

REPORT TO AREA PLANNING PANEL (KEIGHLEY)

**REPORT OF THE STRATEGIC DIRECTOR OF REGENERATION TO THE MEETING OF
THE AREA PLANNING PANEL (KEIGHLEY) TO BE HELD ON 17th April 2008**

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SUMMARY STATEMENT - PART ONE

Items include:

- ◆ Items deferred from a previous Sub-Committee
- ◆ Applications subject to approval under Section 106 Agreement of the Town and Country Planning Act 1990
- ◆ Applications with Petitions
- ◆ Requests for Enforcement/Prosecution Action
- ◆ Regulation 3 of the Town and Country Planning General Regulations 1992
- ◆ Decisions by the Secretary of State
- ◆ Miscellaneous Items

The sites concerned are:

Vale Mill Stable, Vale Mill Lane, Haworth
Guardhouse School / Phoenix / Whinfield Youth Club, Braithwaite Avenue, Keighley
Oldside, Shoebridge Avenue, Eastburn.
Fairfax Copy, Moss Carr Road, Long Lee, Keighley
Marton Gate, 1 Tim Lane, Oakworth, Keighley
3 Nutt Head Cottages, Redcar Lane, Steeton.
3 Ghyll Close, Steeton, Keighley
13 Carr Grove, Riddlesden, Keighley
Dunkirk Mill, Hawksbridge Lane, Oxenhope, Keighley
Crag Top, Green Lane, Burley Woohead, Ilkley
Land at Bridge Farm, Aire Valley Road, Steeton with Eastburn
4 Cavendish Street, Keighley

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Area Planning Panel (Keighley)

17th April 2008



ITEM NO.

1

LOCATION

**Vale Mill Stables, Vale Mill Lane
Haworth**



DATE: 17 APRIL 2008
ITEM No: 1
WARD: WORTH VALLEY
RECOMMENDATION: TO GRANT PLANNING PERMISSION. THIS APPLICATION IS REFERRED TO THE PANEL SO THAT IT CAN ADVISE THE REGULATORY AND APPEALS COMMITTEE ON THE LOCAL IMPLICATIONS OF THE APPLICATION. THE APPLICATION MUST BE DETERMINED BY THE REGULATORY AND APPEALS COMMITTEE AS IT IS A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN AND IF THAT COMMITTEE IS MINDED TO GRANT PERMISSION THE APPLICATION WILL BE REFERRED TO THE SECRETARY OF STATE UNDER THE DEPARTURE DIRECTIONS 1999.

APPLICATION No: 07/08411/FUL

Type of Application/Proposal & Address

Full application for the construction of an enlarged ménage and cover over the existing and proposed new riding area (ménage) for use by disabled riders at Vale Mill Stables, Vale Mill Lane, Haworth

Resolution

The Keighley Area Planning Panel considered the above planning application on 13th March 2008. (The Technical Report is attached as Appendix A).

The Planning Panel resolved that the application be deferred to:

- (i) Allow officers from the local planning authority to fully investigate the Council's legal obligations in respect of equal opportunity and disability legislation in relation to this application.
- (ii) To enable the officers to seek an improvement from the applicant in respect of materials and colours proposed to be used in the construction of the enlarged ménage.
- (iii) Enable officers to provide further information to members of the panel to allow them to make a more informed decision in relation to this application in particular in relation to any special circumstances that may be relevant to this application.

Additional Information

The applicant has provided the following additional information to justify why this development should proceed in this green belt location;

- The Haworth RDA (Riding for the Disabled) is the only group which has been set up solely to provide exclusive facilities for the disabled in the Bradford Metropolitan Area and is a registered Charity run by volunteers who are trained in this area of expertise with horses which are specifically chosen for their gentle and suitable character. There are 25 suitably qualified instructors and the school takes over 150 disabled riders many of which come from the immediate area of Keighley. The school provides riding facilities for the Clock House Project, Braithwaite Special School (under negotiation), Airedale General Hospital Child Development Unit. The operator of the Haworth School is a Qualified Registered Examiner with the RDA.

- Riding facilities for the disabled are provided at Fagley in Bradford (alongside a commercial facility) and a small school in Bingley (alongside a livery facility) but there is no indoor arena at these schools.
- A new school is in the process of being set up in Wilsden which has an indoor arena but is not equipped to RDA standard, has no horses suitable and none of the staff have been trained in relation to the requirements of the RDA National Standards. This is attached to an existing riding school and livery yard.
- At the present time there is nowhere within the Bradford District where people with disabilities can ride supervised by fully trained staff and horses in an indoor arena as all the schools which appear to provide facilities for disabled are ancillary to their main use.
- The St. Ives School does not have an indoor arena as the building is not complete and work on the facility stopped over two years ago. The partially completed building cannot be used in its present form for health and safety reasons. The school does not have any staff or suitable horses at this time.
- A school at Shay Lane, Bradford takes the occasional disabled rider but the school is not RDA regulated and again none of the staff or horses are available as mentioned above.
- Bradford Council does not operate a scheme for disabled riders within the Metropolitan District unlike Leeds District Council who have operated such a facility at Middleton Park for a number of years.

The applicant has made the following amendments to the plans;

- The roof cladding is to be coloured dark brown or dark green with a sample to be submitted for approval;
- The timber cladding to be taken to 300mm above ground level externally with a 300mm art stone plinth;
- Submission of an indicative landscaping scheme with agreement to implement in the first planting season following construction, use of native trees, the type and species of which shall be submitted and approved prior to construction.

Relevant Legislation/Guidance

The Disability Discrimination Act (DDA) 1995 amended by the DDA 2005 places a legal duty on all public bodies to promote equality of opportunity for disabled people.

This legal duty means that the Council must, in carrying out its functions, have due regard to the need to;

- eliminate discrimination that is unlawful under the Disability Discrimination Act;
- promote equality of opportunity between disabled people and others;
- eliminate harassment of disabled people that is related to their disability;
- promote positive attitudes towards disabled people;
- encourage participation by disabled people in public life;
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

("Due regard" means that authorities should give due weight to the need to promote disability equality in proportion to its relevance to disability.)

In conjunction with the DDA legislation, the ODPM (Office of the Deputy Prime Minister) has published "Planning and Access for Disabled People" – A Good Practice Guide. This guide seeks to ensure that the Planning System successfully and consistently delivers accessible environments as an integral part of the development process.

National Planning Policy Guidance requires that Local Planning Authorities promote accessibility for people with disabilities without being too prescriptive about how this should be done.

PPS1: Delivering Sustainable Development states 'The Government is committed to developing strong vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens.'

PPG17: Planning for Open Space, Sport and Recreation - paragraph 18 encourages 'better accessibility of existing open spaces and sports and recreational facilities taking account of the mobility needs in the local population...'. Paragraph 20 states 'promote accessibility.....ensure that facilities are accessible for people with disabilities.'

National planning advice focuses on ensuring that development proposals secure a more accessible environment for all – creating an inclusive environment which can be used regardless of age, gender or disability.

The legislation and guidance that is of particular relevance to this proposal is the need to have due regard to the needs of people with disabilities, and promote equality of opportunity and accessibility. However, this has to be balanced against the policies in the development plan and all other material considerations, including the weight that should be attached to any very special circumstances suggested by the applicant.

The application site is in a prominent location in the Green Belt and this proposal would normally, therefore, constitute inappropriate development contrary to policy GB1 of the RUDP. The Local Planning Authority must therefore be satisfied that there are very special circumstances to grant planning permission for such development.

It is acknowledged that the provision of indoor riding facilities will enable some people with disabilities to participate in riding activities throughout the year whereas without such facilities they may be limited to riding in periods of good weather. The provision of indoor facilities will, therefore, promote equality of opportunity. Consideration must, however, also be given to whether such facilities are already available which meet the same needs and already provide equality of opportunity.

A search of the Riding for the Disabled Association (RDA) website reveals that there are four RDA affiliated riding schools in the Bradford District; Haworth Group (BD22) – the applicant's riding school;

Riverside Group (BD16) – no details of facilities available;
Throstle Nest Group (BD2) – no indoor riding facilities;
St.Ives (Bingley) Group (BD16) – this group has had planning permission for an indoor riding arena which has been largely built but apparently is not yet completed and available for use.

There are also some commercially run riding schools in the District which provide riding lessons for disabled people and have indoor riding facilities such as the Shay Lane Riding establishment.

It is apparent that indoor riding facilities exclusively for disabled people are limited in the Bradford District. Moreover, there are no RDA schools with indoor facilities in the Keighley constituency. It is considered, therefore, that the provision of such facilities in the Keighley constituency would promote equality of opportunity.

