, particularly the section along the northern playground boundary, would be a very strident and visually incongruous feature resulting in significant harm to visual amenity.

The residents of the neighbouring properties purchased their homes in the knowledge that they were bounded by a school playground and could therefore reasonably expect to be affected by noise during break and lunchtimes during school days. It is acknowledged that pupils at the school will increase following the grant of planning permission 11/00726/FUL and that this may result in an increase in the levels of noise generated. However, given that the noise is experienced during term time only for relatively short periods of time at noise insensitive times of the day it is not considered that the harm this causes to residential amenity is so significant as to warrant the erection of a substantial barrier fence that will have detrimental impacts on visual and residential amenity, contrary to policies D1 and UR3 of the RUDP.

The requirements of policies UR3 (The Local Impact of Development), D1 (General Design Considerations) must be weighed against that of P7 (Noise). P7 requires that where development proposals give rise to unacceptable noise problems by virtue of their nature and/or location developers will be required to carry out any remedial measures necessary to satisfactorily overcome the problem. The noise problem arising from the increase in pupil number is not considered to be unacceptable and the physical impacts of the barrier are considered to be contrary to the requirements of policies D1 and UR3. Recommendation is therefore for the approval of the application to remove the condition.

Community Safety Implications:

None apparent.

Reason for Granting Planning Permission:

This permission re-issues planning permission 11/00726/FUL which has already been implemented, but with the removal of condition 4 which required the erection of an acoustic fence around the schools playground adjacent to neighbouring properties. The increase in pupil numbers at the school is likely to result in some increase in the level of noise generated by the existing playground. Whilst an acoustic barrier could significantly attenuate the noise arising from the use of the playground the noise is experienced for a limited amount of time during school days at noise insensitive times of the day and not at all during weekends and holidays. Therefore deletion of condition 4 would not significantly impact on residential amenity so as to justify refusal under policies D1 and UR3 of the RUDP.

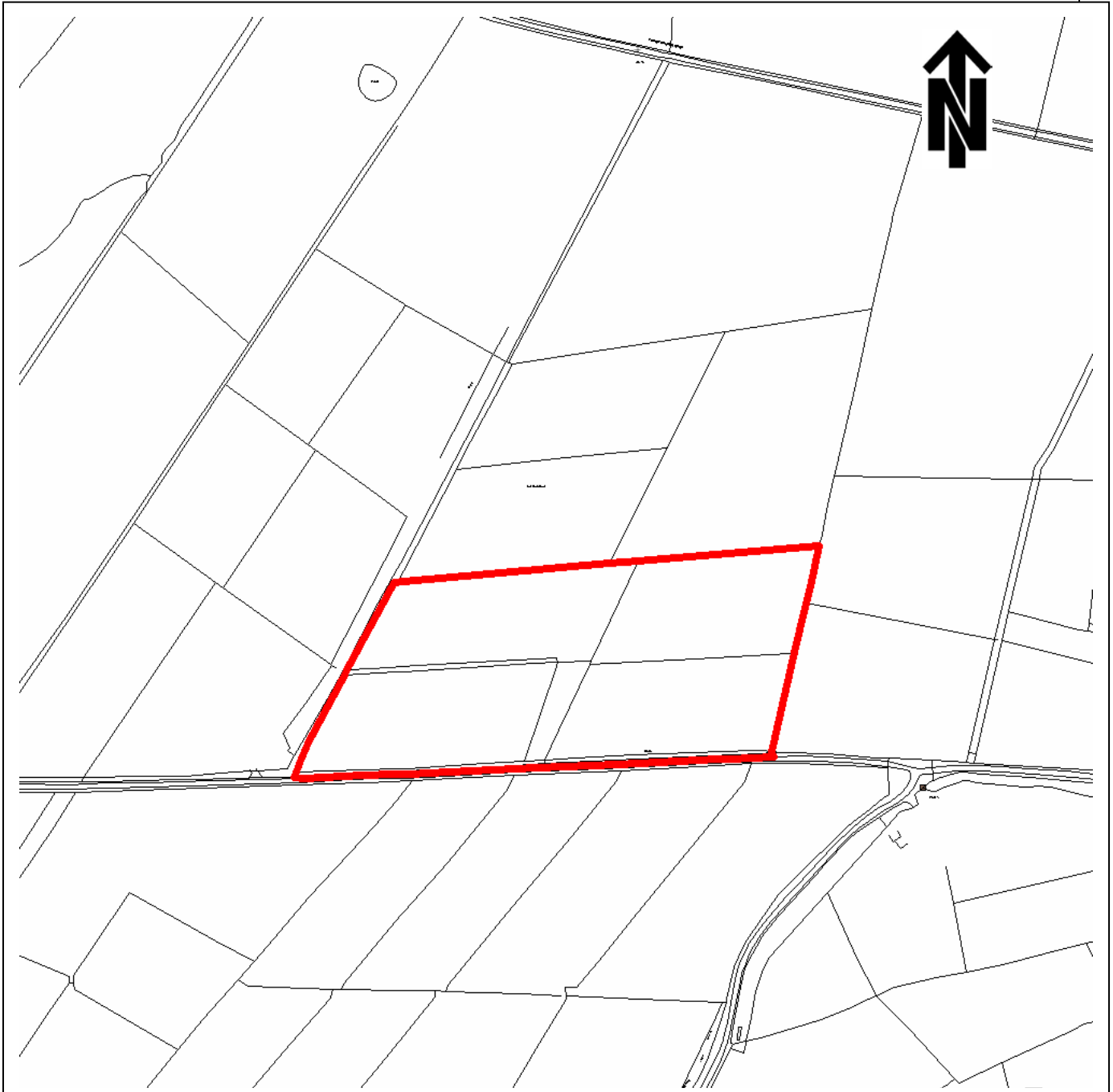
Conditions of Approval:

