

## Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 9 December 2010

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### Summary Statement - Part One

#### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	7 & 9 Greengate Silsden BD20 9LA - 10/04310/FUL [Approve] (page 2)	Craven
2.	Keighley Resource Centre Oxford Street Keighley BD21 1RA - 10/03858/OUT [Approve] (page 9)	Keighley West
3.	Scrap Yard Castle Mills Becks Road Keighley BD21 1SP - 10/04672/OUT [Approve] (page 15)	Keighley West

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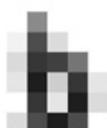
Julian Jackson  
Assistant Director (Planning)

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**Portfolio:**  
Environment and Culture

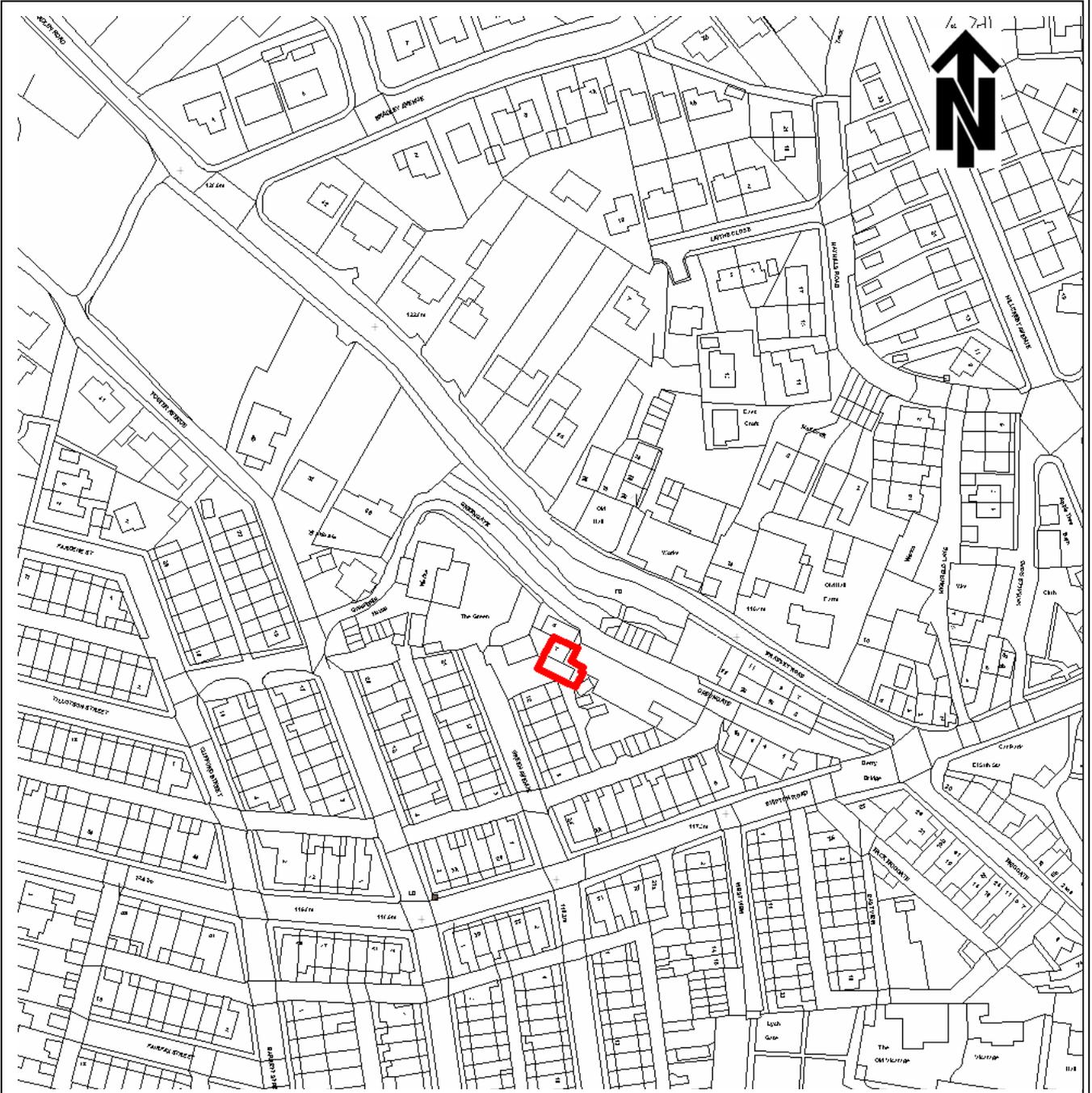
**Improvement Committee Area:**  
Regeneration and Economy



**Area Planning Panel (Keighley)**

**10/04310/FUL**

9 December 2010



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<p>ITEM NO. : 1</p>	<p><b>LOCATION:</b> <b>7 &amp; 9 Greengate</b> <b>Silsden</b> <b>BD20 9LA</b></p>
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**9 December 2010**

**Item Number:** 1  
**Ward:** CRAVEN  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**  
**APPLICATION WITH A PETITION**

**Application Number:**  
10/04310/FUL

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

Full application for the change of use of 7 and 9 Greengate, Silsden from commercial storage use to a single dwelling unit.

**Applicant:**

Mr John Lampkin

**Agent:**

Mr Kenneth Robinson

**Site Description:**

Greengate is a narrow unadopted highway located to the north of Bridge Street close to the centre of Silsden. A no through road, it is fronted by a mix of residential and light industrial properties with 7 and 9 being adjoining properties forming an L shaped building at the far end. They adjoin 5 Greengate, an existing dwelling, which abuts the street, and the Co-Operative Funeral Care home to the rear. The building appears to have been constructed in the mid 19<sup>th</sup> century as two dwellings, one over the other, but the residential use ceased in the 20<sup>th</sup> century. According to the agent, since the 1940's they have been used mainly for storage but they have been vacant for some time. The Silsden Conservation Area appraisal indicates that the building is associated with The Old Hall which is the finest vernacular building in Silsden and is located on Bradley Road to the west of the application site. The building is constructed from stone with a stone slate roof and is accessed from Greengate via a short passage way between No 5 Greengate and the adjacent business unit or from Green Avenue via a short flight of steps to the rear of No 12. The red lined site plan includes the passageway adjacent to the building but there is very limited outdoor amenity space and no off street parking provision.

**Relevant Site History:**

10/01477/FUL – Change of use to two dwelling units. Withdrawn.