The application site has an established Disabled Riding School with stables, horses and ménage and a relatively large client base. It is considered that this, along with the need to promote equality of opportunity for disabled people in the Keighley area, constitutes very special circumstances which justify approval of the covered ménage in the Green Belt. If approval is granted on the grounds of these very special circumstances it is considered that the consent should be conditioned so that the building is used exclusively by disabled riders and is removed from the site when no longer required for this purpose.

The applicant has amended the appearance of the building and introduced landscaping which will help to reduce the visual impact of the building in the landscape in accordance with the requirements of Policy GB2 of the RUDP. It is considered that the building will remain prominent in the landscape but its impact on visual amenity, when weighed against the needs of disabled riders, is not considered to be so adverse as to warrant refusal.

Approval is recommended for the following reason:

Reason for Approval

The proposed development constitutes a Departure from the Development Plan but it is considered that there are very special circumstances that exist to justify an exception to Green Belt Policy and as such the proposal will accord with Policy GB1 of the RUDP. Consideration has been given to the visual impact of the development on the local environment and it is considered, with the mitigation measures proposed by the applicant, that the impact will not be so adverse as to warrant refusal when balanced against the very special circumstances offered by the applicant. As such the proposal complies with Policies UDP3, UR3, D1, GB2 and NE3/3A of the RUDP. There are no adverse implications for neighbouring occupants or highway safety and as such the proposal complies with Policies UR3 and TM2 of the RUDP.

Conditions of Approval

Riding centre for provision of lessons to riders with disabilities only – building to be removed and use to cease when no longer required for this specialised purpose.
Landscaping scheme submitted and have been approved in writing by the LPA prior to development commencing – species to be agreed, planting in first season following construction, replacement planting for trees and other vegetation dying within 5 years.
Roof colour samples to be submitted and secured approval prior to commencement of development and subsequently implemented as approved.

Timber colour samples to be submitted and secured approval prior to commencement of development and subsequently implemented as approved.
Artificial stone facing samples to be submitted and secured approval prior to commencement of development and subsequently implemented as approved.
Drainage scheme to be submitted and secured approval prior to commencement of development and subsequently implemented as approved.

APPENDIX1

DATE: 13 March 2008
ITEM No: 1
WARD: WORTH VALLEY
RECOMMENDATION: TO REFUSE PLANNING PERMISSION. THIS APPLICATION IS REFERRED TO THE PANEL SO THAT IT CAN ADVISE THE REGULATORY AND APPEALS COMMITTEE ON THE LOCAL IMPLICATIONS OF THE APPLICATION. THE APPLICATION MUST BE DETERMINED BY THE REGULATORY AND APPEALS COMMITTEE AS IT IS A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN
APPLICATION No: 07/08411/FUL

Type of Application/Proposal & Address

Full application for the construction of an enlarged ménage and cover over the existing and proposed new riding area (ménage) for use by disabled riders at Vale Mill Stables, Vale Mill Lane, Haworth

Site Description

An existing group of stable and shed buildings that are located in sloping fields within an allocated green belt site. A ménage also exists at the site in front the existing stable buildings. Access to the site is via Vale Mill Lane and to the south of this access point a residential static caravan is evident which has been granted temporary permission for a period of 10 years. The site is located within the mixed upland pasture area of the Worth and North Beck Valley character landscape area. Tree Preservation Order 0141 exists along the southern boundary of the site.

Relevant Site History

Recent history includes: -

- (i) Retrospective permission for sectional timber building as storage and stable (06/02241/FUL) - GRANTED subject to conditions ensuring the building was used ancillary to the occupation of the existing use at the site. A footnote was also added to the permission advising the applicant that due to the extent of built development already permitted on this site, it was unlikely any further development would be acceptable within this sensitive green belt location.
- (ii) Erection of sectional timber storage building (05/06948/FUL) - GRANTED subject to several conditions, one of which is to ensure the building is used ancillary to the occupation of the existing use at the site.
- (iii) Change of use of part of the land for stationing of static home for owner occupation (03/01413/COU) – GRANTED subject to conditions, one of which is

a temporary 10-year permission. A further condition was attached which stated that “in the event that the Haworth Riding for Disabled Group (registered charity number 1086421) ceases to operate from Vale Mill Lane Stables the caravan hereby approved shall, within a period not exceeding 1 month from the date of such cessation, be permanently removed from the land”.

- (iv) Change of use from private stable to trekking centre (02/00026/COU) – GRANTED subject to conditions.
- (v) It should be noted that there is no recorded history for the creation of the existing ménage although an exercise area is shown on the plans determined under application 02/00026/COU.

Replacement Unitary Development Plan (RUDP) Proposals and Policies

The site is allocated as green belt.

Relevant policies include: -

- UDP1 – Promoting sustainable patterns of development
- UDP2 – Restraining development
- UDP3 – Quality of built and natural environment
- UR2 – Promoting sustainable development
- UR3 – The local impact of development
- UR4 – The sequential approach to accommodating development
- TM2 – Impact of traffic and its mitigation
- D1 – General design considerations
- D4 – Community safety
- GB1 – New buildings in the green belt
- GB2 – Siting of new buildings in the green belt
- NE3 – Landscape character areas
- NE3A – Landscape character areas

Town/Parish Council

No comments submitted as the Parish Council are the applicants for the application.

Publicity and Number of Representations

A site notice was displayed at the premises with the statutory period for comments being 11 January 2008. 1 letter of comment has been received regarding drainage and environmental health issues. A petition with 310 signatures has been received in support of the application in addition to 13 letters of support (10 of which are pro-forma letters) and 1 is from the Parish Council.

Summary of representations

- At present the group cannot ride during the months of November to April because the riding area has no roof. A roof would enable many riders to benefit from the chance to ride all year round.
- A roof would enable riders to ride in bad weather
- Parish council has no objections for the building of a roof over the outdoor riding school on the basis that should the association vacate the site any buildings must be removed and the site restored to the original state commensurate with the green belt.
- This is an essential commodity for the community
- Disabled people should be able to continue with their riding the same as able bodied people do at 4 local riding schools all with indoor facilities, discrimination is against the law

Consultations

- Drainage Section – No objections in principle providing the surface water is disposed using soakaways.
- Environmental Health Section – No objections
- Tree Section – no concerns with the proposal and no tree conditions are necessary.

Summary of Main Issues

Development/impact in green belt
Effects on the character of the landscape
Sustainability
Impact on nearby residential properties
Highway safety
Special circumstances
Community Safety
Comments on representations raised.

Appraisal

1. Permission is sought for the erection of the following development: -

- (i) enlargement of existing ménage by 10m in extent to form a ménage of 40m in length x 20m in depth, and;
- (ii) creation of a covered area to the new and existing ménage comprising 2.4m high blockwork, timber vertical cladding and a profiled time roof sheeted roof. The resultant building will be 20m in depth x 40m in width x 8m in height.

2. At present the site is used in part by Haworth Riding for the Disabled Group. Other organisations which benefit from using the site include: Craven and Keighley College work placement students, Bradford Education Authority work placement, persons involved in NVQ training in house care, Craven College students with learning disabilities, sea cadets, local boy scouts, students studying for the Duke of Edinburgh Awards scheme, Bradford Youth offending teams and adults with various disabilities.

Development/impact in green belt

3. Within the Green Belt there is a general presumption against inappropriate development and a requirement that proposals will not harm the distinctive identity of Bradford's countryside. Therefore, except in very special circumstances, planning permission will not be given within the green belt other than agriculture and forestry, essential facilities for outdoor sport and outdoor recreation or for other uses that preserve the openness of the green belt and which do not conflict with the purposes of including land in it.

4. It is considered that the construction of the large covered ménage would significantly extend the extent of built development on the site, compromising the openness of the green belt in this highly visible location. Planning Policy Guidance Note 2 refers to examples of essential facilities including small stables for *outdoor* sport and *outdoor* recreation. As such, the proposal would amount to inappropriate development in the green belt and inappropriate development is, by definition, harmful to the green belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. These issues will be considered in the report below.

Effects on the character of the landscape

5. Aside from the fundamental issues arising from the principle of the development being inappropriate, policies NE3 and NE3a regarding impact on landscape characteristics must also be taken into consideration. This landscape area can be characterised as a Pennine Upland landscape of mixed upland pasture (fields and dry stone walls). This landscape is however, facing major pressures for change due, in particular to agricultural change, and diversification. It is important that the distinctive character of the Districts landscape is conserved and enhanced and that development which occurs is sympathetic to its character.