All other conditions relating to 11/00726/FUL

Area Planning Panel (Shipley)

12/00106/FUL

11 April 2012



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ITEM NO. : 3	LOCATION: Land At Thornton Moor Foreside Lane Denholme
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11 April 2012

Item Number: 3

Ward: BINGLEY RURAL

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:

12/00106/FUL

Type of Application/Proposal and Address:

Full application for installation of a 60m high cable stayed wind monitoring mast for a period of 3 years at Land at Thornton Moor, Foreside Lane, Denholme.

Applicant:

Banks Renewables (Thornton Moor Wind Farm) Ltd

Agent:

Banks Group

Site Description:

The application site is at the junction of four fields on the northern side of Foreside Lane. The site is between Denholme and Queensbury, approximately 900m from Halifax Road. The area is rural in character and the nearest residential properties are at Denholme Gate 900m to the east.

Relevant Site History:

No relevant site history

Replacement Unitary Development Plan (RUDP):

Allocation

The site is designated as Green Belt on the RUDP Proposals Map.

The site is within an area identified as Upland Pasture in the Landscape Character Assessment Supplementary Planning Document.

Proposals and Policies

UR2 – Promoting Sustainable Development

UR3 – The local impact of development

D1 – General design considerations

GB1 – Development in Green Belt

NR12 – Renewable Energy

NR13 – Wind Turbine Developments

NE3 and NE3A – Landscape Character Areas

NE10 – Protection of Natural Features and Species

NR17A – Water Courses and Water Bodies

Planning Policy Statement 22: Renewable Energy

The Draft National Planning Policy Framework (DNPPF):

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Draft Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Denholme Town Council have no objections to the proposal but request that the decision is made by the Shipley Area Planning Panel.

Publicity and Number of Representations:

The application was publicised by letter to occupiers of surrounding premises and site notices. Expiry date for comments was the 24th January 2012.

A petition against the proposal has been received with 223 signatures. 100 individual letters of objection have been received from 78 households/representatives, including correspondence from Thornton Moor Windfarm Action Group, Philip Davies MP, Bronte Parsonage Museum and Oxenhope Parish.