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

The site is within the Silsden Conservation Area but is otherwise unallocated.

**Proposals and Policies**

UDP3 – Quality of the built and natural environment  
UR3 – Local impact of development  
D1 – General Design Considerations  
D2 - Energy Efficiency and Sustainable Design  
TM12 Parking Standards for Residential Developments  
TM19A – Traffic management and road safety  
NE10 - Protection of Natural Features and Species  
BH7 - Development in a conservation area

**Parish Council:**

No objections.

**Publicity and Number of Representations:**

The application was publicised by neighbour notification letters, a site notice and a notice in the Keighley News with the overall expiry date for representations being the 04.11.2010. Two objection letters and a petition with 24 signatories have been received.

**Summary of Representations Received:**

1. The residents of Green Avenue are concerned that the development may compound the already existing vehicular congestion.
2. The main first floor entrance is accessed via steps, if this area were utilised for recreation it would be overbearing and lead to an unacceptable loss of residential amenity/privacy.
3. The proposed chimney is lower than the upper floor windows of 12, 10 and 8 The Green. With the prevailing winds this will expose residents to smoke.
4. The plan shows a gutter going to an “existing drain”. There is no existing drain.
5. The windows on the front elevation have been walled up for years – to open these up would affect the privacy of bereaved families visiting the adjacent funeral home.
6. 7 and 9 Greengate has a pedestrian right of access over the funeral home car park to external access steps. It is inevitable that residents and visitors will park in our car park or on Green Lane as this is the nearest point.

**Consultations:**

**Design and Conservation**

No objections in principle, there do not appear to be any external alterations that would have a negative impact on the conservation area.

**Drainage**

Drainage taking surface water from the building is likely to discharge to Silsden Beck. The submitted plans do not indicate any foul water connection to the existing building and records show no public sewer exists adjacent to the site. The developer should clarify their proposals for foul water disposal.

## **Highways**

The site can be accessed either via Greengate, which is an unadopted access road, or Green Avenue, which is part adopted. The existing dwellings on both of these roads, on the whole, do not have any off street parking facilities resulting in a high demand for any on street parking available. Whilst there is a Public Car Park available some 150m away this is located remote from the development site is not an ideal solution to meet the long term parking requirements for the proposed dwelling. If the existing building is to be brought back into use then a residential use is likely to generate the lowest number of vehicle trips and the demand for on street parking is also likely to be lower for this use, especially given that only a two-bed dwelling is being proposed, and certainly no worse when compared to other uses such as storage / commercial.

## **Summary of Main Issues:**

1. Principle of development.
2. Impact on the character of the Silsden Conservation Area.
3. Impact on local and residential amenity and neighbours.
4. Considerations of highway safety.
5. Bats.

## **Appraisal:**

### **Principle of development**

The building is currently vacant and the development proposes the change of use from its last use for storage by the Silsden Pigeon Fanciers Association to a single residential dwelling. It appears that the building was originally two very small cottages built one on top of the other with the upper dwelling accessed via an external flight of stone steps.

The proposed layout features two bedrooms and a bathroom on the ground floor and a dining kitchen, lounge, wc and utility room on the first floor. The site is in a mixed use area within the Silsden Conservation Area but adjoined by a number of existing dwellings – not least an existing cottage at 5 Greengate. Residential use of the building would resurrect its historic use, would be compatible with surrounding uses and so is acceptable in principle.

### **Impact on the character of the Silsden Conservation Area**

The external alterations to the building are limited to the opening up of four blocked up windows on the rear elevation, the removal of a door and some steps on the “front” elevation and the replacement of the existing doors with new timber doors. As there are few changes and the existing features of the building are being maintained, the impact on the character and appearance of the Silsden Conservation area will therefore be limited. Finding a use for the building, which is of historic interest, will prevent its deterioration and have a positive effect in the long term. The Council’s Design and Conservation Officer has no objections.

### **Impact on local and residential amenity and neighbours**

The proposed development will involve the change of use of the building from commercial to residential and will require the opening up of four of the six windows on the south west elevation which are currently blocked. Concerns have been raised about overlooking of a car parking area from these windows by the neighbouring funeral home which is attached to the north west of the building. However, the windows concerned are shown as being obscure glazed and will be to non habitable spaces (utility room, stair well and bathroom).

The funeral home car park is not a private area at present, being overlooked by several dwellings on Green Avenue and in full view of the street. It is not considered that the proposed development would result in an unacceptable impact on the privacy of bereaved people visiting the funeral home. The 4 windows to be retained will be offset in relation to the back yards and windows in the end properties on Green Avenue. Their position is such that there would not be any undue overlooking of the residential properties on Green Avenue from these historic openings – two of which are set very low down. The proposal is considered to comply with policies UR3 and D1 of the RUDP in that residential amenity of neighbours would not be significantly affected.

### **Highway Safety**

Concerns have been raised by local residents about the impact of the development on highway safety and congestion and this is the sole issue raised in the submitted petition. Whilst the dwelling will not benefit from any allocated off street car parking facility and it is acknowledged that there other residents rely on the limited on street parking available in the area is it not considered that this would be a defensible reason for refusing planning permission for the proposed change of use of an existing building. The building exists and any use, whether commercial or residential, would generate some vehicle movements and create some demand for parking. As highlighted by the Council's Highway Officer, residential use is likely to be the lowest trip generator compared with alternative commercial uses. Therefore it is not considered that the change of use will have a significant detrimental impact on highway safety and given the circumstances, the lack of parking, whilst not ideal, is acceptable.

### **Impact on bats**

Bats are likely to be active in the area and the building has the potential to be used by bats. For this reason a bat survey was supplied with the application. Common Pipistrelles were found to be active in the area but no bats were discovered roosting in or emerging from the building. However, due to its unusual shape and location and health and safety issues relating to the safety of the floor timbers inside the building the structure is difficult to survey thoroughly. The surveyor could not rule out the possibility that bats were using the building and recommended that a further survey be carried out as a precaution prior to the commencement of development. Given that no evidence of bat was discovered (i.e no droppings and no siting of bats) this is considered to be an acceptable proposal, not least because it may be some time before the development commences and a further survey will provide a picture of the situation at the point of development.

### **Drainage**

The agent has confirmed that the drainage will be to the existing combined sewer at 5 Greengate, which is also owned by the applicant. Matters regarding drainage will be more appropriately controlled under the Building Regulations.

