

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday 8 March 2018 at 10.00 am in Committee Room 1, 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 Committee Room 1 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:

Michael Bowness
Interim 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 7 December 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. **CAR PARK, GRAMMAR SCHOOL STREET, BRADFORD City**

1 - 16

The Assistant Director - Planning, Transportation and Highways will submit a report (**Document “A1”**) in relation to an application for 166 one and two bed flats, with a retail/professional services/food & drink, non-residential institution/ assembly or leisure use at ground floor level, and 21 basement parking spaces on land at Grammar School Street, Bradford - 16/03564/MAF.

Recommended –

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

(John Eyles – 01274 434380)

7. **LAND TO THE NORTH OF ROYD INGS AVENUE (BETWEEN THE A629 AND THE RIVER AIRE), KEIGHLEY** 17 - 62
Keighley Central

Previous reference: Minute 51 (2017/18)

The Assistant Director - Planning, Transportation and Highways will present a report in relation to a full planning application for the extension of Keighley Industrial Park through the formation of eight structures housing nine commercial units (B8 and B2 uses), with associated car parking, highways connection, drainage and landscaping, on land to the north of Royd Ings Avenue, Keighley – 17/05255/MAF (**Document “AJ”**).

Members will recall that this application was considered at the meeting of the Committee held on 7 December 2017 when it was resolved to defer determination of the application to allow the applicant the opportunity to submit further information to address the proposed reasons for refusal, with specific reference to a number of issues identified by Members.

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. **ASHWELL FARM, ASHWELL ROAD, HEATON, BRADFORD** 63 - 88
Heaton

A report will be submitted by the Assistant Director - Planning, Transportation and Highways (**Document “AK”**) in respect of an application for the construction of 27 dwellings at Ashwell Farm, Ashwell Road, Heaton, Bradford - 17/06647/MAF.

Recommended –

- (1) That the application 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 Interim City Solicitor, in respect of:**

- (i) On site affordable housing provision of 5 dwellings,
- (ii) A maintenance plan for the unadopted access road,

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

(John Eyles – 01274 434380)

9. **FLOCKTON HOUSE, FLOCKTON ROAD, BRADFORD**
Bowling and Barkerend

89 - 106

The report of the Assistant Director - Planning, Transportation and Highways (**Document “AL**) considers a reserved matters application for 30 dwellings (Outline permission reference: 14/04045/MAO), concerning appearance, landscaping, layout and scale, on the site of Flockton House, Flockton Road, Bradford -17/06960/MAR.

Recommended –

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

(John Eyles – 01274 434380)

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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 8 March 2018

AI

Subject:

Construction of 166 apartments with A1, A2, A3, D1 or D2 floorspace and parking, car park at Grammar School Street, Bradford.

Summary statement:

The proposed development would include 166 one and two-bed flats, an A1, A2, A3, D1 or D2 use at ground floor, with 21 basement parking spaces. The proposed development includes two elements – a 7-storey element fronting Hamm Strasse, with a 6-storey element fronting Grammar School Street.

As part of the consideration of the application, the proposal was the subject of an external design review, where there was general support for the proposal. Following the design review, the scheme was developed further and is now believed to provide an appropriate scheme at the site.

The application site is within a nil CIL area, but a commuted sum towards off-site affordable housing provision was requested via a Section 106 agreement. The applicant submitted a viability statement which indicated that the scheme would not be viable if affordable housing was provided. The viability case has been the subject of independent assessment which concludes that the proposed development would not be viable if a contribution was made towards affordable housing. No affordable housing is being sought.

The application is recommended for approval, subject to the conditions included within the report.

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

The application is for 166 flats with 21 parking spaces, with a retail/professional services/food & drink, non-residential institution/ assembly or leisure use at ground floor.

Following lengthy discussion on the design and appearance of the proposed development, which included the application being subject to Design Review, the proposed height and massing of the proposed development has been reviewed. Along with the elevation details the proposed development is now considered to be appropriate in the context of both the City Centre Conservation Area and surrounding area.

The application site is located within a nil CIL zone. The application would normally be required to make provision for affordable housing. However, a viability statement was submitted and this concludes that if affordable housing provision was made the proposed development would not be viable. The viability statement has been independently assessed and this verifies that the scheme would be unviable if affordable housing was provided. Therefore no affordable housing is being sought.

2. BACKGROUND

The application site has been the subject of previous proposals and planning application, 07/00178/MAF was approved in 2008 for residential development. The most recent planning application, 15/00380/MAF, was not supported due to concerns on the design & appearance and impact on nearby heritage assets. This application was consequently withdrawn by the applicant.

3. OTHER CONSIDERATIONS

None

4. OPTIONS

The Committee can approve the application as per the recommendation within the technical report, or refuse the application. If Members are minded to refuse the application then reasons for refusal need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from matters associated with the report.

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 application site is located in the northern part of Bradford City Centre, close to major bus routes, with Forster Square train station c.400m from the application site. Along with a limited level of car parking, the proposed development is considered to be an appropriate development at a sustainable location.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

None.

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications, other than those raised in the technical 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 into 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

It is not considered that there are any significant implications for the Ward.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

The application is recommended for approval subject to the conditions within the report.

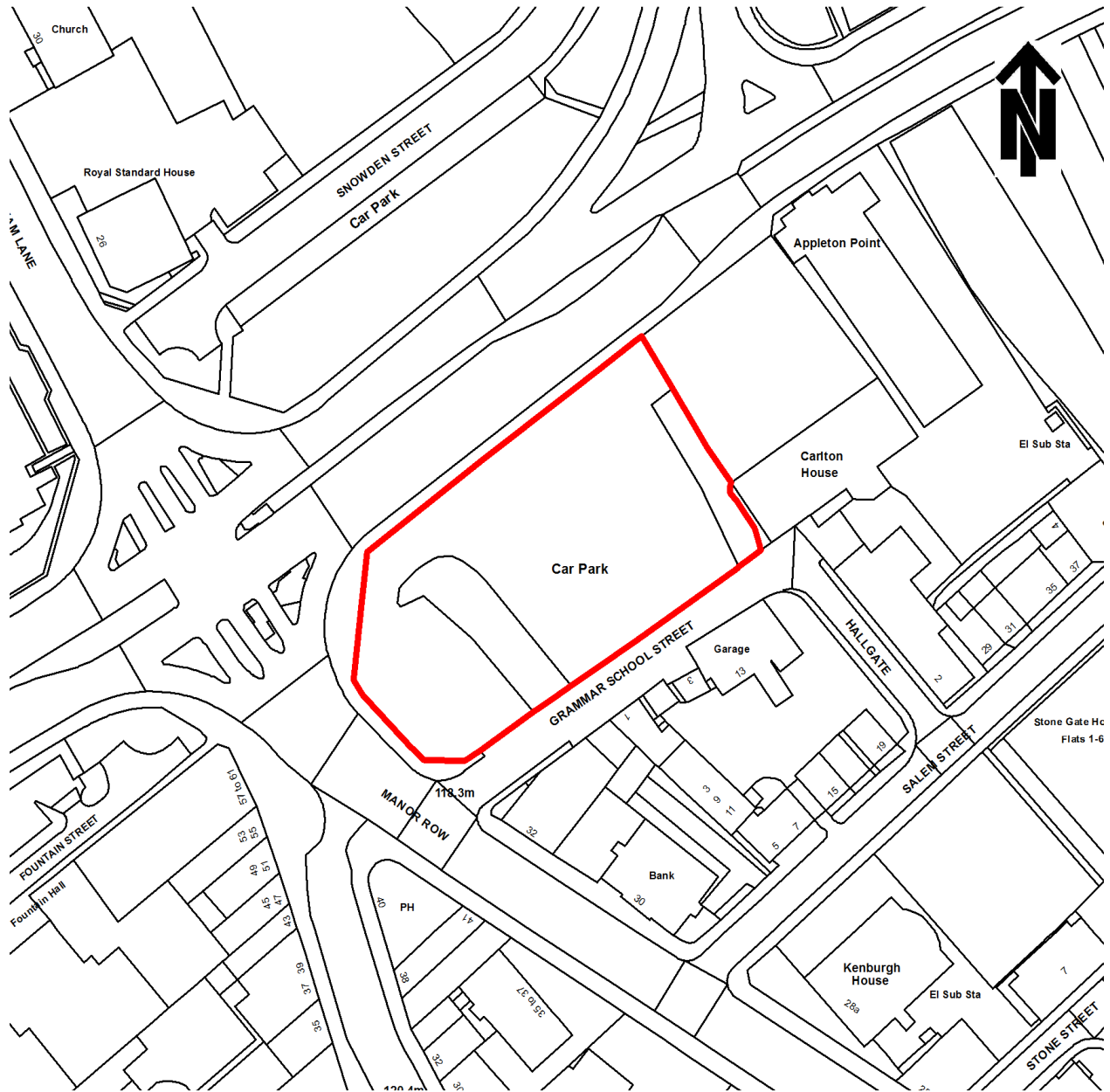
11. APPENDICES

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

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
Design Review Report

16/03564/MAF



1:1,250

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Car Park
Grammar School Street
Bradford

Appendix 1

5th March 2018

Ward:

City

Recommendation:

To grant planning permission subject to conditions.