Summary of Representations Received:

Visible from Haworth Moorland – pollution of skyline
Use of heavy duty construction equipment
Effect on wildlife
Effect on greenbelt
Effect on landscape area
Effect on Site of Special Scientific Interest (SSSI)
Effect on Bradford Wildlife Area (BWA)
Impact on landscape
Inappropriate in special landscape area
Nuisance noise fumes dirt disturbance
Out of keeping with surroundings
Effect on character of conservation area
Effect on setting of listed building
Loss of visual amenity
Non compliance with approved policy
Not in accordance with development plan
Loss of trees

Overshadowing
Pollution of watercourse
Poor vehicle access
Traffic congestion
Visual intrusion
Inadequate drainage
Inappropriate design / materials
Loss of residential amenity
Loss of right and public access
Traffic and pedestrian safety
Inadequate parking provision
Loss of privacy
Precedent
Damage to local economy

Additional Representations from Thornton Moor Windfarm Action Group (TMWAG):

The applicants have incorrectly completed the application form in relation to pre application advice, location of watercourses, visibility from public footpaths, effect on protected species and habitats, designated sites and biodiversity features. Consideration should be given to the disturbance of the above during construction.

The exact position of the mast is unclear as the site plan covers a large area.

Access to the site will be difficult as part of the track is impassable.

Detail relating to how the drilling points are formed has not been submitted.

Details of the mast diameter are inconsistent between the design statement and plans.

Is the power for the mast solar, generator or cable fed?

The submitted photographs could be misleading depending on range of photo, lens used, location and direction taken.

The application does not fulfill the applicants obligation with Circular 01/06 (Communities and Local Government) Guidance on Changes to the Development Control System as the mast design cannot be varied, the choice of site has not been justified, access issues have not been addressed, the sensitivity of the site has not been addressed and no community discussion has taken place regarding the mast.

The manufacturer of the mast has not been identified or limitations considered. This could create a health and safety issue.

Bird diverters have not been considered.

Bird diverters could be visually intrusive and create a topple risk.

Foundation details re anchor points have not been provided; are chains or wires to be used?

What is the excavator mentioned in the application to be used for?

Ground nesting birds could be affected by the construction of the mast.

Renewable energy policies should not be considered as the mast does not produce any energy and the development is therefore inappropriate.

The proposal is contrary to Green Belt policy, it will not maintain openness, nor maintain or enhance the landscapes attractiveness.

The temporary nature of the mast does not mitigate the consequences that it may leave.

The residents of Denholme Gate have not been referred to by the applicants, these are the people most affected by the proposal.

The lack of turbines in the Bradford area should not add weight to the application.

The mast has not been situated in an appropriate location and its impact has not been minimised as it is close to an SSSI and BWA, and away from existing infrastructure.

Policies NE3, NE3a, NE7, NE9, UR2 and GB3 have either not been acknowledged or not been satisfied as part of the application.

The applicant has cherry picked quotes from the Landscape Character SPD to support the application.

Future policies including the LDF should not be considered until formally adopted.

Appeal decisions relating to other applications should not be considered relating to this site as each application should be assessed on its own merits.

No ecological appraisal has been submitted with the application.

The applicant has not demonstrated that very special circumstances exist to outweigh the loss of openness, encroachment of development or detriment of the character of the landscape.

The development can only be viewed as shortsighted and piecemeal.

The mast will be visible from the historical 'Bronte Way'

Consultations:

The Landscape Design Unit advise that there are a number of electricity and telegraph poles in the vicinity, and as the mast is temporary there would be no long term damage to the landscape character.

The Drainage Team advise that the site access and anchor rods should be constructed / positioned to avoid damaging the watercourse structure.

The Highways Team raise no objections, but advise that there is no right of way to the site.

The Biodiversity Team – no comments received.

Natural England has no objections subject to bird diverter discs being fitted to guy lines. They are happy with the discs proposed.

Summary of Main Issues:

- i) Impact on local environment;
 - a) Green Belt
 - b) Landscape Character Area
- ii) Impact on neighbouring occupants;
- iii) Impact on highway safety.