### **Other Matters**

Concerns have been raised by the occupants of adjoining properties about the use of the private car park to the funeral home, smoke from the buildings chimney and possible overlooking if the external steps were to be used for recreation. The use of the car park is a private civil matter between the parties involved. Should this problem arise, it would be for the owner of the car park to take action. Matters relating to the use of the chimney and any resultant air pollution can be appropriately dealt with under Environmental Health legislation if such problems arose. The area at the top of the external steps is extremely small and it seems highly unlikely that this space would be used by future residents for sitting outside.

## **Conclusion**

This property is an interesting, historic feature of Silsden Conservation Area, albeit one that is hidden away. It would nevertheless be appropriate to try to ensure its conservation by finding a new use and the address clearly shows that, historically, the building formed two small cottages. In recognition of the lack of suitable car parking and space to meet modern day servicing requirements, the agent agreed to withdraw the previous proposal to renovate the building for two cottages and is now proposing just one dwelling unit.

Due to the tight knit nature of the area and lack of land it is not possible to provide any off street parking spaces for the building. Hence objections by local residents that parking congestion will be made worse. However, setting a requirement for off street parking for any future use of the building would be unrealistic – there is simply no land to provide parking clear of surrounding highways. The local residents' fears about congestion and parking problems in this tightly developed area are acknowledged, but the view of the Council's Highway Officer is that If the existing building is to be brought back into use then a single residential use is likely to generate the lowest number of vehicle trips and the demand for on street parking is also likely to be lower for this use. This is especially given that only a two-bed dwelling is being proposed, and such use will certainly be no worse compared to the likely trip generation and car parking characteristics of other possible uses of the building such as storage / commercial.

Note is also made of concerns regarding overlooking from the back elevation. However, the drawings confirm that the historic window openings closest to neighbouring houses would remain stoned up, while other openings that are being re-used have only an acute and indirect impact and will not cause any undue loss of privacy. Permitted development rights to prevent subsequent insertion of windows in the back wall should of course be a condition of any permission granted.

## **Community Safety Implications:**

There are no community safety implications.

## **Reason for Granting Planning Permission:**

The proposed change of use will have no significant adverse effects on local amenity, the amenity of neighbours or the character and appearance of the Silsden Conservation Area. Whilst no provision is made for off street parking this is considered acceptable given that this is an existing building and the proposed residential use is likely to generate a lower demand for parking than the previous commercial use. The proposal is considered to comply with Policies UDP3, UR3, D1, TM19a, BH7 and NE10 of the 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the dwelling without prior written permission of the Local Planning Authority.

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

3. In the period between May and September prior to the commencement of the development a further bat survey shall be conducted to establish the presence or otherwise of bats within the existing building. This shall be submitted to and approved in writing by the Council. The submitted report shall include proposals for mitigation and phasing of development should the presence of bats be confirmed. The development shall be carried out in strict accordance with the mitigation measures outlined in the report and as confirmed in writing by the Local Planning Authority.

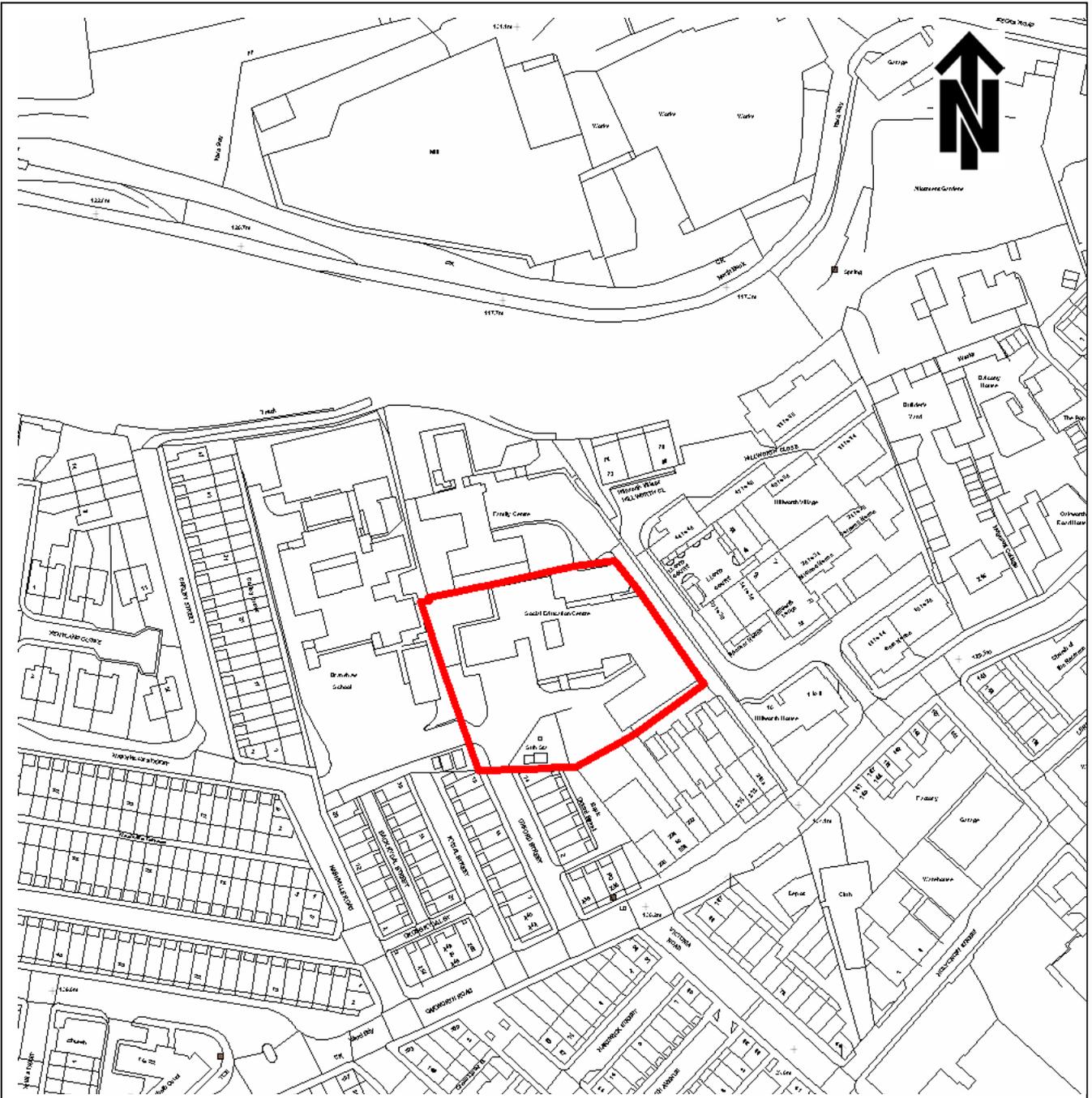
Reason : To safeguard bats and bat roosts that may exist on the site and to accord with Policy NE10 of the Unitary Development Plan.