Application Number:

16/03564/MAF

Type of Application/Proposal and Address:

Construction of 166 apartments with A1, A2, A3, D1 or D2 floorspace and parking, Car Park, Grammar School Street, Bradford.

Applicant:

Manor Row Place Developments

Agent:

Halliday Clark Limited

Site Description:

The application site is located on the northern edge of Bradford City Centre, at the junction of Hamm Strasse and Manor Row and accessed from Grammar School Street.

The site is located in the City Centre Conservation Area where there are a number of traditional stone buildings of three and four-storey height. There are a number of Grade II listed buildings neighbouring the site, including the Yorkshire Penny Bank building on Manor Row. On Grammar School Street, south of the application site, there are predominantly two-storey townhouses along with those located on Salem Street.

The site slopes down from west to east on two levels and is currently used as a pay & display car park. Due to the change in levels, the site sits below Hamm Strasse, with a retaining wall constructed along this boundary.

Relevant Site History:

07/00178/FUL - Construction of residential scheme with A1/A3 uses and parking. This application was approved subject to a Section 106 Agreement.

15/00380/MAF - Residential scheme of 201 flats with commercial floor space. This application was withdrawn.

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.

Development Plan

There are a number of Core Strategy Policies which should be considered as part of the application:

- SC5 Location of Development
- TR1 Travel Reduction and Modal Shift
- TR3 Public transport, Cycling and Walking
- H05 Density of Housing Schemes
- HO8 Housing Mix
- HO9 Housing Quality
- HO11 Affordable Housing
- EN4 Landscape
- EN6 Energy
- EN8 Environmental Protection Policy
- DS1 Achieving Good Design

Proposals and Policies

City Centre Area Action Plan

Proposed site allocation M/1.2

The CCAAP states that the proposed use to be residential, which should create a strong feature at the corner of Manor Row and Hamm Strasse. New buildings should provide a strong edge and be of an appropriate scale to enclose the street. The scale and design of new development should respond sensitively to the surrounding historic context and safeguard the character and setting of the adjacent Listed Building. Active uses should be provided at ground floor, particularly along Manor Row.

The highway requirements include - making up Grammar School Street to an adoptable standard and the provision of a footway to the site frontage; a traffic management scheme to create a one-way traffic system, making Grammar School Street one-way northbound, with associated Traffic Regulation Orders.

Parish Council:

N/a

Publicity and Number of Representations:

Site notices were displayed at the application site and a notice placed in the Telegraph and Argus. Individual neighbourhood notifications were carried out, with the statutory period of publicity expiring 12th August 2016.

There has been one letter of objection.

Summary of Representations Received:

Concern that access and traffic management is not compromised. The drawings require further consideration confirming that right of access would not be impacted. This includes access for delivery vehicles, as well as access for our employees and clients.

We are extremely concerned:

- i. That the development will cause severe disruption to our business, and
- ii. As how close the development will be to our building and the impact to access to our car park.
- iii. Difficulty of access for staff and clients.

There has been a significant problem with surface water drainage on our property from the site. This has caused flooding of our car park on a number of occasions. We are concerned that the development will add to this problem.

We are concerned that the development will have a major structural impact on our building.

Consultations:

Lead Local Flood Authority

The Lead Local Flood Authority has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. If the details are implemented and secured by way of planning condition on any planning permission, the Lead Local Flood Authority has no objection to the proposed development.

Highways

The site is located on and accessed from Grammar School Street, close to the junction with Manor Row. Grammar School Street is a two-way un-adopted road with poor surfacing and a footway on the opposite side to the site. There are existing traffic problems on Grammar School Street with parking taking place on both sides, thereby obstructing two-way traffic movements which results in vehicles waiting on Manor Row.

A Transport Assessment and Travel Plan have been submitted with the application and these are acceptable in terms of traffic generation and impact.

The proposed vehicular access to the development would be via a new junction off Grammar School Street towards its north eastern end with a second access closer to the junction with Manor Row, as existing. Adequate visibility splays would be provided in accordance with design guidance.

The development would provide a pedestrian piazza at its south western corner providing pedestrian access on to Manor Row.

Adequate on-site turning would be provided to allow vehicles to enter and leave the site in forward gear, including refuse collection and deliveries to the commercial unit.

Although the proposed level of car parking provision of 21 spaces is below the previous maximum standard for the City Centre, 1 space per unit, the application site is situated in a sustainable location, close to all amenities and major public transport facilities. Parking is also well-controlled in this locality and the low level of off-street parking would be unlikely to cause on-street parking problems.

Highway improvement measures are proposed to bring Grammar School Street up to an adoptable standard. These include resurfacing, new footway across the site frontage, drainage and lighting. A Traffic Regulation Order (TRO) would be implemented to prevent parking across the site frontage.

A one-way traffic circulation system to address traffic problems on Grammar School Street is also proposed. This would make Grammar School Street one-way only from Manor Row; Hallgate would become one-way eastbound with Salem Street remaining two-way.

A S106 agreement would be required for TROs for waiting restrictions on Grammar School Street and a one-way traffic circulation system. The off-site highway works should be implemented through a S278 agreement.

The proposal is acceptable in highway terms and no objection subject to provision of the above mitigation measures.

Environmental Health (Land Contamination)

Environmental Health has considered the application and the Phase 1 Geo-Environmental Assessment, PWA Geo-Environmental Ltd, June 2016. This report identifies the site being occupied by a grammar school until 1987 when it burnt down. The site is currently used as a car park. Potential sources of contamination on site, include, but are not limited to, fuel spillages in the car park, made-ground/infill within basements associated from the school and general made-ground containing fuel residues such as ash, clinker and hydrocarbons. Further historic sources of contamination were highlighted in the surrounding area including a timber yard to the north east, which was later converted to a depot and various mills.

On the basis of the site history, concur with the applicants Phase 1 Desk Study and recommend that to protect public health and the environment, a proportionate Phase 2 intrusive site investigation would be required before the development commences.

Environmental Health (Pollution)

No objections to the proposal, however, some concerns relating to noise and dust, from the development. Contractors must at all times use the best practicable means to minimise dust nuisance from the site activities.

The applicant should also provide a noise report together with details on acoustic measures to be adopted to prevent noise nuisance complaints. This should include noise, which may arise as a result of the location and also noise, which may arise between individual rooms and also from any commercial use affecting residential properties.

Conservation

As originally submitted, the application raised significant concerns in relation to the design of the building and the impact on the conservation area and nearby listed buildings. The scheme has been amended in detail following external design review and also following involvement with the Senior Conservation Officer. (Any further written comments will be reported orally).

Landscape Design

A roof garden is shown which would be an exciting aspect of the design.

The piazza area could be extended to include the Manor Row frontage where further tree planting and street furniture should be introduced to improve the street scene and to reflect the character of Manor Row/Manningham Lane and Hamm Strasse. The trees would also complement the pillars shown on the elevation drawings and build on the developments already made, to improve the character of this area.

The internal public realm has to be carefully considered due to the proposed bridge and the height of the development which could combine to create a shady and windy area. The detail design should address these potential problems not only for the users but the maintenance of any proposed planting.

Yorkshire Water

If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and YW infrastructure.

West Yorkshire Police (Architectural Liaison Officer)

The developer would need to demonstrate how its development proposal has addressed the following issues, in respect of designing out crime:

1. Natural surveillance of public and semi-private spaces in particular entrances to a development, paths, play spaces open spaces and car parking.
2. Defensible space and the clear definition differentiation and a robust separation of public, private and semi-private space so that all are clearly defined and adequately protected in terms of their ownership and use.
3. Lighting in the development on particular streets and footpaths.
4. The design or any layout of pedestrian cycle and vehicular routes into and within the sites including how they integrate with existing patterns.
5. Landscaping and planting, hiding places and dark secluded areas should not be created.

Further discussion to take place between the developer and West Yorkshire Police to ensure a high quality secure development.

Summary of Main Issues:

Principle of development
Effect on heritage assets
Design & appearance
Highways
Planning Obligations

Appraisal:

Principle of development

The application site was the subject of a previous planning permission for residential development, in 2007. Since that time, the City Centre Area Action Plan (AAP) has been adopted. Within the AAP, the site is identified as being suitable for residential

development, with active uses to the ground floor frontage. The principle of the proposed development is therefore supported.

Effect on heritage assets

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 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 on to 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.". In particular the proposals have been fully assessed in relation to the harm on the nearby listed building and the character of the conservation area.

With the original submission a number of concerns on the height and scale were raised on the potential impact on nearby heritage assets, in particular, the City Centre Conservation Area and the Grade II listed Penny Bank building on Manor Row.