Appraisal:

Renewable Energy Developments:

Government guidance on renewable energy is set out in Planning Policy Statement 22: Renewable Energy (PPS22) and Planning for Renewable Energy; A Companion Guide to PPS22. These documents emphasis the importance of balancing the need for the generation of energy from renewable sources with the impact of a proposed development on the local environment. This approach is reflected in the RUDP policies.

Policy NR12 of the RUDP relates to renewable energy in general and states that such development proposals will be encouraged providing there is no significant conflict with other relevant policies in the plan, and there is no adverse impact to nearby communities.

Policy NR13 is specific to wind turbine developments. It indicates that proposals for individual wind turbines will be permitted provided that;

- (1) the development will not adversely affect:
 - a) the character of the landscape;

- b) upland or moorland areas which currently have no or little development or contain areas of historical interest;
- (2) special attention is paid to the relationship of proposals to other wind farms/turbines in the area;
- (3) the development is located to ensure that there are no unacceptable noise problems for local residents;
- (4) the siting, design, materials and colour of the turbines and ancillary structures are such that their visual impact is minimised;
- (5) the developer undertakes to remove structures and to restore fully the site to the satisfaction of the council, should all or part of the site become non-operational for more than six months.

There is therefore, strong support both at national and local level for renewable energy developments, but the need for such developments must clearly be considered in the light of other planning interests, in particular, the impact on the local environment and local residents.

It should be noted that this application is for a monitoring mast and not an actual turbine, but it is considered that PPS22 and Policies NR12 and NR13 of the RUDP should be taken into consideration.

Impact on Local Environment:

It is not considered that the proposal would be detrimental to the character of the local area as there are a number of other vertical structures visible on the skyline. The mast can be painted a colour so as not to be visually over prominent in the landscape, thereby reducing its impact. The proposal is therefore considered to comply with Policy D1 of the Replacement Unitary Development Plan.

Impact on Green Belt

PPG2 is the main source of policy on development in the green belt and is reflected in RUDP Policy GB1 – there is a presumption against inappropriate development in the green belt for purposes other than uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

PPS22 states that elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the green belt, and it is for developers to demonstrate that there are very special circumstances that outweigh any harm. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

The applicant has made reference to the fact that the mast is to be located in the green belt and has demonstrated that the use of the land will preserve the openness of the Green Belt and not conflict with the purposes of including the land in it.

The applicant has also submitted an argument for very special circumstances that could outweigh the harm of the development by reason of its inappropriateness. The submission points out that the mast is for a limited period of time and that there is a need to maximise any opportunities to deliver an increase in renewable energy generation. Therefore the need to investigate the site for its renewable energy potential could be regarded as very special circumstances which would outweigh the limited harm to the green belt.

These environmental benefits are considered to constitute very special circumstances.

Impact on Landscape Character

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) recognises that there are areas of local landscape outside nationally designated areas, that are particularly valued locally, and that these should be protected by criteria based policies in local development documents.

Policies NE3 and NE3A of the RUDP require that development does not adversely affect the particular character of these areas, in particular, it should not cause unacceptable visual intrusion or introduce incongruous landscape elements.

The companion guide to PPS22 states that landscape and visual effects should be assessed on a case by case basis. It also states that 'proposed developments should be assessed using objective descriptive material and analysis wherever possible'.

The Council has identified the important Landscape Character Areas in the District and carried out Character Assessments of these Areas. The application site lies in the Upland Pasture landscape type of the Thornton and Queensbury Landscape Character Area.

This section of the Thornton and Queensbury upland pasture occurs to the western boundary of the character area, to the south west of Denholme on the fringes of the moorland of the Pennine upland. This area extends up to the settlement of Denholme itself. In character it is very much marginal pasture, often rush dominated, sheep and cattle graze with relatively small enclosures bounded by stone walls on the gentle upper slopes.