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**Area Planning Panel (Keighley)**

**10/03858/OUT**

9 December 2010



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<p>ITEM NO. : 2</p>	<p><b>LOCATION:</b> <b>Keighley Resource Centre</b> <b>Oxford Street</b> <b>Keighley BD21 1RA</b></p>
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9 December 2010

**Item Number:** 2  
**Ward:** KEIGHLEY WEST

**Recommendation:**  
**TO GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS  
AND A SECTION 106 LEGAL AGREEMENT**

**Application Number:**  
10/03858/OUT

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

An outline planning application for the demolition of the existing building on the site and construction of 30 sheltered accommodation units contains with tow blocks. All matters save landscaping are reserved.

**Applicant:**  
Mr M Bashir

**Agent:**  
Mr A Al-Samarraie

**Site Description:**

The site is located within an urban area of Keighley and presently contains a building of limited architectural merit. Access to the site is via Oxford Road, a short adopted highway branching off the main Oakworth Road. The site is largely hard surfaced with a small group of trees located close to the entrance with Oxford Road. The site is located within a mainly residential setting however small scale retail properties and education uses area also present within the vicinity of the site.

**Relevant Site History:**

09/00522/OUT - Construction of 30 apartments of sheltered housing units – Refused 13.04.2010 (Lack of recreation open space and affordable housing contributions and lack of definition between public and private areas).

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

The site is unallocated on the Replacement Unitary Development Plan.

***Proposals and Policies***

UDP1	Promoting Sustainable Patterns of Development
UDP3	Restraining Development
UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
UR6	Planning Obligations
H7	Density
H8	Density
H9	Affordable housing

TM2	Impact of Traffic and its mitigation
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
D1	General Design considerations
NE5	Protection of trees
CF2	Education contributions
OS5	Recreation open space contributions

**Parish Council:**

Keighley Town Council – Raise concerns over the impact of the proposal on highway safety due to the nature of the access from Oxford Street. Request the application be heard by a meeting of the Area Planning Panel if recommended for approval and will be sending a representative to the meeting.

**Publicity and Number of Representations:**

The application was publicised by a site notice and a press advertisement. The publicity period expired on 7 October 2010. Three representations have been received. A fourth letter has been received, however it has no specific address or signature and so cannot be considered.

**Summary of Representations Received:**

The application proposes to construct a boundary wall to the rear of 210-218 Oakworth Road. This rear service road is jointly owned by the applicant and the residents of 210-218 Oakworth Road. The construction of this boundary wall will prevent vehicular access for residents.

*Response – Land ownership is not a material planning consideration. The Local Planning Authority is required to ensure that the correct ownership certificates have been signed on the planning application form. In this case Certificate A has been signed indicating that the applicant is the sole land owner of the site identified by the red line on the submitted plans. The applicant has provided a copy of the Land Registry plan identifying the site and this clearly shows the area of land of concern to the residents within the ownership of Mr Bashir. As a result the application can proceed. If the neighbours have an established right of access to this land, this is a private matter beyond the scope of this planning application.*

**Consultations:**

Local Development Framework – No objections subject to the satisfaction of Policies OS5 (recreation open space) and H9 (affordable housing) of the RUDP.

Highways Development Control – No objections subject to conditions requiring the submission of further details.

Drainage – No objections subject to conditions requiring the submission of drainage details including the investigation of sustainable drainage systems.

Yorkshire Water – No objections subject to conditions requiring the submission of drainage details.

Education Team – Would only require a contribution if families are to occupy the proposed development.

Housing – Requests a commuted sum of £157,500 towards off-site provision.

Trees – Some trees are visible within the streetscene and have a positive effect. However they are not worthy of a Tree Preservation Order. No objections subject to a condition requiring details of landscaping.

**Summary of Main Issues:**

1. Principle of Development.
2. Density.
3. Reserved Matters.
4. Trees.
5. Planning Obligations.
6. Community Safety Implications.

**Appraisal:**

An outline planning application for the demolition of the existing building on the site and construction of 30 sheltered accommodation units contained within two blocks. All matters save landscaping are reserved.

A recent application was refused on this site due to the lack of affordable housing and recreation open space provision and the lack of definition of public and private areas. The applicant has now agreed to provide the requested contributions, thereby overcoming two of the reasons for refusal. The layout of the site is reserved for later approval and so the definition of public and private areas is to be decided at the reserved matters stage.

**Principle**

The site is considered to be 'previously developed land' as defined by PPS 3. This is due to the presence of a permanent structure on the site and the character of the site being almost wholly developed at present. The site is unallocated on the replacement Unitary Development Plan and it is therefore considered that the principle of residential development at the site is acceptable.

**Density**

With a site area of 0.37 ha., a density of around 80 dwellings/ha is achieved. This is considered acceptable in this sustainable location and is not therefore considered an overdevelopment of the site. Such a density is broadly in line with that of the surrounding area, being mainly terraced housing.

**Landscaping**

The only matter applied for as part of this application is the proposed landscaping of the site. The proposed plan shows a mix of soft landscaping and hard surfaces although further specific details are required to ensure planting of an appropriate quantity is carried out. With regard to boundary treatments stone boundary walls are proposed to the perimeter of the site and timber fences are proposed to separate the garden areas of the individual units. Overall therefore subject to conditions requiring the submission and implementation of a landscaping plan and its implementation the proposed landscaping of the site is acceptable.

**Reserved matters**

Although all matters save landscaping are reserved on this application, it must be demonstrated that the site can support the development proposed within significant adverse effects.

### **Access**

Access to the site via Oxford Street is considered acceptable in principle. An adopted turning head can be provided within the site which would benefit the users of Oxford Street also and a separate footway would be beneficial for this development. The indicated level of off-street parking appears adequate to serve the development. It is considered, therefore, that an acceptable access can be achieved to the site and the issues of internal layout, parking and routes is a matter for detailed consideration when access and layout are applied for at reserved matters application stage.