Subsequently, at Design Review, the proposed height was not considered problematic by the Design Review panel. In this context, the Panel supported the proposed height of the block and agreed that any further reduction in the scale of development would be counter-productive in urban design terms. The Panel felt the proposed development should be unapologetic in its response to the urban design requirements of the site and should strive to complement, rather than mimic.

Consequently, this has resulted in a building, with simpler elevations, to avoid competing architecturally with the Penny Bank building. The design of the proposed development would preserve and enhance the character and appearance of the City Centre Conservation Area.

Design & Appearance

Following initial concerns on the design and appearance of the proposed development, there has been lengthy discussion on the proposed development. In particular, how its height and scale would relate to the context and nearby heritage assets. Given these concerns, the proposed development was presented to external Design Review. The conclusion of the Design Review was that the height and scale of the proposed

development would be appropriate in the context of the surrounding area, subject to the buildings being well detailed to provide a high-quality development.

There was concern that the building would appear monolithic. It is important that the design provides buildings that are well proportioned and of a scale relative to its context. In order to achieve this, the elevations have now been revised to provide a less complicated arrangement of windows and balconies. Whilst relatively simple, these are detailed to provide interest, with recessed bay details and reveals to the windows. It is proposed to condition the requirement for larger scale drawings to ensure the elevations provide the interest and quality of detail required at this site.

The buildings highest point is on Manor Row, at 7-storeys, with the roofline descending along Hamm Strasse, which reflects the topography of the area. The scale and massing, along with the architectural treatment, is not considered to adversely affect the heritage assets. It would provide a contemporary addition to this part of the City Centre.

At ground floor to Manor Row, there would be a retail/commercial use, which would provide activity along this frontage.

It is concluded that the design and appearance of the proposed development provides a scheme that would be of a quality reflecting the sites prominent location and its relationship with both the City Centre Conservation Area and City Centre.

Highways

Whilst the proposed level of car parking of 21 spaces is below the parking guidelines for residential use in the City Centre, the site is in a sustainable location, close to amenities and public transport connections. Parking is controlled in this locality and the level of off-street parking would be unlikely to cause on-street parking problems.

Highway improvement measures are proposed to bring Grammar School Street up to adoptable standard. These include resurfacing, new footway across the site frontage, drainage and lighting. A Traffic Regulation Order (TRO) would be implemented to prevent parking across the site frontage.

A one-way traffic circulation system to address existing traffic problems on Grammar School Street is also proposed. This would make Grammar School Street one-way only from Manor Row; Hallgate would become one-way eastbound, with Salem Street remaining two-way.

There is a requirement for Traffic Regulation Orders for waiting restrictions on Grammar School Street and the proposed one-way traffic circulation system (Planning Condition).

On the basis of the above the surrounding highway network would not be compromised and there would be no detriment to existing users.

Planning Obligations

The application site is located within Zone 4, where there is a nil CIL rate. Consequently, there would be no contribution towards education, recreation open space/playing fields or public transport infrastructure. However, the applicant would

ordinarily be required to provide a commuted sum towards off-site affordable housing provision.

A viability statement was submitted by the applicant, which contends that with the affordable housing contribution, the scheme would not be viable. In line with policy ID2 of the Core Strategy, the applicant's viability statement has been independently assessed. The assessment raises serious concerns on the viability of the proposal. Therefore any requirement to provide a contribution towards affordable housing would render the application unviable. Consequently, a contribution towards affordable housing is not being sought.

Other matters

The highway arrangements and amendment to the Traffic Regulation Order will ensure that access arrangements and the operation of neighbouring businesses would not be adversely impacted upon.

Both the Lead Local Flood Authority and Yorkshire Water have commented on the application and no objections have been raised. Both consultees have requested a number of conditions regarding surface water drainage.

There is no reason to suggest that the proposed development would have any structural impact upon the neighbouring building.

Community Safety Implications:

There are no community safety implications, other than those raised in the technical report.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposal is considered to represent a sustainable form of development not resulting in any adverse implications in respect of heritage assets, drainage, highway and pedestrian safety or land contamination. Subject to conditions the proposal meets the requirements of policies P1, SC1, SC4, SC9, TR1 TR2, TR3, HO5, HO6, HO11, EN2, EN5, EN7, EN8, DS1, DS3, DS4, DS5, ID3 of the Local Plan for Bradford and the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval/Reasons for Refusal:

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

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

2. Before any development commences on site, full details, including all necessary calculations of those temporary and permanent works affecting the stability of the highway boundary walling to Hamm Strasse shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: No details have been submitted of necessary retaining structures and such measures are necessary to protect the stability of the highway in the interests of safety.

3. The accommodation shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:

- a) be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) be capable of achieving the following noise levels:
Bedrooms: LAeq 15 minutes - 30dB (2300 to 0700 hours)
Living Rooms: LAeq 15 minutes - 45dB (0700 to 2300 hours)
- c) include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound attenuation works is installed full details shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with Core Strategy policy DS5.

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity in accordance with Core Strategy policy DS3.

5. Prior to development commencing, 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, 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.

6. Prior to development commencing the Phase 2 site investigation and risk assessment 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.

7. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report 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.

8. 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.

9. Unless otherwise agreed in writing with the Local Planning Authority, 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.

10. 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. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site.

11. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on the submitted drainage strategy, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the site is adequately drained.

12. Unless otherwise agreed in writing, no part of the development shall be occupied until a Traffic Regulation Order (TRO) for waiting restrictions on Grammar School Street and the proposed one-way traffic circulation system has been implemented in full.

Reason: In the interests of highways safety and to accord with Core Strategy policy TR1.

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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 8 March 2018

AJ

Subject:

Full planning application 17/05255/MAF for the extension of Keighley Industrial Park through the formation of 8 structures housing 9 commercial units (B8 & B2 usage) with associated car parking, highways connection, drainage and landscaping on land north of Royd Ings Avenue, between the A629 and the River Aire.

Summary statement:

The Regulatory and Appeals Committee are asked to consider the recommendation for the determination of planning application ref. 17/05255/MAF, for the formation of 8 structures housing 9 commercial units (B8 & B2 usage), made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

The proposal is essentially for the extension of Keighley Industrial Park through the development of 8 industrial sheds and associated infrastructure on a greenfield area of land to the north, which is partly within the Green Belt and entirely on a floodplain and includes an oxbow wetland which is designated as a Local Wildlife Site.

The application was deferred from consideration at the 7 December 2017 Committee to allow the applicant opportunity to submit further information, particularly in relation to flooding matters. This information has now been received; however strong objections to the development on flood risk grounds have been maintained by both the Environment Agency and the Council's Drainage Unit, acting as Lead Local Flood Authority. Planning policy conflicts also remain in respect of Green Belt, Landscape, Ecology, Air Quality and Highways matters.

The potential benefits of providing additional industrial, storage and distribution buildings in this location are acknowledged. However the planning assessment remains that these benefits do not outweigh the harm the development would cause, particularly in terms of the harm the development would cause to the Green Belt and the Functional Floodplain. Taking development plan policies and other material considerations into account it is therefore recommended that planning permission is refused.

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

The proposal is for an extension to Keighley Industrial Park onto approximately 10.7 hectares of greenfield land to the north of the existing industrial estate. The land is set at a lower level than the adjacent industrial park and comprises generally boggy land including, grassland, hedgerows, a watercourse and an ox-bow wetland and adjoins the Rive Aire.

The proposal is to re-grade the land through a cut and fill exercise to achieve a uniform ground level of 84 metres AOD, with additionally three slightly deeper (150mm) depressions formed beneath 3 of the shed footprints. A 300 metre long access road, hard standings to be used for parking and servicing and 8 industrial sheds with a combined footprint of 41,750m² would then be constructed on the land.

The applicant proposes to raise the sheds up on stilts with an open void beneath secured with mesh grills, which are intended to allow flood water to pass beneath. The majority of the access road, other than the roundabout at the end, and a proportion of the car parking (208 spaces), would also be raised above the flood level. However the main loading areas and the majority of the site car parking would be provided at the lower level of 84m AOD and would be subject to a high flood risk. Proposed landscaping includes native trees and shrubs to the northern and eastern boundaries of the site, along a retained drain/ watercourse transecting the site and around the parking areas, together with wildflower grassed areas and bird and bat boxes.