6. It is considered that development of the site in the manner and location proposed is unacceptable. Indeed, the erection of a covered ménage of the size and in the location proposed are unacceptable because of their undue prominence in this upland pasture landscape. The site is highly visible, from both roads and the extensive network of footpaths in this high sided valley and the proposal would create a substantial building mass which is positioned at an elevated level and in an obtrusive position within the landscape which intensifies the impact of building development in this open, sensitive and attractive semi-rural area. As such, the proposal seriously detracts from the character and appearance of a distinctive upland landscape and is contrary to policies UDP3, UR3, D1, NE3 and NE3a of the Replacement Unitary Development Plan.

Sustainability

7. The approach to planning for sustainable development is set out in Planning Policy Statement 1 (PPS1). Planning Policy Statement 7 (PPS7) also sets out the government's objectives for sustainable development in rural areas, such as the application site. The key principles of both documents are that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the overall aim is to protect the countryside for the sake of its character and beauty and the diversity of its landscapes.

8. It is considered that the proposed development fails to meet the sustainability criteria outlined in established national and local policy. Whilst horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help diversify rural economies, the construction of a very large covered ménage in this location fails to maintain environmental quality and countryside character.

Impact on nearby residential properties

9. It is considered that the covered ménage will not unduly impact on the residential amenities of nearby properties, the nearest of which is located over 20m away. The applicant has stated that the hours of opening will be from 0900-2030 Monday to Friday, 0900-1830 Saturdays and 1100-1830 Sundays and Bank Holidays. This is considered to be acceptable especially bearing in mind that the proposal is to provide a covered ménage.

Highway Safety

10. It is considered there will be no detrimental highway safety issues as the application is essentially providing a similar facility to that which is carried out at present on the site but is merely seeking to be able to continue this use through the winter months via a covered

structure. As such, the proposal is considered to be in accord with the spirit of the highway policies contained within the Replacement Unitary Development Plan.

Special circumstances

11. The premises are located within the green belt wherein development is severely restricted. The applicants need to demonstrate that special circumstances exist which justify the proposals as an exception to established national and local plan policy in such areas. No substantive justification has been given over and above the fact that the building will be used in part by disabled riders, some of whom also suffer from learning disabilities. The proposed development relates to a substantial amount of built development at the site over and above the existing facility that clearly compromises the openness of the green belt and landscape in this locality.

12. The applicant and users of the existing facility argue that it is necessary to provide an under cover riding facility to enable disabled riders to enjoy riding through the winter months. The lessons are aimed at providing fun, co-ordination, social interaction with horses, gaining achievements and rewards, learning new skills, improving balance, developing muscle tone, taking exams and gaining independence. The Haworth riding for disabled group are also available to assist with NVQ training for volunteers studying for qualifications in horse care. The applicant also states that currently riding for the disabled group is limited to Wednesdays, Saturdays and alternative Sundays but all this will change if the group are successful in obtaining funding for salaried staff as they will be open from Tuesday to Saturday (inclusive) all year round.

13. Whilst it is acknowledged that the Haworth Riding for the Disabled Group provides a very valuable service to the community, the justifications for a more intense use throughout the winter months do not amount to very special circumstances for allowing development of this magnitude and in this prominent location in the green belt.

Community Safety Implications

14. There is no objection in principle from a community safety point of view.

Conclusion

15. It is considered that the proposal would amount to a form development which is inappropriate in this sensitive, green belt location and which would compromise the landscape quality of the area. No very special circumstances exist to justify a departure from established national and local policies and it is recommended that the application be refused.

Reasons for Refusal

01. The construction of a very large built structure in the manner and location proposed is unacceptable and inappropriate because the introduction of such a development would significantly impact on the openness of the green belt. It is considered there are no very special circumstances to justify a departure from green belt policy; as such, the proposal is contrary to Planning Policy Guidance Note 2, Planning Policy Statement 7 and policies GB1, GB2, UDP3, D1, NE3, NE3a and UR3 of the Replacement Unitary Development Plan. In the absence of any very special circumstances that would warrant an exception to green belt policy, the proposal is, by definition harmful to the green belt.

02. The construction of development in the manner and location proposed is unacceptable because of its undue prominence in this mixed upland pasture

landscape. Indeed, the site is highly visible in this valley and the proposal would create a substantial building mass at an elevated level that intensifies the impact of building development in this open, sensitive and attractive semi-rural area and seriously detracts from the character and appearance of a distinctive upland landscape. In addition, the proposal would create a detrimental impact on the openness of the green belt and comprise the enjoyment of persons using the network of rights of way in this locality; as such, the proposal is contrary to Planning Policy Guidance Note 2, and policies GB1, GB2, UR3, NE3, NE3a, UDP2, UDP3 and D1 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley)

17th April 2008



ITEM NO.

2

LOCATION

Guardhouse / Phoenix / Whinfield Youth Club, Braithwaite Avenue, Keighley



DATE: 17 APRIL 2008
ITEM NO: 2
WARD: KEIGHLEY WEST
RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS. THIS APPLICATION IS REFERRED TO THE PANEL SO THAT IT CAN ADVISE THE REGULATORY AND APPEALS COMMITTEE ON THE LOCAL IMPLICATIONS OF THE APPLICATION. THE APPLICATION MUST BE DETERMINED BY THE REGULATORY AND APPEALS COMMITTEE AS IT IS A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN AND IF THAT COMMITTEE IS MINDED TO GRANT PERMISSION THE APPLICATION WILL BE REFERRED TO THE SECRETARY OF STATE UNDER THE DEPARTURE DIRECTIONS 1999.

APPLICATION No: 07/10547/FUL

Type of Application/Proposal & Address

Full application for two linked single storey schools for special education needs children and mainstream primary children with associated site access, parking, landscaping and play areas. The proposal also involves the demolition of the existing community centre building and creation of a replacement Multi Use Games Area and football pitch. The site is at land off Braithwaite Avenue, Keighley.

Site Description

The site, measuring approximately 4.7h, is largely undeveloped but part, the north east end, is currently occupied by an existing children's play area, hard courts, football pitches and community centre with small car park.

The ground profile across the site is steep with levels ranging from 214m Above Ordnance Datum (AOD) in the top north west corner of the site to 201m AOD along the southern site boundary which is the lowest part of the site. The land continues to fall, beyond the site boundary, to a level of 180.6m AOD in the south east corner of the open land.

The site is located in a residential area and there are residential properties on the west, north west and east boundaries. The site has a frontage of 430m to Braithwaite Avenue.

The existing Guardhouse Primary School is located within 30m of the application site, to the south east.

Relevant Site History

00/00081/REG Construction of multi-use sports court – Approved 07.03.2000
85/04115/FUL Formation of an all weather pitch and grassed playing field – Approved 30.09.1985

Replacement Unitary Development Plan (RUDP) Proposals and Policies

Part of the site is allocated as a Phase 2 Housing Site, part is allocated as existing Recreation Open Space and part as a New Site for Recreation Open Space and Playing Fields on the RUDP.

- UDP1 - Promoting sustainable patterns of development
- UDP3 - Quality of built and natural environment
- UDP5 - needs of communities in appropriate locations
- UR2 - Promoting sustainable development
- UR3 - Local impact of development
- TM1 - Transport assessment
- TM2 - Impact of traffic and its mitigation
- TM8 - New pedestrian and cycle links
- TM11 - Parking standards for non-residential developments
- TM18 - Parking for people with disabilities
- TM19 - Cycle Parking
- TM19A - Traffic management and road safety
- CF3 - Small Developments on Land Allocated for Other Uses
- D1 - Design Considerations
- D2 - Energy Efficiency and Sustainable Design
- D3 - Access for People with Disabilities
- D4 - Community safety
- D5 - Landscaping
- D6 - Meeting the needs of pedestrians
- D7 - Meeting the needs of cyclists
- H4 - Protecting the Supply (Housing Land)
- NE5 - Retention of Trees on Development Sites
- NE10 - Protection of Natural Features and Species
- NR15B- Flood Risk
- NR16 - Surface Water Run Off and Sustainable Drainage Systems
- NR17 - Ground Water Protection
- NR17A- Watercourses and Water bodies
- OS2 - The Protection of Existing and New Recreation Open Space
- OS4 - Remedying Deficiencies (in Open Space)
- P4 - Contaminated Land
- P6 - Unstable Land

Town/Parish Council

Keighley Town Council – Recommends Approval

Publicity and Number of Representations

Advertised by press and site Notice as a Departure and by neighbour notification letter.
Expiry Date 7th March 2008. 3 representations received.