### **Layout**

The indicative layout submitted demonstrates that the development can be accommodated within the site without significant adverse effects on the amenity of the surrounding properties. A minimum distance of 15 metres is achieved to the rear boundaries of the properties to the south with approx. 34 metres to the properties windows on their southern elevations. The buildings to the other elevations of the site appear not to be in residential use. It is therefore considered that an appropriate development can be achieved on the site.

### **Appearance**

A detailed design will be submitted at reserved matters stage, however, in general terms, the surrounding area has a mix of building types and the proposed development would not be out of place in this location.

### **Scale**

An indicative scale plan is shown giving the building height as around 9.5 metres; such a scale is considered acceptable in this location and would not over dominate the site.

### **Trees**

There are trees adjacent to the proposed access to the site and while they make a positive contribution to the streetscene they are not worthy of a Tree Preservation Order. The proposed layout does not show whether the trees will be removed however some work is likely to be required to them. Subject to conditions which would secure quality landscaping on this site the proposal is considered to be acceptable.

### **Planning Obligations**

As the development is indicated to be for 30 units, it exceeds the thresholds for contributions towards affordable housing, education contributions and recreation open space.

### **Recreation open space**

The application contains details of the open amenity space which is likely to be created on the site and the applicant has suggest that this would be sufficient in terms of policy OS5 and therefore no financial contribution would be required. This is not considered to be the case; the amenity space created would not fulfil the requirements of policy OS5 is mostly within private curtilage and would not be suitable or available for informal recreation. As a result the developer has agreed to provide a contribution of £18,325 towards maintenance/provision of recreation open space off-site. This is to be secured within the Section 106 Agreement.

**Affordable housing**

The proposed development is well in excess of the threshold for affordable housing contributions. The nature of the proposed development dictates that it would be impractical to manage individual units by an RSL and therefore a commuted sum to the value of £157,500 has been requested in lieu of onsite provision. The developer has agreed to provide this contribution and this is to be secured within the Section 106 Agreement.

**Education contributions**

The proposal is to provide sheltered accommodation on the site and the applicant has indicated that the proposed units are likely to accommodate people of at least 55 years of age and that no families will accommodate the units. A caveat to this affect is to be included within the Section 106 Agreement. If families are to occupy the units a contribution towards the provision of education facilities would also be required.

**Community Safety Implications:**

The proposal does not present any community safety implications.

**Reason for Granting Planning Permission:**

The application demonstrates that the site is capable of accommodating the proposed development on the site without causing any significant harm to highway safety, visual amenity or neighbours amenities. Furthermore the application provides contributions to ameliorate against the impact of the development on local infrastructure. Consequently the application is considered to comply with Policies UDP1, UDP3, UR2, UR3, UR6, H7, H8, H9, TM2, TM12, TM19A, D1, NE5, CF2 and OS5 of the Replacement Unitary Development Plan.

**Heads of Terms for the Section 106 Agreement**

A contribution of £157,000 towards the provision of off-site Affordable Housing provision, within the Keighley West ward or adjoining wards .

A contribution of £19,003 towards the provision of off-site recreation open space within the Keighley West ward or adjoining wards.

The minimum age of the occupants of the units to be 55 years. This is in order to reduce the likelihood of families living in the units thereby removing the need for a contribution towards the provision of education facilities.

**Conditions of Approval:**

1. Reserved matters to be submitted within 3years
2. Development to begin no later than 2 years after approval of the last reserved matter.
3. Reserved matters to be submitted (Access, Appearance, Layout and Scale)
4. Approved plans
5. Foul and surface water drainage to be on separate systems
6. Foul and surface water drainage details to be approved including investigation of sustainable drainage systems
7. Landscaping scheme details to be approved
8. Landscaping scheme to be implemented
9. Landscaping management plan to be approved in writing and implemented

**Footnote:**

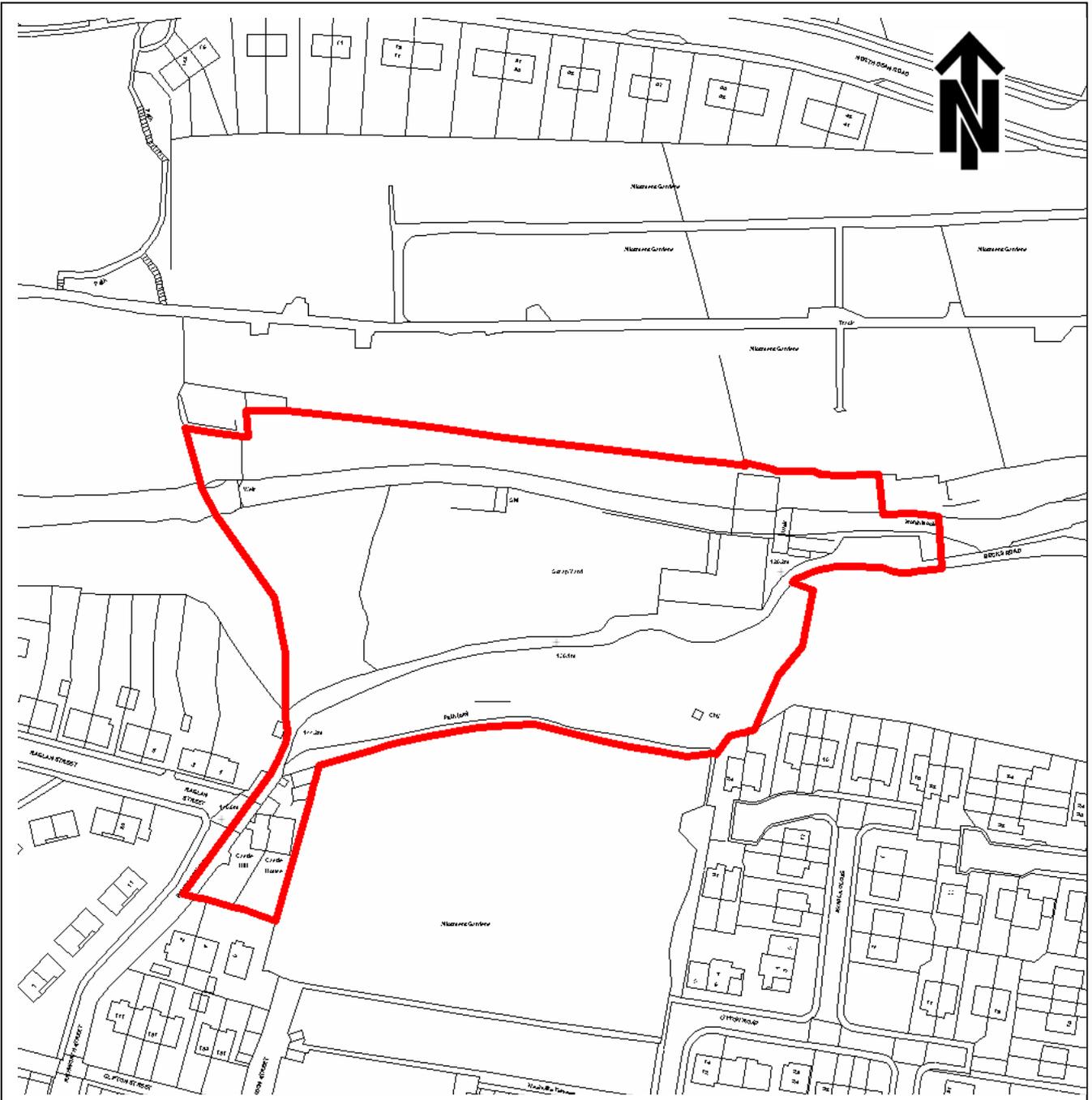
Decision subject to a Section 106 agreement