The application was previously presented to the Regulatory and Appeals Committee at the meeting of 7 December 2017. At that Committee Meeting the Committee resolved:

That consideration of the application be deferred to the meeting of the Committee to be held on 8 March 2018 and that the applicant be requested to submit further information to address the reasons for refusal set out in the Assistant Director - Planning, Transportation and Highways' technical report, with specific reference to:

- i. An explanation of how the proposals for these unique buildings will not create flood risk issues, including examples of similar successful development elsewhere,*
- ii. What mitigation circumstances may apply,*
- iii. Consideration of any flood plain works being carried out elsewhere that may assist this development,*
- iv. A Sequential Test and an Exceptions Test in accordance with the requirements of the National Planning Policy Framework (NPPF),*
- v. Habitat mitigation measures,*
- vi. More detailed proposals for flood safe car parking provision,*
- vii. The regeneration and employment benefits of the scheme; to include dialogue with the Council's Economic Development Department.*

Following the Committee Meeting the Case Officer wrote to the applicant inviting him to provide the further information requested by the Committee and providing contact details for officers in the Council's Economic Development Service to allow dialogue to take place. The applicant then met with Officers on 25 January 2018 and submitted a raft of further information and revised drawings on 01 February 2018, including:

- Revised Design & Access Statement:
 - Adjusted to reflect the revised car parking, ecological landscaping and flood mitigation proposals.
- Air Quality Assessment, which concludes that:
 - Predicted impacts on NO₂ and PM₁₀ concentrations as a result of operational phase exhaust emissions were predicted to be negligible at 16, slight at 2 and substantial at 1 representative sensitive receptor locations within the vicinity of the site.
 - The overall significance of potential impacts was determined to be not significant, in accordance with the EPUK and IAQM guidance.
 - Based on the assessment results, air quality is not considered a constraint to planning consent for the proposed development if the relevant mitigation is adopted.
- Ecology mitigation and enhancement proposals, including provision for:
 - Native tree & bush planting;
 - Wildflower grass areas;
 - Bird boxes;
 - Bat boxes/ bricks;
 - Hedgehog houses;
 - Damp marginal wildflower areas.
- Sequential and Exceptions Test Report, which assessed:
 - A total of 15 No alternative sites were identified from the Local Development Framework for Bradford Evidence Base Employment Land Review Update October 2011 within the Airedale area.
 - Of these sites 4 No sites are located within Flood Zone 3 and therefore were discounted from the test due to not providing a betterment in terms of flood risk.
 - None of the remaining 11 sites are appropriate in terms of availability, suitability and achievability.
 - In conclusion there are no sites which are considered to be suitable; 'reasonably' available; and developable; and as such in terms of the Sequential Test the study site is therefore deemed suitable.
 - Furthermore, providing that the mitigation measures identified within the Flood Risk Consultancy's FRA report 2016-124-A are incorporated into the proposed development the flood risk can be suitably managed.
- Document on the Principle of Building on stilts which highlighted examples from:
 - Holland;
 - The Suffolk Peninsula;
 - Essex;
 - Mytholmroyd, and
 - Ashford.
- Visual Impact Statement, which concludes that:
 - Development of this site would have minimal impact on existing Landscape Character; would extend the existing commercial streetscape with minimum detriment to existing users; and would not impact on distant views into the area.

- Revised plans:
 - Including amendments to the car parking (additional parking provided above the flood level), a revised footpath diversion, retention of the current watercourse which transects the site and augmented landscaping proposals.

The above revised proposals and further information have been subject to further consultation, as a consequence of which updated responses have been received, including from the Environment Agency, the CBMDC Planning Policy Team, Drainage Unit, acting as Lead Local Flood Authority (LLFA), Landscape Design Unit and Rights of Way Service. In summary the updated assessments of these expert consultation bodies advise that:

Drainage/ Lead Local Flood Authority

*The application proposes an inappropriate use within the functional floodplain (Flood Zone 3b) contrary to Tables 1 and 3 of the Practice Guide to the National Planning Policy Framework. The proposals are classified as 'Less Vulnerable' and as such are not permitted within Flood Zone 3b. **The LLFA therefore recommends the application be refused based on this fundamental National planning policy contravention.***

*The application proposes an inappropriate use within the functional floodplain (Flood Zone 3b) contrary with policy EN7: Flood Risk of the Council's Core Strategy Publication Draft in that it fails to safeguard the potential to increase flood storage provision and improve defences within the River Aire corridor. The River Aire and the settlements alongside it suffered significant flooding during December 2015 and therefore existing floodplains are being investigated to determine if they could offer greater flood risk benefits within the River Aire corridor. **The LLFA therefore recommends the application be refused based on this fundamental Local planning policy contravention.***

*The application does not include a hydrological assessment of the proposed alterations within the floodplain, and whether these alterations will have an effect on flood risk within the River Aire catchment. The current flood levels used by the applicant in its assessment of flood risk do not include the latest allowances for climate change. **The LLFA therefore recommends the application be refused because the second part of the Exception Test has not been passed as 'development has not been shown to be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.***

*The development scheme does not clearly show how the flood water which will be displaced by the access road, raised car parks and ramps or the surface water attenuation system will be compensated for within the site. **The LLFA therefore recommends the application be refused because the second part of the Exception Test has not been passed as 'development has not been shown to be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.***

Environment Agency

We have reviewed the information submitted and we maintain our objection to the proposal. Our comments provided in our previous response dated 30 October 2017 remain valid and are included below for clarity.

We object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the application should be refused planning permission on this basis.

Practice Guidance to the National Planning Policy Framework classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the application site lies within Flood Zone 3b (functional floodplain) defined by the Practice Guide to the NPPF as having a high probability of flooding.

The development type in the proposed application is classified as 'Less Vulnerable' in accordance with table 2 of the Practice Guide to the NPPF. Tables 1 and 3 of the Practice Guide to the NPPF make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

Landscape Design

The site takes in the Beechcliffe Oxbow Lake which has value as a wildlife habitat and is a designated Bradford Wildlife Area (BWA). This will be largely destroyed if the proposal proceeds to construction. This feature has some historic as well as wildlife value. The submitted plans show it obliterated by proposed units 2, 3 and 4. I would strongly suggest that the whole of the BWA is retained in its current form and the layout of the site revised accordingly. The cut and fill operation that will be required to adjust the level across the whole site is a total re-profiling of the landform that will remove all existing vegetation and preclude the retention of any trees.

The Visual Impact Statement that has been supplied is in my opinion relatively superficial and a scheme of this calibre demands that a fuller Landscape and Visual Impact Assessment be produced. The conclusion of the supplied Visual Impact Statement states that the development will have minimal impact on existing landscape character. There is no substance to this given that it is based on a limited and simplistic appraisal of visual impact, with no consideration of landscape effects. The report also concludes that 'The site offers the opportunity, though a landscape led strategy, to offer a valuable site for the provision of new commercial space on an accessible and sustainable site.' Had the proposal genuinely been based on a landscape led strategy, the oxbow lake would be retained.

If the site does offer the opportunity for the provision of new commercial space then in my opinion it is in the form of a less extensive development that respects the existing landscape character of this edge of town riverside location.

Planning Policy – Sequential Test Review

In regards to the area of search a site which is over 10ha is of such a significant size, I think this makes it at least a District wide level of search. The Core Strategy for example only allocate 30ha of employment land for the next 15 years in Airedale. Taking this into account, the following sites are more sequentially preferable:

- *BN/E1.17 - WOODHALL ROAD, THORNBURY*
- *BS/E1.7 STAITHGATE LANE NORTH, ODSAL*
- *K/UR5.39 BANKLANDS AVENUE EAST, SILSDEN*
- *K/UR5.36 HAINSWORTH ROAD, SILSDEN*

The above sites are all within lower to no flood risk zone. This does not include a list sites which are not allocated but may be vacant in the District. Something I would expect to see in a sequential assessment.

Notwithstanding the above, the consideration of the sequential assessment or exception test should not have been undertaken. The NPPF and the supporting NPPG (National Planning Practice Guidance) make it clear applications 'less vulnerable development' are not appropriate in Flood Risk Zone 3b. Like the NPPF, the NPPG is a material consideration in the determination of planning applications. The NPPG is there to provide further detailed information to the contents of the NPPF, and thus hold the same status and weight in the determination of applications.

If the application were to be approved it may be called in by the Secretary of State as a departure to the development plan as it's within the Green Belt, and the Environment Agency (EA) also have call in powers due to the flood risk issue.

Rights of Way

The revised proposals appear to have acknowledged the need to divert sections of public footpaths Keighley 11, 12 and a short stretch of footpath 699. This process will need to be done by legal order. I do have slight concerns regarding the proposed section of new path running to the rear of unit number 4, ideally any new path should run through a wide green corridor.

There are also remaining concerns regarding the use of this land for development due to any possible adverse effect on the flood plain and the loss of historic landscape features in the area. While it is noted that the existing footpaths are subject to occasional flooding we would like to ensure that these proposals do not add to flooding problems within this site and at other locations in the area as noted in my original comments.

With respect to the riverside path it is noted that it is retained in a green corridor however we would still like to ensure that the applicant is asked to commit to carrying out works to help stabilise the river bank, as this will help limit future

erosion, as river bank erosion may in the future adversely affect access to the riverside public right of way.