Summary of Representations Received

Fencing will be oppressive and result in loss of view.
Fencing will restrict access to field/amenity area.
Large trees planted on boundary will diminish view.
Parking problems could be exacerbated.
Buildings could become a focal point for vandalism and anti social behaviour.
Delivery of children in buses from Braithwaite Avenue could result in more congestion owing to width of road.
Concerned about location of car park and garage at rear of house – could attract vandals.
Loss of children’s play area.
Pedestrian access off North Dean Road is on a busy bus route on a road that already gets congested.

Consultations

Highways – No objection subject to conditions.

Countryside Team - Bat survey required of demolished buildings. Consider installation of integral bat boxes within the new development, along with planting of native trees, shrubs and the restoration and management of wildflower areas as part of proposed landscaping. Bird boxes would also help increase the habitat value for local wildlife.

Drainage – Subject to the surface water drainage system being designed and constructed to provide sufficient capacity to accommodate inflow from a 1 in 100 year storm plus 20% allowance for climate change the proposed drainage scheme is acceptable for this development. Removal of materials from site may have an adverse impact on existing land drainage systems and overland water flow patterns. Consequently, the developer must investigate the site in order to determine the extent of the land drainage network and submit their proposals for dealing with any watercourses, culverts and land drains within the area of the proposed material removal. The development must also be undertaken in such a manner so as not to change the overland surface water flow patterns to the detriment of adjacent landowners.

Environment Agency – No objection subject to conditions; surface water drainage scheme to be approved and implemented. The use of Sustainable Urban Drainage techniques should be encouraged.

Yorkshire Water – The Land Drainage Assessment and Flood Risk Assessment appear to be generally satisfactory. No objection subject to conditions; separate systems of drainage; details of foul and surface water drainage to be submitted and implemented; petrol interceptors for parking/hardstanding areas.

Environmental Protection – No objection subject to conditions.

Only a single gas monitoring reading has been taken and as such a low dense gas membrane should be inserted in the building or the applicant should show that such a membrane is not required by submission of a comprehensive gas monitoring recording. In view of the site conditions a Sustainable Urban Drainage scheme for the hard standing areas of the site will be a completely inappropriate drainage system. Surface water from hardsurfaced areas should discharge to an engineered surface water drainage system. Recommended conditions; A full surface water and land drainage system report; a gas membrane should be installed or gas monitoring recording report which show such a membrane is not required; hours of construction; hours of piling.

Trees Section – No objection.

Minerals and Waste Section –The proposed site sections indicate that a significant change in levels is proposed to level the area for the new buildings, entailing an increase in levels by up to approximately 3.5m to the north and a decrease in level of up to 2.5m to the south. The full extent of the level changes are difficult to discern as a site plan showing proposed and existing spot heights/ contours across the site does not appear to have been submitted. In order to establish the extent and impacts of proposed earthworks it is recommended that the applicant is asked for further information including:

- a plan showing proposed and existing spot heights/ contours;
- the volume of cut and fill material and verification of whether any material will have to be imported to or removed from the site to achieve proposed level changes;
- if transportation of fill material is necessary the number and type of HGVs needed for this operation (per day/week);
- the duration of the earthworks and any proposals to mitigate impacts of excavation and/or fill operations (such as mud on road, noise, dust, vibration, etc);

Building Control Services/Structures – The site slopes steeply north to south and east to west and as a result the proposals would require materials to be excavated and re-used to make level platforms for the buildings and car parking areas. The cut and fill materials will most likely include the made ground materials which could be saturated and not usable without drying and re-grading. The site investigation report does not mention whether the materials could be re-used or have to be disposed of off site. It is assumed that the car parking areas on the made ground will be treated, possibly with a ground improvement scheme.

The site investigation report recommends piled foundations for the building. The piling plant would require a level platform and the type of piling proposed will create noise levels that may not be acceptable to nearby residents and the nearby school. Restricted hours for construction (Monday to Friday 07.30 to 18.00, Saturday 07.30 to 13.00 excluding Public holidays) and deliveries (09.30 – 15.00) are advised.

The report also recommends slope stability analysis be carried out to ascertain the effects of changes in levels on existing slopes. It is recommended that this analysis be carried out.

Landscape Section - The approach of creating a sequence of spaces using planting to define, enclose and create experience for users is welcomed. However, some of the proposed planting layouts appear over complicated, which may lead to future maintenance issues. For example, the curved broken hedgerow to the south east of the path network, intersecting mown grass and meadow areas may not sustain its design integrity without a high level of maintenance input. Also some of the 'informal meadow' areas and 'woodland' areas appear rather small. A 'woodland' belt should be a minimum of 10 to 15m wide, which only allows for one mature tree, or a double staggered row of mature trees. Some of the 'woodland' areas shown are clearly too small to fulfil this function.

There is scope in the available area to create larger blocks of woodland which then have the opportunity to develop as such.

Some tree planting is 4 to 5m from houses and this is generally too close to plant a tree to a house, especially a house window. An informal yet managed mixed native hedgerow, with intermittent trees in appropriate locations, may be more suitable.

Rights of Way - Keighley Public Footpath 18 runs along the edge of the site and has to be made available as part of any development. This public route is currently un-surfaced and crosses in part green open amenity space. It currently enjoys an open aspect and users are not confined to the recorded line. This application is likely to lead to an increase in level of use and will confine users to the recorded line, reducing visibility and natural surveillance of the route.

Reducing the available width of the path is likely to have a number of implications that should be addressed by these proposals. It is noted that plans indicate a 2.4m boundary

fence and shrub/tree planting down one side of the path. This treatment will reduce visibility of users on the path and may increase incidents of crime and antisocial behaviour. It is suggested that the width of the path if it has to be segregated by fencing is no less than 3m with at least 2m being surfaced with tarmac. Surface treatments should not be confined to the enclosed section of path but should extend to the paths junction with North Dean Road. The entire length of the path should also have appropriate street lighting. The condition of the boundary wall to properties on Braithwaite Way should be considered and proposals should include works to this boundary and additional boundary treatments as required. Any boundary treatments should look to maximise natural surveillance from both the adjoining properties and the new school.

Other points to consider are that the route should be appropriately signed to indicate public footpath; the route should be subject to appropriate controls to restrict unauthorised vehicular access; no steps should be proposed along the route. A further consideration is that the route could be provided subject to appropriate orders as a route to be used by cyclists.

It is suggested that detailed plans relating to the public footpath should be submitted for consideration by the Footpaths Section.

It is also noted that a number of other informal routes cross the site which may or may not be public and it is possible that claims could be made under the Wildlife and Countryside Act 1981 to formally claim a public right of way.

Sport England – No objection. Satisfied that as this site only contains one playing pitch and Multi Use Games Area (MUGA) due to the sites topography that the proposals satisfy in principle E4 of our playing fields policy, subject to their adequate replacement which should be secured through a suitably worded condition being attached to any granting of planning permission and the replacement facilities laid out in accordance with our technical guidance notes on MUGA's and Natural Turf for Sport. The provision of the proposed changing facilities within the building to serve both the outdoor pitches and the indoor facilities is far from ideal.

WY Polices Architectural Liaison Officer (PALO) – The applicant has submitted revised proposals in response to concerns raised by the PALO. Further comments are awaited by the PALO and will be reported verbally.

Yorkshire and Humber Assembly – No comments as the issues which arise with this application are not strategic in nature.

Summary of Main Issues

Principle

Sustainability

Impact on the Local Environment

Impact on Amenity of Neighbouring Occupants

Highways, Traffic and Transportation

Site Contamination

Site level changes and stability

Flood Risk and Drainage Issues

Community Safety

Appraisal

Proposal

The proposal includes the following;

Single storey school building with two storey clear height spaces. The building will provide accommodation for the two schools to operate separately but will form a campus with some shared facilities. The following facilities within the school building will also be available for public use; hydrotherapy pool and medical treatment; hall and dining hall; community centre facilities including changing accommodation. The existing Community centre building is to be demolished.

150 car parking spaces of which 7 are 'accessible' bays, 4 mini bus drop off points and 2 visitor drop off/delivery bays.

Garage building for two minibuses and golf buggy.

Hard play areas and paths.

Landscaping including woodland screen planting, grass areas, meadow areas and habitat area.

Junior football pitch to Sport England requirements (removal of existing pitch).

Multi Use Games Area with 3.5m high fencing and floodlighting to Sport England requirements (removal of existing MUGA).

Provision of Children's play facilities (to replace equipment to be removed at Community Centre).

