

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday 11 January 2018 at 10.00 am in the Banqueting Hall, City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Brown Rickard	Warburton Wainwright Amran Watson	Griffiths

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Ellis Miller	Azam S Hussain Lal Lee	Stelling

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0915 in the Banqueting Hall on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.

From:

Parveen Akhtar
City Solicitor
Agenda Contact: Sheila Farnhill
Phone: 01274 432268
E-Mail: sheila.farnhill@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

Notes:

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

That the minutes of the meeting held on 9 November 2017 be signed as a correct record.

(Sheila Farnhill – 01274 432268)

4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Sheila Farnhill - 01274 432268)

B. BUSINESS ITEMS

5. MEMBERSHIP OF SUB-COMMITTEES

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

(Sheila Farnhill – 01274 432268)

6. LAND AT SUN LANE, BURLEY-IN-WHARFEDALE Wharfedale

1 - 64

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “AC”**) in relation to an outline application for the demolition of existing buildings and permission (all matters reserved other than points of vehicular access into the site) for residential development (Use Class C3); education facility (Use Class D1); public spaces; landscaping; car/cycle parking; access routes within the site; drainage and other associated works (Supplementary Environmental Statement relating to the provision of an up to two-form entry primary school) on land at Sun Lane and Ilkley Road, Burley-in-Wharfedale - 16/07870/MAO.

Recommended –

- (1) That the application be referred to the Secretary of State for Communities and Local Government, under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009, as a departure from the Development Plan and, subject to him deciding not to call-in the application for determination, it be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.**

- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:**
- (i) Affordable housing provision of 30% of the total units on site (or equivalent value); these units to be prioritised for people living in, working in or having close family links to the Burley-in-Wharfedale Parish and secondly the wider Wharfedale area.**
 - (ii) The safeguarding of an area of land within the site for the provision of an up to two form entry Primary School and to offer this land to the City of Bradford Metropolitan District Council, if requested, in order to deliver the school.**
 - (iii) Payment of commuted sums to secure highway improvements and sustainable travel measures as follows:**
 - (a) £15,000 for a review of the existing Traffic Regulation Orders on Main Street, Burley-in-Wharfedale; to include a review of waiting restrictions, loading restrictions and the potential for 20 mph speed restrictions. This sum to be payable on occupation of the 1st unit.**
 - (b) £55,000 for traffic calming and footway strengthening Traffic Regulation Orders in the Sun Lane area. This sum to be payable upon completion of the pedestrian link between the site and Sun Lane.**
 - (c) £40,000 to implement improvements to the A65 Coutances Way/Wheatley Lane Junction; taking the form of the installation of Microprocessor Optimised Vehicle Actuation (MOVA) within the traffic signals. This sum to be payable on occupation of the 401st unit.**
 - (d) £25,000 towards Vehicle Activated Signs and the introduction of traffic islands on Manor Park. This sum to be payable upon completion of the ghost island right turn lane access into the site from the A65 (as shown on Drawing 13-215-TR-009A).**
 - (e) £65,000 towards TR2500 Controller specification software improvements to the traffic lights at the Buckle Lane/Bingley Road Junction. This sum to be payable on occupation of the 1st unit.**
 - (f) £320,000 towards a scheme of wider improvements to the Buckle Lane/Bingley Road Junction, as shown on Plan 13-215-TR-024. This sum to be payable on occupation of the 301st unit.**

(g) £75,000 per annum to fund improving, re-routing and increasing the frequency of the 962 bus service (or any equivalent replacement facility) for a period of five years (£375,000); in order to provide a regular public transport link between the site, Burley Rail Station and the remainder of the settlement. This sum to be payable to the West Yorkshire Combined Authority in five equal annualised payments with the first payment being made upon substantial completion of the internal estate road,

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the City Solicitor) considers appropriate.

(John Eyles – 01274434380)

7. **LAND TO THE EAST OF BRADFORD ROAD, BURLEY-IN-WHARFEDALE**
Wharfedale

65 - 96

A report will be submitted by the Assistant Director - Planning, Transportation and Highways (**Document “AD”**) in relation to a outline application for the construction of a residential development scheme comprising up to 15 dwellings with all matters reserved except for means of access to, but not within, the site, on land to the east of Bradford Road, Burley-in-Wharfedale - 17/00496/MAO.

Recommended –

That the application be refused for the reasons set out in the Assistant Director - Planning, Transportation and Highways’ technical report.

(John Eyles – 01274 434380)

8. **LAND AT BRADFORD ROAD, BURLEY-IN-WHARFEDALE**
Wharfedale

97 - 130

The report of the Assistant Director - Planning, Transportation and Highways (**Document “AE”**) considers an outline planning application for up to 40 dwellings, with all matters reserved except for means of access to, but not within, the site on land at Bradford Road, Burley-in-Wharfedale - 17/00497/MAO.

Recommended –

That the application be refused for the reasons set out in the Assistant Director - Planning, Transportation and Highways' technical report.

(John Eyles – 01274 434380)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 11 January 2018

AC

Subject:

This is an outline application for the demolition of existing building and outline planning permission (all matters reserved other than points of vehicular access into the site) for residential development (Use Class C3); education facility (Use Class D1); public spaces; landscaping; car/cycle parking; access routes within the site; drainage and other associated works (Supplementary Environmental Statement relating to the provision of an up to two-form entry primary school) on land at Sun Lane and Ilkley Road, Burley-in-Wharfedale.

Summary statement:

The proposal relates to the development of a large site for residential and educational development with associated open space and other infrastructure. The site is located within the defined Green Belt and under current policy guidance would be considered to be inappropriate development in that it doesn't comply with the criteria for what constitutes appropriate development. As such exceptional circumstances need to be proven to justify going against both local and national policy guidance. The exceptional circumstances include the provision of new housing to help meet the identified housing need for Burley-in-Wharfedale within the Core Strategy, the provision of a new primary school and the securing and delivery of the temporary Roman Camp. It is considered that these considerations outweigh the harm the development would cause to the Green Belt and the harm the development would cause to the character of the landscape.

The application is recommended for approval subject to a Section 106 Legal Agreement to secure off-site highway improvements, affordable housing, a new up to 2 form entry primary school and Sustainable Travel Measures.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is an outline application for the demolition of existing building and outline planning permission (all matters reserved other than points of vehicular access into the site) for residential development (Use Class C3); education facility (Use Class D1); public spaces; landscaping; car/cycle parking; access routes within the site; drainage and other associated works (Supplementary Environmental Statement relating to the provision of an up to two-form entry primary school) on land at Sun Lane and Ilkley Road, Burley-in-Wharfedale.

2. BACKGROUND

There is no relevant background to this application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in the Officer's Report at Appendix 1.

4. OPTIONS

The Committee can approve the application as per the recommendation contained within the main report, or refuse the application.

The proposal site is within the Green Belt and is considered to represent Green Belt Development, as defined by paragraph 4 of the Town and Country Planning (Consultation) (England) Direction 2009. In accordance with the requirements of the Consultation Direction, in the event that the Committee resolve to grant planning permission, the Secretary of State must be consulted to allow him opportunity to call-in the application for his own determination if he so chooses.

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material considerations.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications associated with this proposal.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard

has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located within the urban area and is close to a relatively frequent bus route and is therefore considered to be in a sustainable location.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this development. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. If planning permission were to be granted, in order to encourage alternative means of transport Electric Vehicle (EV) charging points would need to be provided within the domestic curtilages of the residential dwellings comprising the development (normally secured by a planning condition).

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications other than those raised in the main body of the report.

8.5 HUMAN RIGHTS ACT

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken its account the views of all those who have an interest in, or whom may be affected by the proposal.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal. The development of this site for housing would have some implications for the Ward in terms of increased infrastructure pressure but this could be off-set by the provision of Community Infrastructure Levy (CIL) payments.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That planning permission is granted subject to the conditions set out in the report attached as appendix 1.

11. APPENDICES

Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

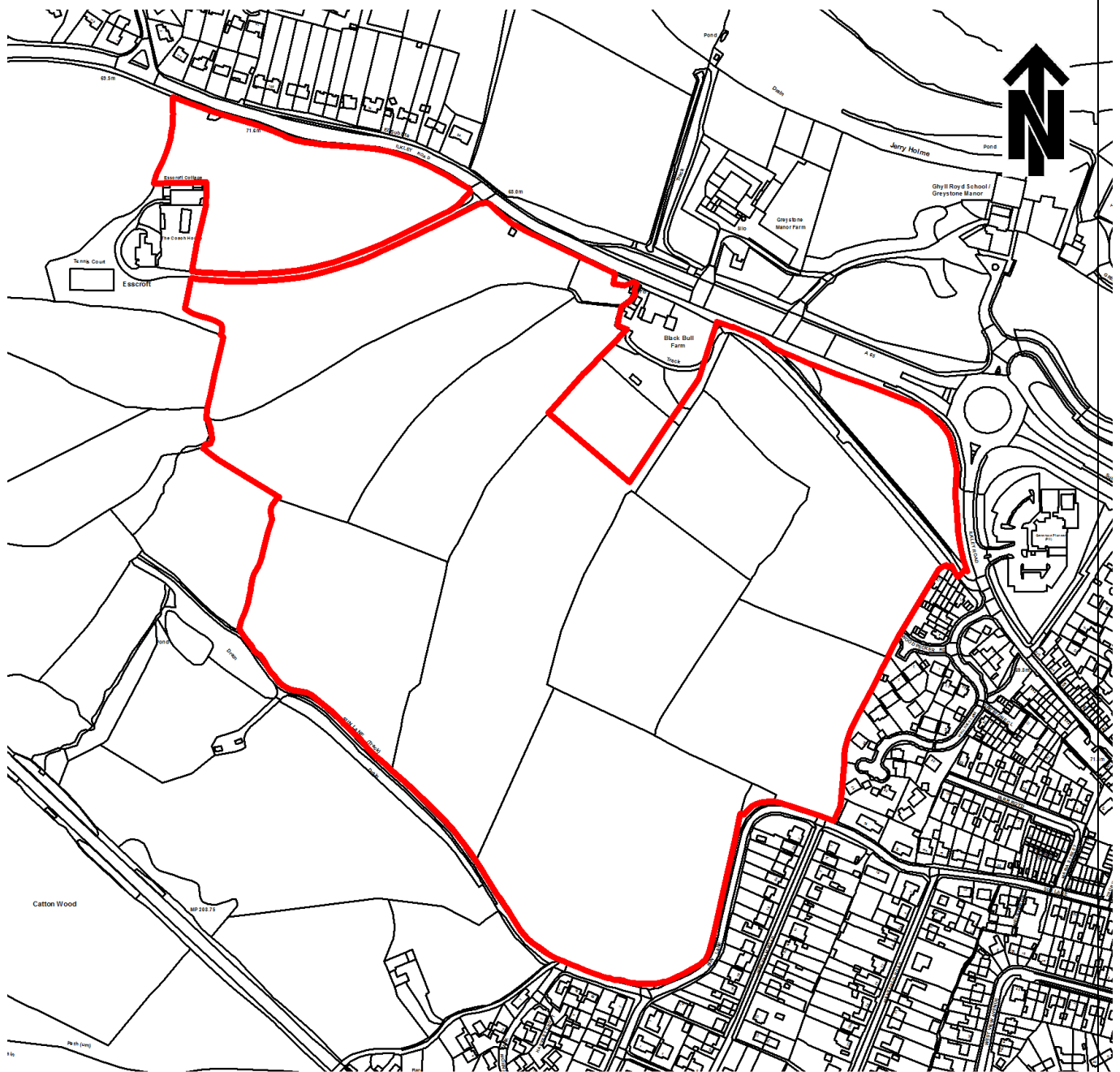
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Local Plan for Bradford
Planning application: 16/07870/MAO

16/07870/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:5,000

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**Land at Sun Lane and Ilkley Road
Burley-in-Wharfedale
Ilkley**

11 January 2018

Ward: Wharfedale

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT AND SUBJECT TO THE APPLICATION BEING REFERRED TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT UNDER THE PROVISIONS OF THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009 AS A DEPARTURE FROM THE DEVELOPMENT PLAN

Heads of Terms of the Section 106 Legal Agreement:

Affordable Housing: Up to 30% (or equivalent value) of the total units on site delivered as affordable housing. The units should be prioritised for people living, working, or having close family links to the Burley-in-Wharfedale Parish and then secondly the wider Wharfedale area.

Primary School – To safeguard an area of land within the site for the provision of an up to 2 form entry Primary School and to offer this land to City of Bradford MDC if requested in order to deliver the school.

Highways – The following highways improvements will be secured through the Section 106 agreement:

- **£15,000 to allow a review of the existing Traffic Regulation Orders (TROs) on Main Street, Burley-in-Wharfedale. This will include a review of waiting restrictions, loading restrictions and potential for 20mph speed restrictions. This will be payable on occupation of the 1st unit;**
- **£55,000 towards traffic calming and footway strengthening TROs in the Sun Lane area. This will be payable on completion of the pedestrian link between the site and Sun Lane;**
- **£40,000 for improvements to the A65 Coutances Way / Wheatley Lane junction taking the form of the installation of Microprocessor Optimised Vehicle Actuation (MOVA) within the traffic signals. This will be payable on occupation of the 401st unit;**
- **£25,000 towards Vehicle Activated Signs and introduction of traffic islands on Manor Park. This will be payable upon completion of the ghost island right turn lane access into the site from the A65 (as shown on drawing 13-215-TR-009A);**
- **£65,000 towards TR2500 Controller specification software improvements to the Traffic Lights at the Buckle Lane / Bingley Road Junction. This will be payable on occupation of the 1st unit; and,**
- **£320,000 towards a scheme of wider improvements to the Buckle Lane /Bingley Road junction, as shown on Plan 13-215-TR-024. This will be payable on occupation of the 301st unit.**

Sustainable Travel Measures:

£75,000 per annum to fund improving, rerouting and increasing the frequency of the 962 bus service (or any equivalent replacement facility) for a period of 5 years (£375,000). This will provide a regular public transport link between the site, Burley Rail Station and the remainder of the settlement. This will be payable to West Yorkshire Combined Authority in five equal annualised payments. The first payment will be made on substantial completion of the internal estate road.

Application Number:

16/07870/MAO

Type of Application/Proposal and Address:

This is an outline application for the demolition of existing building and outline planning permission (all matters reserved other than points of vehicular access into the site) for residential development (Use Class C3); education facility (Use Class D1); public spaces; landscaping; car/cycle parking; access routes within the site; drainage and other associated works (Supplementary Environmental Statement relating to the provision of an up to two-form entry primary school) on land at Sun Lane and Ilkley Road, Burley-in-Wharfedale.

Applicant:

CEG Land Promotions Ltd

Agent:

C Darley (Nathaniel Lichfield & Partners)

Site Description:

The site is located to the south of the A65 and to the west of Sun Lane. It currently comprises a number of open fields which are used as grazing land with trees scattered along both the field and site boundaries. The site is split into 2 by a private access drive serving an existing nursery business. A Grade II Listed Building is located adjacent to the site on the southern edge of the A65. Further to the south of the site is the Sun Lane Nature Reserve. The eastern boundary of the site is formed by the existing built up area of Burley-in-Wharfedale where a number of existing pedestrian routes lead from the development site to the main centre of the settlement. A water course runs through the north western portion of the site.

Relevant Site History:

There is no relevant planning history on the site

The National Planning Policy Framework (NPPF):

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated but is located within the Green Belt as identified within the RUDP. Crossing the north eastern corner of the site is an identified Cycle Improvement (Ref: S/TM20.7 – The Wharfedale Cycleway). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

TM6 Bus Priority
TM10 National and local cycle network
TM20 Cycleway Improvements
NR1 Safeguarding (Minerals) Resource
GB1 New Building in the Green Belt

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC5 Location of Development
SC7 Green Belt
SC8 Protecting the South Pennine Moors and their Zone of Influence
SC9 Making Great Places
PN1 South Pennine Towns and Villages
EC4 Sustainable Economic Growth
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO3 Distribution of Housing Requirement
HO4 Phasing and Release of Housing Sites
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
HO8 Housing Mix
HO9 Housing Quality
HO11 Affordable Housing
EN2 Biodiversity and Geodiversity
EN3 Historic Environment
EN5 Trees and Woodland
EN7 Flood Risk
EN8 Environmental Protection
EN12 Minerals Safeguarding
DS1 Achieving Good Design
DS2 Working with the Landscape

DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
ID2 Viability
ID3 Developer Contributions

Parish Council:

The Planning Committee of Burley Parish Council met on 11th December 2017 and resolved to recommend no objections to the application.

Publicity and Number of Representations:

The application was initially publicised by press notice, site notice and neighbour notification letters. Subsequently an updated Environmental Statement was submitted on the 1st December 2017 and the application was readvertised via site notices and neighbour notification letters. The publicity period finished on the 15th December 2017.

As a result of the publicity exercise 183 representations were received following the initial publicity exercise with a further 22 representations received following its readvertisement. Of the 205 representations that have been received, 204 are objecting to the proposal and 1 is in support. Of the objections received 2 have been from local Ward Councillors and 1 from the MP for the area.

Summary of Representations Received:

Principle:

- By developing towards Ben Rydding, there is a risk of merging villages, as has already been seen around the area, and destroying the villages identity
- The proposal to build 500 new homes on green belt in Burley-in-Wharfedale totally ignores the Governments fundamental aims for protecting such land
- There is no proven need for this level of housing to be built
- There are no exceptional circumstances to justify building on green belt land. That in itself should be sufficient grounds to reject this development
- The village needs to build extra housing, however, these extra dwellings should be through various small individual developments which would keep the village identity and could be built on smaller in-fill sites and brownfield development which would ultimately avoid the extension of the village boundary to the south west of the village
- The demographics in Bradford clearly show that housing need centres on the City of Bradford where there is a growing population and where people work
- Bradford MDC, as the local planning authority, has the responsibility for long term land use planning in the district and so should view this proposed development, not just in terms of committed developments (Greenholme Mills and land south of Welborne, Bradford Road) but in terms of the 1800 additional houses proposed for Ilkley, Addingham and Menston and the cumulative impact on Landscape character, Highways etc
- There are still areas designated as brownfield sites which can be built on regenerating areas like the development at Greenholme Mills, leaving the Greenbelt land and the animal habitats in tact
- Bradford Council are supposed to have a "brownfield first" policy but this suggests that this is not the case

- In early October the BBC gave details of a government document that indicated a number of councils (Bradford being one) were in the process of overbuilding based on revised figures of future demand. A decision should not therefore be rushed and irrevocably desecrate green belt land which can never be regained
- Ilkley is not a growth area, there are no significant employers, the majority of employment opportunities are tourism related. Why does Burley need all these additional houses to support the job growth in Ilkley?
- Local Parish councils have produced much better plans to limit the impact of the additional housing, these plans do not seem to have been taken seriously into consideration by BDMC council
- Part of the site for the proposed building of 500 homes on the edge of Burley is still earmarked for a bypass of the manor park bends a major accident black spot
- The village needs to take its share of a growing population and are keen for the community to grow organically and in a considered way, taking account of where homes are truly needed and what types of homes are appropriate
- The Land Allocation Plan on which residents were invited to comment over the summer of 2016 has not yet been finalised. Allowing the this planning application to proceed for 500 homes on the site when the final land allocations have not yet been reviewed, analysed or concluded is wholly inappropriate and premature
- There is not enough employment in the local area to absorb this number of people to the people moving in will commute largely by car
- This application is an attempt by the applicant to circumvent the local democratic processes in terms of the developing Local Plan of Bradford Council and Burley's Neighbourhood Plan, being prepared by Burley Parish Council

Highways/Transport:

- The main road through is busy at the best of times with it being difficult to navigate through at its busiest due to the number of people visiting shops
- The A65 is already heavily congested at peak times
- The priority should be to improve this area of road by straightening and raising the road to stop flooding which has closed the road on numerous occasions
- No shops are proposed for the proposed development such that residents can continue to support businesses in the centre of Burley. From an economic perspective, this seems sensible. However, many residents of the development will choose to drive the three quarters of a mile journey from the development to the centre of Burley. This will cause greater congestion on the roads
- The Council has already commented that it will not allow development to proceed until it is satisfied that the proposal will not adversely affect existing and proposed transport infrastructure in the vicinity of the site
- The pavement runs only on one side of Main Street leading from the proposed development up to the centre of Burley. Consideration should be given as to how residents will safely cross from the development to the other side of Main St in order to walk into the centre of the village
- Object to the proposed pedestrian access from the development via Woodpecker Road. This pedestrian access would be the shortest walking route from the development to the centre of Burley. Wellfield Lane and Woodpecker Road are currently quiet, cul-de-sac locations
- To ensure greater pedestrian safety we ask that mitigation be included to slow traffic and inclusion of a pedestrian zebra-crossing point at Wellfield Lane

- It is unclear how the site would be connected to the village in terms of vehicular access of the type and volume associated with 500 homes, and how traffic management and calming measures could be used to manage such a surge in the number of homes and residents in the locality
- The river Wharfe continues to undermine the A65, as the road and river are closely located at the "Manor Park Bends". This section of road urgently needs to be widened, straightened, raised and set back from the river. These recommendations were made some time ago but will not be possible if the application is approved
- The proposals do not acknowledge other developments that will happen in the area (around 1800 new homes in Addingham and Menston) which will also utilise the A65
- The Applicant commissioned a traffic count in November 2015 on Countances Way. The figures they have produced do not take account of development that is required to be built but has not yet been "committed" - a selective omission to assist their statistics
- How up to date is the Travel to Work Origin and Destination data for the Bradford 003 Middle Super Output Area (MSOA) evidence? It seems difficult to believe that only 5% of traffic from the development will choose to drive through the centre of Burley along Main Street particularly as it would be the route taken to drive to the train station
- The legitimacy of the 'internal' assumption made by 'Bryan G Hall' on traffic patterns is questioned. If they have assumed that 60% of traffic visiting the site will use the Ilkley Road / Main Street entrance, then does that disproportionately skew all of the traffic modelling for the A65 in a manner that makes saturation of the A65 less evident as it ignores traffic going to the second, annexe site nearer Ilkley? Also, if 60% of the traffic will use the Ilkley Road / Main Street entrance, then it again brings into question the accuracy of the projection that only 5% of the traffic from the development will choose to drive through the centre of Burley along Main Street.
- The Applicant also fails to recognise how people actually live when making their assumptions. They suggest the new residents will walk and use public transport - it won't happen
- At present problems with accidents and flooding on the road causes major disruption – this is the single route for heavy vehicles as other local roads are not suitable
- Car parking is already an issue with cars parked in streets around the station causing congestion and inconvenience to residents
- People generally will not walk from the proposed development to the train station - it will be too far for many and others will be too time pressured
- The trains are running at full capacity and there are currently no plans to lengthen the platforms at the railway station or to provide additional carriages on the trains
- The proposal contradicts Policy TR1 which states development should be located so that the use of sustainable travel is maximised and the impact of development on existing transport networks is minimised
- Who will pay for the necessary transport infrastructure improvements required because of the development
- There are no credible plans to address the problems of negotiating a shuttle bus service from the new housing developments to Burley-in-Wharfedale train station through the village, given that cars are permanently parked on one or both sides of the 'local' road along the entire route towards Burley-in-Wharfedale

- Budget cuts mean bus services will suffer further reductions. Forcing people onto an inadequate/ deteriorating bus service will not work as people need a reliable way to commute to reach their employment
- The developer has proposed an investment in Burley railway station in order to increase the car parking capacity available. Parking is limited at Burley station as it is surrounded by housing or green belt. How exactly does the developer intend to meet this commitment?
- Aiming for a 10% reduction in car use is unrealistic and ignores practicalities. It cannot be delivered
- The houses proposed are not being built near to where the jobs are, thus people are having to travel further to work. It simply creates more congestion and far greater emissions than would be the case if these homes were built where they were needed, as opposed to where a developer would like to build them for ease (green belt as opposed to brownfield site) with a motive of profit and at huge detriment to the community
- The buses are limited stop services, which are not likely to divert through the estates and do not provide evening or weekend services. As the first bus would arrive in Ilkley at 09:20, it is of no use to those whose working day starts before then. Equally, those relying on the bus to travel to work in Harrogate, would have to finish early every day, as the last bus that goes through to Burley, leaves Harrogate at 16:30
- The main facilities of the village, such as the main Co-op store and the doctors' surgery, are 1,500 metres from the site. Whilst they may be walking distance for some this will not be the case for all - increased car usage through the small village main street will increase congestion and add to existing parking problems
- The traffic figures produced by CEG should be scrutinised in great detail and not taken at face value

Drainage:

- Inappropriate development in Burley-in-Wharfedale in an area at risk of flooding and future effects of climate change should be taken into consideration, as once this land is built on it will be very hard to improve flood defences in the future
- The soils in the locality are extremely clayey and are prone to compaction. A huge development such as the one proposed with its infrastructure of roads and high density housing would result in the compaction of the soil and underlying substrate which would affect the natural drainage and add to the risk of flooding
- It is very likely that the present Sewer and Water Treatment Plant (SWTP) wouldn't be able to cope with the extra residents' demand of the potential 500 - 700 houses in Zone 1 west of Burley-in-Wharfedale
- Yorkshire Water have confirmed there is capacity in the local foul sewer network and waste water treatment works to receive, convey and treat foul flows from the proposed development assuming a build rate of 50 dwellings per annum. This would restrict the developers to a 10+ year build programme for the site (for 500+ houses) which conflicts with the circa 7 years estimate provided to date?
- The Flood Risk Assessment does not fully detail the major flood events relating to the River Wharfe in Burley over the last 70 years. It refers to Environment Agency historical records of flooding on or near the proposed site in January 1982, 1991, 1995 and Autumn 2000 but fails to mention 5 other major events of fluvial flooding of the River Wharfe in Burley in 1950, 1965, 1975, 1990 and 1994
- Some of this site is designated a flood zone 3a

- Concerns about the potential negative impact that water channelling, flood management and drainage schemes may have on surrounding, existing housing and on the river level of the Wharfe, if that is where excess run off will be channelled

Residential amenity:

- The loss of view of neighbouring properties would adversely impact on the residential amenity of neighbouring owners
- Noise pollution will increase from extra residences and traffic
- Due to differences in land levels, the dwellings adjacent to the site will be overlooked due to them being located on lower ground
- A 7 year development programme will impact nearby residents and residents on the development significantly - it is too long a period of time. Noise and dirt from building work, with the potential risk of unfinished or unbuilt road/transport infrastructure nearby, will be very disruptive to residents of Sun Lane, Wellfield Lane and other nearby roads

Visual amenity:

- The housing density proposed is high (to optimise profit, one would assume); the proposed housing types consists of tall town houses and terraces which are not appropriate on the rural edge of the village and would block views out of the west end of the village
- The proposed development would destroy the character of this landscape with its attractive network of pastures, meadows, hedgerows, field trees and isolated farm buildings, which is the charm of this landscape and the picturesque setting of the village

Environment:

- The Scoping Assessment of Operational Impacts on SPAs / SACs (Appendix J5) suggests there will be no pollution impact from traffic, although it acknowledges there will be an increase in traffic flow via Moor Lane
- The application demonstrates the integrity of the on SPAs/SACs will be completely undermined and there is no evidence to demonstrate alternatives have been considered i.e. use of Brownfield sites and there are no imperative reasons cited to override the public interest
- There will be ecological impacts that will take years to recover if ever

Conservation:

- A historic Roman development has recently been identified in the fields where the development is planned and this site needs to be analysed and preserved without interference from a commercial developer

Infrastructure:

- Burley-in-Wharfedale is already an extremely busy village with its local amenities struggling to cope with current village numbers
- The villages infrastructure (doctors/schools/nurseries/recreation ground) cannot cope with the increased numbers brought by the proposed development
- A new primary school would not be built until there were sufficient pupils to fill it. Where would the children go before this school was built? Current primary schools are full with little room for expansion
- Council services in the area will be stretched such as refuse disposal

- A massive development requires more investment in infrastructure and services due to the larger mass of inhabitants it attracts - the investment is not a justification for the development itself
- Some of the infrastructure investments may not come to fruition until much later in the development programme. This increases the likelihood that they may never be achieved. Such a situation may leave Burley with more housing and residents, but without the increased infrastructure to support them. Greater guarantees on this point are required.
- The proposed primary school is at the back of the development. Will this mean that transient traffic will pass through the development on a daily basis as parents who do not live on the site drive their children to school? The positioning of the school in this location will also impact residents of this development in a negative way

Wildlife/Ecology:

- This site provides an important and diverse habitat including trees, grassland and hedgerows which provide opportunities for nesting, roosting, feeding and breeding
- The site is home to numerous species of birds and bats some of which are on the red and amber protection lists
- The Preliminary Ecological Appraisal reveals that the proposed site is extremely rich in bio-diversity and it is impossible to reconcile new housing with this
- The Preliminary Ecological Appraisal also raises the issue of "potential increase in numbers of dog walkers using Sun Lane Conservation NR/BWS". With the effective removal of any green buffer area around the NR plus additional foot (and paw) fall, the effect is likely to be disastrous

Others:

- There is no evidence to show that the development could bring any positive impact on the village
- The proposed development will result in premium houses out of reach of the average family even with 'affordable' provision
- Should planning permission be given that any Section 106 monies will reflect the additional burdens which will undoubtedly be placed on local resources and local residents and local families because of the decision
- Object to the manipulative way the developer has handled this application - appointing barristers to find loopholes to exploit, which has resulted in a jump from initially 200 to 500 houses; undermining the Greenholme Mills brownfield proposal (which the majority of the villagers approve) to improve the chances of their own application, and blatantly lying on some matters at their presentation to the village - for example, about guarantees of places for all the residents of Burley at Ilkley Grammar which was and is not true
- The absence of planning notices at any point along the perimeter of the site has meant that some residents may not be aware of the location of the proposed housing
- This is not a proposal to provide affordable housing or to provide facilities for Burley in Wharfedale, but driven by financial gain by a few
- The proposal makes reference to the provision of a primary school. Everyone who resides in this part of the Wharfe Valley knows that the major problem is the lack of places in secondary education
- Is this already a done deal? It will be interesting to see if the pages of objections for many reasons from residents all over the village have any impact on the decision!

- To suggest that the recently discovered roman camp could be incorporated into the overall site design smacks of theme park mentality and clearly shows just how desperate the developer is to have this application approved
- There will be an inevitable increase in low level crime and antisocial behaviour which will likely spill over into the rest of the village. Manor Park, being right opposite, will be on the front line.
- It is likely to create a self-contained community that does not integrate with the rest of the village
- Nobody wants this development, it is just a cash cow for Bradford Council because they know we actually pay our council tax
- Provision on expensive housing that is not really addressing the housing shortfall
- The authority should concentrate on building affordable housing where it is needed
- Sun lane nature reserve still has some nasty rubbish ex buried under ground. How are the developers going to make certain any contaminated water does not reach the new development
- The glossy brochure and slick presentation used by CEG is full of empty promises of future improvements - increased train capacity, school investment - if planning is gained and this is sold off in pieces I very much doubt any of the promises will be fulfilled
- We have to be net self-sufficient in food production. The answer is fewer people, not more houses. This is unsustainable

Consultations:

BMDC Planning, Transportation & Highways: Local Plan / Policy Team – No objection to the proposal on the grounds that, whilst the site is located within the Green Belt, there are exceptional circumstances that would justify the granting of planning permission including meeting the identified housing need for Burley-in-Wharfedale within the Core Strategy, the provision of a new primary school and the securing and delivery of the temporary Roman Camp

West Yorkshire Archaeology Advisory Service – No objection to the principle of the development but state that the application site encompasses an area of previously undeveloped agricultural land which has the potential to contain remains of national significance. Whilst a desk based survey of the sites potential has been submitted it is recommended that further surveys and archaeological evaluation are carried out across the site. The site should be subject to further archaeological evaluation prior to determination of the outline application to fully establish its archaeological potential and the significance of the remains present.