These consultation responses and the further information provided by the applicant have informed an updated planning assessment set out in the Technical Report at Appendix 1. In relation to Flood Risk the report continues to advise that the development remains unacceptable in terms of its position on the functional floodplain and because neither the Sequential Test nor Exceptions Test are passed. This is because alternative potentially suitable development land at a lower risk of flooding has been identified within both Airedale and the wider District and the submission does not demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere, taking into account the effects of climate change.

Given that no further information has been submitted in relation to the Green Belt Harm/ the Very Special Circumstances test or the highways concerns which were previously raised the assessment also continues to advise that the development is unacceptable in Green Belt and Highways terms. However the proposed revised footpath diversion proposals appear to substantially alleviate the concerns of the Rights of Way Service in relation to the impact of the development on the footpath running through the site and the suitability of the proposed alternative route and therefore the rights of way reason for refusal has been omitted.

The assessment that the development will harm the character of the landscape also still stands. This is due to the inadequacy of the visual assessment provided in terms of demonstrating the harm to the character of the landscape would not be substantial and the clear harm the development would cause to the landscape, particularly in terms of the obliteration of all trees on the site and the oxbow wetland.

In terms of air quality issues, notwithstanding the further assessment provided by the applicant, the Council's Air Quality Team have confirmed that they remain strongly concerned that the development would increase HGV traffic emissions at specific locations which are currently subject to poor air quality to the extent that air quality would be worsened to an unacceptable degree at these locations. Mitigation which would be sufficient to overcome this issue has not been proposed. It is therefore also advised that the development remains unacceptable on air quality grounds.

Therefore this report continues to advise the Regulatory and Appeals Committee that the proposed development is contrary to the national and local development restraint policies applicable to the green belt and the functional floodplain and that the benefits of the development are not considered to outweigh the harm the development would cause in terms of Green Belt, Flood Risk, Ecology, Landscape and Air Quality issues. Taking development plan policies and other relevant material considerations into account it is therefore recommended that planning permission is refused, for the detailed reasons set out in the report at Appendix 1.

2. BACKGROUND

Attached at Appendix 1 is a copy of the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application.

3. OTHER CONSIDERATIONS

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

4. OPTIONS

If the Committee proposes to follow the recommendation to refuse planning permission then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice refusing planning permission either for the reasons set out in this report or for any other valid planning reasons which the Committee consider to apply.

Alternatively if the Committee decide that planning permission should be approved, they may resolve that planning permission should be granted either unconditionally or subject to conditions. Reasons for approval should be given based upon development plan policies or other material planning considerations.

The Consultations Direction 2009 directs that, where a local planning authority does not propose to refuse an application for planning permission for the development of new buildings in the Green Belt of over 1,000m² floorspace or major development in a flood risk area to which the Environment Agency object, the authority shall first consult the Secretary of State for his decision not whether to call in the application.

5. FINANCIAL & RESOURCE APPRAISAL

None relevant to this application.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

7. LEGAL APPRAISAL

The options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended), subject to consultation with the Secretary of State, to allow him opportunity to call in the application if he so wishes under the provisions of the Consultations Direction, if the Committee resolved to approve planning permission.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics

protected under the Equality Act 2010. The outcome of this review is that there is not considered to be any sound basis to conclude that either refusing or approving planning permission would be likely to lead to disproportionate impacts on any groups of people or individuals who possess protected characteristics. Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are attached at Appendix 1.

8.2 SUSTAINABILITY IMPLICATIONS

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to Sustainable Development, comprising:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The proposal is for the development of a 10.7 hectare area of previously undeveloped (greenfield) land with industrial/ storage and distribution buildings and associated infrastructure. The development of 30 hectares of new employment land within Airedale is identified within the Core Strategy as being necessary to contribute to building a strong, responsive and competitive economy. However the report at Appendix 1 explains why the proposal site is not the right place for this development in terms of green belt, flood risk, ecology, landscape and air quality issues. It is therefore not considered that the proposal represents Sustainable Development within the meaning of the NPPF.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development of new buildings and land to accommodate industrial uses will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future occupiers. The proposed development will generate substantial additional HGV traffic (up to an additional 30 vehicle trips through Beechcliffe roundabout and up to 78 vehicle trips through Bradford Road roundabout in the morning peak hour) which has the potential to worsen air quality and greenhouse gas emissions impacts on the District.

The Council's Low Emissions Strategy sets out mitigation measures which are required to mitigate such adverse impacts, including through low emissions travel plans, electric vehicle charging and emissions damage cost calculation/ offsetting. Although the

application does include a Transport Assessment, Travel Plan Framework and Air Quality Assessment these documents do not adequately provide for measures to off-set or mitigate the adverse air quality and greenhouse gas emissions impacts of the development contrary to Core Strategy Policy EN8(A). Further details of site sustainability considerations and air quality issues relevant to the proposed development are set out in the Technical report at Appendix 1.

8.4 COMMUNITY SAFETY IMPLICATIONS

Adopted Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, subject to appropriate access control, boundary treatments, CCTV and lighting provisions being implemented, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with adopted Core Strategy Policy DS5.

8.5 HUMAN RIGHTS ACT

The Council must seek to balance the rights of applicants to make beneficial use of land with the rights of nearby residents to quiet enjoyment of their land; together with any overriding need to restrict such rights in the overall public interest. In this case there is no reason to conclude that either granting or refusing planning permission will deprive anyone of their rights under the Human Rights Act.

8.6 TRADE UNION

There are no implications for Trades Unions relevant to this application.

8.7 WARD IMPLICATIONS

The proposal site is within the Keighley Central Ward. Ward Councillors and local residents have been made aware of the application and have been given opportunity to submit written representations through notification letter, site notices and an advertisement in the press. A second round of publicity, including the posting of site notices and neighbour notification letters, was initiated on 6 February 2018 following the submission of further information/ revised proposals.

In response to this publicity 21 written representations have been received 13 of which object to the application and 8 of which support the application. Keighley Town Council have not commented upon the application. The Technical Report at Appendix 1 summarises the material planning issues raised in the representations and the appraisal gives full consideration to the effects of the development upon the Keighley Central Ward.

In terms of the community consultation undertaken by the applicant, this comprised a pre-application consultation event at Temple Chambers, Russell Street, Keighley, on 22nd February 2017, which was publicised in the Keighley News beforehand. The applicant states that 15 people attended this event and that various queries were raised including queries relating to jobs, wildlife, flooding, design, footpaths and traffic. The applicant has further indicated that the scheme was modified following this consultation to provide for additional loading bays to be directly accessed from the raised spine road to allow products to continue to be loaded/ unloaded during flood events.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To refuse planning permission for the formation of 8 structures housing 9 commercial units (B8 & B2 usage) with associated car parking, highways connection, drainage and landscaping on land north of Royd Ings Avenue, between the A629 and the River Aire for the reasons set out at the end of the Technical Report at Appendix 1