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Area Planning Panel (Keighley)

10/04672/OUT

9 December 2010



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<p>ITEM NO. : 3</p>	<p>LOCATION: <b>Scrap Yard Castle Mills Becks Road Keighley BD21 1SP</b></p>
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**9 December 2010**

**Item Number: 3**  
**Ward: KEIGHLEY WEST**  
**Recommendation: TO GRANT PLANNING PERMISSION**  
**SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT**

**Application Number:**  
10/04672/OUT

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

An outline planning permission for the construction of 66 dwellings and associated works. All matters are reserved for later approval. This application is a resubmission of application 09/02864/OUT, refused on 18 March 2010.

**Applicant:**

Mr Gary Bennett

**Agent:**

Mr Michael Allinson

**Site Description:**

The site is located close to Keighley town city and covers an approximate area of 1.6 ha. It was formerly in use as a scrap yard until fairly recently, taking access from Becks Road. The site has begun to recolonise with vegetation to the large plateau area in the northern part of the site (the former use seems to have been concentrated on this part of the site). The remainder of the site consists of steep slopes, with increasing altitude to the south. To the northern boundary of the site is a woodland strip, designated as a wildlife area, with allotments further to the north beyond this tree belt. This tree belt is covered by a Tree Preservation Order (TPO). The wildlife area extends within the site also, covering the southern slopes, but does not cover the central plateau area where the previous scrap use was in operation (this portion of the site is unallocated). The site also contains the derelict building of Castle Mills, now with large portions of its roof missing and severe structure degradation evident. The chimney serving the mill complex still stands on the southern slopes of the site. It is proposed to convert the mill into residential use; however, this will be subject to a separate planning application and does not form part of these proposals. The site has been the subject of a previous planning application for residential development and conversion of the mill building in 2007 and a further outline planning application for residential development in 2009 (also for 66 units in principle). The site is located on the urban fringe, situated within a residential area to the south and open countryside to the west.

**Relevant Site History:**

09/02864/OUT: Residential site formerly known as scrap yard to 66 residential units (refused 18/03/2010 for the following reason; lack of information in terms of a ecological assessment, contrary to policies NE10/NE11)

07/00494/OUT: Refurbishment of mill to provide 15 flats and residential development comprising terraced housing and apartment blocks (refused 16//11/2007 for the following reasons; 1. Impact on wildlife area; 2. Inadequate landscaping works; 3. Impact and loss of trees; 4. Insufficient off-street parking provision, insufficient information of existing and proposed levels, measures to promote sustainable transport, scale parameters of the development, standards of highway design, crime prevention measures; 5. No social contributions to affordable housing, public open space and education infrastructure; 6. Impact on surrounding residential properties).

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

Site of ecological and geological importance (part of the site only).

***Proposals and Policies***

UDP1	Promoting Sustainable Patterns of Development
UDP3	Restraining Development
UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
H7	Density
H8	Density
H9	Affordable housing
TM2	Impact of Traffic and its mitigation
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
D1	General design considerations
D3	Inclusive access
D4	Secured by design
D5	Landscaping
E3	Protecting existing employment land and buildings in the Urban Area
NE4	Trees and woodlands
NE5	Protection of trees
NE9	Other sites of Landscape or Wildlife interest
NE10	Protection of Natural Features and Species
NE11	Ecological Appraisals
NE12	Landscape and Wildlife Enhancement
NE13	Wildlife corridor network
NR15B	Flood Risk
NR17A	Water Courses and Water Bodies
NR17	Groundwater Protection
NR16	Surface Water Run Off and Sustainable Drainage Systems
P6	Unstable Land
OS5	Provision of recreation Open Space and Playing Fields In New Development
CF2	Education Contributions in New Residential Development
H9	Affordable Housing

**National policy**

Planning Policy Statement 1:	Achieving Sustainable Development
Planning Policy Statement 3:	Housing
Planning Policy Statement 9:	Biodiversity and nature conservation
Planning Policy Guidance Note 13:	Transport
Planning Policy Guidance Note 14:	Development on unstable land
Planning Policy Statement 23:	Contaminated land
Circular 06/2005:	Biodiversity

**Parish Council:**

Keighley Parish Council: objection to the application.

**Publicity and Number of Representations:**

The application has been publicised by individual notification letters and site and press notices. Expiry of the publicity period is 2 December 2010. To date, three letters of objection have been received to the in addition to a letter of objection from Keighley Parish Council.

**Summary of Representations Received:**

1. Highway safety implications and increase traffic generation from the development.
2. Issues in terms of the safety of the proposed bus stop by Metro.
3. Rishworth Street should be made up to adoptable standards by the developer.
4. Concerns raised in regard to flood risk and the approval of previous developments in the immediate vicinity of the site.
5. Access from Rishworth Street is unacceptable.

**Consultations:**

Highways:	No objections to the scheme subject to conditions.
Drainage:	No objections subject to conditions.
Keighley Parish Council:	Objection to the application received.
Heritage management:	No objections or material impact on the setting of the listed building.
Trees:	Concerns raised in regard to potential tree loss to the woodland belt to the north of the site.
Environment Agency:	No objections subject to appropriate conditions and compliance with the flood risk assessment.
Minerals and waste:	Details of the volumes and type of materials imported to site to be submitted.
Structures:	Further site investigations are required to ensure the stability of the slopes when development takes place.
Trees:	Concerns raised in terms of tree loss to the woodland belt to the north of the site.
Environmental protection:	No comments to date.
LDF team:	No objection in principle, subject to the requirements of policy NE9.
Yorkshire Water:	No comments to date.
Design Enabler:	Poor building for life score noted.