2.4m high close gauge green steel weld-mesh fence to perimeter boundary.

Cycle parking shelter.

Pre-application public consultation

The applicant undertook a pre-application consultation in the form of a meeting with local residents prior to submitting the planning application. The applicant has advised that the main concerns of residents were vandalism and traffic congestion.

Principle

The application site includes land allocated as a Phase 2 Housing site, land in Recreation Open Space use and land identified as a new site for Recreation Open Space and Playing Fields on the RUDP.

Policy H4 aims to protect land allocated for Housing and states;

PROPOSALS FOR USES OTHER THAN RESIDENTIAL DEVELOPMENT ON ANY SITE ALLOCATED ON THE PROPOSALS MAPS AS HOUSING WILL NOT BE PERMITTED UNLESS IT CAN BE DEMONSTRATED THAT THE LONG TERM DEVELOPMENT OF THAT SITE FOR RESIDENTIAL PURPOSES IS SEVERELY PREJUDICED.

Policy OS2 aims to protect existing and new Recreation Open Space and states;

DEVELOPMENT WILL NOT BE PERMITTED ON LAND SHOWN ON THE PROPOSALS MAPS AS RECREATION OPEN SPACE OR ON SITES OTHERWISE USED AS RECREATION OPEN SPACE UNLESS:

(1) THE LOSS OF RECREATION OPEN SPACE DOES NOT LEAD TO OR EXACERBATE A LOCAL DEFICIENCY IN THE AVAILABILITY OF OPEN SPACE AND THE SITE COULD NOT BE USED TO HELP MEET ANY DEFICIENCY IN ANOTHER TYPE OF OPEN SPACE;

(2) THE DEVELOPMENT PROPOSAL PROVIDES FOR EQUIVALENT ALTERNATIVE PROVISION IN TERMS OF SIZE AND QUALITY WHICH IS CLOSE TO EXISTING USERS;

(3) AND IN EITHER CASE IT DOES NOT RESULT IN A SIGNIFICANT LOSS OF AMENITY.

(4) THE DEVELOPMENT PROPOSAL IS ANCILLARY TO AND SUPPORTS THE RECREATIONAL USE, AND WOULD NOT SIGNIFICANTLY AFFECT THE QUANTITY AND QUALITY OF OPEN SPACE ITS RECREATIONAL FUNCTION THE CHARACTER AND APPEARANCE OF THE RECREATION OPEN SPACE.

Policy OS4 aims to remedy Open Space deficiencies and states;
NEW SITES FOR PLAYING FIELDS AND RECREATION OPEN SPACE ARE IDENTIFIED ON THE PROPOSALS MAPS. PERMISSION WILL NOT BE GRANTED FOR THE DEVELOPMENT OR USE OF THESE AREAS FOR ANY OTHER PURPOSE.

These policies aim to ensure that land allocated for housing and recreation is retained for such use. However, it is acknowledged in the RUDP that it is not possible to anticipate and allocate sites for the range of community needs which may arise over the plan period but that the plan should ensure that provision can be made to meet the identified needs of communities. To this end and in order to minimise the amount of new greenfield development and the loss of sites allocated for specific purposes Policy CF3 requires a sequential approach to the identification of sites to meet identified community needs. Policy CF3 states;

PLANNING PERMISSION WILL BE GRANTED FOR PROPOSALS FOR COMMUNITY USES PROVIDED THAT IT CAN BE DEMONSTRATED THAT THERE IS BOTH AN IDENTIFIED LOCAL NEED AND THAT THERE ARE NO BUILDINGS OR SITES AVAILABLE THAT ARE MORE SUSTAINABLE THAN THAT PROPOSED, BY THE APPLICATION OF THE FOLLOWING SEARCH SEQUENCE

- 1) IN AN EXISTING BUILDING
- 2) ON AN UNALLOCATED PREVIOUSLY DEVELOPED SITE
- 3) ON A PREVIOUSLY DEVELOPED SITE ALLOCATED FOR ANOTHER PURPOSE
- 4) ON AN UNALLOCATED GREENFIELD SITE
- 5) ON A GREENFIELD SITE ALLOCATED FOR ANOTHER PURPOSE

The applicant has provided the following information to justify the development of the Guardhouse-Phoenix SEN schools on a greenfield site allocated for another purpose;

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#### Local Need

- A location plan of the Guardhouse School's catchment area showing the home locations of existing school pupils is submitted and is the basis of the local need for the school development and establishes the area to be served by the proposed school. Guardhouse is the most westerly sited school in the area. The search area to which the sequential test of Policy CF3 is applied is based on the area to be served by the proposed school.
- The pupils of Phoenix SEN school will come from a much wider catchment area. Their inclusion for development on the site is for purely educational purposes. The school development also includes for a community centre which also provides youth centre facilities. This community centre already exists on the proposed school site and the catchment area of its users is taken to be the same as that of Guardhouse school.

#### Search Sequence

*(1) in an existing building.*

The proposed schools have a significant floor area and require a site area of 5 hectares for the provision of car parking, formal sports provision and open

recreation space. The proposed school buildings fulfil the BSF programme need of being fit for purpose. This need cannot be fulfilled by any existing building located within the school catchment area.

*(2) on an unallocated previously developed site.*

There are no unallocated previously developed sites of 5 hectares located within the school catchment area.

*(3) on a previously developed site allocated for another purpose.*

There are no previously developed sites allocated for another purpose within the school catchment area.

*(4) on an unallocated greenfield site.*

There is one unallocated greenfield site within the school catchment area. It is identified on the RUDP as site K/UR5.26 (Safeguarded Land). This is a 6.73 hectare site formerly allocated for housing on the adopted UDP. It includes an area of ecological value with hedgerows and footpaths which are needed for retention. This site has unsuitable levels and is bisected by public footpaths which are not suitable for relocation. It is a requirement of Secure by Design accreditation that school sites should not be crossed by public footpaths. It is in private ownership and not available for immediate development. It is on the periphery of the catchment area.

*(5) on a greenfield site allocated for another purpose.*

There are 3 greenfield sites allocated for other purposes within the school catchment area (excluding the application site). They are stand alone sites, 2 of which are designated Policy OS3 (protected playing fields) on the RUDP and one site designated Policy OS6 (protected allotments) on the RUDP.

These alternative sites offer no sustainable advantages over the applied for school site. They are physically more remote lacking a central catchment area location. They are not available for immediate development. They have OS3 policy objections and their development is unlikely to be supported by Sport England or OS6 policy objections for the removal of actively used allotment gardens. The sites also suffer from unsympathetic levels. There are no other sites to be considered in the area.

## Conclusion

- It is considered that the chosen school site is central to the school catchment area. It is presently largely vacant in poor physical condition offering little opportunity for informal recreation use. The school development would improve the use of the land and provide an essential community facility including sports and community centre.
- The MUGA and football pitch on site will be relocated and upgraded in size and quality. The site will not displace any existing formal sports uses.
- The site is Council owned, is available for immediate development and fulfils the Councils policy on BSF programme of redeveloping on or adjacent existing school sites.

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The applicant has also submitted the following supporting statement addressing Policies OS2 and OS4 of the RUDP relating to the provision of Recreation Open Space;

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### Proposed Development

- It is accepted that development on part of the designated playing fields should only take place in the most exceptional circumstances. It is maintained that the rebuilding of Phoenix and Guardhouse Primary schools on the existing protected playing fields will create the necessary exceptional circumstances. The development will provide the catalyst to development of any underused and unused playing fields and provision of enhanced replacement facilities to Sport England recommended standards.
- At present the site is primarily open grassland but also includes a youth centre building with hard surfaced car park, a community football pitch (70 x 40m) and MUGA (38 x 22m). The football pitch is of poor quality. The MUGA is of good quality.
- Guardhouse school is presently located ½ mile to the south east of the new school site. Phoenix Special Educational Needs School is part of the rebuilding programme to replace all existing special educational needs schools. They will be built on land designated for housing purposes on the Replacement Unitary Development Plan. The youth centre building and car park will be demolished and relocated within the school building. The existing football pitch, which is partly on land designated for housing purposes and MUGA will be relocated to the east of the new school buildings. The existing MUGA (38 x 22m) will be replaced by a larger MUGA (45 x 28m) and the existing football pitch (70m X 40m) will be replaced by a larger football pitch (73 x 41m). Both facilities will be constructed in accordance with Sport England recommended design standards.