11. APPENDICES

Appendix 1: Technical Report

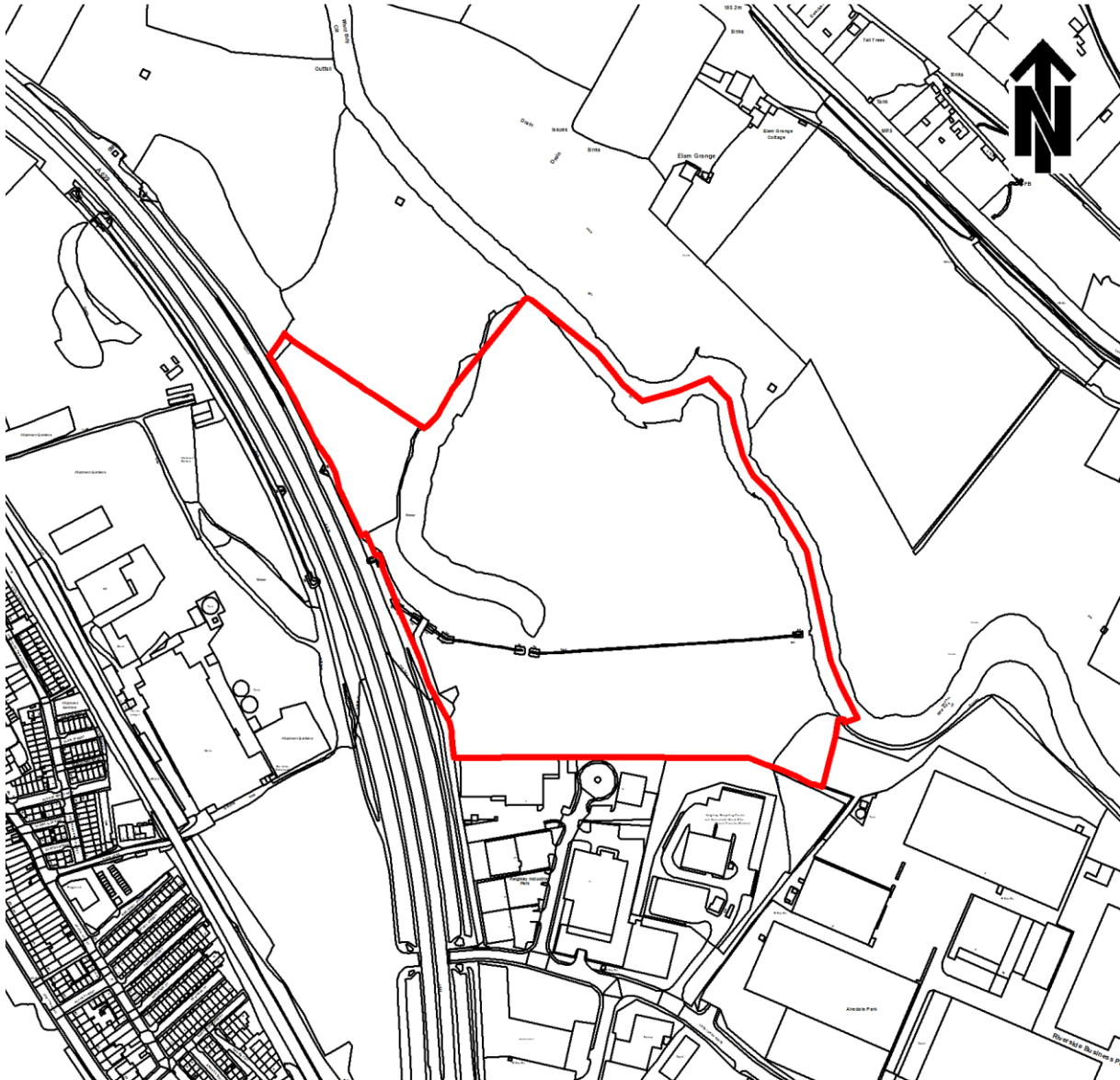
12. BACKGROUND DOCUMENTS

- Adopted Core Strategy
- National Planning Policy Framework
- Application file 17/05255/MAF

17/05255/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**Land At Keighley Industrial
Park
Keighley
West Yorkshire**

Appendix 1

08 March 2018

Ward: Keighley Central (ward 15)

Recommendation:

To Refuse Planning Permission

Application Number:

17/05255/MAF

Type of Application/Proposal and Address:

Full planning application for the formation of 8 structures housing 9 commercial units (B8 & B2 usage) with associated car parking, highways connection, drainage and landscaping on land north of Royd Ings Avenue, between the A629 and the River Aire.

Applicant:

Mr Horrell: PH Holdings

Agent:

Mr Michael Ainsworth: MADP

Site Description:

The 10.7 hectare area of land to which this planning application relates is a relatively flat greenfield area set at a 2 – 3 metre lower level than the adjacent industrial park forming part of the functional floodplain of the River Aire. The land includes boggy grassland, hedgerows/ copses, watercourses/ drainage channels and an oxbow wetland. The land is also transected by a public footpath. Adjacent land uses include the existing extent of the approximately 40 hectare Keighley Industrial Park to the south and south-east. The River Aire and agricultural land is situated on the floodplain to the east. A further stretch of floodplain is situated to the north. The A629 is situated to the west, raised up above the level of the site with a raised embankment separating the site from the road.

Relevant Site History:

- No Development Control History.
- The Site was previously allocated for employment use under the pre-2015 Unitary Development Plan but was removed from the RUDP Proposals Map primarily for reasons associated with flooding.

Development Plan Proposals Map Allocation:

- The proposal site is within the Green Belt as defined by the Proposals Map.
- The proposal site is within Washlands as defined by the Proposals Map.
- The proposal site includes the Beechcliffe Ox-bow lake Local Wildlife Site.

Proposals and Policies

As the site is within the Green Belt saved policy GB1 of the Replacement Unitary Development Plan (RUDP) is relevant. The majority of non-allocation related policies within the RUDP have now been superseded by those set out in the Core Strategy. The

following adopted Core Strategy policies are considered to be particularly relevant to the proposed development:

- AD1 - Airedale
- EN2 - Biodiversity and Geodiversity
- EN4 - Landscape
- EN7 - Flood Risk
- EN8 - Environmental Protection Policy
- DS1 - Achieving Good Design
- DS2 - Working with the Landscape
- DS3 - Urban character
- DS4 - Streets and Movement
- DS5 - Safe and Inclusive Places
- TR1 - Travel Reduction and Modal Shift
- TR2 - Parking Policy
- TR5 - Improving Connectivity and Accessibility
- EC4 - Sustainable Economic Growth

The National Planning Policy Framework (NPPF):

The NPPF sets out the government's national planning policies, which are a material consideration for all planning applications submitted in England. Detailed assessment of specific policies within the NPPF relevant to the proposed development is included in the report below.

Parish Council:

Keighley Town Council – No Comments Received

Publicity and Number of Representations:

The application was advertised as a major planning application through the posting of site notices and neighbour notification letters and the publication of a notice in the Telegraph and Argus newspaper. The date specified on these initial notices, by which representations should be submitted, was 9 November 2017. A second round of publicity was initiated on 6 February 2018, with an end date of 21 February 2018. In response to this publicity 21 written representations have been received 13 of which object to the application and 8 of which support the application.

In terms of the community consultation undertaken by the applicant, this comprised a pre-application consultation event at Temple Chambers, Russell Street, Keighley, on 22nd February 2017, which was publicised in the Keighley News beforehand. The applicant states that 15 people attended this event and that various queries were raised including queries relating to jobs, wildlife, flooding, design, footpaths and traffic. The applicant has further indicated that the scheme was modified following this consultation to provide for additional loading bays to be directly accessed from the raised spine road to allow products to continue to be loaded/ unloaded during flood events.

Summary of Representations Received:

Support

- I am in support of the development.
- I work in units next to the site and have done for the last 10 years. I have seen the site being developed over the years, recently the magnet factory which has been successfully occupied. I couldn't emphasise enough the need for industrial space in Keighley and the need for job prosperity. With this scheme I feel both objectives can be achieved.
- I am in support of this scheme and any other schemes that increase employment.
- Over the next few years Bradford council has earmarked house building on a massive scale around 5000 I believe. So where are we going to make employment available for these households.
- For Keighley to be able to grow and prosper we must make available new areas where business can thrive. There are many businesses that would like new premises so they can employ local people.
- No one has the universal right to a view. Admittedly no one wants an industrial building on their doorstep however this is far enough away from houses. For the prosperity I implore the council to give this proposal a fair view and let Keighley prosper.
- If the council lets this planning application happen there should be conditions attached which ensures we are not left with the same hole we had in Bradford for so many years.
- Keighley desperately needs more industrial space.
- The location of the proposed development is one which should have been looked at before now, the idea of mitigating the flood risk by developing the units on stilts is applaudable.
- I hope Bradford council look positively at this proposal as this would be a welcomed addition to Keighley. I can't understand those that prefer the landscape in comparison to our dying town. Surely if we want the next generations to prosper in Keighley in terms of employment and business it is our responsibility to ensure we do everything we can.....
- I read the article in the local papers and was so pleased to hear that something is being done in Keighley, especially if we don't want this town to become a ghost town.
- Clever idea building on stilts, the engineering has been well thought out.
- An idea that sounds fantastic on paper and one that Keighley could do with working out to help bring well needed employment into the town.
- Being a local business man, over the years industrial space in Keighley has become short in supply. The cost to buy or lease a decent industrial unit is immensely overpriced in Keighley. The issue has been a lack of space for business to grow into. This can only be due to the lack of space available or developed over the last 50 years. We seem to have huge targets for housing to be achieved however the industrial units have been forgotten for too long.
- This scheme is a breath of fresh air and something Keighley has been crying out for many decades.
- I couldn't support this development enough.

- Great idea and a perfect location, let's hope the units have a knock on effect on the prices and allow business to expand.
- As long as the flooding issue can be resolved I strongly support this application.
- I run a large fleet of heavy goods vehicles more industrial units will mean more goods moving in and out of Keighley.
- I know from talking to businesses there is a shortage of units like this.
- I hope our politicians come out and support this!