**Summary of Main Issues:**

1. Principle.
2. Matters reserved.
3. Other issues/considerations.
4. Comments on representation received.

**Appraisal:**

*Note: The application form has been amended to confirm that all matters are reserved on this application.*

**Principle**

The central area of the site is unallocated on the replacement unitary development plan with the remainder being within a Bradford wildlife area (site of ecological and geological importance). Allocated allotments are located to the north of the site, but not with the red line of the application.

It is considered that the development of the site for residential use is acceptable; the former employment use is unlikely to be reinstated and the proposal would not be contrary to policy E3, given that the reinstatement of the former scrap yard use is unlikely to be economically viable and the adverse effect such a use has on the surrounding area being located close to residential properties. It is therefore considered that the discontinuance of the employment use is in line with criteria 8 of policy E3. The site is considered to be previously developed land owing to its former employment use and that physical signs of this use together with the mill building on the site mean that development is acceptable in principle in line with Planning Policy Statement 3. In addition, the principle of development was accepted on application 07/00494/OUT and by the inspector on the subsequent appeal in relation to the refusal of this planning application.

In terms of density, with an indicative layout showing 66 units, a density of 39 dwellings/ha is achieved, however, in reality the net density will be considerably higher given that the developable area of the site is considerable small than the extent of land within the red line of the application site owing to the constraints existing on the site. Although the site is located sustainably being close to the town centre and public transport routes and services, it is considered that the density of development is acceptable given the constraints on the site.

**Matters not reserved**

All matters are reserved on this application and therefore the information with the application should demonstrate that the siting of the development is acceptable with regard to all relevant material planning considerations. An assessment of each matter is given below, however, full details in respect of each matter will be considered as part of the assessment of any reserved matters application:

### **Access**

Access to the development site is proposed from Raglan Street. The existing access into the site will be widened and formed to adoptable standards; this may require demolition of the existing property at the site entrance which is in the ownership of the applicant. The access is shown as 5.5 metres which is sufficient to allow two vehicles to pass each other and meets adoptable standards. In order to prevent/deter access onto Rishworth Street which is poorly drained and surfaced, a dropped kerb and rumble strip will be provided at its intersection with Raglan Street to prevent direct access by vehicles. It is considered that in principle the access point to the site would not lead to any significant highway safety considerations and that the level of additional traffic generated as a result of the development could be carried via Raglan Street without significant capacity issues.

### **Layout**

Although the final layout of the development may be subject to change at reserved matters stage, it is considered that the indicative layout demonstrates that the development can be accommodated within the site without unacceptable impacts on the surrounding dwellings and buildings. All required separation distances are achieved within the site and to existing properties outside its boundaries, despite the significant differences in site levels. The general layout of the internal access road is considered acceptable as is the level of off-street parking provision indicated. Full details of the method of construction of the roads and internal layout will be reserved for later approval to ensure appropriate gradients for the access and internal roads.

### **Appearance**

The indicative layout shows four groups of dwellings together with three apartment blocks on the plateau of the site to the north. Full details of the final design, features and materials will be reserved for later assessment; however, it is considered that the apartment blocks will be screened to a large extent by the drop in levels on the site. This is assisted by the height of the apartment blocks shown as limited to three stories. It is considered that a satisfactory scheme can be achieved with careful consideration of design matters at reserved matter application stage.

### **Scale**

Indicative scale parameters are shown on the submitted plans – full details of building heights and any changes in site levels will be shown on the reserved matters application. The site is not particularly prominent in the street scene and changes in levels assist in reducing the impact of any future development on the site.

### **Landscaping**

Details of proposed planting and landscaping works are not shown on the plans; however, as this matter is reserved, full details of any landscaping can be controlled. It is important that a standoff distance is achieved to the woodland and wildlife area to the north of the site and appropriate planting/soft landscaping is used to soften the impact of the development. In addition, replacement tree planting may be beneficial to the woodland belt to the north to replace any trees lost during construction of the development.

## **Other considerations**

### ***Trees***

There is a lack of mature tree cover on most of site, however, to the northern edge is woodland cover running down to the watercourse. This area is also within the wildlife area designation which also extends to the southern half of the site. In terms of the layout of the buildings, there appears to be sufficient distance between the protected trees and future building. The proposed parking areas are located much closer to the trees, however, it is considered that the parking areas can be surfaced in such a way to allow protection and water to flow to the trees. Some trees are indicated for removal on the site plan and submitted tree survey; however, as on the previous application (09/02864/OUT), it is considered that conditions can adequately control the impact of the development on these protected trees with full control over the final layout of the scheme being possible at reserved matters stage. A condition is considered appropriate to provide full details of all trees to be removed/retained as part of the development, notwithstanding the details shown on the site plans. This will ensure the all trees of high amenity value will be retained on the site.

### ***Biodiversity and protected species***

A number of surveys have been carried out in this respect; a phase I habitat survey, a bat survey and invertebrate survey. In general, the surveys conclude that most of the site has a generally low ecological value containing habitats and species found commonly in the UK on urban fringe sites. However, the woodland area to the north has the potential for rarer species. It is considered with a suitable standoff distance from the development and new species rich planting that the biodiversity of this part of the site could be improved or at least maintained. A condition, as specified above together with landscaping conditions would ensure suitable replanting in this location.

There is also the possibility of a hibernating roost in the existing mill chimney on the southern part of the site (at the top of the steep slope). Further roosts are possible in the mill building itself; however this does not form part of this application and would be assessed as part of a planning application to convert this building to residential use. The chimney is located close to a public right of way and requires demolition on safety grounds – it is considered that such demolition should be supervised in the presence of an ecologist to minimise disruption to bird and bat roosts/nests.

Given the findings of the various protected species surveys, conditions are considered appropriate to ensure mitigation measures are employed prior to and during construction on the site. Details of a full method statement for the demolition of the chimney would be required and any mitigation measures for the relocation of species encountered. In terms of the potential affect on species within the woodland wildlife area, conditions already identified for landscaping and tree works would be appropriate to mitigate against any loss of species habitat.