Within this document the landscape in question is described as declining in condition due to a proliferation of telegraph poles. While this is not necessarily a reason for installing further vertical structures, it does mean that the single and slender mast that is proposed will not stand out in solitude.

Impact on the amenity of occupiers of neighbouring properties:

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should not harm the amenity of prospective or existing users and residents.

The nearest group of dwellings is located approximately 900m from the proposed mast. The mast will be visible in the outlook from some residential properties on Halifax Road, however, in view of the distance between the dwellings and the mast it is not considered that the mast will be overbearing in relation to these properties or impinge to an unacceptable degree on their outlook.

Impact on Highway Safety:

The site is accessed from Halifax Road via Foreside Lane, which is not an adopted highway nor does it have any definitive rights of way. To use this road the applicant will require the land owners permission. The application form indicates that the applicant has served notice on the landowners.

After initial installation only light vehicles are expected to visit the site on infrequent occurrence. The proposal is therefore not considered to have a detrimental impact in terms of highway safety from traffic generation.

Community Safety Implications:

The proposal poses no apparent community safety implications and is considered to accord with Policy D4 of the Replacement Unitary Development Plan.

Comments on representations not referred to in report body:

Effect on SSSI – The site is not within or abutting a SSSI. The site is within 2km of the South Pennine Moors SSSI within which a consultation must be undertaken with Natural England.

Effect on BWA – The site is not within or abutting a BWA. The closest BWA's are 700m to the north, 900m to the east and 400m to the west.

Inappropriate in special landscape area – the site is not within or abutting a special landscape area.

Effect on character of conservation area – the site is not within or abutting a conservation area. The closest Conservation Areas are Cullingworth to the north and Thornton to the east.

Effect on setting of listed building – the closest listed building is approximately 900m to the east.

Loss of trees – there are no trees affected by the proposal

Overshadowing – no dwellings are close enough to the proposal to be overshadowed.

Pollution of watercourse – no pollutants are being used on the site

Loss of right and public access – there are no rights of way affected by the site. The closest footpaths are 200m to the east and 200m to the south east of the site.

Loss of privacy – no overlooking will occur from the site.

Damage to local economy – the local economy is not considered to be at risk from the proposal.

Reason for Granting Planning Permission:

The proposal is not considered to impact on the already vertically interrupted form of the local landscape. The proposed mast would be a temporary structure and consequently there would be no damage to the landscape character in the long term. The proposal has been considered in relation to policies UR2, UR3, D1, GB1, NR12, NR13, NE10, NR17A, NE3 and NE3A and is considered acceptable.

Conditions of Approval:

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

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

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

Location plan, HJB/TA728/35, dated 15.12.11.

Site plan, HJB/TA728/36, dated 15.12.11.

mast arrangement, HJB/TA728/37, dated 15.12.11.

Received by the Council on 11.1.12

Letter, GB/LRA RE/M/728/PL, dated 17.2.12.
Bird deflector images, HJB/TA728/50, dated 17.2.12.

Received by the Council on 20.2.12

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

3. Three years from the date of approval the mast hereby permitted shall be permanently removed from the site and the site and access route restored to their former condition.

Reason : To maintain the character and appearance of the green belt and landscape character and to accord with Policies UR3, GB1, NE3 and NE3A of the Replacement Unitary Development Plan.

4. On installation the mast hereby approved shall have a matt grey or white painted finish unless otherwise agreed in writing prior to installation.

Reason: To reduce the prominence of the mast in its setting in accordance with policies UR3, GB1, NE3, NE3A and D1 of the Replacement Unitary Development Plan.

5. As specified in plan HJB/TA728/50 received by the Local Planning Authority on 20.2.12, bird deflector discs shall be fitted to the guy wires and thereafter retained for the life of the mast.

Reason: In the interests of species protection and to accord with Policy NE10 of the RUDP.

6. The access to the site and the four land anchors used to attach the steel guy wires shall be constructed / positioned to avoid the watercourse to the south of the site.

Reason: To prevent disruption to the watercourse and to comply with Policy NR17A of the RUDP.