Historic England – No objection to the proposal on heritage grounds but acknowledge that the proposed development will cause some harm to the identified Roman Camp through the development of the school and housing, the need for access roads and reduction of its rural setting. However, it is consider that it will deliver positive benefits by retaining and enhancing the external earthwork, undertaking further archaeological assessment building on the camp's initial discovery, the development of support material for the school and securing the long-term management of the earthworks.

Conservation Team – No objection to the principle of the development as there are no heritage assets within the application site. There is a non-designated heritage asset in the site in the form of the temporary Roman Camp whose archaeological interest is demonstrably of equivalent significance to a scheduled monument and which should

therefore be considered subject to the policies for designated heritage assets. Adjacent to the site are two Grade II Listed Buildings which will effectively be surrounded by the development. The level of harm to the listed buildings is considered to be less than substantial and should be weighed against the public benefits of the proposal. If the proposal is considered sufficient public benefit to outweigh the limited harm identified then as part of the development it will be important to ensure that the layout provides the listed buildings with a buffer zone to retain the maximum spaciousness around them

Yorkshire Water – The indicative layout plan submitted shows that buildings are located over the line of the sewers potentially jeopardising Yorkshire Water's ability to maintain the sewerage network. However this could change at Reserved Matters stage and Yorkshire Water are satisfied that the matter can be controlled via condition

Drainage – No objection subject to the imposition of appropriate conditions relating to the discharge of foul sewage

Lead Local Flood Authority – No objection subject to the imposition of appropriate conditions relating to the discharge of surface water

Environment Agency – No objection to the proposal subject to the imposition of a condition stating that no development shall take place outside of flood zone 1. With regard to the Supplementary Environmental Statement submitted on 30th November 2017 no further are submitted and the previous comments remain valid.

Landscape Design Unit – No objection to the principle of the development. It is considered that the draft landscape proposals for the Ilkley Road frontage are acceptable and that the planting of mature size replacement trees and the replacement hedgerow will help compensate for the loss of existing planting in this area. With regard to the updated draft landscape and Green Belt buffer information the details appear to be generally acceptable and sympathetic to the local landscape character of the area. Fully detailed planting plans will still be required for all of the proposed landscaped areas as part of the final submission.

Biodiversity Team – No objection to the principle of the development. The Habitat Regulations Assessment (HRA) submitted in support of the application identifies likely significant effects that the development proposals would have on the nearby South Pennine Moors Phase 2 Special Protection Area (SPA) and Special Area of Conservation (SAC), in particular recreational impacts. The HRA proposes sufficient measures both on and off-site that these impacts can be adequately mitigated such as sufficient accessible greenspace and adequate links with the surrounding public right of way network within the development and in relation to off-site measures improvements and funding for long-term management of the adjacent Sun Lane Nature Reserve together with additional accessible green space in close proximity to the development site. Further to the submission of the Ecology Technical Note submitted on 29th September 2017 it is noted that further bat and barn owl surveys undertaken on the site as a result of biodiversity comments provided previously by the Council. The conclusions of these additional surveys and the responses to other issues raised in the Council's comments are noted and accepted. With regard to the Supplementary Environmental Statement submitted on 30th November 2017 it is noted that it identifies the loss of a further 0.4 hectares from this on-site open space provision to provide larger school site it further strengthens the argument that there will be residual

recreational impact which is not be absorbed on-site, and underlines the need for the financial contribution for off-site mitigation measures.

Natural England – The site is within or in close proximity to a European designated site (South Pennine Moors Special Area of Conservation and Phase 2 Special Protection Area) and therefore has the potential to affect its interest features. Initial concerns were raised that the proposal doesn't contain sufficient information in relation to bird surveys, recreational impacts, and, landscape. The proposal does offer the opportunity to incorporate features into the design which are beneficial to wildlife

Trees Section – No objection to the proposal subject to there being adequate compensatory planting relating to any trees that are lost particularly along the northern boundary of the site onto the A65

Highways DC – No objection to the proposal subject to the imposition of conditions to secure the off-site highway works. Following the submission of the Transport Assessment Addendum (November 2017) no further comments are made

Rights Of Way – No objection to the principle of the development and support the intention to create new paths through the development site and for there to be a link to Sun Lane for pedestrians and cycles and that many of these routes will be through areas of green space. As a result of the Council's Rights of Way Improvement Plan, the link to Sun Lane should allow for access by horse riders as well as pedestrians and cyclists. The proposed bridleway should be located to form a reasonably direct route between the existing bridleways.

Environmental Health Air Quality – No objection to the proposal on the grounds that emissions from the construction and demolition phase of the development can be adequately controlled and mitigated. Conditions are sought in relation to the submission of a Construction Environmental Management Plan, provision of electric vehicle charging points in both domestic curtilages and communal parking areas, and, a low emission travel plan

Environmental Health Land Contamination – No objection to the principle of the development and concur with the findings of the Phase 1 Desk Study submitted in support of the application. Conditions are sought in relation to the carrying out of further site investigation works together with appropriate remediation and verification where appropriate

Minerals and Waste Section – No objection to the principle of the development but state that the site is partially located within a Minerals Safeguarding Area (MSA) for sand and gravel (to the north of the proposal site), if it is considered appropriate to extract minerals, a Minerals Resource Assessment will be required to demonstrate the viability of extraction. No concerns are raised regarding the reports that have been submitted to address land quality/contamination issues related to this former landfill

Environmental Health Nuisance – No objection to the proposal

Design – No objection to the principle of the development and it is considered that the design approach could lead to a high quality development. In formulating the final design consideration should be given to aspects such as connections, local facilities/community focus, and, topography

Sport & Leisure – No objection but seek the payment of a commuted sum of £410,686 to be used towards enhancing the existing recreational infrastructure due to the pressure the proposal will put it. With regard to the Supplementary Environmental Statement submitted on 30th November 2017 the response has changed in that a financial contribution can no longer be sought but it is still stated that the development will result in a significant impact on the existing public open space due to 500 new residential units. If the developer is looking to provide new public open space they will be required to maintain the areas themselves and a full landscape management plan will need to be produced and agreed as part of the planning process. If the developer is looking to the Council to maintain any new areas of public open space prior agreement is required as part of the planning process and a commuted sum will be required to maintain the areas for the next 25 years.

Education (Client Team) – No objection to the principle of the development but state that the schools in the area are operating at above 95% capacity and due to a growing population there is a need to seek a financial contribution towards enhancing the educational infrastructure in the vicinity of the site. The contribution sought equates to £4,402,060 (based on 500 dwellings) and is broken down into £2,481,120 at secondary sector level and £1,920,940 at primary sector level. With regard to the Supplementary Environmental Statement submitted on 30th November 2017 revised comments have been submitted which state that the proposal is likely to cause concerns on where children of families coming to reside in the development might attend school. It is also stated that a housing development of 500 homes is unlikely to bring in sufficient additional primary aged children to fill a 2 form entry school and would impact on both existing primary schools in Burley. Any monies needed to be secured for education infrastructure improvements would be done through the CIL process

Development and Enabling – The site is located within an area where the affordable housing requirement is the provision of up to 30% of the number of units. There should be a mix of tenures including affordable rent and shared ownership. In terms of house sizes these should range from 1 to 3 bedrooms

West Yorkshire Police – No objection to the principle of the development but comments are made on specific aspects of it including footpath routes/permeability, rear car parking, public open space, boundary treatments, and, physical security. With regard to the Supplementary Environmental Statement submitted on 30th November 2017 the previously submitted comments are reiterated.

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees
7. Affordable housing
8. Secured by design
9. Contaminated land
10. Biodiversity
11. Conservation
12. Community Infrastructure Levy

- 13. Burley Neighbourhood Plan
- 14. Other issues

Appraisal:

The proposal relates to the demolition of existing building and outline planning permission for residential development (Use Class C3); education facility (Use Class D1); public spaces; landscaping; car/cycle parking; access routes within the site; drainage and other associated works. Details of the means of access to the site have been submitted for consideration at this stage with matters such as the layout, appearance, scale, and, landscaping reserved for consideration at a later stage.

1. Principle of development

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the National Planning Policy Framework requires Local Planning Authorities to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The emerging Local Plan underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future Development of The District is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development though the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

In assessing the proposal policies contained within both the Replacement Unitary Development Plan and the Core Strategy are relevant as well as the relevant paragraphs within the National Planning Policy Framework.

The Replacement Unitary Development Plan was adopted in 2005 and the majority of its policies were saved by the direction of the Secretary of State in 2008 under the provisions of Paragraph 193) of Schedule 8 to the Planning & Compulsory Purchase Act 2004. Where there are policies within the RUDP which were saved, the weight which should be accorded to them will depend on the extent to which they accord with current Government policy and guidance and the extent to which they reflect the current needs of the District and requirements for the proper planning of it. One thing that it particularly pertinent is that the policies and parts of the RUDP that deal with the scale of need for new housing and those relating to the supply of housing do not reflect current government guidance and current need and are thus considered completely out of date.

Within the Replacement Unitary Development Plan Policy GB1 has been saved until the adoption of the Allocations Development Plan Document and is therefore a relevant consideration. The Policy only allows for development within the Green Belt, with the exception of a number of specified uses, where very special circumstances can be proven.

The Core Strategy was adopted on the 18th July at the Full Council meeting and is therefore the principle policy consideration in determining the application.

One of the aims of the Core Strategy is to achieve sustainable housing growth and to achieve this, the following principles apply:

- Distribute housing growth in a way which reflects accessibility to jobs and services and supports the role of Bradford as a Regional City
- Prioritising, wherever possible, the use and recycling of previously developed land and buildings
- Making most efficient use of land recognising that it is a scarce resource and thus setting challenging but achievable density targets for developers to achieve
- Ensure that development provides an appropriate mix of housing to fulfil the needs and aspirations of the Districts' current and future populations
- Ensure that housing development meets high standards of construction and design
- Making adequate provision for affordable housing and ensuring that the housing is of the size, type and tenure to address the most pressing needs of those who cannot access market housing

There are a number of policies within the Core Strategy that are relevant to the consideration of the proposal.

Policy SC1 sets out key spatial priorities with particular attention being given to parts 6 and 7 of the Policy. The proposed scheme by providing around 500 new homes, a network of open spaces and education facilities would accord with part 6 which seeks to support the District's Local Service Centres (of which Burley-in-Wharfedale is one) to meet the need for homes and local services. Part 7 seeks the protection and enhancement of the District's environmental resources including areas of national and international importance such as the South Pennine Moors and the character and qualities of the District's heritage, landscape and countryside. You will need to consider the detailed advice of the Council's Landscape, Conservation and Biodiversity officers in judging the compliance of the proposal with this criterion together with the advice of key external bodies such as Natural England.

Policy SC4 is a key policy within the Plan in directing development and the distribution of growth to the most sustainable locations and also taking account of the opportunities and ability of settlements to grow in a sustainable way as informed by the land supply position within the SHLAA (Strategic Housing Land Availability Assessment), the Settlement Study and the Bradford Growth Assessment. It is a policy which has identified Burley-in-Wharfedale as a Local Growth Centre, as one of a number of sustainable local centres accessible to higher order settlements, located along key road and public transport corridors and which should therefore make a significant contribution to meeting the District's needs for housing. Having considered the representations and objections made at Examination, the Inspector has endorsed this approach commenting that it is appropriate, properly justified and soundly based.

The application scheme and its proposals for both housing and local infrastructure would accord with this policy and help deliver the sort of and scale of sustainable development and growth advocated by it.

Policy SC5 sets out the approach to be taken in allocating sites for development within the Local Plan. The proposed modifications to the supporting text (MM13) confirm that the policy is not to be applied to planning applications for windfall developments and thus is not applicable to this application. However, it may be pertinent to point out that were the site to be considered as part of the process of preparing the Land Allocations Development Plan Document, its confirmation as a housing site allocation would not be ruled out by the provisions of the Policy given the absence of sufficient site options in non-green belt locations within the settlement.

Policy SC7 establishes that there are 'exceptional circumstances' for the release of Green Belt land within the Local Plan in order to meet the District's need for homes and jobs and support the long term economic success of the District. It states that this will be achieved via a selective review of the Green Belt within the Local Plan with other policies such as Policy WD1 confirming where in settlement terms Green Belt change is needed and justified. Policy SC7 and WD1 together support the need for land releases to make a significant contribution to meeting the housing target for Burley-in-Wharfedale. Both policies have been endorsed by the report of the Core Strategy Inspector.

Policy HO3 sets out the apportionment of the district wide housing requirement of at least 42,100 new homes between 27 different settlements and sub areas and indicates that sufficient land should be allocated to ensure that 700 new dwellings are provided at Burley-in-Wharfedale. It is important to stress that the apportionments or targets set out within Policy HO3 and thus that of 700 for Burley are not maximums, they cannot be as the district wide housing requirement is prefaced by the words at least and national planning guidance within the National Planning Policy Framework requires plans to be flexible enough to respond to changing circumstances and in so doing ensure that they are likely to be deliverable. That is not to say that more than 700 new homes need to necessarily be accommodated in Burley-in-Wharfedale but it is a warning that planning decisions and analysis should not be based on assumption that there is an automatic cut off point once 700 new homes are provided for. It is also worth pointing out that the potential land supply and the nature and location of that supply were key elements of the evidence underpinning each housing apportionment and informed the proposal to increase the housing target at Burley. In the case of Burley-in-Wharfedale's 700 dwelling target the availability of a sustainable and deliverable site (i.e. broadly the application site) at the western edge of the village was a key factor.

The sub area policies within the Core Strategy bring together the proposals for development and growth from policies such as HO3 and identify key spatial priorities including the need where relevant for changes to the Green Belt. Policy WD1 deals with Wharfedale and establishes that Burley-in-Wharfedale will see the creation of 700 new homes through redevelopment of sites within the settlement and with a significant contribution from Green Belt changes, together with associated community facilities. The application at Sun Lane would therefore accord with this policy and Policy HO3.

Following the Core Strategy Examination the Inspector's Report, while recognising the concerns raised by some residents (in particular with regard to Burley and Menston's status as Local Growth Centres (LGCs)), has endorsed this policy. In paragraph 182 of

his Report he states that these two settlements "... are smaller settlements than some other LGCs, but have a good range of local facilities and services, including shops, health, education and community facilities. They are sustainable settlements, are popular places to live in, have grown in the past and have a strong demand for new housing. There are few employment opportunities, but they have good accessibility by road and rail to jobs in Leeds, Bradford and elsewhere. They are tightly constrained by the Green Belt and, given the lack of existing brownfield and greenfield sites within the built up areas, significant areas of Green Belt land would be needed to meet these targets. However, the Growth Study [EB/037] assessed the impact of the proposed levels of development on the purposes of the Green Belt and concludes that there is the potential to accommodate some growth without coalescence or undermining Green Belt purposes. Nevertheless, the policy should confirm that a significant contribution from the Green Belt will be needed at Burley to meet the amended scale of development proposed."

In paragraph 185 of his Report the Inspector states that the proposed housing targets for Burley and Menston "...would represent a significant increase in the number of dwellings at these settlements, but both have grown in the past and these proposals would continue past trends at a relatively modest rate over the period of the Plan. Consequently, the revised apportionments for Burley and Menston are appropriate, reasonable and proportionate to the size, form and role of the settlements, given their sustainable location along the main A65 transport corridor and their potential to accommodate further growth". The Inspector concludes in paragraph 190 that "...the settlement hierarchy, spatial distribution of development and sub-area policies for Wharfedale are appropriate, fully justified, effective and soundly based."

Policy HO4 is aimed at the process of allocating and phasing the release of sites in a managed and sustainable way in the Allocations Development Plan Document. Paragraph 5.3.78 of the Core Strategy conforms that "it is not the intention that Policy HO4 be applied to prevent other future sustainable housing development proposals (which would be considered windfall development) from coming forward". However, bearing in mind the comments and questions which may be asked relating to how the site would be judged if it were coming forward as part of the Allocations Development Plan Document process further comment can be made. Policy HO4 indicates that there will be a phased release of housing sites within the forthcoming Allocations Development Plan Document. Based on the criteria and goals of the modified policy, the site in question is one which, if being considered for allocation as part of the Local Plan, would in all probability be placed in the first phase to be brought forward straight away. This is because the policy suggests the bringing forward of sites straight away where those sites are large or complex or would secure required investment and infrastructure. In this instance the application appears to be making a positive contribution to resolving some infrastructure issues such as those relating to educational capacity at primary level. Such an early release would also support the policies goals of maintaining a 5 year land supply and boosting housing delivery. It is also important to stress that the policy does not place any bar on any type of site placed in the first phase – it is not a crude brown field first policy and there is nothing stopping green field or green belt sites being brought forward in the first phase of the new plan.

Under the provisions of Core Strategy policy HO5 the Council need to assess whether proposals will deliver a minimum of 30 dwellings per hectare and whether they represent an efficient use of the site. The efficient use of land is a particularly important

policy since it helps ensure that the use of land and therefore green field sites is minimised and that sustainable patterns of development are secured. The policy allows for departures from the 30 dwellings per hectare minimum where there are issues relating to the nature of the site and its surroundings which warrant a reduced density approach. The application at this stage does not confirm final dwelling numbers but the submitted documents suggest provision of around 500 units which produces a return close to but just below the 30 dwellings per hectare minimum. If a subsequent detailed application were submitted the Council will need to carefully balance the need for a sensitive scheme that reflects the character of the area, the site context and house types which match need and demand, with the need to maximise site yield. It should be pointed out here that within the indicative masterplan submitted there is the provision of a new school together with numerous areas of open space which would need to be taken out of the calculation for the density of development.

Policy HO6 states that priority should be given to the development of Previously Developed Land and buildings and sets targets for the delivery of housing development on groups of settlements. It is not however a brownfield first policy (which would conflict with current Government policy within the National Planning Policy Framework), it does not rule out development on green field sites and it does not set a specific brown field target for individual settlements such as Burley-in-Wharfedale. Moreover the Burley-in-Wharfedale settlement target has been set at 700 dwellings within the Core Strategy precisely on the basis that the majority of such development will need to be on green field land. It is also important to stress that the sustainability of a site or otherwise is dependent on a range of factors and not just its status as brown or green. The application would therefore accord with Policy HO6.

Having outlined the relevant policy guidance against which the principle of the redevelopment of the site for residential purposes will be assessed there are a number of other issues that need detailed consideration including housing need, housing delivery, housing land supply/5 year land supply, and, the Green Belt.

Housing need: The District of Bradford is experiencing, and is expected to continue to experience, a rapidly growing population based in part on its relatively young age structure and in part on established patterns of migration. Meeting housing need in a sustainable way is one of the key aspects of the proper planning of the District. The policies of the Core Strategy have been informed by a robust objective assessment of housing need which accords with Government practice guidance and which has been endorsed by the Inspector appointed to examine the Plan. It is considered that there will be a need for the provision of at least 42,100 new homes over the period to 2030 to meet the expected population and household growth and to reflect housing market signals and projected jobs growth. Failing to provide for those new homes would have a significant adverse effect on the District's economy and its population, their health, life chances and well-being. For this reason the Council's Housing and Homelessness Strategy, 'A Place to Call Home' sets 4 key objectives – more homes, safe and healthy homes, affordable homes, and to support independence and prevent homelessness. Population and household growth is occurring across most of the District, however the greatest pressures are inevitably in the urban areas where migration and natural population change is focused. Housing delivery to meet need and demand and in particular to provide affordable homes is also needed in the valleys of Airedale and Wharfedale and this is one of the reasons why the Core Strategy has proposed significant levels of new development within areas such as Wharfedale, albeit at much lower scale than that proposed within the urban parts of the District.

The Council's Strategic Housing Market Assessment has also provided an assessment of the need for new affordable homes. In addition to estimating a net district wide need for 587 new affordable homes per annum it has highlighted the need for increased provision within Wharfedale. Based on the evidence within the Strategic Housing Market Assessment and the juxtaposition of need with potential supply, the Core Strategy indicates that a lower scheme threshold (11 units or more) for the provision of homes is justified in Wharfedale as compared to other parts of the District where that threshold is 15 units.

Housing Delivery: Given the above context, delivering new homes, which is also a national Governmental priority, is a key objective of the Council. However the District is already facing the problems of under delivery of new homes compared to recent household growth and this has manifested itself in a variety of ways ranging from overcrowding in the urban areas to relatively high house prices and under supply of new affordable units in areas such as Wharfedale. The lack of a sufficient supply of deliverable sites together with prevailing and difficult conditions within the housing market and the economy have meant that housing delivery in the District has fallen significantly below that needed by a growing population and significantly below the planning targets in place. Under delivery has been persistent and substantial. Between 2004/5 and 2016/17 net completions (as reported with the Council's AMR) have fallen below plan targets in 10 out of 12 years with a cumulative deficit now built up of nearly 11,000 units over that time.

The Council's Housing Strategy notes that "Symptoms of insufficient housing supply are evident across the district: overcrowding has increased to nearly 10% of households, and homelessness is also increasing. If housing growth does not keep up with population growth, overcrowding and homelessness will get worse, and will impact upon the district's economic growth prospects". While these comments are more pertinent to the District's larger towns the urban areas, a failure to provide new homes in Wharfedale will also undermine the ability of young people and families within those areas to secure accommodation and in doing so will undermine the vitality and sustainability of those communities and settlements.

Housing Land Supply/5 Year Land Supply: In accordance with its overall goal of boosting significantly the supply of housing (National Planning Policy Framework paragraph 47) the Government places great importance on Local Planning Authorities ensuring that there is at all times an adequate supply of deliverable sites. The requirement to ensure that there is a 5 year land supply of such sites is contained within paragraph 47 of the National Planning Policy Framework. This states that Local Planning Authorities should "identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

At present there is a significant and substantial shortfall of deliverable sites within the District. The two most recent assessments of the 5 year land supply position were within the Council's third Strategic Housing Land Availability Assessment where supply

was estimated to be 2.33 years and within the analysis and conclusions of the Secretary of State in his consideration and approval of the housing proposal at Sty Lane, Micklethwaite where he concluded that the 5 year supply was estimated to be just 2.03 years, and thus described the shortage of supply as acute stating that this shortage should be accorded very substantial weight in the planning balance.

One of the reasons why the 5 year land supply position in Bradford District is so poor is because the requirement side of the calculation includes a 20% buffer to reflect recent and persistent under delivery of new homes and this in turn reflects difficult housing market conditions since the crash of 2008 and the problems of relatively poor levels of viability for sites within the urban areas (which is clearly demonstrated within the Local Plan Viability Assessment which was produced to inform the Core Strategy). It is also worth noting that the recovery in the housing market and in housing delivery within Bradford District since the crash of 2008 has been slow. In 2014/15 net completions (1134) were still only at some 53% of the level at the last peak in 2007/8 (2156 - which itself would not have met annual need levels as currently assessed at 2,476).

This evidence together with on-going restrictions on the ability of Councils to borrow to deliver and build homes, pressures on public sector spending and thus the programmes such as those of the Homes and Communities Agency (HCA) would suggest that in the next few years and through the early part of the new Local Plan period, the ability of the District to boost deliverable land supply, increase housing delivery and start to meet its housing need will be dependent on securing development in those areas of the District where there is available and immediately deliverable land supply, and where market conditions and viability levels are favourable.

Given the lack of a 5 year land supply the following paragraphs of the National Planning Policy Framework are of particular relevance to this application. Paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". Clearly the policies of the existing statutory development plan, the Replacement Unitary Development Plan, which relates to housing supply and delivery cannot be considered up to date and thus paragraph 14 of National Planning Policy Framework indicates that for decision making this means "approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted".

In effect the result of the above policy is to require the Council to weigh up the advantages of approving development proposals which otherwise conflict with policies within the development plan based on their contribution to resolving the shortage of housing land supply. With all applications in such circumstances there is a need to balance the contribution which the proposals will make in boosting housing supply against any adverse impacts of the proposal. In doing so the scale of the land supply shortage and the scale and nature of the housing contribution the application scheme will provide are of relevance.

It is important to stress however that the Government continues to place considerable emphasis on preventing inappropriate development within the Green Belt. This is indicated by the content of the technical guidance within the National Planning Practice Guidance which suggests that housing need is “unlikely to outweigh the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development on a site in the Green Belt”. Although this sets a high bar for considering development within the Green Belt it does not rule out such development on 5 year land supply grounds. As the applicant points out the Secretary of State has himself recently approved development within the Green Belt where the lack of deliverable land supply was one of the contributory justifications.

In conclusion, the potential contribution of this site to providing much needed housing and addressing a substantial and acute shortfall in 5 year land supply should, in the context of a rapidly growing District population and the policies of the Core Strategy which require significant Green Belt change around Burley-in-Wharfedale, be given very significant weight in determining this application.

As previously stated the site is located within the Green Belt as identified within the Replacement Unitary Development Plan. The Government clearly places great importance to the protection given to the Green Belt and this is a factor which should be given considerable weight and very careful consideration in the consideration of this application. In line with the National Planning Policy Framework, Replacement Unitary Development Plan Policy GB1 indicates that except in very special circumstances, planning permission will not be given other than for a number of defined uses.

Paragraph 89 of the National Planning Policy Framework states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt (unless one of a number of defined exceptions). New buildings for housing and education are not developments which the National Planning Policy Framework or Replacement Unitary Development Plan Policy GB1 consider as appropriate within the Green Belt. However, as the National Planning Policy Framework makes clear, developments which are otherwise considered inappropriate within the currently defined Green Belt can come forward in two situations. Firstly following a change to the Green Belt boundary resulting from a planned release of Green Belt as part of a Local Plan review where exceptional circumstances’ have been demonstrated and secondly where a planning application has demonstrated that ‘very special circumstances’ exist which warrant such development.

The correct test to apply in the case of this application is therefore the ‘very special circumstances test’. National Planning Policy Framework paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’. To this end, paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It further states that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In order to reach a carefully informed view as to whether this application meets the ‘very special circumstances’ test it is therefore necessary to assess both the degree of harm to the Green Belt which the proposed development would cause, then assess any other harm and finally assess any benefits of the application. The harm to the Green

Belt should be considered by reference to the 5 purposes which National Planning Policy Framework states that Green Belt serves:

1: To check the unrestricted sprawl of large built up areas

Notwithstanding the fact that Burley-in-Wharfedale is not a large built up area the applicant's assessment that the development would not lead to unrestricted sprawl due to its containment by the existing built up area to the east, the A65 to the north and the protected Sun Lane nature reserve to the south appears reasonable. Moreover the existing western edge to the settlement is irregular and not particularly well defined and as the applicants point out the scheme provides the opportunity to provide via its design and landscaping a robust and well defined new edge to the settlement.

2: To prevent neighbouring towns merging into one another

The proposed development is, as the applicant points out, located on the side of the settlement where a substantial gap exists between its western edge and the neighbouring town of Ilkley. The proposed development would reduce that gap and thus while it cannot be claimed that the proposal would have no impact, it is considered that the impact would be small and would not either result in or significantly increase the potential for merger between the settlements. It is also concurred with that development in other directions from the edge of Burley-in-Wharfedale, in particular development to the east and south east, would pose greater impacts and threats with regard to coalescence.

3: To assist in safeguarding the countryside from encroachment

The impact of the proposed scheme is greatest with reference to countryside encroachment and in this sense it is considered that the applicant's planning statement underplays the level of impact and the significance of this impact. The size of the site means that there would inevitably be harm caused to the Green Belt on this criteria although it is also fair to argue that that impact can be mitigated by virtue of the schemes design and landscaping and also that the size of the Green Belt incursion is in part reflective of the amount of open space and landscaping to be potentially incorporated into its design and the presence of a school with the layout.

4: To preserve the setting and special character of historic towns

Burley-in-Wharfedale is not a historic town and this criteria was not one on which the Green Belt in this part of the District was defined. It therefore stands that there would be no impact against this criteria.

5: To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Burley-in-Wharfedale lies sufficiently distant from the main urban areas and in an area with sufficiently different market characteristics to suggest that there would be no impact on the recycling or development of derelict land elsewhere in those urban areas if the proposed site were brought forward. Moreover there are few Previously Developed Land opportunities within or close to the settlement of Burley-in-Wharfedale and as the applicant suggests the proposed housing apportionment of 700 units is

predicated on the assumption that the majority of the new provision will be on greenfield sites.

In conclusion it is considered that there are either no impacts or limited Green Belt impacts resulting from the proposed development when considered against 4 of the 5 Green Belt purposes but there are significant potential impacts when considered against the need to resist encroachment into the countryside. However it is also suggested that, given that the Core Strategy requires and considers appropriate that significant Green Belt releases are made around Burley-in-Wharfedale, account needs to be taken as to the alternatives if the Sun Lane site were not to come forward. In particular caution should be advised where Green Belt releases would cause harm against not just one but several of the Green Belt purposes as could be the case if Burley-in-Wharfedale were to expand significantly in other directions. For example significant development to the south (Strategic Housing Land Availability Assessment site BU/002) could cause both countryside encroachment and threaten coalescence and merger between Burley and Menston while development to the east of Bradford Road would breach a durable and extremely well defined physical boundary. To that end National Planning Policy Framework paragraph 85 states that “when defining boundaries, Local Planning Authorities should ...define boundaries clearly, using physical features that are readily recognisable and likely to be permanent”.

The benefits of the proposed scheme are considered below. The applicants have correctly pointed out that ‘very special circumstances’ do not need to be established by reference to a single large benefit but can be composed of a number of benefits which are cumulatively significant. There are a number of potential benefits to the scheme but they do vary in their individual significance and therefore a key will be to look at the package of benefits as a whole and judge whether they not only outweigh but clearly outweigh the harm caused to the Green Belt.

It may be useful to rank or grade the importance of those benefits and also take account of whether those benefits would be capable of being achieved in other ways i.e. without significant development within the Green Belt.

1. Accordance with established need for and justification for significant green belt releases in Burley-in-Wharfedale as set out within the Core Strategy

The fact that the need for and justification for significant Green Belt releases around Burley-in-Wharfedale has already been established as a result of Core Strategy Policies SC7, HO2, HO3 and WD1 is a significant factor. Moreover the evidence underpinning the approach within the Bradford Growth Assessment potentially supports development in this location and the principle and sustainability of Green Belt releases as part of growth at Burley has been considered and endorsed by a Planning Inspector. This should therefore considered a significant factor and benefit in considering whether ‘very special circumstances’ exist.

2. The absence of a sufficient supply of deliverable housing sites

As identified above the current 5 year land supply amounts to at best only 2.33 years which means that the policies of the development plan relating to the supply of housing cannot be considered up to date and Paragraph 14 of the National Planning Policy Framework is triggered.