### ***Contamination***

There are several potential sources of contamination which could affect the site. There is also a possibility of disturbance of contamination when the site is excavated for the development and levels are changed. However, as previously concluded, there are clear remediation solutions to this and it is considered that conditions requiring full details of all remediation measures together with a verification report to be submitted and approved as acceptable and appropriate to address this issue.

### **Flood risk**

Part of the site is located within flood zones 2 and 3 (the level area of the site to the north of the mill chimney), however, the Environment Agency have not raised objections to the scheme provided appropriate discharge of surface water can be achieved and limited to acceptable runoff rates (greenfield rates). All development must also be carried out in accordance with the submitted flood risk assessment. Given this, it is considered that conditions would be adequate to control drainage issues and the location of suitable pumping equipment owing to the changes in levels at the site.

### **Land stability**

Part of the site contains very steep slopes (exceeding 45 degrees in places). There are therefore potential implications for slope stability during the construction of dwellings on the site in this location. Under the terms of Planning Policy Guidance Note 14 (PPG 14), it is primarily the responsibility of the developer to ensure the stability of the slopes and to employ any measures required to achieve this, irrespective of cost. A geotechnical survey has been submitted with the application; however, it is limited in terms of its assessment of the ground conditions on the steep slopes of the site. In view of this, it is considered essential to require a full stability survey and report to be submitted to the LPA prior to commencement of any development on the site. This is considered reasonable to enforce by a condition.

### **Social contributions**

The following financial contributions are requested in respect of the scheme, based upon the indicative level of development of 66 dwellings:

Education contribution:	£67,663 (primary and secondary education)
Public open space:	£104,172
Affordable housing:	Provision of 15% net developable area at 35% discounted off the open market value

The applicant has signalled agreement to the above contributions in principle and these will be enforced by a section 106 agreement. It is suggested by the applicant that the requirement for affordable units on the site may not be possible due to the viability of the scheme; any supporting evidence for this claim can be assessed independently at reserved matters stage and if deemed appropriate a deed of variation of the section 106 agreement could be requested.

### **Comments on representations received**

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

1. Highway safety implications and increase traffic generation from the development.  
*The development is not considered to generate significant additional traffic; the access via Raglan Street is considered sufficient to serve this development.*

2. Issues in terms of the safety of the proposed bus stop by Metro.  
*See above.*
3. Rishworth Street should be made up to adoptable standards by the developer.  
*Access is not proposed from and will be restricted via Rishworth Street.*
4. Concerns raised in regard to flood risk and the approval of previous developments in the immediate vicinity of the site.  
*Although part of the development site is located in flood zones 2 and 3, provided surface water discharge rates are controlled to the standards required by the Environment Agency, the risk of flooding further to the east of the site is considered to be acceptable.*
5. Access from Rishworth Street is unacceptable.  
*Access to the development will not be taken from Rishworth Street.*

**Community Safety Implications:**

None significant.

**Reason for Granting Planning Permission:**

The principle of residential development at this site is considered to be acceptable in principle; the site is classified as previously development land and the existing employment use is unlikely to be reinstated at the site. No significant implications are foreseen in terms of highway safety, visual and residential amenity, impact on protected species, contamination and trees. The proposal is therefore considered to comply with policies UR2, UR3, D1, D4, TM2, TM12, TM19A, H7, H8, NE4, NE5, NE6, NE9, NE10, NE11, NR15B, NR17 and E3 of the replacement Unitary Development Plan.

**Conditions of Approval:**

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

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

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

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

3. Before any development is begun plans showing the:

- i) access,
- ii) appearance
- iii) landscaping
- iv) layout,
- v) and scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

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

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

4. The development shall not begin until details of a scheme for separate 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 in full before the first occupation of the development.

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

5. Surface water from the vehicle parking and/or manoeuvring areas shall be drained using trapped road type gullies which shall be installed before the development is brought into use.

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

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

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

7. Prior to commencement of development on the site, a full ground stability report in compliance with Planning Policy Guidance Note 14, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in strict accordance with the recommendations of the ground stability survey.

Reason: To ensure the safe construction of the development and safety of surrounding land and to accord with policy P6 of the replacement Unitary Development Plan.

8. Any application for reserved matters shall include full details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:
- i) Position of trees to be felled, trees to be retained, proposed trees and defined limits of shrubs and grass areas.
  - ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
  - iii) Proposed topsoil depths for grass and shrub areas.
  - iv) Types of enclosure (fences, railings, walls).
  - v) Types of hard surfacing (pavings, tarmac, etc).
  - vi) Regraded contours and details of changes in level

Reason: In the interests of visual amenity and to accord with Policies D5 and NE9 of the Replacement Unitary Development Plan.

9. Prior to development commencing a detailed scheme for the proposed new junction of the estate road with Raglan Street shall be submitted to and approved in writing by the LPA. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the LPA all of the agreed works shall be implemented before any part of the development is first brought into use.

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

10. Prior to development commencing, a detailed scheme for the proposed estate roads shall be submitted to and approved in writing by the LPA. These details shall include full sections, traffic calming, drainage works, street lighting, white lining, signing, surface finishes and the treatment of junction/forward sight lines, together with an independent Safety Audit covering all aspects of the work. All of the agreed works shall be completed, or as otherwise agreed in writing by the LPA, before any part of the development is brought into operation/dwellings first occupied.

Reason: in the interests of highway safety and to accord with policies TM2, P6 and TM19A of the replacement Unitary Development Plan.

11. Prior to commencement of development on the site, a scheme to address the risk of contamination on the site to include the following shall be submitted to and approved in writing by the Local Planning Authority:

(a) A preliminary risk assessment to identify potential contaminants associated with previous uses of the site and potential unacceptable risks arising from contamination at the site.

(b) A site investigation scheme, based on the above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(c) The site investigation results and the detailed risk assessment based on the above, and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are undertaken.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: In the interests of groundwater protection and to accord with policies NR17 of the replacement Unitary Development Plan.

12. Prior to development commencing on the site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority

Reason: To prevent groundwater pollution and to accord with policy NR17 of the replacement Unitary Development Plan.

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority.

Reason: To prevent groundwater pollution and to accord with policy NR17 of the replacement Unitary Development Plan.

**Heads of terms of Section 106 Agreement**

- Affordable housing: 15% of the net developable area at 35% discount off the open market value.
  - Financial contribution to public open space: £104,172.
  - Financial contribution to education infrastructure: £67,663 (primary and secondary education).
-