### Keighley Area Sports Facilities

- Bradford Open Space, Sport and Recreation Study Outdoor Sports Facilities Assessment Report (June 2006) commissioned by Bradford Council for the Local Development Framework (to replace the rUDP) provides the base information to relate the schools contribution to sports provision in the Keighley area. It provides information on surpluses and deficiencies on a sport by sport basis across the district sub divided into the five parliamentary constituencies.
- The Bradford Open Space, Sport and Recreation Study shows that the Keighley area is well provided for senior football, junior football, mini football and mini rugby union pitches. It is deficient in senior rugby union and junior rugby union pitches. It has the district norm in terms of provision for senior rugby league, junior rugby league and cricket pitches. The local standard of pitch space available for community use is well above the Bradford standard (BOSSRS p.53).

### Conclusion

- The development of Phoenix and Guardhouse Primary Schools involves only a minor incursion into the area designated as protected recreation open space (Policy

OS2) on the Replacement Unitary Development Plan. The land designated as new sites for recreation open space and playing field (Policy OS4) within the school site will be re-levelled, re-sown and drained to provide better quality informal play space. The impact on the could be considered to be de minimus. The existing sports facilities of a football pitch and MUGA will be replaced by larger facilities constructed with Sport England recommended design specifications. There will be an improvement to the quality of the sports provision. The improved drainage to the football pitch will increase its usage capacity.

- The facilities provided will enhance the sports provision on offer particularly with the availability of on site changing facilities at the school which are presently not available.
- The development does not prejudice the Keighley area's Sport and Recreation Strategy. It complies with the action plan by improving the capacity of the sports provision with improved quality to the playing areas and availability of changing facilities.
- The school will enter into a community use agreement which allows the outdoor sports facilities and indoor toilet/changing facilities to be used outside school hours.
- It is considered that the Guardhouse/Phoenix school development does not prejudice the intentions of the rUDP policies, that it enhances the sport and recreational facilities, and the schools contribution to the wider community provides the special circumstances to justify the development.

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The proposed school buildings, access, parking and associated curtilage, are located principally on the land allocated for housing but with part of this development encroaching into the Recreation Land. The proposed recreation facilities – MUGA and Junior Football Pitch are located on land allocated for recreation use.

The proposed development is part of the Building Schools for the Future Programme which is a national programme to transform educational provision and lift achievement through a complete transformation of England's schools, including Special Educational Needs (SEN) schools. School buildings are extremely important to student's education. Significantly, they should support the educational vision of high expectations, specialism and excellence, inclusion, local collaboration, community involvement and high-quality teaching and learning. The primary school element of the Bradford BSF programme will be funded by the Local Authority rather than from BSF, but primary and secondary special school provision are being delivered together for the benefit of delivering the overall vision.

A key aim of this phase of Bradford's BSF programme is that it maximises inclusion by creating school campuses which provide for the fullest possible range of needs in a single location. This is to be provided by paired institutions effectively operating as one to provide a seamless student experience.

It is considered that the proposal fulfils the requirements of Policy CF3 in that it meets an identified local need and that an appropriate sequential approach to identifying the site has been adopted.

There will be a loss of an existing sports pitch, MUGA and children's equipped play area and a reduction in the land available for recreation by members of the public as a result of this development contrary to Policies OS2 and OS4. However, the existing sports facilities for organised games are to be replaced and improved, children's play equipment is to be replaced and indoor changing facilities are to be provided in the school. Furthermore, Sport England have withdrawn their objection to the proposals and although they have expressed concern about the lack of separate changing facilities they are satisfied with the proposals.

It is not considered that there would be any significant benefit providing separate changing facilities outside the school building when the school facilities are to be made available for public use. The proposals do go a significant way to meeting the requirements of Policy OS2 by virtue of the improvement to sports facilities.

Whilst the development will conflict with Policies H4, OS2 and OS4 of the Replacement Unitary Development Plan and as such is a Departure from the Development Plan it is considered that the applicant has shown special circumstances which warrants a departure by compliance with Policy CF3.

Sustainability/Renewable Energy

The Council adopted a Sustainability Design Guide in February 2006. This provides guidance to developers on sustainable development and building design and supports the RUDP Policies which promote sustainable development. Reports addressing sustainability and renewable energy issues have been submitted with the application.

The Renewable Energy Report assesses the feasibility for onsite renewable energy generation equipment to be integrated into the development of the schools. The Renewable Energy technologies were assessed against the criteria of viability given the type of development proposed, the location, the existing design and the costs. The Report concludes that solar water heating is the only feasible renewable energy technology that could be used but acknowledges that budgetary constraints would have to be overcome to introduce this technology. The applicant has confirmed that budgetary constraints have ruled out the introduction of solar water heating equipment but that the design team are committed to achieving a BREEAM (Building Research Establishment's Environmental Assessment Method) Very Good Rating.

The Sustainability Report details the sustainable elements of the development and design;

High occupancy rooms are located on the south with lower occupancy rooms on the north to achieve solar heat and daylight benefits ;

Overhanging roofs have been incorporated to give shade when the sun's path is at its highest and most intense;

Windows and rooflights have been located to give maximum opportunities for natural light and ventilation;

Heating is to be provided by a low nitrous oxide condensing boiler using gas and of a high efficiency ratio;

Fans and pumps which control water and airflow will have variable speed drives which will increase the efficiency of the system;

A mechanical ventilation system is to be incorporated but because of the building design this allows for a greatly reduced system;

Heating of the development will be achieved by the use of an under floor system which works at a lower temperature than conventional radiators so reducing energy use;

All appliances to be as energy efficient as possible;
The incorporation of a Building Energy Management System incorporating sensors and monitoring in relation to water, lighting and heating;
Design features aimed at improving access to the site by methods other than the car including proposal to develop a Travel Plan;
Waste management during construction including registration with the Considerate Constructors scheme;
Provision of opportunities beneficial to biodiversity through landscaping;
Design of internal layout to ensure adaptability to changing needs of school;
Design which reduces opportunities for crime;
Provision of community facilities.

It is considered that the applicant has given full consideration to the creation of a sustainable development and has designed the building and incorporated a significant number of features which will ensure that the building meets the needs of the present without compromising the ability of future generations to meet their own needs.

Impact on the Local Environment

The development has been located on the uppermost part of the site as this is the flattest part of the site. Nevertheless, as previously stated, there is a significant change in levels across the site - in the order of 10m within the development footprint (north to south) and a similar cross fall (west to east) and cut and fill of the site is required to achieve the appropriate level of accessibility.

The building is single storey to give easy access and circulation to all facilities in the premises and because of ground conditions. Some variety to the massing of the building has been provided by the use of a variety of roof types – low mono pitch roofs with extensive overhang to the teaching areas and flat roofs on the highest parts of the building (halls and Hydrotherapy pool). The single storey solution has the benefit of keeping the overall height of the building low so that it will not be unduly prominent in the landscape.

The building is to be finished in fair faced textured blockwork, coloured render panels and powder coated insulated panels. Pitched roofs are to have a powder coated standing seam roof. Subject to the submission of samples to agree colours these materials are considered to be acceptable for a modern school building.

There are only four trees within the site. It is proposed to remove one tree – a willow on the site frontage - which is multi stemmed and has been subject to some minor vandalism. It is not considered that the loss of this tree will have any significant adverse impact on the visual amenity of the street scene. New tree planting is proposed both on the frontage and within the site as part of a landscaping scheme. The soft landscaping scheme also includes hedges, mown grass and meadow areas. The applicant has been advised that it will be inappropriate to plant trees which grow large close to the boundaries with residential properties because of the possible adverse impact on light and outlook. They have agreed to plant a mix of tree and shrub (native) species appropriate to the location the details of which can be agreed by the imposition of a landscaping condition.

It is considered that the design and appearance of the building and treatment of the site is appropriate for this location and will not adversely affect the visual amenity of the area.

Ecology

An Ecological Survey and Assessment has been submitted by the applicant which concludes that there are no habitats or plant species of inherent nature conservation value on the site and no evidence of protected, rare or notable species. No bats or evidence of bats was observed during the surveys but the report acknowledges that the existing school buildings and Community Centre does contain features that may be suitable for roosting bats and further surveys should be undertaken prior to demolition. Planning permission is not required for the demolition of these buildings but the need for surveys can be brought to the attention of the applicant by footnote.

The applicant is agreeable to the provision of bat bricks in the new building. The landscaping of the site which includes tree planting and the provision of some meadow grassland will create new habitats for wildlife. As there is no apparent loss of habitats or species through this development it will accord with Policy NE10 of the RUDP.