However the proposed development lies within the Green Belt and thus as the applicants point out the National Planning Practice Guidance states that in such circumstances housing need is “unlikely to outweigh the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development on a site in the Green Belt. It is important to stress that this does not rule out the lack of a 5 year land supply being sufficient to overcome the Green Belt issue. Moreover there is not only a shortfall in the 5 year land supply but that shortfall is large and acute. The size of the shortfall is of relevance in increasing the weight to be given to this benefit as is the size of the scheme and its ability to deliver homes quickly. A scheme of the order of 500 new homes would make a significant contribution and would make a material difference to the 5 year land supply position. The relatively low likelihood of sufficient sites coming forward from within the urban areas in the short to medium term to address this shortfall is also of relevance. Finally it should be pointed out that the 5 year land supply issue is not the only potential reason for establishing ‘very special circumstances’ and the benefits of increasing the supply of deliverable sites also sits with a range of other potential benefits.

3. Meeting housing need and demand

The proposed scheme would clearly provide much needed affordable houses in an area identified as requiring new supply and would make a significant contribution to the overall requirement for 587 new homes per year as identified within the Strategic Housing Market Assessment. It would provide homes in an area of strong demand. However the weight to be given to this benefit should probably be described as moderate as the evidence suggests that both overall housing need and affordable housing needs are greatest within the urban areas of the District.

4. Alternative Site Options

Given that the Council are beginning the process of examining the alternative site options for delivering the Burley-in-Wharfedale housing apportionment within the Land Allocations Development Plan Document it is relevant to examine the number of options in and around the village. The thrust of the applicants’ argument, which is that there are a very limited number of site options which do not exhibit some issues either in terms of conflict with current policy or where deliverability and suitability is uncertain, is reasonable.

The sites within the Strategic Housing Land Availability Assessment which have not already been classified as unachievable can be split into two groups. Group 1 consists of 5 sites with a combined capacity of only 164 units where it is considered likely that delivery can be relied upon (this includes sites with planning permission and sites recently completed and which are eligible to count towards the apportionment). The most substantial is the Greenholme Mills site which itself lies within the Green Belt.

Of the remaining Strategic Housing Land Availability Assessment sites it is considered that site BU/002 (Menston Old Lane) is unlikely to be considered suitable for allocation as it not only breaches an established and robust Green Belt boundary but is one of the few Green Belt options which would threaten the merger/coalescence of settlements.

This leaves 5 further site options which have a theoretical combined capacity of only 279 units. In the unlikely event that all were to be considered suitable for development and capable of delivering this capacity in full then the combination of this capacity and

the 164 units outlined above would still leave a substantial gap of 280 units to be met. And those 5 sites are highly unlikely to all come forward as indicated in the Strategic Housing Land Availability Assessment as there are a variety of issues including green belt impacts, site covenants, loss of allotments and impacts on the conservation area to be considered.

It is of course possible that once more work is done on the Land Allocations Development Plan Document that some of these issues may be resolved or additional sites may be found. However with regard to the latter it should be pointed out that despite several "call for sites" exercises and the work carried out as part of the emerging Neighbourhood Plan no other suitable and deliverable alternatives have emerged.

It can therefore be concluded that the delivery of the 700 unit Burley-in-Wharfedale apportionment will require a very substantial contribution from the Sun Lane site and that this should be considered as a significant consideration in the 'very special circumstances' test.

5. Education Provision

It appears at face value that the proposed scheme would provide significant benefits in terms of the development of a new single form entry primary school and a financial contribution to the provision of expanded secondary school capacity. The key here in terms of 'very special circumstances' is whether the proposed primary school is genuinely capable of addressing existing school place shortfalls as well as the demand created by the new homes. It is also worth considering the likelihood of securing funding for increased capacity from current Government funding regimes as an alternative to rely on development in the Green Belt to secure such provision. There is therefore potential for the benefit provided by this aspect to be considered significant subject to funding being available.

6. The Roman Temporary Camp

This is considered at length within the Conservation section of this report and the unearthing of the temporary Roman Camp is supported by both Historic England and the West Yorkshire Archaeology Advisory Service. As indicated above it may be relevant to consider whether such benefits could be achieved without the development of this site.

7. Recreation and Open Space

The proposed scheme does imply that the site's eventual development could incorporate improved open space, enhancements and expansions to the local nature reserve and improved links between the wider countryside and local bridleways and footpaths. There are two potential issues to consider. The first issue is that as the scheme and its proposals are in outline form, judging these benefits may be difficult at this stage and secondly there could be an argument that the sort of design elements proposed would be expected of any well designed scheme whether within Green Belt or not. However it is also worth mentioning that Paragraph 81 of the National Planning Policy Framework states that "once Green Belts have been defined, Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such

as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation”.

As indicated above the ‘very special circumstances’ test can only be met if the proposed scheme provides benefits which clearly outweigh the harm to the Green Belt. A Parameters Plan has been submitted which shows areas of residential and educational development together with landscaped areas along the boundaries. It doesn’t however go into detail with regard to the level of open space within the residential areas.. Subject to this it may be the case that ‘very special circumstances’ can be demonstrated to support development in this instance. However that case would be dependent on the full benefits being realised and securing the benefits as a package. Should the benefits assumed based on the parameters plan, framework plan and illustrative layout not be met in full or be diluted in any way by future applications then it is possible that even if very special circumstances are considered demonstrated at this point then an alternative less favourable conclusion could be reached in the future.

Prematurity: Finally it is worth considering the issue of prematurity in relation to the proposal and in what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity. Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and
- (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the Local Planning Authority publicity period. Where planning permission is refused on grounds of prematurity, the Local Planning Authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. Based on the above the current application cannot be considered premature as the Land Allocations Development Plan Document has only reached Issues and Options stage and may be up to 2 years away from being submitted for Examination.

Sustainability: With regard to sustainability the Core Strategy places considerable importance in achieving sustainable development and in doing so the location and design of schemes is of particular relevance. Relevant policies include Policy PN1 which indicates a presumption in favour of sustainable development and Policy SC1 which supports the role of Local Growth Centres as sustainable locations for housing and economic development together with community and social infrastructure, and which seeks to protect and enhance the District’s environmental resources which

include areas of ecological and landscape value. In determining whether the proposal would represent sustainable development there are a number of both positive and negative aspects to consider. On the positive side the scheme by providing much needed new homes would certainly be supporting the social and economic aspects of sustainable development however it would be providing little value in terms of supporting or providing community or social infrastructure. Although the scheme lies on greenfield land the options for development on previously developed land within Burley are very limited. The site's peripheral location and potential to increase journeys by car is tempered by the fact that there are options for both bus and train travel within reasonable walking distance and the site lies within around 1km of the shops and services of Burley local centre. Balancing out of these issues means that the overall sustainability of the proposal will be dependent on the nature of any impacts on the Green Belt, and the natural environment in particular landscape and ecology and the extent to which these impacts can be mitigated.

In conclusion therefore having thoroughly considered the proposal against the relevant local and national policy guidance in terms of the Green belt policies it is considered that there are exceptional circumstances that would support the development of this Green Belt site for the purposes proposed and therefore no objection is raised to the principle of the development.

2. Visual amenity

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

Policy DS2 of the Core Strategy states that development proposals should take advantage of existing features, integrate development into wider landscape and create new quality spaces. Wherever possible designs should, amongst other things, retain existing landscape and ecological features and integrate them within developments as positive assets, work with the landscape to reduce the environmental impact of the development, and, ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place.

Policy HO9 of the Core Strategy states that new housing should be of high quality and achieve good design, should be accessible and easily adaptable to support the changing needs of families and individuals over their lifetime and provide private outdoor space for homes.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The application is in outline form with only details of the access arrangements submitted for consideration at this stage. Details of the layout, scale, appearance, and, landscaping are reserved for consideration at a later stage.

An initial Landscape and Visual Impact Assessment was submitted with the application assessing how the proposal would impact on the landscape character of the wider area. This Assessment was considered by Natural England in their initial response. The consultation response made by Natural England addressed a number of issues, but included a few brief points concerning the Nidderdale Area of Outstanding Natural Beauty (AONB), in relation to landscape and visual issues. The response did not object to the principle of the development but did suggest that some additional detail and clarification should to be provided in response to these issues and identified Low Park Road and West Lane as being of particular interest. Subsequently a Landscape and Visual Response to the concerns regarding the impact of the proposal on the wider area, particularly the comments made by Natural England, has been submitted.

The Landscape and Visual Response confirmed the findings of the initial submission in that there would be no more than a moderate effect overall on the Nidderdale Area of Outstanding Natural Beauty (AONB) and that these effects are limited to a small part of the AONB and will be reduced over time as a result of the proposed mitigation measures within the development. The potential visual effects on publicly accessible vantage points within the AONB are limited in number and extent and are largely confined to views from Loa Park Road and West Lane between Lodge plantation and Askwith, and some short sections of footpath. The development, where visible, will be seen in the scattered valley outside the AONB, and in a landscape already characterised by built form. The proposed development into a view or a part of the landscape which does not have housing as an existing characteristic. The Response concludes that the proposed development will not give rise to harm to the special qualities of the AONB, which will retain all the character and characteristics which give rise to its qualities.

These findings have been concurred with by the Council's Landscape Design Unit who are content that the proposal will not have a significantly detrimental impact on the wider landscape.

The site is allocated as Green Belt within the Replacement Unitary Development Plan and this allocation extends further west of the site. It is important that development of the site includes a substantial landscaped buffer zone along the western boundary that will not only provide a substantial screen to the development but will also provide a soft boundary transition into the Green Belt beyond the site. The parameters plan submitted with the application shows a buffer zone of 15 metres along the majority of this boundary with it reducing to 12 metres in some areas. Even with the reduction in width it is considered that subject to the planting of correct species to enhance what landscaping that already exists on the boundary will ensure the aims of the buffer zone

can be achieved. This would form part of the Reserved Matters application when details of the landscaping are submitted for consideration.

As well as the reinforcement of the existing hedgerow planting, the parameters plan for the site shows an area of public open space to the north east of the boundary within which the indicative masterplan illustrates a network of pathways which will be laid out and associated native tree planting established. Although currently indicative, it is the intention that internal open space and landscaping will add to and complement the perimeter buffer planting, further integrating the development into its countryside setting.

An indicative masterplan has been submitted that shows how the site could be developed incorporating all aspects proposed. In terms of this layout it is considered that there are many positive aspects of the proposed design in that it works with the existing features of the site such as the former temporary Roman camp, the tree belts, hedgerows and the watercourses, and uses them as the basis for the green infrastructure on the site, with a series of connected open spaces and green routes which link it into its surroundings. Character areas provide variety across the site in terms of the proposed form, density and position of homes, types of public space and boundary treatments.

Overall it is considered that the design approach could lead to a high quality development. However there are a number of issues that need further consideration at the Reserved Matters stage to ensure that the layout is both functional to the best of its ability and visually enhances the character of this part of the village due to it being a significant development. These issues include connectivity within the site and to the surrounding area, the provision of local facilities/community focus such as a main square within the development, and, topography in that it would be useful to understand how the layout is workable with regard to street gradients and avoiding the need for extensive retaining structures etc.

It is important to ensure at outline application stage that proper controls are in place to guide future detailed design phases. As such conditions are recommended in relation to the provision of a Parameters Plan, a set of Design Principles in the Design & Access Statement with regard to layout, appearance and landscaping, a Phasing Plan, a detailed Indicative Masterplan demonstrating how the site could be laid out in accordance with the parameters and design principles, and, an 'appearance palette' providing more detailed design guidance similar to a Design Code.

Overall therefore it is considered that subject to appropriate control in relation to the details outlined above, the site could be developed such that it can have a positive visual impact on the character of the area.

3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The application is in outline form with only details of the access arrangements submitted for consideration at this stage. Details of the layout, scale, appearance, and, landscaping are reserved for consideration at a later stage. Existing dwellings are

located along the eastern boundary of the site (Westfield Lane and Sun Lane) and adjacent to the eastern corner of the site on the northern side of the A65. It is considered that the site is of a sufficient size whereby a layout can be devised which respects the adjacent residential dwellings and protects the residential amenities of the occupiers of those dwellings by ensuring that there is adequate separation distances between the existing and proposed dwellings.

Running along the northern boundary of the site is the A65 which is a heavily trafficked road. As such air quality is an issue that needs to be taken into account. The Air Quality Officer has stated that should the current and future air quality conditions at the site be predicted to remain within health based objective levels it is considered that there are no grounds on which to recommend refusal of this application due to current and future exposure to air pollution of future site occupants. However, to ensure that the air quality in the vicinity of the A65 does not impact on the potential occupiers of the dwellings fronting onto that road it is recommended that any new housing (or other sensitive use) located along the A65 boundary is set back by at least 5 metres from the roadside. This should be taken on board when designing the layout of the development.

Overall it is not considered that the proposal, at this stage, will have a detrimental impact on the residential amenities of the occupiers of the existing dwellings located adjacent to the site.

4. Highway safety

Policy TR1 of the Core Strategy seeks to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability whilst Policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

Paragraph 32 of the National Planning Policy Framework indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The application is in outline form with details of the means of access to the site submitted for consideration. The main access to the site will be via a new 3-arm roundabout from the A65 Ilkley Road with a secondary access via a priority ghost-island T-junction from the local road of Ilkley Road. The 3-arm roundabout is located approximately 350 metres to the west of the A65 Ilkley Road/Leather Bank/Ilkley Road. The design of the roundabout involves the realignment of the A65 Ilkley Road on approach to the roundabout, requiring land either in the applicant's control or currently

forming part of the public highway. The roundabout has been designed in accordance with national design standards contained within the DMRB publication TD 16/07 'Geometric Design of Roundabouts'. The new priority ghost-island right-turn junction is located some 60 metres to the south of the A65 Ilkley Road/Leather Bank/Ilkley Road roundabout. The design of the priority ghost-island right-turn junction involves realignment of the existing carriageway and the provision of a footway along Ilkley Road/Main Street. The junction has been designed in accordance with national design standards contained within the DMRB publication TD 42/95 'Geometric Design of Major/Minor Priority Junctions'.

A small development parcel located to the northwest of the development area will also be developed for circa 30 dwellings. This small parcel will be accessed via a priority ghost-island T-junction from the A65 Ilkley Road and this access has been designed in accordance with national design standards contained within the DMRB publication TD 42/95 'Geometric Design of Major/Minor Priority Junctions'.

A Transport Assessment has been submitted with the application together with a Post Submission Highways Summary Note which was produced following extensive discussions with the Highways Department. The details contained within both documents are considered to be generally acceptable as is the Stage 1 Road Safety Audit, which has also been provided.

The only area where full agreement cannot be reached relates to there being a slight difference of opinion as to the appropriate level in degree of saturation (DoS) of a signalised junction that would trigger the need for accommodating works to be carried out to support any increase in traffic resulting from a development. The submitted documents reflect the applicant's view point that this figure is 100% however the Highways Department would consider the trigger point to be 90%. Working to a DoS of 90% would show that some improvements are required to accommodate the traffic likely to be generated by this development. Notwithstanding the above the applicant has agreed to a number of improvement measures that address the initial highway concerns and provide mitigation against the likely traffic impact.

These improvements will be delivered by way of a contribution, which should be secured through a Section 106 Agreement, and a Section 278 Agreement for off-site highway improvements and the construction of the access roads to serve the site.

The agreed contributions are as follows:

- Signalised junction of A65 Coutances Way / B6382 Wheatley Lane / A65 Leeds Road - a contribution of £40,000.
- Signalised junction of A65 Bradford Road / Buckle Lane / Bingley Road - a contribution of £65,000.
- Sun Lane, Hall Drive and Southfield Road improvements - a contribution of £55,000.
- Main Street, Burley-in-Wharfedale parking study / review - a contribution of £15,000.
- Manor Park Bend safety improvement measures - a contribution of £25,000
- Section 278 Agreement Works:

With regard to the construction of left turn lane from Bingley Road to the A65 in the vicinity of the Hare and Hounds Public House it has also been agreed that the appropriate trigger point for delivery of this will be no later than on occupation of the 301st dwelling.

A number of objections have been received in relation to the existing public transport within Burley-in-Wharfedale, particularly with regard to the relationship of the site to the railway station. The railway station is located on the southern edge of the village and does not benefit from having a good sized car park and as such users of the station who travel by car tend to park on-street. The station is approximately 1000 metres from the southernmost edge of the application site and this distance is considered an acceptable distance to walk. However as you progress further into the site the distance to the station does increase and this may deter users walking to the station. In order to try and overcome this concern the Applicant has agreed to pay a commuted sum of £75,000 per annum, for a 5 year period, which will be used to fund improving, rerouting and increasing the frequency of the 962 bus service (or any equivalent replacement facility). This will provide a regular public transport link between the site, Burley Rail Station and the remainder of the settlement.

The Rights of Way Officer has stated that Public Footpath No. 36 (Ilkley) is off Sun Lane and adjacent to part of the site. There are two public bridleways in the vicinity of the site – Public Bridleway No. 45 (Ilkley) off Sun Lane to the south of the site and Public Bridleway No. 39 (Ilkley) off Main Street close to the north east corner of the site. Bridleways can legally be used by pedestrians, horse riders and bicycles.

During the production of the Council's Rights of Way Improvement Plan (ROWIP) many gaps in the rights of way network were identified along with requests for routes to be physically improved. One request, received from multiple sources, identified the need for a safe off road bridleway crossing the area of this site to connect Public Bridleways No. 39 and 45, as currently users would need to travel along Sun Lane and Main Street to link between them. Given the ROWIP request for a new bridleway through the site the link to Sun Lane should allow for access by horse riders as well as pedestrians and cyclists. The proposed bridleway should be located to form a reasonably direct route between the existing bridleways. Care should be taken to minimise potential conflict between bridleway users and vehicles where the route connects to Main Street, which users will need to cross to reach Bridleway Ilkley 39. The details and precise siting of this new bridleway, together with any other new footpaths/rights of way, will be determined at Reserved Matters stage when the layout is submitted for consideration. They should be designed to be multi-user wherever possible and it should be clear from the plans the intended use of the routes – footpath, bridleway or cycleway. Routes should be within green corridors where possible but should be well overlooked by properties to avoid the creation of hidden areas where anti-social behaviour may occur.

Careful thought will need to be given to the proposed surfacing of the new routes, they should be appropriate for the intended use. Routes which are intended to be used as safe routes to the proposed school should have suitable all weather surfaces.

The proposal has been thoroughly considered in highway terms in relation to the impact on the highway network (vehicle and pedestrian) together with what off-site improvements will be needed to ensure that the site can be safely accessed/egressed. Subject to the off-site highway works secured through the Section 106 together with the recommended conditions it is not considered that the proposal would have a detrimental impact on highway safety.

5. Drainage

Policy EN7 of the Core Strategy states that the Council will manage flood risk pro-actively while Policy EN8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

In relation to the disposal of foul sewage it is intended to connect to the existing mains sewer whilst in relation to the disposal of surface water it is proposed to utilise a sustainable drainage system together with an existing watercourse. With regard to the principles of this form of drainage no objections are raised by either Yorkshire Water or the Council's Drainage Services subject to the imposition of appropriate conditions.

Yorkshire Water have pointed out that the indicative masterplan is not acceptable to them in its current form in that it appears that buildings will be located over the line of the sewers within the site which could potentially jeopardise Yorkshire Waters ability to maintain the sewerage network. This concern can be overcome through either the design stage at Reserved Matters stage or by applying to divert the sewers.

The Environment Agency have not raised an objection to the principle of the development providing that the proposal follows the measures contained within the Flood Risk Assessment submitted with the application and subject to a condition stating that no part of the development, either residential or educational facility, shall be constructed outside of the flood zone 1. The reason for this condition is that a small area of flood zone 2 is located to the immediate south of the A65 mainly around the Black Bull Farm. The indicative masterplan shows that this area is to provide the extended buffer zone around the listed building.

Overall therefore there is no objection to the proposal on drainage grounds.

6. Trees

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

The site contains a number of trees throughout with the northern boundary (on the A65) being particularly heavily treed. As part of the application details of the access arrangements have been submitted for consideration at this stage and one of the points of access is from the A65 to the north western corner of the site and this will result in the loss of a number of trees from that boundary. In order to mitigate the loss of these trees a robust landscaping/tree planting scheme will need to be submitted. An indicative plan has been submitted to show how replanting could be achieved and this would include super heavy standard trees at 7 metres in height thus giving instant cover for the site and providing a visual screen of the development. Details of numbers and species of trees would be determined through the submission of a landscaping scheme. Any replacement trees could be made the subject of a Tree Preservation Order to ensure that there is no long term loss of public amenity value along the A65 boundary.

Along the field boundaries within the site are a number of trees which do add to the overall value of the site and at this stage it is not known whether or not they will be

retained as details of the layout and landscaping have not been submitted for consideration at this stage. As part of the landscaping scheme to be devised for the layout it would be expected that replacement compensatory planting should take place for any tree that is lost.

Overall therefore, subject to the imposition of appropriate conditions, it is not considered that the proposal would have a detrimental impact on the visual character of the area in relation to tree cover.

7. Affordable housing

Policy HO11 of the Core Strategy states the Council will ensure that there is a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate up to 30% in Wharfedale.

The site is located within the Wharfedale area and is therefore subject to the provision of up to 30% of the number of units as affordable housing. In this instance this would equate to 150 units. The Applicant has agreed to this provision on the basis that they are prioritised for people living, working, or having close family links to the Burley-in-Wharfedale Parish and then secondly the wider Wharfedale area. Objections have been received to the proposal on the basis that the proposal will not meet the need of the area in terms of affordable housing but by prioritising the occupancy of the units it will ensure that they go to local people rather than people from outside the area.

The Affordable Housing Team have not raised an objection to the principle of the development but have stated that as the application relates to a very large site a flexible approach will be needed as the provision of the full 150 units may overstretch the resources of the local Registered providers. As such a mix of on-site provision and commuted sum to allow off-site provision may be an appropriate way forward. Some provision may be directed to the City of Bradford Metropolitan District Council in their role as a Registered Provider either by usual discounted purchase of units or gifted development ready land for potentially 15-20 units as part of the affordable provision such that the land could then be developed to meet the Council's own requirements.

In terms of a mix of provision there should be a mixed tenure so any affordable provision should consider Affordable Rent and Shared Ownership opportunities for Registered Providers. With regard to size of units there is an existing general demand right across the board so there should be some 1 bed and small 2 bed units as well as more family orientated 2 bed 4 person and 3 bed 5 person family houses.

The Local Ward Councillors have stated that they would like all the affordable homes to be in Burley-in-Wharfedale and for them to be truly affordable particularly to those people who have ties to this community. It is realised that this will ultimately reduce the numbers of actual houses because the developer has a specific amount of money which they have set aside for affordable houses. They would like a 50% of the final number to be for sale and 50% to be for rental (if the number is sufficient to attract a housing association or similar). The houses for sale should be affordable for those people earning salaries in the lower wage bracket and who would clearly not be able to afford a house in Burley-in-Wharfedale under normal circumstances. Restrictions should also be applied so that those persons who do qualify to purchase one of the affordable units are not permitted to merely sell the properties at a much higher value (e.g. normal market price) for a specific number of years, subject to any legal

restrictions that might apply on this issue. Furthermore the criteria for buying should state that the buyers should have ties to the community of approximately 10 years, e.g. there may be young people who have had to rent further a field because prices are high here but who come from the village and would like to return. Ideally young people should be given the chance to live in the village.

The proposed Heads of Terms for the Section 106 Legal Agreement propose that the units should be prioritised for people living, working, or having close family links to the Burley-in-Wharfedale Parish and then secondly the wider Wharfedale area. The breakdown of the units in relation to for sale and for rent will be discussed during the preparation of the Agreement and will be in line with discussions to be had with the Affordable Housing Officers. The other issues raised with regard to the criteria for buying one of the affordable units will be the subject of further discussion.

Overall therefore there is no objection to the proposal and the affordable housing provision will be secured through a Section 106 Legal Agreement. As the application is in outline form no details are known as to the size of units and subsequently their values and as such the Legal Agreement would need to build in flexibility to allow for the provision of the affordable housing in alternative ways including all on-site provision or a mix of on-site provision and commuted sum but the latter to be spent in the Wharfedale area.

8. Secured by design

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments should, amongst other things, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised a number of comments regarding site specific aspects of it, such as footpath routes/permeability, rear car parking, POS (Public open space), boundary treatments, and, physical security. Whilst these comments are noted it needs to be pointed out that the majority of them are relevant to the next stage of the proposal in relation to the Reserved Matters and should be taken on board in designing the layout of the development and the dwelling types. Building Regulations Approved Document Q: Security in dwellings is also relevant and covers a number of issues that have been raised in relation to physical security.

At this stage therefore there are no objections to the proposal in it being able to provide a safe and secure environment for its future occupiers.

9. Contaminated land

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

Paragraph 120 of the National Planning Policy Framework states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 of the National Planning Policy Framework advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities such as mining or pollution arising from previous uses. The National Planning Policy Framework also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

Chapter L of the Environmental Statement comprises a Desk Study that provides a summary of the known, land quality context of the site. The report states that ‘the preliminary conceptual site model indicates potential pollutant linkages to construction workers, site end-users and controlled waters related to gas migrating from Sun Lane Refuse Tip and potential localised areas of made ground. Extensive remediation is not anticipated. It is recommended that a site investigation is carried out to address these matters’.

The Report further identifies that ‘based on the proximity of the closed Sun Lane Refuse Tip, it is considered that there is potential for ground gas generation, migration and accumulation to occur at the site (low to moderate). Assessment of gas migration from the landfill is currently proposed as part of investigation of the adjacent land. This investigation would include the installation and monitoring of gas and leachate wells between the landfill and the current study site. As such, it is considered that this investigation would allow assessment of gas impacts on the current site, and hence no specific gas investigation at the current site is proposed. The generation of significant volumes of ground gas from the localised areas of possible made ground identified at the site is considered unlikely.’

The desk study recommends further works to include:

- A program of trial pitting and window sampling to characterise site wide ground conditions and obtain shallow soil samples for chemical and geotechnical testing. Standard penetration tests (SPTs) should be undertaken to provide geotechnical data for the underlying soils;
- Installation of combined gas and groundwater/leachate monitoring wells within selected boreholes, to target specific gas generating sources and potential migration of leachate onto site. The spacing of monitoring wells should be closer along the site boundary with the landfill and increasing to the north (i.e. further from the landfill);

- Twelve gas and groundwater monitoring visits over a six month period (assuming a "moderate" gassing potential in accordance with CIRIA C665). The monitoring regime may need to be amended on the basis of conditions identified;
- Geotechnical and contamination testing at UKAS and MCERTS accredited testing laboratories to adequately characterise the made ground, shallow soils, groundwater and surface water; and
- Reporting.

A subsequent letter presents the results of the 12 gas monitoring visits at 23 boreholes and provides assessment of risk posed by hazardous ground gases along with consideration of the results of ground and surface water analysis.

Groundwater samples obtained from a number of the boreholes and one surface water sample from Sun Lane Beck were analysed for a range of potential contaminants. The conclusion was that 'the likelihood of significant impact to future site users or Controlled Waters from groundwater contamination in the vicinity of the site is low'. The Environmental Protection Team concur with the finding that the potential for water contamination is low, although a single sampling occasion provides only minimal evidence that this is the case.

With regard to other potential contaminants the concentrations of methane and carbon dioxide are all low, and the ground gas flows are generally non-detectable or relatively low. The conclusion of the ground gas risk assessment is that the site as a whole can be considered as representing CS1 conditions and therefore that no specific gas protection measures are required for future development at the site.

Overall the Environmental Protection Team concur with the findings of the submitted report but point out that the site investigation undertaken did not include the trial pitting and soil sampling recommended in the Phase 1 desk study. No objection is raised subject to further intrusive site investigations being carried out and, where necessary, appropriate remediation and verification of these works. Appropriate conditions are recommended.

The Minerals and Waste Section have stated that the application site is partially in a Minerals Safeguarding Area (MSA) for sand and gravel (to the north of the proposal site), that is the area has been identified as containing a potential mineral resource that should be considered for extraction prior to development in order to prevent the sterilisation of the mineral. In accordance with Policy NR1 of the Replacement Unitary Development Plan, Policy EN12 of the Core Strategy and Paragraph 144 of the National Planning Policy Framework, it is important to give due consideration to extraction prior to development. If it is considered appropriate to extract minerals, a Minerals Resource Assessment will be required to demonstrate the viability of extraction.

The Applicant has referenced this in their Planning Statement (paragraphs 9.115-9.117) where it stated that through the ground investigations works and drilled boreholes little was found in the way of sand and gravel and it concluded that there are no viable minerals to extract. These conclusions are concurred with as the sand and gravel identified within the Councils MSA was only to the north of the site and on the periphery of the potential resource. As such no objection is raised.

Overall therefore there are no objections on either land contamination or minerals issues.

10. Biodiversity issues

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

Policy SC8 states that “subject to the derogation tests of Article 6(4) of the Habitats Directive, in all zones development will not be permitted where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects), which cannot be effectively mitigated, upon the integrity of the SPA or SAC”. It goes on to state that “in Zone B it will be considered, based on such evidence as may reasonably required, whether land proposed for development affects foraging habitat for qualifying species of the SPA”.

Natural England have stated that the site is within or in close proximity to a European designated site (South Pennine Moors Special Area of Conservation and Phase 2 Special Protection Area) and therefore has the potential to affect its interest features. Initial concerns were raised that the proposal doesn't contain sufficient information in relation to bird surveys, recreational impacts, and, landscape. The proposal does offer the opportunity to incorporate features into the design which are beneficial to wildlife

A Shadow Habitats Regulations Assessment (sHRA) has been prepared by the Applicant and subsequently adopted by the Council. The document assesses the potential impacts of the proposed development upon the designated European sites within the locality which includes Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). The Habitats Regulations Assessment of the draft Core Strategy, when considering development such as housing, looked at the potential impacts on four European sites within the locality: the South Pennine Moors SAC, the South Pennine Moors Phase 2 SPA, the North Pennine Moors SAC and the North Pennine Moors SPA.

The potential environmental impacts of the development have been thoroughly assessed based on a comprehensive suite of surveys. Impacts that were assessed include the loss of or disturbance to SPA “supporting” or “functional” habitat, recreational pressures, urban edge effects, emissions to air, and, water quality and water availability. The Assessment then proposes a number of mitigation measures in response to the potential impacts.

Loss of, or disturbance to, SPA “supporting” or “functional” habitat: This relates to the loss of habitat outside the South Pennine Moors Phase 2 or the North Pennine Moors SPAs, that may be used by birds of the species for which these SPAs are classified. The concern is that birds of the species for which the SPAs are classified will not only use habitats within the SPAs but will also rely on farmland outside the SPAs (up to 2.5 km away from the moorland). The surveys have shown that the site does not provide supporting/functional habitat for birds of the species for which the South Pennine Moors Phase 2 SPA or indeed for which the North Pennine Moors SPA is classified. The proposed development at the Site would have no effect upon either the South Pennine

Moors Phase 2, nor the North Pennine Moors, SPAs. Given that the movement of birds between the South Pennine Moors Phase 2 SPA and the surrounding land was found to be extremely rare it would appear that the area around the Site and the Burley in Wharfedale area in general is not functional/supporting land for the South Pennine Moors Phase 2 SPA. If these areas were functional supporting land for the South Pennine Moors Phase 2 SPA, then one would have expected the surveys to have identified regular commuting of SPA birds from their breeding sites within the SPA to land outside the SPA. Therefore any disturbance that extended beyond the boundary of the Site (which in any event would be very limited given that the Site is flanked by existing housing, a major road and a railway line) would not result in disturbance to birds for which the SPA is classified.