Objection

- Other more suitable brownfield sites exist... The council should proactively find brownfield-sites that are close to all transport networks and make it affordable and appetizing to developers.
- Bradford Council should follow its own Core Strategy and refuse the application.
- I can only object to this being carried out on the grounds that this is a flood plain which a few years ago was under 3 feet of water and floods every year although not always as bad. It also contains a lot of wildlife such as frogs, toads, newts and deer to name but a few. Keighley Angling Club own the fishing rights down there so what will happen to them? It is also a public right of way so what will also happen to that?
- This development lies in an area which must be protected for the wildlife that exists there and also utilizes the area. The very fact that it is also on the floodplain as identified in the environment agency report must mean that permission is refused. There are plenty of brown field sites in Keighley which could be used for this development.
- The area immediately affected by the proposed developments is a sensitive ecological area of which more than half lies within the green belt area. The ecological survey confirms this is an important site for mammals and birds. Indeed it lies on the Aire Valley migration corridor. Within the near area there are several bat species, frogs, toads and newts. In my garden there is a breeding colony of slow worms. These creatures are increasingly threatened by the gradual reduction of their habitat. I can easily see the proposed sight from my house. There is a canal and a river between my house and the site. Slow worms are well documented as strong swimmers.
- The Leeds Liverpool canal conservation area is in place to protect the environment and views from the canal. This proposed development does not comply with this, indeed it actively contradicts this. Unless of course it only applies to domestic properties who must comply with a conservation area. My garden borders the canal and over the last few years I have seen an increase in the number of people who use the canal and towpath for leisure. Canal boat holidays appears be on the increase. Most noticeable is the increase in bicycle traffic. The Tour de Yorkshire promoted cycling very successfully - not only to "serious" cyclists but to families who use the towpath as a safe, attractive, clean way to spend healthy, environmentally family time together. It appears counter productive to promote the beautiful countryside of the area and then build industrial units on it.
- The proposed development represents a significant increase of the existing site. What is now a relatively small industrial estate would become a very different proposition if the site is further developed. There are several sites within a relatively

small area which could each accommodate one or two units without having such a negative environmental and visual impact.

- The proposed site allows for 361 parking spaces. This is a significant increase in traffic, all of which would have to queue to join larger roads. The negative impact on the environment of standing traffic is well known. Given that there are plans to build an incinerator on the bypass, the "double whammy" of these two proposed developments pose a significant threat to the health and wellbeing of the population and the environment.
- The proposed development is on a site which floods. This is well known. Building the units on artificially raised land may prevent the new buildings from flooding but will only contribute towards increased water going into the river. Any land which has a hard surface on it will not absorb rainwater. The water will run off and enter the river thus placing houses and businesses downstream at increased risk of flooding. In addition, any flood water from upstream will have less land to overflow, thus resulting in more water flooding a smaller area downstream, for example, nearby Stockbridge, which has already experienced serious floods in recent times. The financial costs of this could be serious, but the emotional costs would be devastating to those affected.
- There is not a single brownfield site left available in Keighley. The site off Dalton lane has been sold to developers. The site off east parade behind the Sainsbury's petrol station has been also sold to developers. I'm not aware of any more sites in Keighley.
- It will result in the loss of precious natural river bank habitat. Despite the findings of the Industrial report included with the application, the fact remains that either within or near to Keighley there are several large derelict brownfield sites that could be brought back into commercial use if the will was there - the sites off Dalton Lane and at Beechcliffe are mentioned in the report and there is also land off Gresley Road, as well as Castlefields at Crossflatts. In any case as the units are to be let separately, there is no need for all to be sited together, totalling 44,000 sq m; they could be sited elsewhere within the town in smaller concentrations .
- The proposal represents an over intensive development of the land; there are an excessive number of buildings for the site area and this will result in the impression being given of one huge roof when viewed from West Riddlesden, where we live. Worse, this over intensive development will be emphasised by the buildings being raised above the flood plain; the drawings suggest a ground level to eaves height of 13 metres (or 42 feet in Imperial measure). Compared with a normal industrial unit height of 10.5 metres, this means these warehouses will be 2.5 m (over 8ft) higher - and this adjacent to open country and the river. Houses in West Riddlesden are built on the hillside and therefore look down onto the river and the fields of the flood plain. The proposed development would therefore be excessively dominant and detrimental to our outlook and view.
- The landscape plan shows trees to be planted adjacent to the river, yet this ceases towards the eastern edge of the development for some reason, leaving the end of one unit totally exposed, this being the one unit that would be most prominent for us.
- The submission claims that "only" 54% of the development is within the greenbelt. The fact that more than half is admitted to be in the greenbelt should be enough for the application to be refused, but a quick study of one of the Key Consideration

plans, without the benefit of CAD, suggests that the figure must be considerably greater than 54%, unless the measurement only takes in the buildings footprint rather than the full site area, in which case the figure is at best disingenuous and at worst simply false.

- Another Key Consideration plan shows that the area is entirely outside the Urban Renaissance Employment Zone, so it cannot claim that as a justification for permission being granted. It does, however, result in the loss of an oxbow lake, with the consequent loss of all the natural habitat that this provides. In this context, I am puzzled as to why the site map at Appendix 4 of the Habitat Survey is headed "Phase 1" and specifically excludes the oxbow lake from the survey, whereas the site map in the Planning Application includes it, the cut and fill plan shows that it will be filled in, and the key considerations plan confirms that most of it will thereby be lost. This must inevitably be the most bio-diverse part of the site and surely it is essential that a full Habitat Survey of it should be carried out to establish the degree of harm to wildlife habitat that would be caused by its loss. The present survey report refers to it only as being "adjacent" to the proposed works, which is incorrect.
- The plan includes provision for 361 parking spaces. The Transport Assessment suggests that the majority of evening peak time traffic will mostly leave the site via Royd Ings Avenue, Alston Road and into Bradford Road roundabout, with 76 peak hour movements (plus 16 into Beechcliffe roundabout - total 92). This does not reconcile either with the number of parking spaces of 361, or with the 150 jobs said to be created and I suggest is therefore rather on the low side. Whilst there may be a small number of cyclists, the likelihood of anyone walking the full length of Royd Ings Avenue in order to catch a bus on Bradford Road is surely negligible, in which case car usage to and from the site will be almost universal.
- The assessment also doesn't consider movements throughout the day - which will presumably mostly be of LGVs serving the warehouse units - nor does it consider the difficulties of entering Bradford Road roundabout from Alston Road with an LGV, given that this particular entry point is not signalled, unlike the rest of the roundabout - a point not brought out in the TA. Realistically, however, departing vehicle movements - both car and LGV - are at least as likely to take the shortest route to the A629, using Royd Way where, after overcoming the difficulty of joining the major road they will add to the existing congestion by travelling down Hard Ings Road towards Bradford Road roundabout. The matter of Beechcliffe roundabout being signalled as part of the Hard Ings Road highways improvements is almost irrelevant to this application since there is no direct access to it for outgoing traffic from the site. It is regrettable that the full Highways Consultation assessment will not be available for public scrutiny prior to the closing date for public comment.
- There is plenty of underused brownfield space around this areas, it is far preferable to develop these areas and protect the greenfield space which can never be replaced once lost, and appears to be disappearing fast in this area and increasing amounts of development and housing are approved.
- We moved to Riddlesden (from Shipley) two years ago, and were delighted to find a long stretch of riverside flower meadows, with kingfishers and other hard-to-find birds, just a walk away. A flood plain wildlife habitat that should be preserved as it is. And now they want to build on it. Castlefields Industrial Estate appears underused - please correct me if wrong - and would be even better.

- The environmental report states that this area is a site where a variety of wildlife species feed and hunt - some of which are on the UK's protected species list. The site is directly next to a pond housing several rare plants and opposite an area set aside for breeding wild birds. The development will negatively influence, perhaps even destroy these areas.
- As the spread of development increases in size from urban areas I feel we should be very, very careful when destroying though developing in such natural 'hinterlands'. Does this need to be situated here? Why on an undeveloped green site? The adjacent industrial estate has several empty units currently being advertised. As an allotment owner in a nearby site for over 6 years, I have seen vacancies in the existing industrial estate that could support the additional business proposed in this planning application.
- Our town can be seen to be on a borderline between the less developed land further up the Airevalley and the more developed areas towards Leeds and Bradford. Our area has a responsibility to not negatively interfere with the flood plain and influence drainage to waterways. The localised floods in Stockbridge and near Beechcliffe in the past years (not to mention those in Leeds) have shown that this relationship is very sensitive balance.
- As a house owner in Beechcliffe where one waterway already runs, I feel scared that the route of the water runs through this site due for development. The environmental report states that the proposed site is under a high risk of flooding, and should it be developed it would negatively influence the water table in neighbouring areas.
- I have significant concerns about this development, particularly from an ecological viewpoint. The ecological survey report identifies the proposed site as having importance for mammals and birds. As a near neighbour to the site, I am aware of the presence of several bat species, including Daubenton's and pipistelles, sparrowhawks, tawny owls, jays, woodpeckers and a wide range of small birds. The land is also used by wintering geese of various species. Toads and frogs are common on the land the other side of the river and there is an active Toad patrol group in Riddlesden. The Aire valley corridor is a well known migration route in Spring and Autumn and I am aware that an osprey was seen flying over the valley in recent years. Any development that reduces the amount of open green space and foraging/ hunting/ resting spaces would, in my view be significantly detrimental to the ecology of the area.
- The Leeds Liverpool canal conservation area is designed to protect the environment and views from the canal, and this development would have a significant impact on this.
- No consideration seems to have been given to the impact of the outlook from the houses that overlook the site i.e those in Riddlesden on High Cote, Scott Lane West, Scott Lane, Dunkirk Rise, Western Avenue and nearby roads.
- I am on the committee of a local Angling Club, (Keighley Angling Club) who own the stretch of the river Aire to the rear of this proposed development. The stretch was purchased in 1982 on behalf of its members from George Hattersley and Sons. The conveyance concludes it is a sole and several fishery, with fishing rights and profit a prendre in the said river Aire and in the land over which the river runs.