Impact on Amenity of Neighbouring Occupants

There are residential properties on Bankfield Drive, North Dean Avenue and Braithwaite Way which have boundaries with the application site and these properties all have rear windows facing into the site. Most of these properties have small rear gardens – the gardens to the properties on North Dean Avenue and Bankfield Drive are between 4 and 5m deep.

The proposed building is to be located, at its closest point, 15m from the boundary with the nearest dwelling and 21m from the nearest dwelling. This distance would be appropriate for facing buildings of similar height. In this case, details of the height of the building have been provided but there are no proposed levels or cross sections between the building and nearest dwelling and the ground level is to be raised. A cross section has been requested and subject to the school building not being substantially higher than the nearest dwelling the relationship should be acceptable.

The car parking spaces are to be located within 5m of the boundaries of the residential property. However, the ground level is to be lowered in the region of the car park and the spaces will sit at a lower level than the residential gardens. Low to medium level planting is proposed between the car park and residential properties which help to screen the car park and provide privacy.

One local resident raised concern about the position and potential impact of the proposed garage which was initially to be located in the north west corner of the site. This has been re-located to the rear of properties on Bankfield Drive and owing to the lowering of the site at this location the garage roof will be at the same level as the gardens of the Bankfield Drive properties. There will therefore be no impact on the outlook from these dwellings.

The proposed boundary fencing will have most impact on the outlook from the neighbouring properties. This is to be a 2.4m high close gauge green weld mesh fence and it will be located on the boundaries of the properties. In some cases the fence will sit at a higher ground level than the ground level of the dwellings.

A cross section through No. 60 North Dean Avenue shows that the ground level of the fence is 0.81m higher than the ground level of the dwelling which will result in the top of the fence being 3.2m above the ground level at the back of the house. In view of the fact that the gardens are 4.5m to 5m along this section of North Dean Road the fence will be overbearing in relation to these properties.

The properties on Braithwaite Way are also set at a lower level to the site. The site boundary fence is not going to be located on the boundary of these properties but will be set 3m away from the boundary to allow room for the footpath to pass between the boundaries. The fence will be located a minimum of 8m from the rear wall of the dwellings. The plans do not provide information regarding the ground level of the dwellings or the ground level of the fence and as such it is not possible to determine accurately the relationship between the two. A cross section has been requested.

There is no doubt that in some cases the proposed fencing will have a significant impact on the outlook from the residential properties and will create a feeling of enclosure in the rear gardens which is not currently present owing to the open aspect of many properties. It is not considered, because of the nature of the fencing proposed that there will be any significant loss of light. In considering whether the relationship is acceptable it is worth noting that planning permission is not required for a solid fence of 2m in height between properties. The impact of the fencing must be balanced against the need to provide a secure site and the Police Architectural Liaison Officer has advised that a 2.4m fence is necessary to achieve the appropriate level of security.

Highways, Traffic and Transportation

A Transport Statement has been submitted with the planning application which looks at the trips generated by the proposed development, the level of parking to be provided and a statement on accessing the potential housing land adjacent the site.

The site will accommodate the following numbers of staff and pupils;
Guardhouse Primary – 50 staff and 315 pupils;
Phoenix SEN – 70 staff and 80 pupils.

The report notes that pupils and teachers from the existing primary school, which is within 150m of the application site, are to be transferred to this site and will not, therefore, generate additional traffic in the area. (95% of pupils currently walk to school). The students at the new SEN school will mainly arrive by mini bus (90%) and assuming each minibus is 50% full there would be 10 mini buses. Overall traffic generation for the SEN school, based on all staff, children and visitors arriving by vehicle would be 129 trips in both the morning and afternoon peak.

Vehicular access is proposed from Braithwaite Avenue. A separate access for pedestrians and cyclists is proposed adjacent to but separate from this vehicular access. A second pedestrian access is proposed from North Dean Avenue where an existing path passes between houses.

A total of 150 car parking spaces are to be provided along with four drop of spaces for buses. The parking provision is allocated as follows:
Guardhouse Primary – 30 spaces of which 25 are for full time staff and five for visitors.
Phoenix SEN – 95 spaces for staff and visitors and 25 spaces for drop of/waiting.

Provision has been made for a bicycle store to accommodate 40 bicycles.

Drop off and delivery areas for servicing the site and turning facilities have also been provided within the site.

The applicant has confirmed that they will be submitting a Travel Plan for this development and requests that this be a condition of approval.

(Access to Future Housing Land – Whilst not part of this application consideration has been given in the Transport Assessment of the Options available for accessing the undeveloped land adjacent to the proposed school. The report concludes that the most preferable solution to form access for housing development would be from North Dean Avenue and that this would require the purchase and demolition of an existing residential property.)

It is considered that the proposals provide safe access to the site for vehicles pedestrians and cyclists and adequate parking to accommodate all types of vehicle visiting the site. It is acknowledged that the car parking provision is relatively high but this is largely the result of the need to accommodate the vehicles of teachers and other education specialists who cannot easily travel to the school by public transport. Nevertheless, the applicant has indicated a commitment to encouraging travel to the site by means other than the car by the introduction of a Travel Plan.

Site Contamination

A Phase 1 Desk Study and a Phase 2 Intrusive Site Investigation have been carried out at the site the results of which indicate that the site does not pose a significant risk to Human Health or any Environmental Receptors. However, as gas monitoring has been limited it is recommended that any consent is subject to a condition requiring the incorporation of a gas membrane or further monitoring is undertaken.

Site Stability

A Geo Environmental Investigation (GEI) Report and a Structural Planning Report have been submitted with the application.

The GEI Report identifies the strata as made ground consisting sandy clay with mudstone, sandstone, cobbles and boulders to variably recorded depths up to a maximum of 16.3m below existing ground level, underlain by mudstone and sandstones. In the light of the ground conditions the report recommends;

Land drainage should be installed prior to any granular working blanket being overlaid;

Geogrid/geotextile reinforcement is used throughout the earthworks;

Possible lime stabilisation of material depending on time of year;

Loading at top of slope be added in increments of not more than half a meter at a time and material be allowed to settle between additions;

Monitoring of settlement, inclination and pore water pressure;

Fill layers be benched into existing material;

A pile foundation solution which should be designed by a specialist and take account of the ground conditions.

The report specifically states 'The site lies atop a steeply sloping hillside; no account has been taken of the stability of the slope within the investigation. No inference should be drawn from any comments related to the slope stability and specialist advice maybe required.'

A Structural Planning Report has also been submitted which re-iterates some of the recommendations in the GEI Report and makes recommendations regarding the structure of the building. This report points out that in order to provide a workable scheme site levels will require modification by an extensive earthworks operation. This involves an area of cut in the proposed car parking area to the north of the site which requires

permanent retaining structures and extensive fill both under the building to form a piling platform and to the external play areas to the south. The Structural Report does not provide any information regarding site stability.

RUDP Policy P6 requires that for development on land known or suspected to be potentially unstable a full site investigation be carried out to determine whether instability may occur and if instability is found the developer carry out measures to adequately overcome the problem.

Planning Policy Statement 14: Development on Unstable Land states “A planning authority does not owe a duty or care to individual landowners when granting applications for planning permission and accordingly is not liable for loss caused to an adjoining landowner by permitting development. Nevertheless, where development is proposed on land which the planning authority knows is unstable or potentially unstable, it should ensure that the following issues are properly addressed by the development proposed:-

- the physical capability of the land to be developed;
- possible adverse effects of instability on the development;
- possible adverse effects of the development on the stability of adjoining land; and
- possible effects on local amenities and conservation interests of the development and of any remedial or precautionary measures proposed.”

The applicant is undertaking further investigations into both slope stability and the volume of materials to be imported or excavated from the site which have involved laboratory analysis of the existing site materials. The results of these investigations will be reported verbally.

Flood Risk and Drainage Issues

The applicant has submitted a Flood Risk Assessment which identifies the need to control surface water run off and the need to consider Sustainable Urban Drainage Systems for the drainage of the site. The report acknowledges that if soakaways are not suitable for drainage then surface water attenuation should be provided to control the flow of water into the public sewers. A Drainage Assessment Report has also been submitted. This report concludes that the site appears to be unsuitable for a Soakaway Drainage System for surface water drainage. The applicant has advised that soakaway drainage has been discarded due to the unsuitability of the site. An attenuation scheme is currently being developed and initial proposals have been considered by the Councils Drainage Department. None of the drainage authorities have raised any objections to the indicative drainage proposals. Conditions are recommended to ensure that a final foul and surface water drainage scheme is submitted and approved which takes into account changes to ground levels, drainage of sports pitch and MUGA and the watercourses, culverts and land drains which will be affected by the development.