Recreational Pressures: this relates to increased recreational pressures from the increases in population associated with new housing may have an adverse impact upon European sites within the area. The Assessment identifies that by far the greatest recreational impact pathway arising from the proposed development at the Site on the South Pennine Moors Phase 2 SPA/ South Pennine Moors SAC would be from residents exercising dogs. The impact of dog walking is likely to be greater than other recreational activities because of the high frequency. Access to the SPA/SAC from the Site using this footpath involves a walk of 2.5 km on public rights of way. As such the return journey to the SPA/SAC boundary alone would therefore be more than twice the distance of the average dog walk. Furthermore, there are a number of footpaths in the area, which are likely to be preferred by dog walkers, that give a suitable circular route. It is therefore anticipated that the development of the Site will not generate significant additional recreational pressures on the South Pennine Moors Phase 2 SPA/South Pennine Moors SAC from dog walking. Other recreational activities include increases off road vehicles access, equestrian access, other events such as fell running but any potential impact from these activities can be mitigated through appropriate management of access routes across the South Pennine Moors Phase 2 SPA/South Pennine Moors SAC within the locality.

Urban edge effects: This relates to the impact that could be generated through increased population arising from new housing development. It is generally accepted that urban edge effects are manifest when development is located within 400m of the boundary of a European site. Given that the Site is located 1.5 km from the boundary of the South Pennine Moors Phase 2 SPA and the South Pennine Moors SAC and is 3.2 km from the North Pennine Moors SAC and SPA, it is considered that no urban edge effects would arise from the proposed development on these European sites.

Emissions to air: This relates to the potential for the development to increase air pollution within the vicinity of the development. A key potential impact pathway is from changes to air quality arising from traffic generated from the Site during the operational phase. The traffic assessment found that the development, when considered alone, would only result in an increase in light vehicles of 80 Average Annual Daily Traffic (AADT) movements (heavy duty vehicles movements would be unaffected). When the increase in traffic from the development was then considered together with increases in traffic predicted from other committed developments, the assessment predicted that there would be a total increase in light vehicles of 111 Average Annual Daily Traffic (AADT) movements (again, heavy duty vehicles movements would be unaffected). The Design Manual for Road and Bridges (DMRB) sets out the criteria which should be used for air quality assessments, in relation to designated sites, where the sources of emissions of concern (nitrogen in the form of NOx) are any additional vehicle/road

traffic movements predicted to occur from the proposed development on existing roads. Paragraph 3.13 states that “only properties and Designated Sites within 200 metres of roads affected by the project need be considered” in an assessment. In other words any impacts should be scoped out if properties/designated sites are beyond 200 metres from any road; or if any road within 200 metres from the designated site is not “affected by the project”. Whilst the South Pennine Moors Phase 2 SPA/South Pennine Moors SAC is within 200 metres of a road which would be subject to the small traffic increases set out above, this road is not “affected by the project”. This is because none of the relevant criteria in the DMRB to identify a road “affected by the project” is triggered. With regard to the North Pennine Moors SPA/SAC it is considered that given the distance from the development Site and the nature of the small lanes between the Site and nearest edge of the North Pennine Moors SPA/SAC, the assessment was able to rule out any changes in traffic flows. Regarding potential impacts during the construction phase from dust, this impact pathway could also be ruled out as the Site is located more than 50 metres from any of the European sites. Overall therefore the Site will not give rise to any likely significant effect alone or indeed in combination with other plans or projects.

Water quality and water availability: This relates to the potential impacts of the proposed development at the Site upon water quality and water availability. There are no surface water linkages between the Site and the European sites (both the South and North Pennine Moors are elevated above the Site). With regard to groundwater the nearby European sites are elevated above the Site so there is no potential for any contamination from the Site to affect the SPAs/SACs.

The Assessment then goes on to propose a number of mitigation measures and these include:

- The provision of public open space within the boundary of the site – this will be determined at Reserved Matters stage however the design and Access Statement submitted with the application demonstrates how the scheme can accommodate a significant amount and variety of types of open space, as well as providing new footpaths and bridleways, linking with the existing network around the settlement and providing access into the Sun Lane Nature Reserve: and,
- A financial contribution towards mitigating against any residual recreational impacts that may arise from the development upon the European sites (this will form part of the CIL payment)

The shadow Habitats Regulations Assessment has been fully considered by the Biodiversity Officer who states that it proposes sufficient measures both on and off-site such that the impacts likely to be created by the proposal can be adequately mitigated. A Supplementary Environmental Statement has been submitted since the sHRA was prepared and it identifies the loss of a further 0.4 hectares from this on-site open space provision to potentially provide a larger school site. The additional loss of this space further strengthens the argument that there will be residual recreational impact which is not absorbed on-site, and underlines the need for the financial contribution for off-site mitigation measures.

In conclusion it is considered that the sHRA has adequately assessed the proposed development in relation to its impact on the identified European designated sites (South Pennine Moors Special Area of Conservation and Phase 2 Special Protection Area) and proposed mitigation measures which are considered acceptable in terms of off-

setting any potential impact. As such no objection is raised to the proposal in relation to any biodiversity issues.

11. Conservation

Policy EN3 of the Core Strategy states that the Council will preserve, protect and enhance the character, appearance and historic value and significance of the District's designated and undesignated heritage assets and their settings.

Paragraph 128 of the National Planning Policy Framework states that 'where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

Paragraph 132 states that " when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation..... significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 goes onto state that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

The application proposals have been assessed in relation to the relevant statutory duties, including the Planning (Listed Buildings and Conservation Areas) Act (1990), the National Planning Policy Framework and Replacement Unitary Development Policies. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the determination of the application. Insofar as material the statutory provisions provide: Section 66(1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

With regard to conservation issues there are three main areas to consider, these being:

- The impact on the Burley-in-Wharfedale Conservation Area
- The impact on identified Listed Buildings (Black Bull Farm)
- The impact on the identified Roman Camp

The Burley-in-Wharfedale Conservation Area is located to the east of the application site and is separated from it by an existing residential development (Westfield Lane). This development is relatively modern and comprises a mix of modern designed 2 and 2½ storey dwellings. This development provides a good buffer between the Conservation Area and the application site. The application is in outline form with details of the layout, scale, appearance and landscaping reserved for consideration at a later stage. The layout can be designed such that the eastern boundary contains a landscaped strip/hedging with the gardens backing onto this boundary to ensure that there sufficient separation distance from the new dwellings to minimise the impact on the Conservation Area.

The nearest Listed Building to the application site is Black Bull Farm which is Grade II listed and is located on the south side of the A65 outside the application site. The application site effectively surrounds the curtilage to these designated heritage assets. The proposal would clearly have some impact on the rural setting of these agricultural buildings, which date from the eighteenth-century. The Conservation Officer considers that the level of harm to the significance of the two designated heritage assets to be less than substantial. In accordance with paragraph 134 of the National Planning Policy Framework, this harm should be weighed against the public benefits of the proposal. The benefits of the proposal have been outlined elsewhere in this report and as such it is considered to be important that the setting of the Listed Buildings is protected and in order to achieve this it will be necessary to retain an open buffer zone around the buildings which will respect the buildings in terms of retaining views from both the A65 and the site itself. As previously stated details of the layout, scale, appearance and landscaping have been reserved for consideration at a later stage and it is then, when designing the layout, that the building needs to be respected and the buffer zone retained provided. It is considered that there is sufficient space within the application site to be able to achieve a satisfactory buffer zone.

As a result of site investigation works the archaeological remains of a temporary Roman camp have been identified within the site. The camp is located within 3 fields and is rectangular in shape with rounded corners. It is approximately 1.2 hectares in size and measures 144 metres by 85 metres. No internal features were identified in the evaluation and no artefacts or biological remains of Roman date were recovered, however this is not atypical of this monument type. On the basis of form and its relationship to other landscape features, it is considered that the enclosure represents a previously unknown Roman temporary camp. This is an important and exciting discovery, particularly at a regional and local level. Its location within the hinterland of the Roman fort at Ilkley and its possible relationship to the fort, increases its significance and interest. It is intended to incorporate the camp onto the proposed development to ensure that the heritage asset is utilised in a way that makes it culturally visible and significant in terms of place-making.

Based upon investigations undertaken on this and other similar sites, the camp is unlikely to contain internal archaeological remains and therefore it was considered acceptable to locate both the school and some residential development within the interior and this is shown on the indicative masterplan submitted with the application. In designing the indicative layout the proposed form of the residential element reflects the regular, rectangular layout, typical of Roman fort/camp design, with garden areas to the rear. The residential block has been set back from the defences and all houses look outward onto an area of public open space with the perimeter defences of the camp beyond. Grassland setting provides an attractive foreground to the defences, and the placement of footpaths between the development and open space prevents future encroachment, and enables positive public interaction and connectivity with the monument. The resultant effect is that the defences and their grassland setting form part of people's wider gardens as a 'borrowed' landscape. Roads and paths, where essential, cross the line of the defences perpendicularly and at locations close to the positions of typical gateways. The inclusion of the southern part of the camp and its perimeter within the grounds of the school has been designed in such a way as to make this part of the camp a cultural heritage resource which can be actively incorporated into the school curriculum (supported by artefacts or facsimiles and information from the excavations). The strategy which has been adopted will have a substantial beneficial impact on the Roman camp and provide significant public benefit.

It will preserve the key components of the camp, enhance their visibility and make them a central element of the masterplan design, thereby enabling significant public engagement with the monument and a substantial contribution to place making within the development. It has to be stressed that this approach is in relation to the indicative masterplan that shows how the site could be developed but it is considered an approach that will best benefit the Roman camp and bring it forward as a key feature of the site and make it available for the village as a whole.

Historic England have accepted that the proposal will cause some harm to the Roman camp through the development of the school and housing, the need for access road and the reduction of its rural setting. However, they also consider that the proposal will deliver positive benefits by retaining and enhancing the external earthwork, undertaking further archaeological assessment building on the camp's initial discovery, the development of support material for the school and securing the long-term management of the earthworks. With regard to the Heritage Design Brief submitted in support of the application Historic England raised 2 concerns, firstly that the detailed design of the buildings within the development need to stand out from those of the rest of the development (This may be as simple as using red pan tiles for the roof [red tiles being commonly used on Roman buildings]) and secondly there needs to be a robust mechanism to secure the heritage significance of the camp, its management and the wider public benefits proposed as required by the National Planning Policy Framework.

The West Yorkshire Archaeology Advisory Service have considered the proposal and are aware of the site's potential and recommend that further surveys and archaeological evaluation are carried out in this location and across the entire site to determine the full extent of the archaeological remains. The evaluation would involve the excavation of a number of archaeological evaluation trenches, an earthworks survey and a metal detector survey.

A condition is recommended in relation to the retention of the Roman camp and the method of its retention and archaeological evaluation.

Overall therefore, subject to the attachment of appropriate conditions, it is not considered that the proposal will have a detrimental impact on the heritage assets, both below and above ground, within the vicinity of the site.

12. Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new developments in their area. The money can be used to support development of the area by funding the infrastructure that the Council, local communities and neighbourhoods deem as necessary. It was formally introduced by Bradford Council on the 1st July 2017. The CIL is intended to provide infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of a planning obligation (Section 106 Agreement). The application site is located within a Residential Charging Zone 1 where the rate is currently £100 per square metre. The amount of CIL payable on the development will be calculated at Reserved Matters stage when details of the size of the proposed dwellings in terms of floorspace are submitted.

In terms of the consultation responses for both education and recreation these were received prior to the adoption of CIL and therefore the financial contributions sought to

enhance the education and recreation infrastructure cannot be sought. Monies for such enhancements will need to be secured through the CIL process.

Finally in relation to CIL the Parish Council will be entitled to 15% of the sum available to be spent on infrastructure improvements within the Parish. This figure will rise to 25% should the Burley Neighbourhood Plan be adopted before a planning permission is issued.

13. Burley Neighbourhood Plan

Burley Parish Council is in the process of preparing a Neighbourhood Plan. It has presently been through an examination and the Examiner's final report has recommended that the Plan, with a number of modifications to it, proceeds to Referendum. If it passes the Referendum then it will become part of the adopted Plan. It is expected to go to Referendum in May 2018. The Plan doesn't comment specifically on individual sites but acknowledges that as a result of the adoption of the Core Strategy there will need to be some Green Belt boundary changes. Policies are contained within the Plan that relate to housing mix and design together with views and mitigation of any adverse impacts.

13. Other issues

A number of other issues have been raised during the publicity exercise that have not been addressed in the earlier sections of this report. These issues, together with the response, are as follows:

There is no evidence to show that the development could bring any positive impact on the village – There is a requirement on the Council to identify the housing needs for the District over the next 30 years through the allocation of sites within both the Core Strategy and the Allocations Development Plan Document. It has been identified that there should be approximately 700 new houses built in the Burley-in-Wharfedale area and this scheme will go towards meeting that need. In terms of benefits to the area it will, amongst other things, provide a significant number of much needed affordable housing units, a new primary school (up to 2 form entry), the opening up to the community of the Roman Camp identified to exist within the application site, and, off-site highway improvements together with other issues identified within the above sections of this report

The proposed development will result in premium houses out of reach of the average family even with 'affordable' provision' – the scheme will provide up to 30% of the number of units as affordable housing

Should planning permission be given that any Section 106 monies will reflect the additional burdens which will undoubtedly be placed on local resources and local residents and local families because of the decision – any monies secured through granting planning permission will reflect the Council's policies in relation to the level of contributions that can be secured. The scheme will also be subject to Community Infrastructure Levy of which either 15% or 25%, subject to the Neighbourhood Plan being approved, will be allocated to the Burley-in-Wharfedale Parish Council to spend within the area

Object to the manipulative way the developer has handled this application - appointing barristers to find loopholes to exploit, which has resulted in a jump from initially 200 to 500 houses; undermining the Greenholme Mills brownfield proposal (which the majority of the villagers approve) to improve the chances of their own application, and blatantly lying on some matters at their presentation to the village - for example, about guarantees of places for all the residents of Burley at Ilkley Grammar which was and is not true – *these comments are outside the realm of the planning application and are therefore not a material planning consideration*

The absence of planning notices at any point along the perimeter of the site has meant that some residents may not be aware of the location of the proposed housing – *the application was advertised in line with the Council's protocol for the publicity of planning applications. Site notices have been posted for the application and were also posted following the receipt of the Supplementary Environmental Statement*

This is not a proposal to provide affordable housing or to provide facilities for Burley-in-Wharfedale, but driven by financial gain by a few – *as previously stated the scheme will provide up to 30% of the units as affordable housing and will also provide on-site benefits such as the opening up of the Roman Camp and other recreational areas. Money will also be provided to the Parish Council through the Community Infrastructure Levy to be spent within the Parish*

The proposal makes reference to the provision of a primary school. Everyone who resides in this part of the Wharfe Valley knows that the major problem is the lack of places in secondary education – *whilst the secondary schools within the Wharfe Valley may be operating at nearly full capacity, any expansion of those schools will be undertaken as part of the programme of school expansions of the Council's Education Services and it cannot be insisted upon that the Developer provide a secondary school*

Is this already a done deal? It will be interesting to see if the pages of objections for many reasons from residents all over the village have any impact on the decision – *all the objections are fully considered and responded to in this report prior to a decision being made*

To suggest that the recently discovered Roman Camp could be incorporated into the overall site design smacks of theme park mentality and clearly shows a just how desperate the developer is to have this application approved – *the Roman Camp has been identified as existing within the application site and will be properly investigated in accordance with a scheme to be agreed with the relevant Authorities. It will be opened up to the public and form part of the proposal. At present it is currently not visible for anyone to see so this is seen as a benefit to the local community*

There will be an inevitable increase in low level crime and antisocial behaviour which will likely spill over into the rest of the village. Manor Park, being right opposite, will be on the front line – *the detailed applications for both the layout of the development and the design of the dwellings will be considered against Policy DS5 of the Core Strategy which states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime*

It is likely to create a self-contained community that does not integrate with the rest of the village – *the application site is located on the edge of the existing settlement and may well be seen as a “self-contained community” but it will incorporate links to the existing settlement to ensure that there is connectivity with the existing settlement to ensure that this doesn’t happen*

Nobody wants this development, it is just a cash cow for Bradford Council because they know we actually pay our council tax – *this is not a material planning consideration*

Provision on expensive housing that is not really addressing the housing shortfall – *as previously stated the scheme will provide up to 30% of the number of units as affordable housing*

The authority should concentrate on building affordable housing where it is needed – *because of the housing market and the inflated cost of buying houses within the Wharfe Valley it is considered that affordable housing is needed in this particular area and the proposal will provide up to 30% of the number of units as affordable housing thus meeting an identified need*

Sun Lane nature reserve still has some nasty rubbish ex buried under ground. How are the developers going to make certain any contaminated water does not reach the new development – *Phase 2 Site Investigations will be required to identify the current ground conditions of the site and this will identify whether or not there is any contamination leeching onto the site from the Sun Lane nature reserve. If any contamination is discovered there will be a need to undertake appropriate remediation works to ensure that the site is contamination free*

The glossy brochure and slick presentation used by CEG is full of empty promises of future improvements - increased train capacity, school investment - if planning is gained and this is sold off in pieces I very much doubt any of the promises will be fulfilled – *as part of the application, should planning permission be secured, it will be subject to a Section 106 Legal Agreement that will secure a number of benefits (outlined at the start of this report) and all the features shown on the plans, such as the school and Roman Camp, will also be secured. These benefits will be secured whether the site is developed by a single developer or sold off in pieces as the Agreement relates to the site as a whole*

We have to be net self-sufficient in food production. The answer is fewer people, not more houses. This is unsustainable – *there is a growing population within the Bradford District and there is a need to provide new houses throughout the District to meet this need*

Community Safety Implications:

There are no other community safety implications other than those referred to in the main body of the report.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this

purpose Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission:

The proposed development represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Substantial weight has been given to the harm the proposed development would cause to the Green Belt by reason of its inappropriateness, the loss of openness which would be consequential from the development and the development’s conflict with the purposes of allocating land as Green Belt.

However it is considered that the harm the development would cause to the Green Belt and the harm the development would cause to the character of the landscape is clearly outweighed by other considerations, in respect of the provision of new housing to help meet the identified housing need for Burley-in-Wharfedale within the Core Strategy, the provision of a new primary school and the securing and delivery of the temporary Roman Camp.

It is considered that, subject to securing the Section 106 Legal Agreement relating to off-site highway works, sustainable travel measures, affordable housing and the new primary school, and to the conditions recommended in the report, the development will not result in unacceptable impacts upon the environment, highway safety, historic environment or residential amenity of the occupiers of the neighbouring residential dwellings.

The proposal is considered to accord with the relevant national planning policies set out in the National Planning Policy Framework, saved policies TM6, TM10, TM20, NR1, and, GB1 of the replacement Unitary Development Plan, and, policies P1, SC1, SC4, SC5, SC7, SC8, SC9, PN1, EC4, TR1, TR2, TR3, HO3, HO4, HO5, HO6, HO8, HO9, HO11, EN2, EN3, EN5, EN7, EN8, EN12, DS1, DS2, DS3, DS4, DS5, ID2, and, ID3 of the Local Plan for Bradford.

Conditions of Approval:

1. Time scale

Application for approval of the reserved matters for the first phase of the development shall be made to the Local Planning Authority not later than three years from the date of this permission. Application for approval of the reserved matters for all other phases shall be made not later than 5 years from the date of this permission.

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

2. Time scale

The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the date of approval of the last reserved matters application for the first phase or before the expiration of five years from the date of this permission.

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

3. Reserved Matters

Before any development is begun plans showing the:

- i) appearance,
- ii) landscaping,
- iii) layout, and,
- iv) 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. Approved Plans

The development shall be carried out in broad accordance with the following plans:

Drawing number 31620-301-P showing the Parameters Plan and received on the 30th November 2017;

Drawing number 301A showing the Arboricultural Impact Plan A and received on the 6th December 2017;

Drawing number 301B showing the Arboricultural Impact Plan B and received on the 6th December 2017;

Drawing number 301C showing the Arboricultural Impact Plan C and received on the 6th December 2017;

Drawing number 13-215-TR-007-C showing The Proposed Ghost Island Junction Arrangement and received on the 30th November 2017;

Drawing number 13-215-TR-008-G showing the Western Access Roundabout Option – Taking Land from North of Ilkley Road and received on the 30th November 2017; and,

Drawing number 13-215-TR-009-A showing the Proposed Right Turn Ghost Island Arrangement (Western Area of Land) and received on the 30th November 2017.

Reason: For the avoidance of doubt as to what the planning permission relates to.

5. Enabling works

No advance infrastructure and enabling works (including but not limited to any works of demolition and/or works of a temporary nature, such as, temporary hard and/or soft landscaping or temporary vehicular routes) within a Phase (“Advance Infrastructure and Enabling Works”) shall commence until details of the proposed Advance Infrastructure and Enabling Works have been submitted to and approved in writing by the Local Planning Authority.

The Advance Infrastructure and Enabling Works shall be carried out in accordance with those approved details. For the avoidance of doubt, any Advance Infrastructure and Enabling Works may be undertaken prior to the submission or approval of Reserved Matters Applications and without compliance with pre-commencement conditions 8, 11, 15, 17, 19, 24, 25, 26, 27, 34, 36 and 37.

Reason: To safeguard highways safety and amenity during early development activities and to accord with Policies SC9, DS1, and, DS3 of the Local Plan for Bradford.

6. Quantum of development

The development shall accommodate no more than 500 dwellings (Use Class C3).

Reason: For the avoidance of doubt and to ensure no ambiguity in the decision notice over the amount of development that has been approved.

7. Phasing plan

As part of the submission of the application for Reserved Matters for the first phase of development, a phasing plan setting out the proposed phasing of construction of the development across the whole site shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include a programme for the layout out of the access roads into the site. Thereafter each reserved matters application for a phase submitted pursuant to Condition 2 shall be accompanied by an updated phasing plan. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this Condition. The development shall be carried out in accordance with the phasing plan as approved and updated unless otherwise agreed in writing with the Local Planning Authority or required by other conditions of this permission. For the purposes of this permission all references to a "phase" or "phase of development" shall be interpreted as being a reference to a phase as defined on the phasing plan approved or subsequently updated pursuant to this condition.

Reason: To ensure the satisfactory delivery of elements of the proposed development and to accord with Policies SC9, DS1, DS2, DS3 and DS4 in the Local Plan for Bradford.

8. Archaeology

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, no development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological recording consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains present are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated and to accord with Policy EN3 of the Local Plan for Bradford.

9. Delivery of the Roman Temporary Camp

The area identified on the Parameters Plan (ref. 301 rev. P) as an 'Area to come forward in accordance with the Heritage Design Brief' shall be brought forward in broad accordance with Sections 7 - 10 of the Roman Temporary Camp Heritage Design Brief (November 2017). In addition all buildings coming forward within the area covered by the Roman Temporary Camp Design Brief shall incorporate a red pantile roof as part of their palette of construction materials.

Reason: To ensure the long-term preservation of the Roman Temporary Camp as an integral part of the development and that this area is developed in a way that

maximises the significance of this heritage feature and to accord with Policy EN3 of the Local Plan for Bradford.

10. Use of Roman Temporary Camp

Prior to the first occupation of dwellings, a strategy for providing the Roman Temporary Camp (as identified in the Roman Temporary Camp Heritage Design Brief (November 2017) as an educational resource will be submitted to the Local Planning Authority. This will include details of:

- Teaching materials to include Roman artefacts (or facsimiles) and worksheets;
- A series of interpretation panels relating to the Roman Temporary Camp that will be installed in the vicinity of the education facility, around the camp perimeter, and at strategic points on the footpath network;
- A programme of small-scale excavation focussed on better revealing and understanding the camp defences by school pupils (with professional archaeological assistance); and
- A programme of wider community outreach.

Reason: To maximise the exposure of the Roman Temporary Camp as an educational resource and to accord with Policy EN3 of the Local Plan for Bradford.

11. Construction Emission Management Plan

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust, and other emissions to air, from both the site operations and associated transport movements should be submitted to, and approved in writing by the Local Planning Authority. The CEMP should be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition and as a minimum must contain the emission mitigation measures set out in sections J6.4 to J6.51 of the Environmental Statement (ref. 50335/JG/SP). All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect amenity and health of the local population

12. Electric Vehicle Charging Points

From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces shall be provided with access to a fully operation 3 pin socket on a dedicated circuit, capable of providing a 'trickle' charge to an electric vehicle. Charging points should be provided either within garage space or via outdoor, weatherproof sockets within easy access of the off road parking areas. All Electric Vehicle charging points shall be clearly marked with their purpose and their purpose drawn to the attention of new residents in their new home welcome pack / travel planning advice.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emissions impact of traffic arising from the development in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF)

13. Electric vehicle charging points (Communal areas)

Communal electric vehicle charging points shall be provided for residential properties with non-dedicated parking at a rate of 1 per 10 communal parking spaces. The charging points must be fully functional at the first occupation of the properties with access to communal parking areas. The minimum requirement will be access to a fully operational 3 pin socket capable of providing a 'trickle' charge to an electric vehicle. All communal Electric Vehicle charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack/travel planning advice. The advice must include arrangements for accessing and using the communal charging points.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF)

14. Non-domestic electric vehicle charging points

All other types of development (other than housing) at the site will be required to provide Electric Vehicle charging facilities in line with the requirements of the Bradford LES. This will include parking at the proposed educational use. All Electric Vehicle charging providing must be fully operational at first occupation and their purpose fully explained within any relevant travel plans / welcome packs.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF)

15. Disposal of surface water drainage

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, the development shall not commence within any phase of development until full details and calculations of the proposed means of disposal of surface water drainage, including two levels of water quality treatment prior to its outfall into the local surface water network for that phase of development, have been submitted to and approved by the local planning authority.

Reason: To ensure that the site is properly drained and that surface water is appropriately discharged and to accord with Policy EN7 of the Local Plan for Bradford.

16. Fluvial flows

Any subsequent site layout and scale submission shall include an assessment of the pre and post-development fluvial flows across the site in a 1 in 100 annual probability event from the unnamed watercourses and any groundwater flows including an allowance for climate change, to assess the impact to the development and to third party land.

Reason: To ensure that the development can be properly drained and to prevent the increased risk of flooding and to accord with Policy EN7 of the Local Plan for Bradford.

17. CEMP

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, prior to commencement of the development on any phase of development a Construction Environmental Management Plan (CEMP) for avoiding, minimising and mitigating and adverse effects on the water environment for that phase of development

will be submitted to, and approved in writing by the Local Planning Authority. The CEMP should be prepared with due regard to the mitigation measures set out in sections H6.2 to H6.27 of the Environmental Statement (ref. 50335/JG/SP). All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding to the proposed development and future occupants and to accord with Policy EN7 of the Local Plan for Bradford.

18. Surface Water Drainage Maintenance and Management

The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document to be submitted to the Lead Local Flood Authority for approval.

Reason: To ensure that the development can be properly drained and to prevent the increased risk of flooding and to accord with Policy EN7 of the Local Plan for Bradford.

19. Temporary drainage strategy

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, the development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: To ensure that the site is properly drained and that surface water is appropriately discharged during the constructions phases and to accord with Policy EN7 of the Local Plan for Bradford.

20. Forward flow of surface water

The maximum pass forward flow of surface water from the development shall be restricted to the peak flow rates set out in table 4 of the Drainage Assessment reference 3213/DA/FINAL/v1.0.

Reason: To ensure that the site is properly drained and in order to prevent overloading and to accord with Policy EN7 of the Local Plan for Bradford.

21. Flood zone 1

No part of the built residential development or education facility shall be erected outside of the flood zone 1.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with Policy EN7 of the Local Plan for Bradford.

22. Sewer easement zones

No building or other obstruction including landscape features shall be located over or within :-

(a) 5 metres either side of the centre line of the 825mm sewer i.e. a protected strip width of 10 metres; and

(b) 4 metres either side of the centre lines of each of the 375 and 305mm sewers and the 125mm rising main i.e. protected strip widths of 8 metres per sewer/rising main;

that traverse the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and now works in the affected area shall commence until the approved works have been implemented to the satisfaction of the Local Planning Authority.

Reason: In order to allow sufficient access for maintenance and repair work to the public sewer at all times and to accord with Policy EN7 of the Local Plan for Bradford.

23. Discharge of surface water

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: To ensure that the site is properly drained and in order to prevent overloading and surface water is not discharged to the foul sewer network and to accord with Policy EN7 of the Local Plan for Bradford.

24. Foul water drainage

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, no development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 5 (five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper and timely provision has been made for their disposal and to accord with Policy EN7 of the Local Plan for Bradford.

25. Phase 2 site investigation

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, prior to development commencing on any phase of development, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, for that phase must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Policy EN8 of the Local Plan for Bradford.

26. Phase 2 site investigation

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, prior to development commencing on any phase of development the Phase 2 site investigation and risk assessment for that phase must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to accord with Policy EN8 of the Local Plan for Bradford.

27. Remediation strategy

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, prior to development commencing a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to accord with Policy EN8 of the Local Plan for Bradford.

28. Remediation verification

Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report including quality control of soil materials and clean cover systems where necessary, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to accord with Policy EN8 of the Local Plan for Bradford.

29. Unexpected contamination

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to accord with Policy EN8 of the Local Plan for Bradford.

30. Importation of material

A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to accord with Policy EN8 of the Local Plan for Bradford.

31. Construction hours

Construction work shall only be carried out between the hours of 07:30 and 18:00 on Mondays to Fridays, 07:30 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

32. Sound insulation for dwellings

No dwellings within a phase of development shall be occupied until a scheme of sound insulation works for that phase has been installed. Such scheme of works shall be first submitted to and approved in writing by the Local Planning Authority and shall:

- a. Be based on the findings of approved Noise Assessment report ref. 15/0652/R1.
- b. Be capable of achieving the following noise levels:
 - Bedrooms: LAeq (8 hour) - 30dB - (2300 to 0700 hours);
 - Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
 - Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
 - External Amenity Areas (rear gardens): LAeq (16 hour) - 55dB (0700 to 2300 hours).
- c. Where the above internal noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Such works shall thereafter be retained.

Reason: In the interests of residential amenity and to accord with Policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

33. Sound insulation – education facility

Prior to its construction, a scheme of sound insulation works for the educational facility shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with these details prior to the education facility first being brought into use.

Reason: In the interests of residential amenity and to accord with Policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

34. Recreation and open space masterplan and strategy

As part of the application for Reserved Matters for the first phase of development, a recreation and open space masterplan and strategy for the entire site shall be submitted to and agreed in writing by the Local Planning Authority. This masterplan should be in broad accordance with the areas of open space identified on the approved Parameter Plan (ref.31620-301-P) and also be in broad accordance with the recommendations of Section 3 of the Recreation Mitigation Strategy contained at Appendix 1 of the Shadow Habitat Regulations Assessment (Ref. 383 HRA Draft 009 AB.docx)

Thereafter each reserved matters application for a phase submitted pursuant to Condition 3 above shall be accompanied by an updated recreation and open space masterplan.

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5, no development within a phase shall commence until the Local Planning Authority has approved in writing the details of, and arrangements for, the setting out of on-site public open space as part of that phase of the development to include the following matters in respect of the phase:

- i The delineation and siting of the proposed public open space;
- ii The type and nature of the facilities to be provided within the public open space, including where relevant children's play provision;
- iii The arrangements to ensure that the Public Open Space is laid out and completed during the course of the development; and
- iv The arrangements for the future maintenance of Public Open Space.

The open space for that phase shall be completed in accordance with the approved details and arrangements for that phase.

Reason: To ensure adequate provision of public open space to meet the needs of future occupiers of the development and to accord with Policies SC9, DS1, and, DS3 of the Local Plan for Bradford.

35. Means of access

Before any part phase of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved as part of that phase shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plans listed in Condition 4 and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TR1 of the Local Plan for Bradford.

36. Section 278 Agreement

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5 and unless otherwise agreed in writing by the Local Planning Authority, no development within that phase of development shall take place until an Agreement with the Local Planning Authority has been made under Section 278 of the Highways Act 1980 to provide the new access arrangements into that part of the site as shown on the approved plans.

Reason: In the interests of highways safety and to accord with Policy TR1 of the Local Plan for Bradford.

37. Construction Plan

Save for any Advanced Infrastructure and Enabling Works approved pursuant to Condition 5 and notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, prior to the commencement on site of each phase of the

development hereby permitted, a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

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

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

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.

38. Wheel wash facility

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

Reason: In the interests of highway safety and to accord with policies DS4, and, DS5 of the Local Plan for Bradford.

39. Travel Plan

The Travel Plan shall be implemented in accordance with the travel plan administration and promotion details and travel plan measures set down in the travel plan framework document submitted by Bryan G Hall (document reference no. 13-215-005.03). The Travel Plan will be reviewed, monitored and amended as necessary on an annual basis to achieve the aims and targets of the Plan.

Reason: To promote sustainable travel options, minimise reliance on the private car and reduced traffic congestion and demand for on street parking in the locality, in the interests of pedestrian and highway safety and to accord with Policy PN1 of the Local Plan for Bradford.

40. Temporary Tree Protective Fencing

The development shall not begin, nor shall there be any demolition, site preparation or groundworks, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained until the tree protection fencing and other tree protection measures are installed in strict accordance with an arboricultural method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority.

The development shall not begin until the Local Planning Authority has inspected and given its written approval confirming that the agreed tree protection measures are in place in accordance with the submitted details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site which would otherwise harm trees to the detriment of visual amenity and to accord with Policy EN5 of the Bradford Local Plan Core Strategy.

41. Retention of tree protective fencing

The approved and agreed tree protection measures shall remain in place, and shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection areas without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during development activity on the site which would otherwise harm trees to the detriment of visual amenity and to accord with Policy EN5 of the Bradford Local Plan Core Strategy.

42. Removal of tree protective fencing

Prior to the removal of the protective fencing and/or agreed tree protection measures, written verification/evidence that the developer/s have arranged for supervision and monitoring of those approved measures by a suitably qualified and pre-appointed tree specialist, at regular and frequent intervals throughout the duration of the development, shall be submitted to the Local Planning Authority.

Prior to the occupation of the development, or prior to the occupation of phases of the development as have been agreed in writing with the Local Planning Authority, the Local Planning Authority shall have first confirmed in writing its agreement to the verification/evidence.

Reason: To ensure that trees have been adequately protected by the developer during development activity and that harm to the trees has been effectively prevented or mitigated by the measures proposed in the planning application submission. To ensure that protection measures have prevented harm to trees and visual amenity, to accord with Policy EN5 of the Bradford Local Plan Core Strategy.

45. Design

The development hereby permitted shall be carried out in broad accordance with the Parameter Plans (drawing ref number 31620-301-P) and the principles set out in the Design & Access Statement with regard to Strategic Site Design Principles (p71-75), Incorporating Heritage Features (p79-80), Street Typology (p81-82), Green

Infrastructure, Landscape and Play Strategy (p83-86), Creating Characterful Streets & Spaces (p88-106), and Design Parameters (p111-112).

Reason: To ensure that the development achieves high quality design and is in accordance with paragraphs 57, 58, 60, 61, 64 and 69 of the National Planning Policy Framework and policies SC9, DS1, DS2, DS3 and DS4 in the Local Plan for Bradford.



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 11 January 2018

AD

Subject:

This is an outline application for the construction of a residential development scheme comprising up to 15 dwellings with all matters reserved except for means of access to, but not within, the site on land east of Bradford Road, Burley-in-Wharfedale.

Summary statement:

This is an outline application for the construction of a residential development scheme comprising up to 15 dwellings with all matters reserved except for means of access to, but not within, the site on land east of Bradford Road, Burley-in-Wharfedale.

Details of the proposed means of access to the site have been submitted for consideration and are acceptable in highway terms. Whilst it will result in the loss of frontage trees onto Bradford Road there is scope for compensatory planting to take place within the site.

The site is located within the Green Belt and the Applicant has sought to justify the proposal on the grounds that the Council does not have a 5 year housing land supply and the need to provide 700 new dwellings in Burley through the Core Strategy. The Applicants submitted justification also looks at the five purposes for including the land within the Green Belt. The submitted justification has been fully considered in terms of the policy implications and it is not considered that the benefits of allowing the development outweigh the harm to the Green Belt that would be caused by reason of inappropriateness, and any other harm, and therefore the principle of development is not considered to be acceptable.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is an outline application for the construction of a residential development scheme comprising up to 15 dwellings with all matters reserved except for means of access to, but not within, the site on land east of Bradford Road, Burley-in-Wharfedale.

2. BACKGROUND

There is no relevant background to this application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in the Officer's Report at Appendix 1.

4. OPTIONS

The Committee can refuse the application as per the recommendation contained within the main report, or they can resolve to be minded to approve the application. If Members are minded to approve the application then they will need to specify the "very special circumstances" that they consider applies to warrant the grant of consent as this type of development would normally amount to inappropriate development in the Green Belt. Also under such circumstances the application would need to be referred to the Secretary of State so that he can determine if he would wish to intervene in the decision making process.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications associated with this proposal.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located within the urban area and is close to a relatively frequent bus route and is therefore considered to be in a sustainable location.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site.

Consideration should be given as to the likely traffic levels associated with this development. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. If planning permission were to be granted, in order to encourage alternative means of transport Electric Vehicle (EV) charging points would need to be provided within the domestic curtilages of the residential dwellings comprising the development (normally secured by a planning condition).

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications other than those raised in the main body of the report.

8.5 HUMAN RIGHTS ACT

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken its account the views of all those who have an interest in, or whom may be affected by the proposal.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal. The development of this site for housing would have some implications for the Ward in terms of increased infrastructure pressure but this could be off-set by the provision of Community Infrastructure Levy (CIL) payments.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That planning permission is refused for the reasons set out in the report attached as appendix 1.

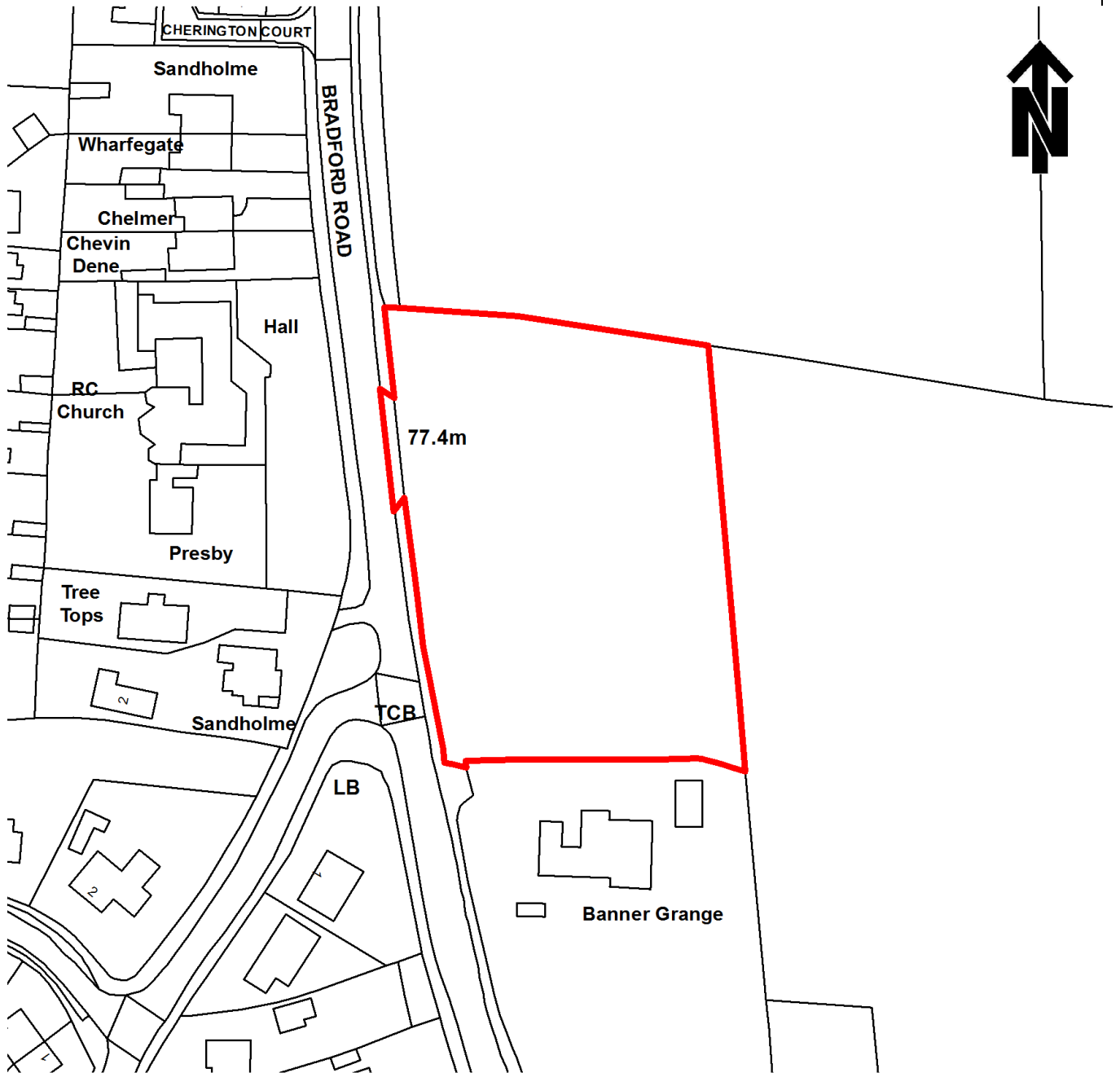
11. APPENDICES

Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Local Plan for Bradford
Planning application: 17/00496/MAO

17/00496/MAO



1:1,250

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**Land east of Bradford Road
Burley in Wharfedale**

11 January 2018

Ward: Wharfedale

Recommendation:

REFUSE PLANNING PERMISSION

Application Number:

17/00496/MAO

Type of Application/Proposal and Address:

This is an outline application for the construction of a residential development scheme comprising up to 15 dwellings with all matters reserved except for means of access to, but not within, the site on land east of Bradford Road, Burley-in-Wharfedale.

Applicant:

Janet & Bruce Bannister

Agent:

Mr Richard Irving (ID Planning)

Site Description:

The site is located to the east of Bradford Road and currently comprises an open field. There are a number of trees located along the northern, southern and western boundaries of the site. It is bounded to the north and east by open fields, to the south by a single residential development whilst overlooking the site to the west is a single dwelling and a church with additional areas of residential development further to the north west, west, and, south west.

Relevant Site History:

There is no relevant planning history on the site.

The National Planning Policy Framework (NPPF):

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

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

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

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated but is located within the Green Belt as identified within the RUDP. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

TM6 Bus Priority
TM10 National and local cycle network
GB1 New Building in the Green Belt

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC5 Location of Development
SC7 Green Belt
SC8 Protecting the South Pennine Moors and their Zone of Influence
SC9 Making Great Places
PN1 South Pennine Towns and Villages
EC4 Sustainable Economic Growth
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO3 Distribution of Housing Requirement
HO4 Phasing and Release of Housing Sites
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
HO8 Housing Mix
HO9 Housing Quality
HO11 Affordable Housing
EN2 Biodiversity and Geodiversity
EN5 Trees and Woodland
EN7 Flood Risk
EN8 Environmental Protection
EN12 Minerals Safeguarding
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
ID2 Viability
ID3 Developer Contributions

Parish Council:

Burley-In-Wharfedale Parish Council object to the proposal on the grounds of incursion into the Green Belt and the additional pressures the new homes will bring to the existing infrastructure, particularly education, within the local community.

Publicity and Number of Representations:

The proposal was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 2nd April 2017.

As a result of the publicity exercise 5 representations have been received objecting to the proposal together with 1 representation in support. The objections include 2 from Ward Councillors.

Summary of Representations Received:

Objections:

Principle of development:

- This is Green Belt land and as such any application is required to prove that there are exceptional circumstances which necessitate building on Green Belt – in this case these circumstances have not been provided
- The proposals give rise to significant harm to the Green Belt. In particular the proposals would breach an existing defensible boundary, risk coalescence with neighbouring settlements and risk potential future sprawl in multiple directions
- This application would be contrary to Bradford Council's policy relating to joining up settlements. This would contribute to a continuous development between the villages of Burley in Wharfedale and Menston
- The creation of a continuous housing corridor from Leeds & Bradford along the A65 & the A6038 with the consequential destruction of open vistas looking in to Wharfedale
- The proposal shows a total disregard of the Burley-in-Wharfedale Neighbourhood Plan
- If Burley does need all these additional houses & the application is approved this is a better sized development than the proposed 500 houses on green belt to the west of Burley
- The application fails to consider where this new development for Burley should occur or, indeed why the delivery of 700 new homes in Burley-in-Wharfedale is dependent on this site coming forward

Highways:

- The adjoining A65 has been identified as a dangerous road because of numerous accidents including a fatality. A recent planning application in close proximity to this site has already been approved and any further access would be dangerous because of the likely number of cars and journeys this would generate
- There is already considerable congestion on roads to Leeds and Bradford at peak times
- Concerns regarding the potential access to and egress from the site
- A lack of consideration as to pedestrian accessibility across the A65 to and from the site;
- The need to undertake a Stage 1 Road Safety Audit of the access proposals;
- Clarification should be provided as to the potential need to relocate existing bus stops;
- Clarification/justification should be provided with regard to the proposed sightlines from the site access;
- Clarification should be provided in relation to the future status of the existing agricultural access to the site.

Infrastructure:

- There is inadequate infrastructure in this area. School places particularly at secondary level are not available and current expansion of Ilkley Grammar School only allows for children already in the system
- It is essential that any application considers the building programmes in Otley and Guiseley which will have an effect on school places at Leeds Schools which may not be available to children from this development. This is particularly pertinent as Prince Henrys and Guiseley School would be the nearest schools
- The trains are full at peak times with standing room only. There are no current plans to lengthen the platforms and it is not possible to increase the number carriages because of this and the wider implications for the network
- There has been a recent reduction in bus services
- Has the developer made a commitment via a Section 106 Agreement

Drainage:

- The site is located on a floodplain
- Increased risk of flooding
- The supporting information does not include any assessment as to how the proposals would impact upon the issues of surface water flooding on the A65 (Bradford Road) which are known to occur on a regular basis.

Environment/Ecology:

- The Appraisal fails to consider, however, what the potential recreational impacts from the development could be upon the South Pennine Moors Special Protection Area (SPA)
- There would be a negative impact on wildlife

Other issues:

- Lack of supporting information submitted with the application

Support:

- Support the construction of new development in the area which doesn't comprise small flats
- It is impossible to buy a decent property if you are young in the area due to a lack of supply
- Hardly any housing is being built and all the large homes are taken up by older couples

Consultations:

BMDC Planning, Transportation & Highways: Local Plan / Policy Team – Object on the grounds that the site is located within the Green Belt and the benefits offered by the proposal are not considered to outweigh the harm to the Green Belt that would be caused by reason of inappropriateness, and any other harm

Drainage – No objection subject to the imposition of appropriate conditions relating to the disposal of foul water

Lead Local Flood Authority – No objection subject to the imposition of appropriate conditions relating to the disposal of surface water

Yorkshire Water Land Use Planning – No objection to the principle of the development subject to the imposition of an appropriate condition relating to the disposal of surface water drainage

Natural England – No objection

Landscape Design Unit – No objection to the principle of the development but state that it should have regard to conserving and restoring the landscape qualities of the area and a full Landscape and Visual Appraisal should be submitted with the planning application to assess the impact of the proposed development on the surrounding environment, the green belt and the countryside

Trees Section – Concerns regarding the level of information submitted in that there is little or no relevant arboricultural information. No information is provided in relation to which trees are required for removal and which will be damaged as a consequence of the access. The canopy spreads of the trees on the sketch plan are incorrect and the proposal showing trees being retained is highly optimistic

Environmental Health Land Contamination – No objection subject to the imposition of conditions requiring further site investigation works to be undertaken together with appropriate remediation where required

Highways DC – No objection subject to the imposition of appropriate conditions relating to the access arrangements

West Yorkshire Police – No objection to the principle of the development but comments are made on matters such as perimeter treatments, parking bays, bin access, external lighting, and, physical security

West Yorkshire Combined Authority – No objection to the principle of the development subject to improvements being sought to the public transport infrastructure in the form of the provision of a new 'live' bus information displays to be erected at bus stop number 14108 at a cost of approximately £10,000 (including 10 years maintenance) together with the provision of a Residential MetroCard Scheme for the future occupiers of the development at a cost to the developer of £9,388.50p.

Education (Client Team) – No objection subject to securing a financial contribution of £61,915 towards improving the educational infrastructure in the vicinity of the site. This contribution is broken down into £24,698 at primary sector level and £37,217 at secondary sector level

Sport & Leisure – No objection to the principle of the development but are seeking the payment of a commuted sum of £15,918 that will be used to enhance the recreational infrastructure in the vicinity of the site

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees

7. Affordable housing
8. Secured by design
9. Contaminated land
10. Biodiversity
11. Community Infrastructure Levy
12. Burley Neighbourhood Plan
13. Other issues

Appraisal:

The application relates to the construction of residential development scheme of up to 15 units with all matters reserved for consideration at a later stage with the exception of the means of access to the site. The point of access will be taken directly from Bradford Road and will be located towards the north western corner of the site.

1. Principle of development

The proposal relates to a residential development of up to 15 dwellings on a site that is unallocated within the Replacement Unitary Development Plan but is located within the Green Belt. To support the proposal the Applicant has submitted a Planning Statement in support of the proposal and within this document highlights their case for very special circumstances to justify the proposal. These include the following:

- The Council acknowledge they do not have a 5 year housing land supply and that in identifying a supply of deliverable sites a 20% buffer over and above the 5 year figure should also be identified to provide a realistic prospect of achieving planned housing supply. The 20% buffer is required given the Council's persistent under delivery of housing. The Council can only currently identify a housing supply of deliverable sites of around 2 years. The presumption in favour of sustainable development as set out in paragraph 49 of the NPPF therefore applies.
- The Bradford Core Strategy Publication Draft identifies an overall housing target of 42,100 dwellings over the Plan period of which a minimum of 700 units are to be developed in Burley-in-Wharfedale. The Core Strategy advises that part of meeting this objective will involve green belt deletions in sustainable locations. The site itself is in a sustainable location, is deliverable (being available, suitable and achievable) and its release for housing development will both assist in meeting Council's housing target and possibly minimise need for more sensitive and large scale green belt deletions.

The Applicant's Planning Statement goes on to state that in considering the proposals against the impact on the Green Belt, an assessment against the five purposes for including the land within the Green Belt is required.

- To check the unrestricted sprawl of large built-up areas: *The site is relatively small and is located on the eastern side of the A65 adjacent to other areas of residential development and therefore would not result in unrestricted sprawl. The site boundaries can be clearly defined with new landscaping to ensure there is no harm to the character of the open fields beyond.*
- To prevent neighbouring towns merging into one another: *Due to the scale and location of the site there is no potential for towns merging into one another.*
- To assist in safeguarding the countryside from encroachment: *The application site is immediately adjacent to the A65 and other housing development and is not the*

more sensitive Green Belt land that can be found elsewhere in the district. On that basis it is wise to permit housing on this site to protect other more sensitive sites.

- To preserve the setting and special character of historic towns: *Due to the scale of development and location of the site there will be no adverse impact on the character of Burley-in-Wharfedale.*
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land. *As stated above, the site is one of the less sensitive Green Belt sites in the district. Based on the housing need in the district it is accepted that some Green Belt land will be required and the housing need cannot be solely met by developing existing brownfield land.*

The Planning Statement submitted in support of the application has been considered against the policies contained within the Replacement Unitary Development Plan and the Core Strategy together with the guidance contained within the National Planning Policy Framework.

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the National Planning Policy Framework requires Local Planning Authorities to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The emerging Local Plan underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future Development of The District is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development though the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

The Framework also states in paragraph 111 that the planning system should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. It goes on to state that Local Planning Authorities may make allowance for windfall sites in the five-year supply if there is evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

One of the aims of the Core Strategy is to achieve sustainable housing growth and to achieve this, the following principles apply:

- Distribute housing growth in a way which reflects accessibility to jobs and services and supports the role of Bradford as a Regional City

- Prioritising, wherever possible, the use and recycling of previously developed land and buildings
- Making most efficient use of land recognising that it is a scarce resource and thus setting challenging but achievable density targets for developers to achieve
- Ensure that development provides an appropriate mix of housing to fulfil the needs and aspirations of the Districts current and future populations
- Ensure that housing development meets high standards of construction and design
- Making adequate provision for affordable housing and ensuring that the housing is of the size, type and tenure to address the most pressing needs of those who cannot access market housing

There are a number of policies within the Core Strategy that are relevant to the proposal and these are as follows.

Policy SC1 sets out key spatial priorities and it is suggested that particular attention is given to parts 6 and 7 of the Policy. The proposed scheme by providing 15 new homes would make a very modest contribution to part 6 which seeks to support the District's Local Service Centres (of which Burley in Wharfedale is one) to meet the need for homes. Part 7 seeks the protection and enhancement of the District's environmental resources including areas of national and international importance such as the South Pennine Moors and the character and qualities of the District's heritage, landscape and countryside.

Core Strategy Policy SC4 is a key policy within the Plan in directing development and the distribution of growth to the most sustainable locations and also taking account of the opportunities and ability of settlements to grow in a sustainable way as informed by the land supply position within the SHLAA, the Settlement Study and the Bradford Growth Assessment. It is a policy which has identified Burley-in-Wharfedale as a Local Growth Centre, as one of a number of sustainable local centres accessible to higher order settlements, located along key road and public transport corridors and which should therefore make a significant contribution to meeting the District's needs for housing. Having considered the representations and objections made at Examination, the Inspector endorsed this approach commenting that it is appropriate, properly justified and soundly based. The application scheme would make a small contribution to meeting the housing related aspects of the growth envisaged by this policy.

Policy SC5 of the Core Strategy sets out the approach to be taken in allocating sites for development within the Local Plan. The policy is not intended to be applied to planning applications or windfall developments and thus is not directly applicable to this application. However, it may be pertinent to point out that were the site to be considered as part of the process of preparing the Land Allocations Development Plan Document, its confirmation as a housing site allocation would not be ruled out by the provisions of the Policy given the absence of sufficient site options in non-green belt locations within the settlement.

Policy SC7 establishes that there are 'exceptional circumstances' for the release of Green Belt land within the Local Plan in order to meet the District's need for homes and jobs and support the long term economic success of the District. It states that this will be achieved via a selective review of the Green Belt within the Local Plan with other policies such as Policy WD1 confirming where in settlement terms Green Belt change is needed and justified. Policy SC7 and WD1 together support the need for Green Belt

land releases to make a significant contribution to meeting the housing target for Burley in Wharfedale.

Within the Replacement Unitary Development Plan Policy GB1 has been saved until the adoption of the Allocations Development Plan Document and is therefore a relevant consideration. The Policy only allows for development within the Green Belt, with the exception of a number of specified uses, where very special circumstances can be proven.

Policy HO3 of the Core Strategy sets out the apportionment of the district wide housing requirement of at least 42,100 new homes between 27 different settlements and sub areas and indicates that sufficient land should be allocated to ensure that 700 new dwellings are provided at Burley-in-Wharfedale. It is important to stress that the apportionments or targets set out within Policy HO3, and thus that of 700 for Burley, are not maximums – they cannot be as the district wide housing requirement is prefaced by the word at least and national planning guidance within the National Planning Policy Framework requires plans to be flexible enough to respond to changing circumstances and in so doing ensure that they are likely to be deliverable. That is not to say that more than 700 new homes need to necessarily be accommodated in Burley but it is a warning that planning decisions and analysis should not be based on assumption that there is an automatic cut off point once 700 new homes are provided for.

It is also worth pointing out that the potential land supply, and the nature and location of that supply, were key elements of the evidence underpinning each housing apportionment and informed the proposed housing target at Burley.

The sub area policies within the Core Strategy bring together the proposals for development and growth from policies such as HO3 and identify key spatial priorities including the need where relevant for changes to the Green Belt. Policy WD1 deals with Wharfedale and establishes that Burley will see the creation of 700 new homes through redevelopment of sites within the settlement and with a significant contribution from Green Belt changes, together with associated community facilities. The application would therefore accord with this policy and Policy HO3.

Following the Core Strategy Examination, the Inspector's Report, while recognising the concerns raised by some residents (in particular with regard to Burley and Menston's status as Local Growth Centres (LGCs)) endorsed this policy. In paragraph 182 of his Report he states that these two settlements "... are smaller settlements than some other LGCs, but have a good range of local facilities and services, including shops, health, education and community facilities. They are sustainable settlements, are popular places to live in, have grown in the past and have a strong demand for new housing. There are few employment opportunities, but they have good accessibility by road and rail to jobs in Leeds, Bradford and elsewhere. They are tightly constrained by the Green Belt and, given the lack of existing brownfield and greenfield sites within the built up areas, significant areas of Green Belt land would be needed to meet these targets. However, the Growth Study [EB/037] assessed the impact of the proposed levels of development on the purposes of the Green Belt and concludes that there is the potential to accommodate some growth without coalescence or undermining Green Belt purposes. Nevertheless, the policy should confirm that a significant contribution from the Green Belt will be needed at Burley to meet the amended scale of development proposed."

In paragraph 185 of his Report the Inspector states that the proposed housing targets for Burley and Menston “...would represent a significant increase in the number of dwellings at these settlements, but both have grown in the past and these proposals would continue past trends at a relatively modest rate over the period of the Plan. Consequently, the revised apportionments for Burley and Menston are appropriate, reasonable and proportionate to the size, form and role of the settlements, given their sustainable location along the main A65 transport corridor and their potential to accommodate further growth.”

The Inspector concludes in paragraph 190 that “...the settlement hierarchy, spatial distribution of development and sub-area policies for Wharfedale are appropriate, fully justified, effective and soundly based.”

Policy HO4 is aimed at the process of allocating and phasing the release of sites in a managed and sustainable way in the Allocations Development Plan Document. Paragraph 5.3.78 of the Core Strategy confirms that “it is not the intention that Policy HO4 be applied to prevent other future sustainable housing development proposals (which would be considered windfall development) from coming forward”. The policy indicates that there will be a phased release of housing sites within the forthcoming Allocations Development Plan Document. It is also important to stress that the policy does not place any bar on any type of site placed in the first phase – it is not a crude brown field first policy and there is nothing stopping green field or Green Belt sites being brought forward in the first phase of the new plan. The policy identifies certain circumstances where sites will need to be placed within the first phase, for example large and complex sites or those which would help secure investment and infrastructure. The site which is the subject of this application would not fit this criteria – it is neither large and complex nor would it be securing the provision of required infrastructure and investment and could therefore if determined to be an appropriate housing site allocation be placed in either the first phase or second phase.

Policy HO5 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way developers will be expected to make the best and most efficient use of land. Densities should normally achieve at least a minimum density of 30 dwellings per hectare (dph), although higher densities would be possible in areas well served by public transport. The application indicates the provision of 15 dwellings which would be above the required 30dph minimum.

Policy HO6 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way the Council will give priority to the development of previously developed land and buildings. It also states that District wide there should be a minimum of 50% of total new housing development over the Local Plan period will be on previously developed land. The Policy does not rule out development on green field sites and it does not set a specific brown field target for individual settlements such as Burley. Moreover the Burley settlement target has been set at 700 dwellings within the Core Strategy precisely on the basis that the majority of such development will need to be on green field land. It is also important to stress that the sustainability of a site or otherwise is dependent on a range of factors and not just its status as brown or green. The application would therefore accord with Policy HO6.

Policy HO8 of the Core Strategy states that the Council will ensure that a mix and balance of housing is provided to meet the needs of the District's growing and diverse population. All large sites will be expected to incorporate a mix of housing types, sizes, prices and tenures and the mix should be based on both market demand and evidence of local need within the District's Strategic Housing Market Assessment.

Within the Replacement Unitary Development Plan Policy GB1 has been saved until the adoption of the Allocations Development Plan Document and is therefore a relevant consideration. The Policy only allows for development within the Green Belt, with the exception of a number of specified uses, where very special circumstances can be proven.

Having outlined the relevant policy guidance against which the principle of the redevelopment of the site for residential purposes will be assessed there are a number of other issues that need detailed consideration including housing need, housing delivery, housing land supply/5 year land supply, and, the Green Belt.

Housing Need: The District of Bradford is experiencing, and is expected to continue to experience, a rapidly growing population based in part on its relatively young age structure and in part on established patterns of migration. Meeting housing need in a sustainable way is one of the key aspects of the proper planning of the District. The policies of the Core Strategy have been informed by a robust objective assessment of housing need which accords with Government practice guidance and which was endorsed by the Inspector appointed to examine the Plan. It is considered that there will be a need for the provision of at least 42,100 new homes over the period to 2030 to meet the expected population and household growth and to reflect housing market signals and projected jobs growth. Failing to provide for those new homes would have a significant adverse effect on the District's economy and its population, their health, life chances and well-being. For this reason the Council's Housing and Homelessness Strategy, 'A Place to Call Home' sets 4 key objectives – more homes, safe and healthy homes, affordable homes, and to support independence and prevent homelessness.

Population and household growth is occurring across most of the District however the greatest pressures are inevitably in the urban areas where migration and natural population change is focused. Housing delivery to meet need and demand and in particular to provide affordable homes is also needed in the valleys of Airedale and Wharfedale and this is one of the reasons why the Core Strategy has proposed significant levels of new development within areas such as Wharfedale, albeit at much lower scale than that proposed within the urban parts of the District.

The Council's Strategic Housing Market Assessment has also provided an assessment of the need for new affordable homes. In addition to estimating a net district wide need for 587 new affordable homes per annum it has highlighted the need for increased provision within Wharfedale. Based on the evidence within the Strategic Housing Market Assessment and the juxtaposition of need with potential supply, the Core Strategy indicates that a lower scheme threshold (11 units or more) for the provision of homes is justified in Wharfedale as compared to other parts of the District where that threshold is 15 units.