Footpaths

A public footpath crosses the existing recreation land linking North Dean Road and Braithwaite Avenue. The route of the right of way is not affected by the development but it will be enclosed at its northern end between the boundary of the houses on Braithwaite Way and the new site boundary fence.

The applicant is unwilling to surface and light the entire length of the public footpath as recommended by the Footpaths Section owing to the costs but is willing to surface and

light the section of path adjacent to the application site. This will be 3m in width with 2m being surfaced with tarmac and the remaining 1m being grassed adjacent to the boundary wall with the residential properties. Details of lighting, specification for the surface treatment, signing and motor bike inhibitor barriers can be required by condition. It is not considered reasonable to insist that the applicant hardsurfaces the whole footpath as the whole footpath is not affected by the development. The proposals for the footpath are considered acceptable.

Community Safety Implications

The applicant has revised the scheme in consultation with the Architectural Police Liaison Officer whose comments on the revised scheme are awaited.

Designing out Crime Measures include;

A 2.4m high weld-mesh fence featuring anti-tunnelling measures around the entire site;
Window openings on the northern elevation to provide natural surveillance of the car park and entrance route;

A 2m fence between sports facilities and school;

CCTV surveillance scheme –details to be agreed;

Fencing between secondary pedestrian access (North Dean Avenue) and school play areas – this access will only be available for a controlled period at the beginning and end of each day;

Use of roof overhangs which restrict roof access;

Incorporation of shutters to recessed play areas;

The provision of community facilities within the school will also extend surveillance of the site outside normal school hours.

The applicant has agreed to submit details of rainwater goods, external lighting, windows and security shutters for further consideration by the Local Planning Authority in conjunction with the Police Architectural Liaison Officer.

Conclusion

Further information is awaited in relation to the relationship of the building in relation to dwellings on North Dean Avenue, the relationship of the boundary fence in relation to dwellings on Braithwaite Way, slope stability, the volume of materials to be imported/exported from the site and the Police Architectural Liaison Officer comments on the revised proposals. An assessment of the information submitted will be reported verbally.

Subject to the above information proving satisfactory and not having any significant adverse impact or implications it is recommended that the application be approved.

Conditions of Approval

Three year time limit for commencement

Materials prior approved and implemented

Access to be implemented prior to occupation.

Turning and drop off areas to be formed prior to occupation.

Car park to be laid out prior to occupation.

Multi Use Games Area and Sports Pitch to be provided in accordance with Sport England Guidance Notes.

Sports Pitch standard

Travel Plan to be prior approved and implemented.
A full surface water and land drainage system report;
Separate systems of drainage prior approved and implemented.
Details of foul and surface water drainage including a land drainage system report to be submitted, prior approved and implemented.
Petrol interceptors for parking/hardstanding areas.
Detailed landscaping scheme to be prior approved and implemented.
Installation of an appropriate gas membrane or additional gas monitoring to be undertaken and a recording report submitted which shows such a membrane is not required.
Hours of construction and deliveries in accordance with Environmental protection recommendations.
Hours of piling to be agreed and implemented.
Footpath details to include surface treatment, lighting, signage and motorbike inhibitors to be prior approved and implemented.
Details of proposed bat roosts to be incorporated in development.
Details of rainwater goods, external lighting, windows and security shutters.
CCTV surveillance plan prior approved and implemented.
The applicant to enter into a Community Use Agreement

Footnotes Footpath to be kept clear
Duties under Wildlife and Countryside Act in relation to protected species.

MISCELLANEOUS ITEM

APPEAL DECISIONS BY SECRETARY OF STATE

ITEM NO: 3
WARD: CRAVEN
SITE: OLDSIDE, SHOEBRIDGE AVENUE, EASTBURN
APPLICATION NO: 07/00705/OUT
PROPOSAL: SINGLE STOREY DWELLING
DECISION: ALLOW

ITEM NO: 4
WARD: KEIGHLEY EAST
SITE: FAIRFAX COPY, MOSS CARR ROAD, LONG LEE,
KEIGHLEY
APPLICATION NO: 07/06792/FUL
PROPOSAL: FIRST FLOOR EXTENSION
DECISION: DISMISSED

ITEM NO: 5
WARD: WORTH VALLEY
SITE: MARTON GATE. 1 TIM LAND, OAKWORTH.
APPLICATION NO: 07/02378/FUL
PROPOSAL: FIRST FLOOR SIDE EXTENSION
DECISION: DISMISSED

ITEM NO: 6
WARD: CRAVEN
SITE: 3 NUTTHEAD COTTAGES, REDCAR LANE, STEETON.
APPLICATION NO: 07/05715/FUL
PROPOSAL: CONSERVATORY TO REAR
DECISION: ALLOWED

ITEM NO: 7
WARD: CRAVEN
SITE: 3 GHYLL CLOSE, RIDDLESDEN, KEIGHLEY
APPLICATION NO: 07/06143/FUL
PROPOSAL: FITTING OF ADDITIONAL ROOF TYPE MEANS OF ESCAPE
WINDOW TO FRONT BEDROOM OF EXISTING 2 STOREY
EXTENSION
DECISION : ALLOWED

ITEM NO: 8
WARD: KEIGHLEY EAST
SITE: 13 CARR GROVE, RIDDLESDEN, KEIGHLEY
APPLICATION NO: 07/03397/FUL
PROPOSAL: CONSTRUCTION OF DECKING AND FENCE TO REAR OF DWELLING, REPLACEMENT OF WINDOW WITH PATIO DOORS AND CREATION OF NEW ENTRANCE TO REAR.
DECISION: DISMISSED

ITEM NO: 9
WARD: WORTH VALLEY
SITE: DUNKIRK MILLM, HAWKSBRIDGE LANE, OXENHOPE.
APPLICATION NO: 07/01655/LBC
PROPOSAL: CONSTRUCTION OF THREE STOREY REAR EXTENSIONS TO UNITS 2, 3, 4 AND 5 (AMENDMENT TO LISTED BUILDING CONSENT 06/00258/LBC)
DECISION: DISMISSED

ITEM NO: 10
WARD: WHARFEDALE
SITE: CRAG TOP FARM, GREEN LANE, BURLEYWOODHEAD, ILKLEY
APPLICATION NO: 07/00783/ENFCOU
PROPOSAL: UNAUTHORISED MATERIAL CHANGE OF USE OF LAND TO FORM GARDEN CURTILAGE TOGETHER WITH
UNAUTHORISED
CONSTRUCTION OF TIMBER DECKING ON THE LAND.
DECISION: ALLOWED IN PART.

Date: 17TH APRIL 2008
Item Number: 11
Ward: Craven
Recommendation: That the report be noted
Enforcement Reference: 07/01431/ENF

Site Location:

Land at Bridge Farm, Aire Valley Road, Steeton with Eastburn, Keighley

Alleged Breach of Planning Control

The unauthorised use of land for:

- Importation and storage of waste, stone, soils and soil-making materials,
- Processing and sorting of waste, stone, soils and soil-making materials.
- Production and removal of soils and screened materials
- Storage and operation of crushing and screening equipment and parking of HGVs

Circumstances:

A Planning Contravention Notice was issued on 3rd March 2008 requiring further information on the operations taking place on the land.

Date: 17 April 2008
Item Number: 12
Ward : 15 Keighley Central
Enforcement Reference: 03/000/94ENFLBC

Recommendation: That the report be noted
Location: 4 Cavendish Street, Keighley

Update on Listed Building Enforcement Action

The local planning authority first received a complaint back in April 2003 that the tenant of the above premises had carried out a schedule of unauthorised works to this Grade II Listed Building. These included:

1. Removal of the timber stall risers,
2. Removal of Timber entrance door,
3. Removal of timber fascia signs,
4. Removal of timber shop front,
5. Removed/damaged and concealed original classical columns.

Having carried out these works the tenant then proceeded to install:

1. Colour coated aluminium shop window and door and door frames,
2. Roller shutters, boxes and guides,
3. Installation of internally illuminated plastic boxed signs,
4. Constructed a large bare metal extraction flue

A Listed Building Enforcement Notice was served requiring the above unauthorised works to be corrected. Since that time officers have continued to pursue the tenant and more recently the owner to secure the required works to be completed. The local planning authority has dealt with numerous listed building, planning, and advert applications and have negotiated with a number of different planning agents and legal advisors.

On 14 February 2008 all the required works were completed. Therefore the Enforcement File relating to this site has now been closed.

Enc: Four photographs of the unauthorised works
Four photographs of work in progress
Five photographs after the required works had been completed.