Housing Delivery: Given the above context, delivering new homes, which is also a national Governmental priority, is a key objective of the Council. However the District is already facing the problems of under delivery of new homes compared to recent

household growth and this has manifested itself in a variety of ways ranging from overcrowding in the urban areas to relatively high house prices and under supply of new affordable units in areas such as Wharfedale. The lack of a sufficient supply of deliverable sites together with prevailing and difficult conditions within the housing market and the economy have meant that housing delivery in the District has fallen significantly below that needed by a growing population and significantly below the planning targets in place. Under delivery has been persistent and substantial. Between 2004/5 and 2016/17 net completions (as reported with the Council's AMR) have fallen below plan targets in 10 out of 12 years with a cumulative deficit built up of nearly 11,000 units over that time.

The Council's Housing Strategy notes that "Symptoms of insufficient housing supply are evident across the district: overcrowding has increased to nearly 10% of households, and homelessness is also increasing. If housing growth does not keep up with population growth, overcrowding and homelessness will get worse, and will impact upon the district's economic growth prospects." While these comments are more pertinent to the District's larger towns the urban areas, a failure to provide new homes in Wharfedale will also undermine the ability of young people and families within those areas to secure accommodation and in doing so will undermine the vitality and sustainability of those communities and settlements.

Housing Land Supply/5 Year Land Supply: In accordance with its overall goal of boosting significantly the supply of housing the Government places great importance on Local Planning Authorities ensuring that there is, at all times, an adequate supply of deliverable sites. The requirement to ensure that there is a 5 year land supply of such sites is contained within paragraph 47 of the National Planning Policy Framework which states that Local Planning Authorities should "identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

At present there is a significant and substantial shortfall of deliverable sites within the District. The two most recent assessments of the 5 year land supply position were within the Council's third Strategic Housing Land Availability Assessment where supply was estimated to be 2.33 years and within the analysis and conclusions of the Secretary of State in his consideration and approval of the housing proposal at Sty Lane, Micklethwaite where he concluded that the 5 year supply was estimated to be just 2.03 years, and thus described the shortage of supply as acute stating that this shortage should be accorded very substantial weight in the planning balance.

One of the reasons why the 5 year land supply position in Bradford District is so poor is because the requirement side of the calculation includes a 20% buffer to reflect recent and persistent under delivery of new homes and this, in turn, reflects difficult housing market conditions since the crash of 2008 and the problems of relatively poor levels of viability for sites within the urban areas (which is clearly demonstrated within the Local Plan Viability Assessment which was produced to inform the Core Strategy). It is also worth noting that the recovery in the housing market and in housing delivery within Bradford District since the crash of 2008 has been slow. In 2014/15 net completions

(1134) were still only at some 53% of the level at the last peak in 2007/8 (2156 - which itself would not have met annual need levels as currently assessed at 2,476).

This evidence together with on-going restrictions on the ability of Councils to borrow to deliver and build homes, pressures on public sector spending and thus the programmes such as those of the Homes and Communities Agency (HCA) would suggest that in the next few years and through the early part of the new Local Plan period, the ability of the District to boost deliverable land supply, increase housing delivery and start to meet its housing need will be dependent on securing development in those areas of the District where there is available and immediately deliverable land supply, and where market conditions and viability levels are favourable.

Given the lack of a 5 year land supply the following paragraphs of the National Planning Policy Framework are of particular relevance to this application. Paragraph 49 states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”. Clearly the policies of the existing statutory development plan, the Replacement Unitary Development Plan, which relates to housing supply and delivery cannot be considered up to date and thus paragraph 14 of National Planning Policy Framework indicates that for decision making this means “approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”.

In effect the result of the above policy is to require the Council to weigh up the advantages of approving development proposals which otherwise conflict with policies within the development plan based on their contribution to resolving the shortage of housing land supply. With all applications in such circumstances there is a need to balance the contribution which the proposals will make in boosting housing supply against any adverse impacts of the proposal. In doing so the scale of the land supply shortage and the scale and nature of the housing contribution the application scheme will provide are of relevance.

It is important to stress however that the Government continues to place considerable emphasis on preventing inappropriate development within the Green Belt. This is indicated by the content of the technical guidance within the National Planning Practice Guidance which suggests that housing need is “unlikely to outweigh the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development on a site in the Green Belt”. Although this sets a high bar for considering development within the Green Belt it does not rule out such development on 5 year land supply grounds while remedying the absence of a 5 year land supply is one of a number of material benefits of a proposed scheme.

Clearly the site in question is small and would make only a very modest contribution to reducing the deficit in the supply of deliverable sites. However its contribution to providing much needed housing and addressing this deficit in the context of a rapidly growing District population and the policies of the Core Strategy which require

significant green belt change around Burley, should be given significant weight in determining this application.

Green Belt: As previously stated in this report the site is located within the Green Belt as identified within the Replacement Unitary Development Plan. The Government clearly places great importance to the protection given to the green belt and this is a factor which should be given considerable weight and very careful consideration in the consideration of this application. Paragraph 89 of the National Planning Policy Framework states that a Local Planning Authority should regard the construction of new buildings as inappropriate in green belt (unless one of a number of defined exceptions). New buildings for housing are not developments which the National Planning Policy Framework considers as appropriate within the Green Belt. The National Planning Policy Framework does, however, make clear that developments which are otherwise considered inappropriate within the currently defined Green Belt can come forward in two situations. Firstly following a change to the Green Belt boundary resulting from a planned release of Green Belt as part of a Local Plan review where 'exceptional circumstances' have been demonstrated and secondly, where a planning application has demonstrated that 'very special circumstances' exist which warrant such development.

The correct test to apply in the case of this application is therefore the 'very special circumstances test'. Paragraph 87 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. To this end, paragraph 88 states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. It further states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In order to reach a carefully informed view as to whether this application meets the 'very special circumstances' test it is therefore necessary to assess both the degree of harm to the Green Belt which the proposed development would cause, then assess any other harm and finally assess any benefits of the application.

The harm to the Green Belt should be considered by reference to the 5 purposes which National Planning Policy Framework states that Green Belt serves:

1. To check the unrestricted sprawl of large built up areas:

While the Applicants have asserted that there are a number of buildings east of the A65, Bradford Road represents a strong, well defined and durable Green Belt boundary and the site's northern and eastern boundaries possess no comparable substantial physical features which could form an equally durable replacement boundary. The development could therefore leave the area vulnerable to further development and thus sprawl in the future. The development would replace a strong and linear Green Belt boundary with a weaker and irregular boundary.

2. To prevent neighbouring towns merging into one another;

The Bradford Growth Assessment, prepared to inform the development of the Core Strategy, noted that the Green Belt in this area contributes towards helping prevent the

merging of Burley and the neighbouring settlements of Otley and Menston. While the small size of the proposed scheme means that the development in itself would not lead to the merging of Burley with these other settlements, it should also be pointed out that the area of Green Belt between Burley and Menston is relatively narrow and as noted above the concern is that the scheme by providing a much weaker green belt boundary than that of the A65 could lead to further development in the future which could in turn further erode this gap.

3. To assist in safeguarding the countryside from encroachment:

Although the site is small, the open nature of the land means that there will inevitably be some conflict with this Green Belt objective if development were to proceed.

4. To preserve the setting and special character of historic towns:

Burley in Wharfedale is not a historic town and this criteria was not one on which the Green Belt in this part of the District was defined. It therefore stands that there would be no impact against this criteria.

5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land;

Burley-in-Wharfedale lies sufficiently distant from the main urban areas and in an area with sufficiently different market characteristics to suggest that there would be no impact on the recycling or development of derelict land elsewhere in those urban areas if the proposed site were brought forward. Moreover there are few Previously Developed Land opportunities within or close to the settlement of Burley.

In conclusion it is considered that there are either no impacts or limited Green Belt impacts resulting from the proposed development when considered against Green Belt objectives 4 and 5 but significant concerns that the proposal would conflict with objectives 1 to 3. The gravest concerns relate to the replacement of a very strong and durable green belt boundary with a weaker more irregular boundary and the prospect of countryside encroachment, ribbon development and unrestricted sprawl which could be the result.

To that end it is pointed out that paragraph 85 of the National Planning Policy Framework states that “when defining boundaries, Local Planning Authorities should ...define boundaries clearly, using physical features that are readily recognisable and likely to be permanent”.

The benefits of the proposed scheme are considered below. It is important to stress that ‘very special circumstances’ do not need to be established by reference to a single large benefit but can be composed of a number of benefits which are cumulatively significant. In looking at the total of any benefits it will be important to stress that for the ‘very special circumstances’ test to be passed those benefits will need to not only outweigh but clearly outweigh the harm caused to the green belt.

It may be useful to grade the importance of those benefits and also take account of whether those benefits would be capable of being achieved in other ways, i.e. without significant development within the Green Belt.

1, The absence of a sufficient supply of deliverable housing sites

As identified above the current 5 year land supply amounts to at best only 2.33 years which means that the policies of the development plan relating to the supply of housing cannot be considered up to date and paragraph 14 of the National Planning Policy Framework is triggered. However, the proposed development lies within the Green Belt and the National Planning Policy Guidance states that in such circumstances housing need is “unlikely to outweigh the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development on a site in the Green Belt.

It is important to stress that this does not rule out the lack of a 5 year land supply being sufficient to overcome the Green Belt issue. Moreover there is not only a shortfall in the 5 year land supply but that shortfall is large and acute. While the size of the shortfall is of relevance in increasing the weight to be given to this benefit so is the size of the scheme. A scheme of the order of 15 new homes would make a small contribution to the 5 year land supply position but would not result in a substantive difference to the headline position of a significant shortfall. The relatively low likelihood of sufficient sites coming forward from within the urban areas in the short to medium term to address this shortfall is also of relevance.

2. Accordance with established need for and justification for significant Green Belt releases in Burley as set out within the Core Strategy

The fact that the need for, and justification for, significant Green Belt releases around Burley in Wharfedale has already been established as a result of Core Strategy Policies SC7, HO2, HO3 and WD1 is a significant factor. However while the principle and sustainability of Green Belt releases as part of growth at Burley has been considered and endorsed by a Planning Inspector it is suggested that it is questionable as to whether the expansion of the settlement in this area, and in this direction, would provide the most appropriate solution when judged against the single criteria of minimising the impact on the Green Belt. This should therefore also be considered a contributing factor and benefit in considering whether ‘very special circumstances’ exist. However for the reasons indicated above it is considered that the weight to be given to this benefit would therefore be moderate at best.

4. Meeting housing need and demand

The proposed scheme could provide a small number of much needed affordable houses in an area identified as requiring new supply and could make a small contribution to the overall district requirement for 587 new homes per year as identified within the Strategic Housing Market Assessment. It would provide homes in an area of strong demand. However the weight to be given to this benefit should probably be described as limited as the evidence suggests that both overall housing need and affordable housing needs are greatest within the urban areas of the District.

5. Alternative Site Options

Given that the Council are beginning the process of examining the alternative site options for delivering the Burley housing apportionment within the Land Allocations Development Plan Document it is relevant to examine the number of options in and around the village. The sites within the Strategic Housing Land Availability Assessment

which have not already been classified as unachievable can be split into two groups. Group 1 consists of 5 sites with a combined capacity of only 164 units where it is considered likely that delivery can be relied upon (this includes sites with planning permission and sites recently completed and which are eligible to count towards the apportionment). The most substantial is the Greenholme Mills site which itself lies within the green belt and now has planning approval.

Of the remaining Strategic Housing Land Availability Assessment sites it is considered that site BU/002 (Menston Old Lane) is unlikely to be considered suitable for allocation as it not only breaches an established and robust green belt boundary but is a Green Belt option which would threaten the merger/coalescence of settlements.

This leaves 5 further site options which have a theoretical combined capacity of 860 units. Although unlikely, if all were to be considered suitable for development and capable of delivering this capacity in full, then the combination of this capacity and the 164 units outlined above would provide a potential supply of over 1000 units, well in excess of the housing requirement of 700 dwellings which have to be met at Burley. This indicates that at this stage it cannot be argued that the achievement of the 700 dwelling housing requirement for Burley is dependent on the application site coming forward.

This assessment is clearly made with considerable caution and caveats. The land supply situation will need to be updated as part of work on the Allocations Development Plan Document and the sites referred to are subject to a range of issues including Green Belt impacts, site covenants, loss of allotments and impacts on the conservation area which may reduce their contributions. It is also possible that once more work is done on the Land Allocations Development Plan Documents that some of these issues may be resolved or additional sites may be found. However with regard to the latter it should be pointed out that despite several call for sites exercises and the work carried out as part of the emerging Neighbourhood Plan no other suitable and deliverable alternatives have emerged.

It can therefore be concluded that the delivery of the 700 unit Burley apportionment may require a contribution from the application site if other site options are ruled out but that the need for its contribution cannot be established with certainty at this stage. This cannot therefore be a factor in establishing 'very special circumstances' for the approval of the development.

In summary, there are a limited range of benefits which the proposed scheme would provide and while the provision of new homes in the absence of a 5 year supply of deliverable sites should be considered significant, the small size of the site and thus contribution it could make is also of relevance. It is also striking to compare the much greater range of benefits which the proposed scheme at Sun Lane (16/07870/MAO) can provide and that is in part due to the scale of that scheme.

As indicated above the 'very special circumstances' test can only be met if the proposed scheme provides benefits which clearly outweigh the harm to the Green Belt. The case that there may be very special circumstances is considered to be a weak one and would be further eroded should there be additional adverse impacts to add to those which are already assumed by virtue of the harm caused by inappropriate development within the Green Belt. As such, therefore, it is considered that it is unlikely that 'very special circumstances' can be demonstrated to support development in this instance.

Prematurity: Finally it is worth considering the issue of prematurity in relation to the proposal and in what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity. Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and
- (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the Local Planning Authority publicity period. Where planning permission is refused on grounds of prematurity, the Local Planning Authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. Based on the above the current application cannot be considered premature as the Land Allocations Development Plan Document has only reached Issues and Options stage and may be up to 2 years away from being submitted for Examination.

Sustainability: With regard to sustainability the Core Strategy places considerable importance in achieving sustainable development and in doing so the location and design of schemes is of particular relevance. Relevant policies include Policy PN1 which indicates a presumption in favour of sustainable development and Policy SC1 which supports the role of Local Growth Centres as sustainable locations for housing and economic development together with community and social infrastructure, and which seeks to protect and enhance the District's environmental resources which include areas of ecological and landscape value. In determining whether the proposal would represent sustainable development there are a number of both positive and negative aspects to consider. On the positive side the scheme by providing much needed new homes would certainly be supporting the social and economic aspects of sustainable development however it would be providing little value in terms of supporting or providing community or social infrastructure. Although the scheme lies on greenfield land the options for development on previously developed land within Burley are very limited. The site's peripheral location and potential to increase journeys by car is tempered by the fact that there are options for both bus and train travel within reasonable walking distance and the site lies within around 1km of the shops and services of Burley local centre. Balancing out of these issues means that the overall sustainability of the proposal will be dependent on the nature of any impacts on the Green Belt, and the natural environment in particular landscape and ecology and the extent to which these impacts can be mitigated.

In reply to the original Policy response the Applicant did submit a rebuttal but having assessed what was submitted it was not considered to provide any new evidence to suggest that reasons already outline in this report could be overcome and the harm to the Green Belt reduced.

Overall therefore, taking into account the original submission together with the rebuttal submitted by the Applicant it is considered that there are no exceptional circumstances that would warrant going against the Green Belt policy guidance. It is therefore considered that the benefits are not considered to outweigh the harm to the Green Belt that would be caused by reason of inappropriateness, and any other harm, and therefore the principle of development is not considered to be acceptable.

2. Visual amenity

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

Policy DS2 of the Core Strategy states that development proposals should take advantage of existing features, integrate development into wider landscape and create new quality spaces. Wherever possible designs should, amongst other things, retain existing landscape and ecological features and integrate them within developments as positive assets, work with the landscape to reduce the environmental impact of the development, and, ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The application is in outline form with only details of the access submitted for consideration at this stage. Aspects of the development that will result in the proposal having an impact on the visual character of the area, i.e. the layout, scale, external appearance, and landscaping are all reserved for consideration at a later stage. A plan has been submitted showing how the site could potentially be developed including detached, semi-detached and terraced houses. This is purely an indicative layout but

shows that the site is of a size whereby it could be developed to ensure that it shares the character of the surrounding built-up area in terms of dwelling sizes and types.

The Landscape Design Unit has stated that the site is located within the Wharfedale Landscape Character Area, as described in the Local Development Framework for Bradford. The policy guideline states that: "It is important to prevent the spread of development which would destroy the identity of the settlements ... Keep settlement edges neat and discreet and utilise a framework of tree planting." And that: "The visual impact of any proposal would need to be considered in detail and may involve additional on-site and off-site planting to absorb the development into the landscape. The associated infrastructure of access roads, lighting and signage, would also need to be carefully considered".

No appraisal of the development in terms of its impact on the landscape has been submitted but this is due to the application being in outline form only with details of the layout and scale reserved for consideration at a later stage. When a detailed layout is being formulated for the site there will be a requirement to submit a Landscape and Visual Appraisal which should assess the impact of the proposed development on the surrounding environment, the green belt and the countryside. It is also required for working out mitigation measures necessary to counteract the impact of the full development on the area. In terms of the layout it will be necessary to incorporate a landscaped buffer along the eastern boundary of the site to ensure a soft edge is provided to minimise the impact on the adjacent open countryside.

Overall therefore it is considered that a layout for the site could be achieved that ensures that the development will not have a detrimental impact on the visual character and appearance of the streetscene or wider locality.

3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The site fronts onto Bradford Road and is bounded to the south by a single dwelling whilst to the west, beyond Bradford Road, is a single dwelling together with a church. The site is in outline form and details of the layout have not been submitted for consideration at this stage. However, it is considered that the site is of an adequate size whereby a residential development scheme can be designed such that the impact on the residential amenities of the occupiers of the adjacent dwellings will not be significantly affected.

4. Highway safety

Policy TR1 of the Core Strategy seeks to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability whilst Policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

Paragraph 32 of the National Planning Policy Framework indicates that all developments that generate significant amounts of movement should be supported by

a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Whilst the application is in outline form details of the means of access to the site have been submitted for consideration. The proposed point of access is taken directly from Bradford Road and is located towards the north western corner of the site. By siting the access here it will ensure that acceptable visibility splays can be created that cross land that is within the ownership of the Applicant. The creation of the visibility splays will result in the loss of a number of trees along the site frontage but compensatory planting can be incorporated within the site along the eastern boundary. The internal access arrangements will be subject to consideration at Reserved Matters stage.

The West Yorkshire Combined Authority have not raised an objection to the principle of the development subject to improvements being sought to the public transport infrastructure in the form of the provision of a new 'live' bus information displays to be erected at a nearby bus stop (number 14108) at a cost of approximately £10,000 (including 10 years maintenance) together with the provision of a Residential MetroCard Scheme for the future occupiers of the development at a cost to the developer of £9,388.50p. The site is located within walking distance of public transport and shopping facilities as well as alternative means of transport other than the private motor car. In order to improve the sustainability of the site it would be expected that each dwelling with a dedicated off-street parking space would benefit from an electric vehicle charging point. It is considered that the provision of electric vehicle charging points represents a betterment of the scheme as the charging points are in situ permanently rather than, for example, the Residential MetroCard Scheme which is only for 1 year and there being no guarantee the users will renew them at the end of that period. As such it is not recommended that the improvements to the public transport infrastructure sought by the West Yorkshire Combined Authority are secured.

Overall in highway terms, therefore, it is considered that the proposal is acceptable and will not be detrimental to highway safety.

5. Drainage

Policy EN7 of the Core Strategy states that the Council will manage flood risk proactively while Policy EN8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

In relation to the drainage of the site the Applicant proposes to connect to the mains sewer for the disposal of both surface water and foul sewage. It is also proposed to utilise, where appropriate, a sustainable drainage system for the disposal of surface water. Both the Lead Local Flood Authority and Yorkshire Water have no objection

subject to the imposition of appropriate conditions relating to the discharge of surface water and foul sewage.

A Flood Risk and SuDS Statement has been submitted with the application and proposes a number of recommendations in relation to the design of the SuDS strategy and subject to these recommendations being incorporated the Lead Local Flood Authority have no objection to the proposal.

Overall therefore there is no objection to the drainage implications of the development.

6. Trees

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

A Preliminary Tree Survey has been submitted with the application which identifies a total of 14 individual trees and 3 groups of trees. Of these trees, 9 were classed as retention category 'B', 7 as category 'C' and 1 as retention category 'U'. The tree resource is moderately diverse with a well distributed age structure and makes a valuable contribution to public visual amenity. It concludes that any proposed development should be accompanied by an Arboricultural Method Statement detailing the protection measures necessary for each tree and this should specify fencing standards and positions.

The Tree Officer has stated that the canopy spreads of the trees on the sketch plan are incorrect and the proposal showing trees being retained is highly optimistic. It is also pointed out that at the point of access to the site there is drop from the footway into the land of around 1.5m which will require engineering and impact adjacent trees. If approval is given the trees to the frontage are highly unlikely to be retained. Mitigation for the removal of the belt may be considered acceptable depending upon proposed tree planting, particularly if the applicant owns the adjacent field. It is considered that the site is of a size where replacement planting can take place particularly along the eastern boundary where a landscaping scheme should be provided to ensure the inclusion of a soft transition from the development to the surrounding open countryside.

As such therefore, whilst the loss of the trees is regrettable, subject to the provision of a satisfactory landscaping scheme, it is not considered that the proposal will have a significant impact on the tree cover within the locality.

7. Affordable housing

Policy HO11 of the Core Strategy states the Council will ensure that there is a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate up to 30% in Wharfedale.

The site is located within an area where the requirement is up to 30% of the units to be provided as affordable housing. In this instance that requirement will equate to 5 units and the provision of these will be in conjunction with the Councils Housing Department with regard to the need in the area in terms of size of units and method of provision. The provision of the units would be secured through a Section 106 Legal Agreement. The Applicant has, in the supporting Planning Statement submitted with the application,

accepted the delivery of the necessary affordable housing in line with the Councils adopted policies and therefore no objection is raised in relation to this provision.

8. Secured by design

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments should, amongst other things, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The West Yorkshire Police Architectural Liaison Officer hasn't objected to the principle of the development but has made a number of comments on specific aspects of it. These include perimeter treatments, parking bays, bin access, external lighting, physical security (doors/windows), external garages, and, intruder alarms. Whilst these comments are noted it needs to be pointed out that the majority of them are relevant to the next stage of the proposal in relation to the Reserved Matters and should be taken on board in designing the layout of the development and the dwelling types. Building Regulations Approved Document Q: Security in dwellings is also relevant and covers a number of issues that have been raised.

At this stage therefore there are no objections to the proposal in it being able to provide a safe and secure environment for its future occupiers.

9. Contaminated land

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

Paragraph 120 of the National Planning Policy Framework states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 of the National Planning Policy Framework advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities such as mining or pollution arising from previous uses. The National Planning Policy Framework also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

A Phase 1 Environmental Assessment has been submitted in support of the application and has been assessed by the Environmental Protection Team.

The report has identified that the primary on and off site sources of contamination was “Made Ground associated with ground workings to the south of the site and the agricultural land use. Potential primary receptors have been identified as construction workers and future site users, controlled waters and buildings and infrastructure.” The report concluded that “no significant pollutant linkages have been identified” but added that “the CSM and ground model need to be confirmed to ensure all potential risks to receptors have been appropriately assessed.” and recommended that “a preliminary ground investigation is recommended to confirm the CSM and ground model and to assess the environmental properties of the underlying ground conditions”. The report goes on to suggest that “the investigation should include an assessment of groundwater through the analysis of either groundwater samples and/ or through leachate analysis. A hazardous ground gas risk assessment given the proposed development. Based on current CIRIA and British Standard guidance, a minimum of two ground gas monitoring visits should be undertaken in order to appropriately assess the gas protection requirements. Further visits may be required and should be confirmed with the Local Planning Authority”.

The findings of the report are concurred with by the Environmental Protection Team and conditions would be required to secure the carrying out of further site investigation works and, where necessary, appropriate remediation works.

10. Biodiversity issues

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

Paragraph 9 of the National Planning Policy Framework states that in pursuing sustainable development positive improvements should be sought in the quality of the built, natural and historic environment, as well as in people’s quality of life, including, amongst other things, moving from a net loss of bio-diversity to achieving net gains for nature. Paragraph 118 states that when determining planning applications Local Planning Authorities should aim to conserve and enhance biodiversity.

An Ecological Survey has been submitted in support of the application and looks at both the fauna and habitat value of the site.

With regards to the habitat value the report states that the site is almost entirely occupied by species poor grassland which is a habitat of low ecological value and the presence of which will not pose a constraint to development. The existence of mature trees along the western boundary and the hedge to the north do provide higher value habitat and where possible these should be retained as part of the development. Where trees are lost, such as to accommodate the access, compensatory planting should take place through new native species planting elsewhere on the site.

With regards to the fauna value of the site it has been assessed as being of very little value to the local bat populations but what value is in existence should be protected. This could include, for example, the separating of the rear gardens of the dwellings by hedgerows rather than the traditional timber fencing.

In terms of ecological enhancement 2 main themes are identified and these are as follows:

- New native species hedges should be planted through and around the Site, this will provide additional habitat and food sources for local wildlife. Species could include hawthorn, blackthorn, holly, hazel, field maple, crab apple and guelder rose. To increase the species diversity of any hedge, a species-rich field layer could be established through planting and appropriate management.
- Artificial faunal habitat could be included within the finished development. Integral boxes could be installed into the fabric of houses targeting bats and declining bird species such as starling and house sparrow. These can be easily installed at the time of construction and need not create any conflict with home owners. Additionally, hedgehog houses could be installed along the western boundary.

These enhancements would normally be secured through the attachment of a condition to a planning permission.

The site is located within 2.5km of the South Pennine Moors Special Protection Area (SPA) and Policy SC8 of the Core Strategy states that development will not be permitted in these zones where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects) which cannot be effectively mitigated, upon the integrity of the SPA. The mitigation measures required with regard to the impact on the SPA cannot be secured through a Section 106 Legal Agreement as it is on the CIL Regulation 123 list. As such monies will need to be secured through the CIL process towards providing the mitigation measures.

Overall therefore it is not considered that the site is of significant ecological value and there is no objection to the proposal in ecological terms.

11. Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new developments in their area. The money can be used to support development of the area by funding the infrastructure that the Council, local communities and neighbourhoods deem as necessary. It was formally introduced by Bradford Council on the 1st July 2017. The CIL is intended to provide infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of a planning obligation (Section 106 Agreement). The application site is located within a Residential Charging Zone 1 where the rate is £100 per square metre. The amount of CIL payable on the development will be calculated at Reserved Matters stage when details of the size of the proposed dwellings in terms of floorspace are submitted.

In terms of the consultation responses for both education and recreation these were received prior to the adoption of CIL and therefore the financial contributions sought to enhance the education and recreation infrastructure cannot be sought. Monies for such enhancements will need to be secured through the CIL process.

Finally in relation to CIL the Parish Council will be entitled to 15% of the sum available to be spent on infrastructure improvements within the Parish. This figure will rise to 25% should the Burley Neighbourhood Plan be adopted before a planning permission is issued.

12. Burley Neighbourhood Plan

Burley Parish Council are in the process of preparing a Neighbourhood Plan. It has presently been through an examination and the Examiner's final report has recommended that the Plan, with a number of modifications to it, proceeds to Referendum. If it passes the Referendum then it will become part of the adopted Plan. It is expected to go to Referendum in May 2018. The Plan doesn't comment specifically on individual sites but acknowledges that as a result of the adoption of the Core Strategy there will need to be some Green Belt boundary changes. Policies are contained within the Plan that relate to housing mix and design together with views and mitigation of any adverse impacts.

The Applicant has made reference to the Neighbourhood Plan in justification for supporting the proposal. The Applicant has repeated assertions that the scheme matches the Parish Council's aspirations for smaller sites and accords with the content of the emerging Neighbourhood Plan. While it probably may be the case that the Parish would prefer the Burley housing target to be met via a spread of smaller sites rather than a larger or major site, the inference that the Neighbourhood Plan and its policies favour small sites and the Bradford Road schemes is not correct. The Parish Council have actually objected to this application with their reasons outlined earlier in this report. The agent is probably being led by earlier drafts and not taking account of the fact that those drafts were being written by the Parish in the hope that the earlier iteration of the Core Strategy would prevail - the draft neighbourhood plans produced by the Parish were compiled at a time before the Core Strategy was adopted and when the Parish still hoped that it would contain the lower housing target for the village. At that stage it did include text and content indicating a preference for smaller sites but this was based on an earlier version of the Core Strategy which had a smaller housing target of 200 dwellings (which possibly could have been met by a mix of small or medium sized sites) and before Burley was identified as a Local Growth Centre (with a subsequent uplift to 700 dwellings and significant Green Belt releases). It has always been the case that once the housing target was increased to 700 units it would not be possible for that to be achieved via small sites alone. A large land release would therefore be needed. The Inspector who is carrying out the examination into the Neighbourhood Plan has identified this and has recommended modifications to take out of the Neighbourhood Plan all references relating to the previous version of the Core strategy and take out the remaining text which suggested that the housing target might/should/could be met via small sites.

13. Other issues

One issue has been raised during the publicity exercise that has not been considered in the above sections of this report, this being:

Lack of supporting information submitted with the application – *the application is in outline form and it is considered that sufficient information has been submitted to allow a full and proper assessment of the proposal*

Community Safety Implications:

There are no other community safety implications other than those referred to in the main body of the report.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Refusal:

1. Green Belt

The site lies within the Green Belt and the proposal would represent inappropriate development as defined within National Planning Policy Framework Paragraph 89. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In order for very special circumstances to exist the potential harm to the Green Belt by reason of inappropriateness, and any other harm, must be clearly outweighed by other circumstances. The Local Planning Authority has considered the benefits of the proposed scheme including the contribution it would make to meeting housing need and addressing the District's lack of a 5 year housing land supply, while at the same time giving substantial weight to the harm which would be caused to the Green Belt in particular the harm which would be caused to the openness of the Green Belt, and the need to check unrestricted sprawl and to safeguard the countryside from encroachment. As the benefits of the scheme do not clearly outweigh the harm that would be caused, the proposal fails to demonstrate very special circumstances and would conflict with Government Policy contained within the NPPF and with RUDP Policy GB1 of the replacement Unitary Development Plan and Policy SC7 of the Core Strategy.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 11 January 2018

AE

Subject:

This is an outline application for the construction of a residential development scheme comprising up to 40 dwellings with all matters reserved except for means of access to, but not within, the site on land at Bradford Road, Burley-in-Wharfedale.

Summary statement:

This is an outline planning application for up to 40 dwellings with all matters reserved except for means of access to, but not within, the site on land at Bradford Road, Burley-in-Wharfedale.

Details of the proposed means of access to the site have been submitted for consideration and are acceptable in highway terms.

The site is located within the Green Belt and the Applicant has sought to justify the proposal on the grounds that the Council does not have a 5 year housing land supply and the need to provide 700 new dwellings in Burley through the Core Strategy. The Applicants submitted justification also looks at the five purposes for including the land within the Green Belt. The submitted justification has been fully considered in terms of the policy implications and it is not considered that the benefits of allowing the development outweigh the harm to the Green Belt that would be caused by reason of inappropriateness, and any other harm, and therefore the principle of development is not considered to be acceptable. The proposal is also considered not to make the most efficient use of the site in that the density is below the required minimum of 30 dwellings per hectare and as such would place pressure for further release of Green Belt sites to make up the shortfall created by the development.

Overall therefore the proposal is considered to be unacceptable.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is an outline application for the construction of a residential development scheme comprising up to 40 dwellings with all matters reserved except for means of access to, but not within, the site on land at Bradford Road, Burley-in-Wharfedale.

2. BACKGROUND

There is no relevant background to this application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in the Officer's Report at Appendix 1.

4. OPTIONS

The Committee can refuse the application as per the recommendation contained within the main report, or they can resolve to be minded to approve the application. If Members are minded to approve the application then they will need to specify the "very special circumstances" that they consider applies to warrant the grant of consent as this type of development would normally amount to inappropriate development in the Green Belt. Also under such circumstances the application would need to be referred to the Secretary of State so that he can determine if he would wish to intervene in the decision making process.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications associated with this proposal.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located within the urban area and is close to a relatively frequent bus route and is therefore considered to be in a sustainable location.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site.

Consideration should be given as to the likely traffic levels associated with this development. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. If planning permission were to be granted, in order to encourage alternative means of transport Electric Vehicle (EV) charging points would need to be provided within the domestic curtilages of the residential dwellings comprising the development (normally secured by a planning condition).

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications other than those raised in the main body of the report.

8.5 HUMAN RIGHTS ACT

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken its account the views of all those who have an interest in, or whom may be affected by the proposal.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal. The development of this site for housing would have some implications for the Ward in terms of increased infrastructure pressure but this could be off-set by the provision of Community Infrastructure Levy (CIL) payments.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That planning permission is refused for the reasons set out in the report attached as appendix 1.

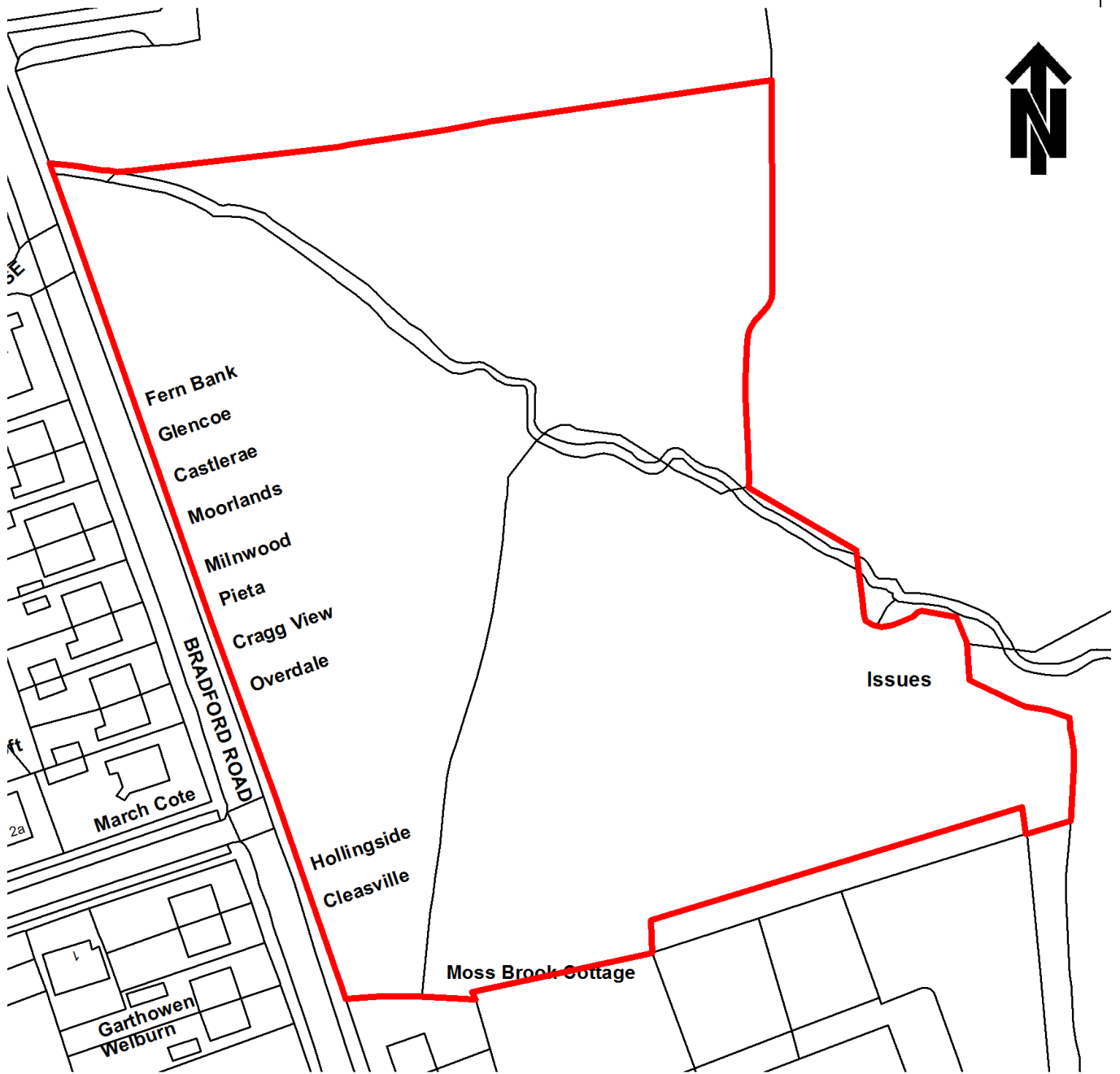
11. APPENDICES

Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Local Plan for Bradford
Planning application: 17/00497/MAO

17/00497/MAO



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Land at Bradford Road
Burley in Wharfedale

11 January 2018

Ward: Wharfedale

Recommendation:

REFUSE PLANNING PERMISSION

Application Number:

17/00497/MAO

Type of Application/Proposal and Address:

This is an outline planning application for up to 40 dwellings with all matters reserved except for means of access to, but not within, the site on land at Bradford Road, Burley-in-Wharfedale.

Applicant:

Banner Investments Limited

Agent:

Mr Richard Irving (ID Planning)

Site Description:

The site is located to the east of Bradford Road and currently comprises open fields with a Beck that runs diagonally through the site. There are a number of trees located within the site with a line of trees following the route of the Beck. Other trees are dotted along the boundaries of the site. The site is bounded to the east by open countryside. To the north by a narrow strip of field separating the site from a dwelling further north, to the south by a residential dwelling, whilst to the west is Bradford Road with residential development located on the western side of Bradford Road which overlooks the site.

Relevant Site History:

There is no relevant planning history on the site.

The National Planning Policy Framework (NPPF):

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

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

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

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated but is located within the Green Belt as identified within the RUDP. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

TM6 Bus Priority
TM10 National and local cycle network
GB1 New Building in the Green Belt

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC5 Location of Development
SC7 Green Belt
SC8 Protecting the South Pennine Moors and their Zone of Influence
SC9 Making Great Places
PN1 South Pennine Towns and Villages
EC4 Sustainable Economic Growth
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO3 Distribution of Housing Requirement
HO4 Phasing and Release of Housing Sites
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
HO8 Housing Mix
HO9 Housing Quality
HO11 Affordable Housing
EN2 Biodiversity and Geodiversity
EN5 Trees and Woodland
EN7 Flood Risk
EN8 Environmental Protection
EN12 Minerals Safeguarding
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
ID2 Viability
ID3 Developer Contributions

Parish Council:

Burley-In-Wharfedale Parish Council object to the proposal on the grounds of incursion into the Green Belt and the additional pressures the new homes will bring to the existing infrastructure, particularly education, within the local community.

Publicity and Number of Representations:

The proposal was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 2nd April 2017.

As a result of the publicity exercise 48 representations have been received objecting to the proposal. The objections include 2 from Ward Councillors and 1 from the Member of Parliament.

Summary of Representations Received:

Objections:

Principle of development:

- The site is Green Belt
- No substantial evidence is provided to demonstrate any 'very special circumstances' that would necessitate use of this Green Belt land for housing
- Over development for/within the area - other developments already granted
- This development will contribute to urban sprawl
- The range of houses proposed do not appear to meet the need for affordable homes or the diverse requirements for dwellings in the village
- Several houses of similar types are currently for sale in this area
- Bradford Council does not have in force a coherent Core Planning Strategy
- The proposals go against national policy, the Core Strategy and Neighbourhood Town Plan
- The vision of the Burley Development Plan is for no building on Green Belt land, no building on open spaces, in order to protect village status, and preservation of views towards the Chevin
- The Applicant justifies the proposals by introducing a Green Belt grading system of "sensitive" and non-sensitive land. It is judgements/statements such as this which undermine the credibility of the scheme
- The application is premature
- The land was added to SHLAA list by the owner/agent it seems wrong that an owner can develop on Green Belt by putting their land forward. If this is the case all owners will be putting Green Belt forward for development and what is the point of Green Belt
- It should be easy to meet requirements of the shortfall over the years on conversion/brownfield sites
- There are many brownfield sites within the Bradford Council area that should be developed fully before any greenfield site is considered
- No building on "Open Spaces" outside the village to protect Village status
- Consideration of this planning application should be taken into account alongside the other planning applications pending and recently approved in the area
- There is only one bus that passes every hour finishing at 4pm, with no Sunday service at all and the trains are full at peak times with standing room only
- If Burley does need all these additional houses & the application is approved this is a better sized development than the proposed 500 houses on Green Belt to the west of Burley
- There are therefore 2 new developments currently involved in the process of seeking planning application, and one already approved,(land south of Welburn, Bradford Road), all falling within one half mile of the same stretch of Bradford Road
- The village of burley will lose so much of its character and community spirit if it becomes one mass urban area with no distinct break between villages

Highways:

- Adequate visibility splays cannot be provided at the site entrance
- Visibility would also be greatly impaired due to the site level being approximately 1 metre below the road level and the height of the existing boundary wall is approximately a further 1.2 metres higher than the road
- The A65 is already a very busy and dangerous road and yet another entrance off a small stretch of road will only exacerbate the risk of accidents
- Due to the number of dwellings and the various types of property and the proposed allocation of allotments, parking will be at premium leaving little room for visitors and allotment holders. This will lead to overflow car parking on the main road as there would be nowhere else to park. Endor Crescent is the nearest which is already becoming an obstacle course
- Cannot understand where the figures were obtained for the average speed of the traffic on the A65. A number of years ago the police regularly set up mobile speed cameras on the corner of Endor Crescent and registered many cars travelling at speeds in excess of 40 mph - the fastest one at a speed of 82 mph
- The number of accidents listed we would also query as we have witnessed a number of accidents including the fatality of the 2 people on a motorcycle. Are all accidents noted or just the ones registered with the police?

Residential amenity:

- The 'mews houses' proposed for the front of the development will threaten the privacy and outlook of current residents
- Loss of views – the enjoyment of a view is an important part of the residential amenity of neighbouring properties, and its loss therefore has an adverse impact on the residential amenity of such properties

Visual amenity:

- The creation of a continuous housing corridor from Leeds & Bradford along the A65 & the A6038 with the consequential destruction of open vistas looking in to Wharfedale
- The 'mews houses' proposed for the front of the development are totally out of keeping with other houses in the road
- There is no indication to the actual height of the proposed new properties that are to be built directly opposite to the homes of residents on the West side of Bradford Road

Infrastructure:

- Pressure on infrastructure such as school capacity and doctor/dentist capacity

Drainage:

- Increased risk of flooding
- Sewerage is likely to be a problem as the site is lower than the road and it is questionable as to whether the current drains can cope with the extra volume

Environment/Ecology:

- This development will affect wildlife
- The ecological survey commissioned by the developers rather dismissively refers to the land in question as "of low ecological value"

- Building 40 houses on Green Belt land which helps to separate two distinct villages will impact on the landscape character of the area

Other issues:

- Has the developer made a commitment via Section 106, if so what?
- The open land on which the development is proposed is hugely valued by local people, as well as by those of us currently living opposite
- Unscrupulous developers are seeking to maximise profit at the expense of existing residents by trying to build on easily developed flat open greenfield sites

Consultations:

BMDC Planning, Transportation & Highways: Local Plan / Policy Team – Object on the grounds that the site is located within the Green Belt and the benefits offered by the proposal are not considered to outweigh the harm to the Green Belt that would be caused by reason of inappropriateness, and any other harm

Drainage – No objection subject to the imposition of appropriate conditions relating to the disposal of foul water

Lead Local Flood Authority – No objection subject to the imposition of appropriate conditions relating to the disposal of surface water

Yorkshire Water Land Use Planning – No objection to the principle of the development subject to the imposition of an appropriate condition relating to the disposal of surface water drainage

Environment Agency – No objection to the proposal

Natural England – No objection to the principle of the development but state that the site is within or in close proximity to a European designated site and has the potential to affect its interest features and is also within or close to a nationally designated landscape (Nidderdale AONB). The development is within an area that Natural England considers could benefit from enhanced green infrastructure provision to a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. The scheme may provide opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

Landscape Design Unit – No objection to the principle of the development but state that it should have regard to conserving and restoring the landscape qualities of the area and a full Landscape and Visual Appraisal should be submitted with the planning application to assess the impact of the proposed development on the surrounding environment, the green belt and the countryside

Trees Section – No objection

Environmental Health Land Contamination – No objection subject to the imposition of conditions requiring further site investigation works to be undertaken together with appropriate remediation where required

Highways DC – No objection to the proposed access arrangements and the visibility splays which are considered to be acceptable

West Yorkshire Police – No objection to the principle of the development but comments are made on matters such as perimeter treatments, parking bays, bin access, external lighting, and, physical security

West Yorkshire Combined Authority – No objection to the principle of the development subject to improvements being sought to the public transport infrastructure in the form of the provision of a new 'live' bus information displays to be erected at bus stop number 14111 at a cost of approximately £10,000 (including 10 years maintenance) together with the provision of a Residential MetroCard Scheme for the future occupiers of the development at a cost to the developer of £25,036.

Education (Client Team) – No objection subject to securing a financial contribution of £166,106 towards improving the educational infrastructure in the vicinity of the site. This contribution is broken down into £65,861 at primary sector level and £99,245 at secondary sector level

Sport & Leisure – No objection to the principle of the development but are seeking the payment of a commuted sum of £24,910 that will be used to enhance the recreational infrastructure in the vicinity of the site

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees
7. Affordable housing
8. Secured by design
9. Contaminated land
10. Biodiversity
11. Community Infrastructure Levy
12. Burley Neighbourhood Plan
13. Other issues

Appraisal:

This is an outline planning application for up to 40 dwellings with all matters reserved except for means of access to, but not within, the site. The point of access will be taken directly from Bradford Road and will be located towards approximately in the centre of the site frontage. An indicative plan has been submitted which shows that 38 dwellings could be accommodated within the site whilst the plan also shows an area of allotments but this hasn't been included within the description of the proposal and has not, therefore, been considered as part of the application.

1. Principle of development

The proposal relates to a residential development of up to 40 dwellings on a site that is unallocated within the Replacement Unitary Development Plan but is located within the Green Belt. An indicative layout plan has been submitted to show that the site could

accommodate 38 dwellings. To support the proposal the Applicant has submitted a Planning Statement in support of the proposal and within this document highlights their case for very special circumstances to justify the proposal. These include the following:

- The Council acknowledge they do not have a 5 year housing land supply and that in identifying a supply of deliverable sites a 20% buffer over and above the 5 year figure should also be identified to provide a realistic prospect of achieving planned housing supply. The 20% buffer is required given the Council's persistent under delivery of housing. The Council can only currently identify a housing supply of deliverable sites of around 2 years. The presumption in favour of sustainable development as set out in paragraph 49 of the NPPF therefore applies.
- The Bradford Core Strategy Publication Draft identifies an overall housing target of 42,100 dwellings over the Plan period of which a minimum of 700 units are to be developed in Burley-in-Wharfedale. The Core Strategy advises that part of meeting this objective will involve Green Belt deletions in sustainable locations. The site itself is in a sustainable location, is deliverable (being available, suitable and achievable) and its release for housing development will both assist in meeting Council's housing target and possibly minimise need for more sensitive and large scale green belt deletions.

The Applicant's Planning Statement goes on to state that in considering the proposals against the impact on the Green Belt, an assessment against the five purposes for including the land within the Green Belt is required.

- To check the unrestricted sprawl of large built-up areas: *The site is relatively small and is located on the eastern side of the A65 adjacent to other areas of residential development and therefore would not result in unrestricted sprawl. The site boundaries can be clearly defined with new landscaping to ensure there is no harm to the character of the open fields beyond.*
- To prevent neighbouring towns merging into one another: *Due to the scale and location of the site there is no potential for towns merging into one another.*
- To assist in safeguarding the countryside from encroachment: *The application site is immediately adjacent to the A65 and other housing development and is not the more sensitive Green Belt land that can be found elsewhere in the district. On that basis it is wise to permit housing on this site to protect other more sensitive sites.*
- To preserve the setting and special character of historic towns: *Due to the scale of development and location of the site there will be no adverse impact on the character of Burley-in-Wharfedale.*
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land. *As stated above, the site is one of the less sensitive Green Belt sites in the district. Based on the housing need in the district it is accepted that some Green Belt land will be required and the housing need cannot be solely met by developing existing brownfield land.*

The Planning Statement submitted in support of the application has been considered against the policies contained within the Replacement Unitary Development Plan and the Core Strategy together with the guidance contained within the National Planning Policy Framework.

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the National Planning Policy Framework requires Local Planning

Authorities to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The emerging Local Plan underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future Development of The District is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development though the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

The Framework also states in paragraph 111 that the planning system should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. It goes on to state that Local Planning Authorities may make allowance for windfall sites in the five-year supply if there is evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

One of the aims of the Core Strategy is to achieve sustainable housing growth and to achieve this, the following principles apply:

- Distribute housing growth in a way which reflects accessibility to jobs and services and supports the role of Bradford as a Regional City
- Prioritising, wherever possible, the use and recycling of previously developed land and buildings
- Making most efficient use of land recognising that it is a scarce resource and thus setting challenging but achievable density targets for developers to achieve
- Ensure that development provides an appropriate mix of housing to fulfil the needs and aspirations of the Districts' current and future populations
- Ensure that housing development meets high standards of construction and design
- Making adequate provision for affordable housing and ensuring that the housing is of the size, type and tenure to address the most pressing needs of those who cannot access market housing

There are a number of policies within the Core Strategy that are relevant to the proposal and these are as follows.

Policy SC1 sets out key spatial priorities and it is suggested that particular attention is given to parts 6 and 7 of the Policy. The proposed scheme by providing up to 40 new homes would make a very modest contribution to part 6 which seeks to support the District's Local Service Centres (of which Burley in Wharfedale is one) to meet the need for homes. Part 7 seeks the protection and enhancement of the District's environmental resources including areas of national and international importance such as the South

Pennine Moors and the character and qualities of the District's heritage, landscape and countryside.

Core Strategy Policy SC4 is a key policy within the Plan in directing development and the distribution of growth to the most sustainable locations and also taking account of the opportunities and ability of settlements to grow in a sustainable way as informed by the land supply position within the SHLAA, the Settlement Study and the Bradford Growth Assessment. It is a policy which has identified Burley-in-Wharfedale as a Local Growth Centre, as one of a number of sustainable local centres accessible to higher order settlements, located along key road and public transport corridors and which should therefore make a significant contribution to meeting the District's needs for housing. Having considered the representations and objections made at Examination, the Inspector endorsed this approach commenting that it is appropriate, properly justified and soundly based. The application scheme would make a small contribution to meeting the housing related aspects of the growth envisaged by this policy.

Policy SC5 of the Core Strategy sets out the approach to be taken in allocating sites for development within the Local Plan. The policy is not intended to be applied to planning applications or windfall developments and thus is not directly applicable to this application. However, it may be pertinent to point out that were the site to be considered as part of the process of preparing the Land Allocations Development Plan Document, its confirmation as a housing site allocation would not be ruled out by the provisions of the Policy given the absence of sufficient site options in non-green belt locations within the settlement.

Policy SC7 establishes that there are 'exceptional circumstances' for the release of Green Belt land within the Local Plan in order to meet the District's need for homes and jobs and support the long term economic success of the District. It states that this will be achieved via a selective review of the Green Belt within the Local Plan with other policies such as Policy WD1 confirming where in settlement terms Green Belt change is needed and justified. Policy SC7 and WD1 together support the need for Green Belt land releases to make a significant contribution to meeting the housing target for Burley in Wharfedale.

Within the Replacement Unitary Development Plan Policy GB1 has been saved until the adoption of the Allocations Development Plan Document and is therefore a relevant consideration. The Policy only allows for development within the Green Belt, with the exception of a number of specified uses, where very special circumstances can be proven.

Policy HO3 of the Core Strategy sets out the apportionment of the district wide housing requirement of at least 42,100 new homes between 27 different settlements and sub areas and indicates that sufficient land should be allocated to ensure that 700 new dwellings are provided at Burley-in-Wharfedale. It is important to stress that the apportionments or targets set out within Policy HO3, and thus that of 700 for Burley, are not maximums – they cannot be as the district wide housing requirement is prefaced by the words at least and national planning guidance within the National Planning Policy Framework requires plans to be flexible enough to respond to changing circumstances and in so doing ensure that they are likely to be deliverable. That is not to say that more than 700 new homes need to necessarily be accommodated in Burley but it is a warning that planning decisions and analysis should not be based on assumption that there is an automatic cut off point once 700 new homes are provided for.

It is also worth pointing out that the potential land supply, and the nature and location of that supply, were key elements of the evidence underpinning each housing apportionment and informed the proposed housing target at Burley.

The sub area policies within the Core Strategy bring together the proposals for development and growth from policies such as HO3 and identify key spatial priorities including the need where relevant for changes to the Green Belt. Policy WD1 deals with Wharfedale and establishes that Burley will see the creation of 700 new homes through redevelopment of sites within the settlement and with a significant contribution from Green Belt changes, together with associated community facilities. The application would therefore accord with this policy and Policy HO3.

Following the Core Strategy Examination, the Inspector's Report, while recognising the concerns raised by some residents (in particular with regard to Burley and Menston's status as Local Growth Centres (LGCs)) endorsed this policy. In paragraph 182 of his Report he states that these two settlements "... are smaller settlements than some other LGCs, but have a good range of local facilities and services, including shops, health, education and community facilities. They are sustainable settlements, are popular places to live in, have grown in the past and have a strong demand for new housing. There are few employment opportunities, but they have good accessibility by road and rail to jobs in Leeds, Bradford and elsewhere. They are tightly constrained by the Green Belt and, given the lack of existing brownfield and greenfield sites within the built up areas, significant areas of Green Belt land would be needed to meet these targets. However, the Growth Study [EB/037] assessed the impact of the proposed levels of development on the purposes of the Green Belt and concludes that there is the potential to accommodate some growth without coalescence or undermining Green Belt purposes. Nevertheless, the policy should confirm that a significant contribution from the Green Belt will be needed at Burley to meet the amended scale of development proposed."

In paragraph 185 of his Report the Inspector states that the proposed housing targets for Burley and Menston "...would represent a significant increase in the number of dwellings at these settlements, but both have grown in the past and these proposals would continue past trends at a relatively modest rate over the period of the Plan. Consequently, the revised apportionments for Burley and Menston are appropriate, reasonable and proportionate to the size, form and role of the settlements, given their sustainable location along the main A65 transport corridor and their potential to accommodate further growth."

The Inspector concludes in paragraph 190 that "...the settlement hierarchy, spatial distribution of development and sub-area policies for Wharfedale are appropriate, fully justified, effective and soundly based."

Policy HO4 is aimed at the process of allocating and phasing the release of sites in a managed and sustainable way in the Allocations Development Plan Document. Paragraph 5.3.78 of the Core Strategy confirms that "it is not the intention that Policy HO4 be applied to prevent other future sustainable housing development proposals (which would be considered windfall development) from coming forward". The policy indicates that there will be a phased release of housing sites within the forthcoming Allocations Development Plan Document. It is also important to stress that the policy does not place any bar on any type of site placed in the first phase – it is not a crude

brown field first policy and there is nothing stopping green field or Green Belt sites being brought forward in the first phase of the new plan. The policy identifies certain circumstances where sites will need to be placed within the first phase, for example large and complex sites or those which would help secure investment and infrastructure. The site which is the subject of this application would not fit this criteria – it is neither large and complex nor would it be securing the provision of required infrastructure and investment and could therefore if determined to be an appropriate housing site allocation be placed in either the first phase or second phase.

Policy HO5 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way developers will be expected to make the best and most efficient use of land. Densities should normally achieve at least a minimum density of 30 dwellings per hectare although higher densities would be possible in areas well served by public transport. The application site measures 2.3 hectares and proposes up to 40 dwellings. If permission is granted, it would not include the area of allotments shown as they are not included within the application description. This would therefore equate to a density of 17 dwellings per hectare. Even if allowing for the inclusion of an allotments area (as included in the indicative layout) which occupies about 25% of the site, it would still be well below the required 30 dwellings per hectare minimum. While it is important that the design, layout and housing mix of schemes reflects the site, the nature of the area, and the type of housing need, the planning statement does not adequately justify the proposed density. There is therefore a potential conflict with Policy HO5.

Policy HO6 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way the Council will give priority to the development of previously developed land and buildings. It also states that District wide there should be a minimum of 50% of total new housing development over the Local Plan period will be on previously developed land. The Policy does not rule out development on green field sites and it does not set a specific brown field target for individual settlements such as Burley. Moreover the Burley settlement target has been set at 700 dwellings within the Core Strategy precisely on the basis that the majority of such development will need to be on green field land. It is also important to stress that the sustainability of a site or otherwise is dependent on a range of factors and not just its status as brown or green. The application would therefore accord with Policy HO6.

Policy HO8 of the Core Strategy states that the Council will ensure that a mix and balance of housing is provided to meet the needs of the District's growing and diverse population. All large sites will be expected to incorporate a mix of housing types, sizes, prices and tenures and the mix should be based on both market demand and evidence of local need within the District's Strategic Housing Market Assessment.

Within the Replacement Unitary Development Plan Policy GB1 has been saved until the adoption of the Allocations Development Plan Document and is therefore a relevant consideration. The Policy only allows for development within the Green Belt, with the exception of a number of specified uses, where very special circumstances can be proven.

Having outlined the relevant policy guidance against which the principle of the redevelopment of the site for residential purposes will be assessed there are a number

of other issues that need detailed consideration including housing need, housing delivery, housing land supply/5 year land supply, and, the Green Belt.

Housing Need: The District of Bradford is experiencing, and is expected to continue to experience, a rapidly growing population based in part on its relatively young age structure and in part on established patterns of migration. Meeting housing need in a sustainable way is one of the key aspects of the proper planning of the District. The policies of the Core Strategy have been informed by a robust objective assessment of housing need which accords with Government practice guidance and which was endorsed by the Inspector appointed to examine the Plan. It is considered that there will be a need for the provision of at least 42,100 new homes over the period to 2030 to meet the expected population and household growth and to reflect housing market signals and projected jobs growth. Failing to provide for those new homes would have a significant adverse effect on the District's economy and its population, their health, life chances and well-being. For this reason the Council's Housing and Homelessness Strategy, 'A Place to Call Home' sets 4 key objectives – more homes, safe and healthy homes, affordable homes, and to support independence and prevent homelessness. Population and household growth is occurring across most of the District however the greatest pressures are inevitably in the urban areas where migration and natural population change is focused. Housing delivery to meet need and demand and in particular to provide affordable homes is also needed in the valleys of Airedale and Wharfedale and this is one of the reasons why the Core Strategy has proposed significant levels of new development within areas such as Wharfedale, albeit at much lower scale than that proposed within the urban parts of the District.

The Council's Strategic Housing Market Assessment has also provided an assessment of the need for new affordable homes. In addition to estimating a net district wide need for 587 new affordable homes per annum it has highlighted the need for increased provision within Wharfedale. Based on the evidence within the Strategic Housing Market Assessment and the juxtaposition of need with potential supply, the Core Strategy indicates that a lower scheme threshold (11 units or more) for the provision of homes is justified in Wharfedale as compared to other parts of the District where that threshold is 15 units.

Housing Delivery: Given the above context, delivering new homes, which is also a national Governmental priority, is a key objective of the Council. However the District is already facing the problems of under delivery of new homes compared to recent household growth and this has manifested itself in a variety of ways ranging from overcrowding in the urban areas to relatively high house prices and under supply of new affordable units in areas such as Wharfedale. The lack of a sufficient supply of deliverable sites together with prevailing and difficult conditions within the housing market and the economy have meant that housing delivery in the District has fallen significantly below that needed by a growing population and significantly below the planning targets in place. Under delivery has been persistent and substantial. Between 2004/5 and 2016/17 net completions (as reported with the Council's AMR) have fallen below plan targets in 10 out of 12 years with a cumulative deficit built up of nearly 11,000 units over that time.

The Council's Housing Strategy notes that "Symptoms of insufficient housing supply are evident across the district: overcrowding has increased to nearly 10% of households, and homelessness is also increasing. If housing growth does not keep up with population growth, overcrowding and homelessness will get worse, and will impact

upon the district's economic growth prospects." While these comments are more pertinent to the District's larger towns the urban areas, a failure to provide new homes in Wharfedale will also undermine the ability of young people and families within those areas to secure accommodation and in doing so will undermine the vitality and sustainability of those communities and settlements.

Housing Land Supply/5 Year Land Supply: In accordance with its overall goal of boosting significantly the supply of housing the Government places great importance on Local Planning Authorities ensuring that there is, at all times, an adequate supply of deliverable sites. The requirement to ensure that there is a 5 year land supply of such sites is contained within paragraph 47 of the National Planning Policy Framework which states that Local Planning Authorities should "identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

At present there is a significant and substantial shortfall of deliverable sites within the District. The two most recent assessments of the 5 year land supply position were within the Council's third Strategic Housing Land Availability Assessment where supply was estimated to be 2.33 years and within the analysis and conclusions of the Secretary of State in his consideration and approval of the housing proposal at Sty Lane, Micklethwaite where he concluded that the 5 year supply was estimated to be just 2.03 years, and thus described the shortage of supply as acute stating that this shortage should be accorded very substantial weight in the planning balance.

One of the reasons why the 5 year land supply position in Bradford District is so poor is because the requirement side of the calculation includes a 20% buffer to reflect recent and persistent under delivery of new homes and this, in turn, reflects difficult housing market conditions since the crash of 2008 and the problems of relatively poor levels of viability for sites within the urban areas (which is clearly demonstrated within the Local Plan Viability Assessment which was produced to inform the Core Strategy). It is also worth noting that the recovery in the housing market and in housing delivery within Bradford District since the crash of 2008 has been slow. In 2014/15 net completions (1134) were still only at some 53% of the level at the last peak in 2007/8 (2156 - which itself would not have met annual need levels as currently assessed at 2,476).

This evidence together with on-going restrictions on the ability of Councils to borrow to deliver and build homes, pressures on public sector spending and thus the programmes such as those of the Homes and Communities Agency (HCA) would suggest that in the next few years and through the early part of the new Local Plan period, the ability of the District to boost deliverable land supply, increase housing delivery and start to meet its housing need will be dependent on securing development in those areas of the District where there is available and immediately deliverable land supply, and where market conditions and viability levels are favourable.

Given the lack of a 5 year land supply the following paragraphs of the National Planning Policy Framework are of particular relevance to this application. Paragraph 49 states that "housing applications should be considered in the context of the

presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". Clearly the policies of the existing statutory development plan, the Replacement Unitary Development Plan, which relates to housing supply and delivery cannot be considered up to date and thus paragraph 14 of National Planning Policy Framework indicates that for decision making this means "approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted".

In effect the result of the above policy is to require the Council to weigh up the advantages of approving development proposals which otherwise conflict with policies within the development plan based on their contribution to resolving the shortage of housing land supply. With all applications in such circumstances there is a need to balance the contribution which the proposals will make in boosting housing supply against any adverse impacts of the proposal. In doing so the scale of the land supply shortage and the scale and nature of the housing contribution the application scheme will provide are of relevance.

It is important to stress however that the Government continues to place considerable emphasis on preventing inappropriate development within the Green Belt. This is indicated by the content of the technical guidance within the National Planning Practice Guidance which suggests that housing need is "unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site in the Green Belt". Although this sets a high bar for considering development within the Green Belt it does not rule out such development on 5 year land supply grounds while remedying the absence of a 5 year land supply is one of a number of material benefits of a proposed scheme.

Clearly the site in question is small and would make only a very modest contribution to reducing the deficit in the supply of deliverable sites. However its contribution to providing much needed housing and addressing this deficit in the context of a rapidly growing District population and the policies of the Core Strategy which require significant Green Belt change around Burley, should be given significant weight in determining this application.

Green Belt: As previously stated in this report the site is located within the Green Belt as identified within the Replacement Unitary Development Plan. The Government clearly places great importance to the protection given to the Green Belt and this is a factor which should be given considerable weight and very careful consideration in the consideration of this application. Paragraph 89 of the National Planning Policy Framework states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt (unless one of a number of defined exceptions). New buildings for housing are not developments which the National Planning Policy Framework considers as appropriate within the Green Belt. The National Planning Policy Framework does, however, make clear that developments which are otherwise considered inappropriate within the currently defined Green Belt can come forward in two situations. Firstly following a change to the Green Belt boundary resulting from a planned release of Green Belt as part of a Local Plan review

where 'exceptional circumstances' have been demonstrated and secondly, where a planning application has demonstrated that 'very special circumstances' exist which warrant such development.

The correct test to apply in the case of this application is therefore the 'very special circumstances test'. Paragraph 87 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. To this end, paragraph 88 states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. It further states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In order to reach a carefully informed view as to whether this application meets the 'very special circumstances' test it is therefore necessary to assess both the degree of harm to the Green Belt which the proposed development would cause, then assess any other harm and finally assess any benefits of the application.

The harm to the Green Belt should be considered by reference to the 5 purposes which National Planning Policy Framework states that Green Belt serves:

1. To check the unrestricted sprawl of large built up areas:

While the Applicants have asserted that there are a number of buildings east of the A65, Bradford Road represents a strong, well defined and durable Green Belt boundary and the site's northern and eastern boundaries possess no comparable substantial physical features which could form an equally durable replacement boundary. The development could therefore leave the area vulnerable to further development and thus sprawl in the future. The development would replace a strong and linear Green Belt boundary with a weaker and irregular boundary.

2. To prevent neighbouring towns merging into one another;

The Bradford Growth Assessment, prepared to inform the development of the Core Strategy, noted that the Green Belt in this area contributes towards helping prevent the merging of Burley and the neighbouring settlements of Otley and Menston. While the small size of the proposed scheme means that the development in itself would not lead to the merging of Burley with these other settlements, it should also be pointed out that the area of Green Belt between Burley and Menston is relatively narrow and as noted above the concern is that the scheme by providing a much weaker green belt boundary than that of the A65 could lead to further development in the future which could in turn further erode this gap.

3. To assist in safeguarding the countryside from encroachment:

Although the site is small, the open nature of the land means that there will inevitably be some conflict with this Green Belt objective if development were to proceed.

4. To preserve the setting and special character of historic towns:

Burley in Wharfedale is not a historic town and this criteria was not one on which the Green Belt in this part of the District was defined. It therefore stands that there would be no impact against this criteria.

5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land;

Burley-in-Wharfedale lies sufficiently distant from the main urban areas and in an area with sufficiently different market characteristics to suggest that there would be no impact on the recycling or development of derelict land elsewhere in those urban areas if the proposed site were brought forward. Moreover there are few Previously Developed Land opportunities within or close to the settlement of Burley.

In conclusion it is considered that there are either no impacts or limited Green Belt impacts resulting from the proposed development when considered against Green Belt objectives 4 and 5 but significant concerns that the proposal would conflict with objectives 1 to 3. The gravest concerns relate to the replacement of a very strong and durable green belt boundary with a weaker more irregular boundary and the prospect of countryside encroachment, ribbon development and unrestricted sprawl which could be the result.

To that end it is pointed out that paragraph 85 of the National Planning Policy Framework states that “when defining boundaries, Local Planning Authorities should ...define boundaries clearly, using physical features that are readily recognisable and likely to be permanent”.

The benefits of the proposed scheme are considered below. It is important to stress that ‘very special circumstances’ do not need to be established by reference to a single large benefit but can be composed of a number of benefits which are cumulatively significant. In looking at the total of any benefits it will be important to stress that for the ‘very special circumstances’ test to be passed those benefits will need to not only outweigh but clearly outweigh the harm caused to the green belt.

It may be useful to grade the importance of those benefits and also take account of whether those benefits would be capable of being achieved in other ways, i.e. without significant development within the Green Belt.

1, The absence of a sufficient supply of deliverable housing sites

As identified above the current 5 year land supply amounts to at best only 2.33 years which means that the policies of the development plan relating to the supply of housing cannot be considered up to date and paragraph 14 of the National Planning Policy Framework is triggered. However, the proposed development lies within the Green Belt and the National Planning Policy Guidance states that in such circumstances housing need is “unlikely to outweigh the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development on a site in the Green Belt.

It is important to stress that this does not rule out the lack of a 5 year land supply being sufficient to overcome the Green Belt issue. Moreover there is not only a shortfall in the

5 year land supply but that shortfall is large and acute. While the size of the shortfall is of relevance in increasing the weight to be given to this benefit so is the size of the scheme. A scheme of the order of 40 new homes would make a small contribution to the 5 year land supply position but would not result in a substantive difference to the headline position of a significant shortfall. The relatively low likelihood of sufficient sites coming forward from within the urban areas in the short to medium term to address this shortfall is also of relevance.

2. Accordance with established need for and justification for significant Green Belt releases in Burley as set out within the Core Strategy

The fact that the need for, and justification for, significant Green Belt releases around Burley in Wharfedale has already been established as a result of Core Strategy Policies SC7, HO2, HO3 and WD1 is a significant factor. However while the principle and sustainability of Green Belt releases as part of growth at Burley has been considered and endorsed by a Planning Inspector it is suggested that it is questionable as to whether the expansion of the settlement in this area, and in this direction, would provide the most appropriate solution when judged against the single criteria of minimising the impact on the Green Belt. This should therefore also be considered a contributing factor and benefit in considering whether 'very special circumstances' exist. However for the reasons indicated above it is considered that the weight to be given to this benefit would therefore be moderate at best.

4. Meeting housing need and demand

The proposed scheme could provide a small number of much needed affordable houses in an area identified as requiring new supply and could make a small contribution to the overall district requirement for 587 new homes per year as identified within the Strategic Housing Market Assessment. It would provide homes in an area of strong demand. However the weight to be given to this benefit should probably be described as limited as the evidence suggests that both overall housing need and affordable housing needs are greatest within the urban areas of the District.

5. Alternative Site Options

Given that the Council are beginning the process of examining the alternative site options for delivering the Burley housing apportionment within the Land Allocations Development Plan Document it is relevant to examine the number of options in and around the village. The sites within the Strategic Housing Land Availability Assessment which have not already been classified as unachievable can be split into two groups. Group 1 consists of 5 sites with a combined capacity of only 164 units where it is considered likely that delivery can be relied upon (this includes sites with planning permission and sites recently completed and which are eligible to count towards the apportionment). The most substantial is the Greenholme Mills site which itself lies within the green belt and now has planning approval.

Of the remaining Strategic Housing Land Availability Assessment sites it is considered that site BU/002 (Menston Old Lane) is unlikely to be considered suitable for allocation as it not only breaches an established and robust Green Belt boundary but is a Green Belt option which would threaten the merger/coalescence of settlements.

This leaves 5 further site options which have a theoretical combined capacity of 860 units. Although unlikely, if all were to be considered suitable for development and capable of delivering this capacity in full, then the combination of this capacity and the 164 units outlined above would provide a potential supply of over 1000 units, well in excess of the housing requirement of 700 dwellings which have to be met at Burley. This indicates that at this stage it cannot be argued that the achievement of the 700 dwelling housing requirement for Burley is dependent on the application site coming forward.

This assessment is clearly made with considerable caution and caveats. The land supply situation will need to be updated as part of work on the Allocations Development Plan Document and the sites referred to are subject to a range of issues including Green Belt impacts, site covenants, loss of allotments and impacts on the conservation area which may reduce their contributions. It is also possible that once more work is done on the Land Allocations Development Plan Documents that some of these issues may be resolved or additional sites may be found. However with regard to the latter it should be pointed out that despite several call for sites exercises and the work carried out as part of the emerging Neighbourhood Plan no other suitable and deliverable alternatives have emerged.

It can therefore be concluded that the delivery of the 700 unit Burley apportionment may require a contribution from the application site if other site options are ruled out but that the need for its contribution cannot be established with certainty at this stage. This cannot therefore be a factor in establishing 'very special circumstances' for the approval of the development.

In summary, there are a limited range of benefits which the proposed scheme would provide and while the provision of new homes in the absence of a 5 year supply of deliverable sites should be considered significant, the small size of the site and thus contribution it could make is also of relevance. It is also striking to compare the much greater range of benefits which the proposed scheme at Sun Lane (16/07870/MAO) can provide and that is in part due to the scale of that scheme.

As indicated above the 'very special circumstances' test can only be met if the proposed scheme provides benefits which clearly outweigh the harm to the Green Belt. The case that there may be very special circumstances is considered to be a weak one and would be further eroded should there be additional adverse impacts to add to those which are already assumed by virtue of the harm caused by inappropriate development within the Green Belt. As such, therefore, it is considered that it is unlikely that 'very special circumstances' can be demonstrated to support development in this instance.

Prematurity: Finally it is worth considering the issue of prematurity in relation to the proposal and in what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity. Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and
- (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the Local Planning Authority publicity period. Where planning permission is refused on grounds of prematurity, the Local Planning Authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. Based on the above the current application cannot be considered premature as the Land Allocations Development Plan Document has only reached Issues and Options stage and may be up to 2 years away from being submitted for Examination.

Sustainability: With regard to sustainability the Core Strategy places considerable importance in achieving sustainable development and in doing so the location and design of schemes is of particular relevance. Relevant policies include Policy PN1 which indicates a presumption in favour of sustainable development and Policy SC1 which supports the role of Local Growth Centres as sustainable locations for housing and economic development together with community and social infrastructure, and which seeks to protect and enhance the District's environmental resources which include areas of ecological and landscape value. In determining whether the proposal would represent sustainable development there are a number of both positive and negative aspects to consider. On the positive side the scheme by providing much needed new homes would certainly be supporting the social and economic aspects of sustainable development however it would be providing little value in terms of supporting or providing community or social infrastructure. Although the scheme lies on greenfield land the options for development on previously developed land within Burley are very limited. The site's peripheral location and potential to increase journeys by car is tempered by the fact that there are options for both bus and train travel within reasonable walking distance and the site lies within around 1km of the shops and services of Burley local centre. Balancing out of these issues means that the overall sustainability of the proposal will be dependent on the nature of any impacts on the Green Belt, and the natural environment in particular landscape and ecology and the extent to which these impacts can be mitigated.

In reply to the original Policy response the Applicant did submit a rebuttal but having assessed what was submitted it was not considered to provide any new evidence to suggest that reasons already outline in this report could be overcome and the harm to the Green Belt reduced.

Overall therefore, taking into account the original submission together with the rebuttal submitted by the Applicant it is considered that there are no exceptional circumstances that would warrant going against the Green Belt policy guidance. It is therefore considered that the benefits are not considered to outweigh the harm to the Green Belt that would be caused by reason of inappropriateness, and any other harm, and therefore the principle of development is not considered to be acceptable.

2. Visual amenity

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

Policy DS2 of the Core Strategy states that development proposals should take advantage of existing features, integrate development into wider landscape and create new quality spaces. Wherever possible designs should, amongst other things, retain existing landscape and ecological features and integrate them within developments as positive assets, work with the landscape to reduce the environmental impact of the development, and, ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The application is in outline form with only details of the access submitted for consideration at this stage. Aspects of the development that will result in the proposal having an impact on the visual character of the area, i.e. the layout, scale, external appearance and landscaping, are all reserved for consideration at a later stage. A plan has been submitted showing how the site could potentially be developed including detached, semi-detached and terraced houses. The plan also shows the retention of much of the greenery within and along the boundaries of the site. However, this is purely an indicative layout but shows that the site is of a size whereby it could be developed to ensure that it shares the character of the surrounding built-up area in terms of dwelling sizes and types.

The Landscape Design Unit has stated that the site is located within the Wharfedale Landscape Character Area, as described in the Local Development Framework for Bradford. The policy guideline states that: "It is important to prevent the spread of development which would destroy the identity of the settlements ... Keep settlement edges neat and discreet and utilise a framework of tree planting." And that: "The visual impact of any proposal would need to be considered in detail and may involve additional on-site and off-site planting to absorb the development into the landscape.

The associated infrastructure of access roads, lighting and signage, would also need to be carefully considered”.

No appraisal of the development in terms of its impact on the landscape has been submitted but this is due to the application being in outline form only with details of the layout and scale reserved for consideration at a later stage. When a detailed layout is being formulated for the site there will be a requirement to submit a Landscape and Visual Appraisal which should assess the impact of the proposed development on the surrounding environment, the Green Belt and the countryside. It is also required for working out mitigation measures necessary to counteract the impact of the full development on the area. In terms of the layout it will be necessary to strengthen the existing landscaped buffer along the eastern boundary of the site to ensure a soft edge is provided to minimise the impact on the adjacent open countryside.

Objections have been received on the grounds that the 'mews houses' proposed for the front of the development are totally out of keeping with other houses in the road and that there is no indication to the actual height of the proposed new properties that are to be built directly opposite to the homes of residents on the West side of Bradford Road. As stated elsewhere within this report the application is in outline form with details of the layout, scale and appearance reserved for consideration at a later stage. Should planning permission be granted then these details will be submitted as part of the next stage of the application process.

Overall therefore it is considered that a layout for the site could be achieved that ensures that the development will not have a detrimental impact on the visual character and appearance of the streetscene or wider locality.

3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The site fronts onto Bradford Road and is bounded to the south by a single dwelling whilst to the west, beyond Bradford Road, is a row of dwelling that face onto the face, and, to the north is a single dwelling separated from the site by a strip of open land.

Objections have been received to the proposal on the grounds that the 'mews houses' proposed for the front of the development will threaten the privacy and outlook of current residents and it will result in the loss of views for the local residents. In the objection it is acknowledged that the loss of view is not a material planning consideration but states that the enjoyment of a view is an important part of the residential amenity of neighbouring properties, and its loss therefore has an adverse impact on the residential amenity of such properties. The comments with regard to the loss of view are noted but as stated it is not a material planning consideration and as such could not justify a reason for refusal.

The site is in outline form and details of the layout have not been submitted for consideration at this stage. However, it is considered that the site is of an adequate size whereby a residential development scheme can be designed such that an acceptable separation distance is achieved such that the impact on the residential

amenities of the occupiers of the adjacent dwellings and those that overlook the site will not be significantly affected.

4. Highway safety

Policy TR1 of the Core Strategy seeks to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability whilst Policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

Paragraph 32 of the National Planning Policy Framework indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Whilst the application is in outline form details of the means of access to the site have been submitted for consideration. The proposed point of access is taken directly from Bradford Road and is located towards the centre of the site frontage. By siting the access here it will ensure that acceptable visibility splays can be created that cross land that is within the ownership of the Applicant.

A number of objections have been received in relation to the A65 already being a heavily trafficked road and that it cannot cope with the additional traffic that would be potentially generated by this and other developments. A Transport Statement has been submitted with the application which assesses the impact of the development on the surrounding highway network. This has been considered by the Highways Department who conclude that the network does have the spare capacity to accommodate the additional traffic without it being detrimental to highway safety.

An objection has been received in relation to the level of parking and that due to the number of dwellings and the various types of property and the proposed allocation of allotments, parking will be at premium leaving little room for visitors and allotment holders which will lead to overflow car parking on the main road as there would be nowhere else to park. It must be stressed that at this stage details of the layout of the development have not been submitted at this stage. For any residential development scheme it must comply with the parking standards contained within the relevant policy guidance and these are only reduced where a satisfactory justification is submitted.

The West Yorkshire Combined Authority have not raised an objection to the principle of the development subject to improvements being sought to the public transport infrastructure in the form of the provision of a new 'live' bus information displays to be erected at a nearby bus stop (number 14111) at a cost of approximately £10,000

(including 10 years maintenance) together with the provision of a Residential MetroCard Scheme for the future occupiers of the development at a cost to the developer of £25,036. The site is located within walking distance of public transport and shopping facilities as well as alternative means of transport other than the private motor car. In order to improve the sustainability of the site it would be expected that each dwelling with a dedicated off-street parking space would benefit from an electric vehicle charging point. It is considered that the provision of electric vehicle charging points represents a betterment of the scheme as the charging points are in situ permanently rather than, for example, the Residential MetroCard Scheme which is only for 1 year and there being no guarantee the users will renew them at the end of that period. As such it is not recommended that the improvements to the public transport infrastructure sought by the West Yorkshire Combined Authority are secured.

Overall in highway terms, therefore, it is considered that the proposal is acceptable and will not be detrimental to highway safety.

5. Drainage

Policy EN7 of the Core Strategy states that the Council will manage flood risk proactively while Policy EN8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

In relation to the drainage of the site the Applicant proposes to connect to the mains sewer for the disposal of both surface water and foul sewage. It is also proposed to utilise, where appropriate, a sustainable drainage system for the disposal of surface water. Both the Lead Local Flood Authority and Yorkshire Water have no objection subject to the imposition of appropriate conditions relating to the discharge of surface water and foul sewage.

A Flood Risk and SuDS Statement has been submitted with the application and proposes a number of recommendations in relation to the design of the SuDS strategy and subject to these recommendations being incorporated the Lead Local Flood Authority have no objection to the proposal.

Overall therefore there is no objection to the drainage implications of the development.

6. Trees

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

A Preliminary Tree Survey has been submitted with the application which identifies that a significant proportion of the trees surveyed are over mature and declining. Several trees have structurally significant cavities, hollow stems or show signs of major fungal decay. Alder and Ash are the predominant large tree species with occasional Sycamores. The survey covered a total of 20 individual trees and 4 groups. Five of the trees were identified as retention category 'U' trees which are either dead or in an advanced state of decay and would need to be removed if the site is to be developed for residential purposes. Five further trees have been identified as requiring annual monitoring.

The application is in outline form with details of the layout reserved for consideration at a later stage. An indicative plan has been submitted that shows how the site could be developed to accommodate 38 dwellings which would retain the majority of the trees on the site. A landscaping scheme would be required with a Reserved Matters application which would strengthen the existing eastern landscaped boundary and could incorporate compensatory planting in relation to the trees that would be lost.

No objection has been raised to the proposal by the Tree Officer.

As such, therefore, it is not considered that the proposal will have a significant impact on the tree cover within the locality.

7. Affordable housing

Policy HO11 of the Core Strategy states the Council will ensure that there is a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate up to 30% in Wharfedale.

The site is located within an area where the requirement is up to 30% of the units to be provided as affordable housing. In this instance that requirement will equate to 12 units and the provision of these will be in conjunction with the Council's Housing Department with regard to the need in the area in terms of size of units and method of provision. The provision of the units would be secured through a Section 106 Legal Agreement. The Applicant has, in the supporting Planning Statement submitted with the application, accepted the delivery of the necessary affordable housing in line with the Council's adopted policies and therefore no objection is raised in relation to this provision.

8. Secured by design

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments should, amongst other things, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The West Yorkshire Police Architectural Liaison Officer hasn't objected to the principle of the development but has made a number of comments on specific aspects of it. These include perimeter treatments, parking bays, bin access, external lighting, physical security (doors/windows), external garages, and, intruder alarms. Whilst these comments are noted it needs to be pointed out that the majority of them are relevant to the next stage of the proposal in relation to the Reserved Matters and should be taken on board in designing the layout of the development and the dwelling types. Building Regulations Approved Document Q: Security in dwellings is also relevant and covers a number of issues that have been raised.

At this stage therefore there are no objections to the proposal in it being able to provide a safe and secure environment for its future occupiers.

9. Contaminated land

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

Paragraph 120 of the National Planning Policy Framework states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 of the National Planning Policy Framework advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities such as mining or pollution arising from previous uses. The National Planning Policy Framework also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

A Phase 1 Environmental Assessment has been submitted in support of the application and has been assessed by the Environmental Protection Team.

The report has identified that the primary on and off site sources of contamination was “Made Ground associated with ground workings to the south of the site and the agricultural land use. Potential primary receptors have been identified as construction workers and future site users, controlled waters and buildings and infrastructure.”

The report concluded that “no significant pollutant sources have been identified” but added that “the CSM and ground model need to be confirmed to ensure all potential risks to receptors have been appropriately assessed.” and recommended that “a preliminary ground investigation is recommended to confirm the CSM and ground model and to assess the environmental properties of the underlying ground conditions”. The report goes on to suggest that “the investigation should include an assessment of groundwater through the analysis of either groundwater samples and/ or through leachate analysis. A hazardous ground gas risk assessment given the proposed development. Based on current CIRIA and British Standard guidance, a minimum of two ground gas monitoring visits should be undertaken in order to appropriately assess the gas protection requirements. Further visits may be required and should be confirmed with the Local Planning Authority”.

The findings of the report are concurred with by the Environmental Protection Team and conditions would be required to secure the carrying out of further site investigation works and, where necessary, appropriate remediation works.

10. Biodiversity issues

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

Paragraph 9 of the National Planning Policy Framework states that in pursuing sustainable development positive improvements should be sought in the quality of the built, natural and historic environment, as well as in people's quality of life, including, amongst other things, moving from a net loss of bio-diversity to achieving net gains for nature. Paragraph 118 states that when determining planning applications Local Planning Authorities should aim to conserve and enhance biodiversity.

An Ecological Survey has been submitted in support of the application and looks at both the fauna and habitat value of the site.

With regards to the habitat value the report states that the majority of the site is occupied by semi-improved grassland which is likely to be species poor and of limited ecological value. The water course, mature trees and hedges all provide areas of higher ecological value. Where trees are lost, such as to accommodate the access, compensatory planting should take place through new native species planting elsewhere on the site.

With regards to the fauna value of the site a number of species were looked at including bats, birds, crayfish and Riparian mammals. With regard to bats a total of 61 bat records have been returned from West Yorkshire Ecology, covering pipistrelle species, noctule, daubenton's, brown long-eared, as well as numerous records of indeterminate species. None of these relate to land within the application site. The closest being a dated record of an indeterminate species of bat, in flight, 290 metres west. The Report also identified that a number of the mature trees along the watercourse and up the eastern boundary were found to provide good potential roost features such as rot holes or branch scars which appear to lead to large vertical crevices. In addition to this the majority of trees along the water course, provide some features of roost suitability such as wood pecker holes, dead limbs leading to crevices or small branch scars. As such prior to any development commencing on site further survey work would be required in the form of bat activity surveys of the wider site as well as bat emergence surveys of trees with bat roost suitability in close proximity to the proposed development.

With regard to crayfish 14 records of white-clawed crayfish are held within the search radius, though the most recent dates from 2003. The closest of these records are located 1.25km east south east, associated with Gill Beck, which flows into Mickle Ing Beck, approximately 12km east. There is no reason why the stretch of the water course running through the site would not support this species. In relation to Riparian mammals 3 records relating to the Beck that crosses the site have been returned but these relate to field signs such as spraints and tracks, close to the beck's confluence with the River. Further survey work is recommended prior to any development taking place to assess the presence of either crayfish or other Riparian mammals within the Beck.

In terms of ecological enhancement 3 main themes are identified and these are as follows:

- The layout of the site provides relatively open areas which could be used to strengthen the linear features around the site, particularly that of the riparian corridor. The land surrounding the watercourse could include planting of new woody species, including hawthorn, hazel and holly, commensurate to that which is already found on site. Additional new trees could be planted in this area, planting birch, which can thrive in damp environments and oak slightly further up the bank will increase the diversity of trees in the area.
- In a similar vein the site provides the opportunity to include new linear habitat features, notably along the southern boundary which is currently marked only by a post and wire fence. The provision of a species rich, native hedgerow in this area would be beneficial. Similar hedges could be developed along the outer edges of allotment plots.
- The housing development provides the opportunity to include a number of integral faunal boxes which will provide habitat for native wildlife in the long term. The site should include bat and bird boxes, built into the fabric of buildings to ensure their longevity. These enhancements would normally be secured through the attachment of a condition to a planning permission.

The site is located within 2.5km of the South Pennine Moors Special Protection Area (SPA) and Policy SC8 of the Core Strategy states that development will not be permitted in these zones where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects) which cannot be effectively mitigated, upon the integrity of the SPA. The mitigation measures required with regard to the impact on the SPA cannot be secured through a Section 106 Legal Agreement as it is on the CIL Regulation 123 list. As such monies will need to be secured through the CIL process towards providing the mitigation measures.

Overall therefore it is not considered that the site is of significant ecological value and there is no objection to the proposal in ecological terms.

11. Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new developments in their area. The money can be used to support development of the area by funding the infrastructure that the Council, local communities and neighbourhoods deem as necessary. It was formally introduced by Bradford Council on the 1st July 2017. The CIL is intended to provide infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of a planning obligation (Section 106 Agreement). The application site is located within a Residential Charging Zone 1 where the rate is £100 per square metre. The amount of CIL payable on the development will be calculated at Reserved Matters stage when details of the size of the proposed dwellings in terms of floorspace are submitted.

In terms of the consultation responses for both education and recreation these were received prior to the adoption of CIL and therefore the financial contributions sought to

enhance the education and recreation infrastructure cannot be sought. Monies for such enhancements will need to be secured through the CIL process.

Finally in relation to CIL the Parish Council will be entitled to 15% of the sum available to be spent on infrastructure improvements within the Parish. This figure will rise to 25% should the Burley Neighbourhood Plan be adopted before a planning permission is issued.

12. Burley Neighbourhood Plan

Burley Parish Council are in the process of preparing a Neighbourhood Plan. It has presently been through an examination and the Examiner's final report has recommended that the Plan, with a number of modifications to it, proceeds to Referendum. If it passes the Referendum then it will become part of the adopted Plan. It is expected to go to Referendum in May 2018. The Plan doesn't comment specifically on individual sites but acknowledges that as a result of the adoption of the Core Strategy there will need to be some Green Belt boundary changes. Policies are contained within the Plan that relate to housing mix and design together with views and mitigation of any adverse impacts.

The Applicant has made reference to the Neighbourhood Plan in justification for supporting the proposal. The Applicant has repeated assertions that the scheme matches the Parish Council's aspirations for smaller sites and accords with the content of the emerging Neighbourhood Plan. While it probably may be the case that the Parish would prefer the Burley housing target to be met via a spread of smaller sites rather than a larger or major site, the inference that the Neighbourhood Plan and its policies favour small sites and the Bradford Road schemes is not correct. The Parish Council have actually objected to this application with their reasons outlined earlier in this report. The agent is probably being led by earlier drafts and not taking account of the fact that those drafts were being written by the Parish in the hope that the earlier iteration of the Core Strategy would prevail - the draft neighbourhood plans produced by the Parish were compiled at a time before the Core Strategy was adopted and when the Parish still hoped that it would contain the lower housing target for the village. At that stage it did include text and content indicating a preference for smaller sites but this was based on an earlier version of the Core Strategy which had a smaller housing target of 200 dwellings (which possibly could have been met by a mix of small or medium sized sites) and before Burley was identified as a Local Growth Centre (with a subsequent uplift to 700 dwellings and significant Green Belt releases). It has always been the case that once the housing target was increased to 700 units it would not be possible for that to be achieved via small sites alone. A large land release would therefore be needed. The Inspector who is carrying out the examination into the Neighbourhood Plan has identified this and has recommended modifications to take out of the Neighbourhood Plan all references relating to the previous version of the Core strategy and take out the remaining text which suggested that the housing target might/should/could be met via small sites.

13. Other issues

A number of other issues have been raised during the publicity exercise that have not been considered in the above sections of this report, these being:

Has the developer made a commitment via Section 106, if so what? – *The Applicant has agreed to a Section 106 Legal Agreement and this will relate to the provision of affordable housing as part of the development*

The open land on which the development is proposed is hugely valued by local people, as well as by those of us currently living opposite – *The site forms part of a much larger area of open countryside that is allocated as Green Belt. Open countryside is generally enjoyed by the public and helps to break up the built form of a settlement. However the simple fact that it is enjoyed by the public as an open space could not justify a reason for refusal.*

Unscrupulous developers are seeking to maximise profit at the expense of existing residents by trying to build on easily developed flat open greenfield sites – *unfortunately this is not a material planning consideration in dealing with this planning application*

Community Safety Implications:

There are no other community safety implications other than those referred to in the main body of the report.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Refusal:

1. Green Belt

The site lies within the Green Belt and the proposal would represent inappropriate development as defined within National Planning Policy Framework Paragraph 89. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In order for very special circumstances to exist the potential harm to the Green Belt by reason of inappropriateness, and any other harm, must be clearly outweighed by other circumstances. The Local Planning Authority has considered the benefits of the proposed scheme including the contribution it would make to meeting housing need and addressing the District’s lack of a 5 year housing land supply, while at the same time giving substantial weight to the harm which would be caused to the Green Belt in particular the harm which would be caused to the openness of the Green Belt, and the need to check unrestricted sprawl and to safeguard the countryside from encroachment. As the benefits of the scheme do not clearly outweigh the harm that would be caused, the proposal fails to demonstrate very special circumstances and would conflict with Government Policy contained within the NPPF and with RUDP Policy GB1 of the replacement Unitary Development Plan and Policy SC7 of the Core Strategy.

2. Density

The net density of development equates to less than 30 units per hectare and as such the proposal is below the minimum density advocated in Policy H05 contained in the Core Strategy. The proposal therefore makes inefficient use of the greenfield site where there are no exceptional circumstances to warrant such a low density. The proposal is considered to be contrary to the provisions of Policy H05 of the adopted Core Strategy relating to making the most efficient use of land