- It is a real shame that we have not been consulted on this as we manage this bank of the river from Utley to Stockbridge and only found out when we were contacted by one of our extremely concerned members?
- Also I'd like to draw your attention to the ecology report attached to the application item:4.2.3 which states "Efforts should be made to retain and protect this habitat, particularly as any negative effects on this area could have adverse effects on the River Aire."
- Any storage of water which is discharged once the levels reduce could affect our rights to fish unhindered

Further Objections Submitted within 2nd Consultation Period

- The proposal represents an over intensive development of the land; there are an excessive number of buildings for the site area and this will result in the impression being given of one huge roof.
- Worse, this over intensive development will be emphasised by the buildings being raised above the flood plain; the drawings suggest a ground level to eaves height of over 13 metres (or 42 feet in Imperial measure). Compared with a normal industrial unit height of 10.5 metres, this means these warehouses will be 2.5 m (over 8ft) higher - and this adjacent to open country and the river.
- The Supporting Information Existing and Proposed View submissions only cover the North and the South East. There should have been a similar submission showing the effect to the South West.
- The proposed development would result in the loss of precious natural river bank habitat.
- The submission inaccurately claims that "only" 53% of the development is within the greenbelt.
- The present survey report refers to the oxbow wetland only as being "adjacent" to the proposed works, which is incorrect. In addition, the Habitat Survey was carried out in October 2016 and therefore cannot have adequately established the true extent of wildlife, flora and fauna on the site. A full survey at a more appropriate time, during the summer and this time including the oxbow lake, would yield widely differing results.
- The Transport Assessment understates traffic impact and does not include consideration of the implications of increased usage of each of the available routes to the A629.
- On behalf of Keighley Ramblers I would like to object to this application as we are sure any industrial development here will greatly increase the risk of flooding in the area.
- It will also damage the natural environment as well as encroach on green belt land.
- And though the plans suggest a public footpath around the perimeter of the site to replace the current path going through the proposed site, all the local footpaths would inevitably over time suffer and deteriorate from the development and flooding to such an extent that walkers would stop taking what is now a pleasant walk across green fields.
- There are still brown field sites available within the Keighley area which should be used for industrial development first.

Consultations:

Airedale Drainage Commissioners (ADC)

- Further to our letter dated 13 October 2017 in connection with the original submission of the above planning application, I note contents of drawing 207a and in particular the attenuation plan contained within it. I note that the developer intends to install below ground tanks and as detailed on the drawing, will limit the flow of surface water into the river to that not exceeding green field run off rates.
- Providing that the details of this drawing plus the guidance given in our letter of 13 October 2017 are met then the ADC have no further comments on this matter.

Biodiversity

The proposal is immediately adjacent to Bradford Wildlife Area Beechcliffe Oxbow which was re-surveyed in July 2017 and qualifies under the West Yorkshire Local Site criteria as species –rich swamp and will therefore be designated as such.

The Phase 1 Habitat Survey submitted by the applicant also confirms that the site contains habitats of moderate to high ecological value (section 5.1).

It is clear that the proposal, although seemingly excluded from the development site in the Phase 1 Habitat report, actually does include the oxbow site in its entirety. The cut and fill plan submitted shows that not only is the oxbow included within the development site, but is actually to be obliterated as part of the cut and fill operation.

Given the local ecological importance of the site, Bradford Development Plan Core Strategy policy EN2 comes into play, in relation to locally designated sites as follows:

Locally Designated Sites

C. Development likely to have direct or indirect adverse effect on a site of ecological/geological importance (SEGIs and RIGS) or a site of local nature conservation value (Bradford Wildlife Areas) will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site.

Proposals that are likely to have an impact on such sites will be assessed according to the following criteria;

- 1. Whether works are necessary for management of the site in the interests of conservation.*
- 2. Whether appropriate mitigation measures, which could include adequate buffer strips, have been incorporated into the proposals to protect species and habitats for which the Locally Designated Site has been designated.*
- 3. The development would be expected to result in no overall loss of habitat, through avoidance, adequate mitigation or, as a last resort, the provision of compensatory habitats adjacent to or within the vicinity of any losses proposed. Existing habitats and proposed mitigation or compensatory measures should be quantified.*

Given that the oxbow feature is unique it is difficult to envisage how such a proposal could be supported, and impossible to envisage how the impact on it could be mitigated or compensated for.

In addition to the above concerns, the Habitat report submitted, although confirming that the site supports both lapwing and curlew, does not make any reference to the Core Strategy policy SC8, which seeks to protect the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) from adverse impacts. This policy identifies a zone (Zone B) extending 2.5km from the boundary of the SPA/SAC, within which impacts on supporting habitat should be avoided. Given that the development site lies just under 2km from the SPA/SAC and supports lapwing and curlew – both of which are qualifying bird species for the SPA – there is a possibility that the site could be used for foraging and feeding by these species and therefore be regarded as supporting habitat. In order to confirm this, foraging bird surveys would be required (as also recommended by the Phase 1 Habitat report) and if confirmed as supporting habitat, the proposal would lead to an adverse effect which could not be effectively mitigated. The wording of policy SC8 is included here:

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 the SAC

and;

In Zone B it will be considered, based on such evidence as may be reasonably required, whether land proposed for development affects foraging habitat for qualifying species of the SPA.

The recommendation included in the Phase 1 Habitat report summarises the issue adequately;

“Efforts should be made to protect this site from any development that occurs here.”
(Section 5.4)

In conclusion, given the significant impact that this proposal appears to have on a designated Local Site and, potentially on supporting habitat of the South Pennine Moors SPA; and the absence of any detail as to how these impacts will be avoided or mitigated, it is not possible to support this application in its current form and, from an ecological and biodiversity viewpoint have no option but to object to the proposal.

Canal and River Trust

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

Drainage/ Lead Local Flood Authority 1st Response

The Lead Local Flood Authority (LLFA) is a statutory consultee on matters relating to surface water management on all major developments only. The LLFA also has a role to monitor and manage flood risk from other sources of flooding. As such, the LLFA has reviewed the submitted documentation of the planning application, against the requirements of the National Planning Policy Framework, Planning Practice Guidance,

Local Planning Policy and other relevant regulations with regards to flood risk from all sources. Further to this assessment the LLFA OBJECT to the proposals because the application proposes an inappropriate use within the functional floodplain (Flood Zone 3b) contrary to Tables 1 and 3 of the Practice Guide to the National Planning Policy Framework. The proposals are classified as 'Less Vulnerable' and as such are not permitted within Flood Zone 3b. Furthermore, the proposals conflict with policy EN7: Flood Risk of the Councils Core Strategy Publication Draft in that it fails to safeguard potential to increase flood storage provision and improve defences within the Rivers Aire corridor. The LLFA therefore recommends the application is refused based on these fundamental National and Local planning policy contraventions.

Drainage/ Lead Local Flood Authority 2nd Response

The Lead Local Flood Authority is a statutory consultee on matters relating to surface water management on all major developments only. The LLFA also has a role to monitor and manage flood risk from other sources of flooding. As such, the LLFA has reviewed the submitted documentation of the planning application, against the requirements of the National Planning Policy Framework, Planning Practice Guidance, Local Planning Policy and other relevant regulations with regards to surface water disposal and flood risk from all sources. Further to this assessment the LLFA OBJECT to the proposals for the following reasons;

National Planning Policy Framework

The application proposes an inappropriate use within the functional floodplain (Flood Zone 3b) contrary to Tables 1 and 3 of the Practice Guide to the National Planning Policy Framework. The proposals are classified as 'Less Vulnerable' and as such are not permitted within Flood Zone 3b.

The LLFA therefore recommends the application be refused based on this fundamental National planning policy contravention.

Bradford Council's Core Strategy

The application proposes an inappropriate use within the functional floodplain (Flood Zone 3b) contrary with policy EN7: Flood Risk of the Council's Core Strategy Publication Draft in that it fails to safeguard the potential to increase flood storage provision and improve defences within the Rivers Aire corridor. The River Aire and the settlements alongside it suffered significant flooding during December 2015 and therefore existing floodplains are being investigated to determine if they could offer greater flood risk benefits within the River Aire corridor.

The LLFA therefore recommends the application be refused based on this fundamental Local planning policy contravention.

Hydrology

The application does not include a hydrological assessment of the proposed alterations within the floodplain, and whether these alterations will have an effect on flood risk within the River Aire catchment. The application is proposing to alter land levels within the floodplain, including the construction of a raised access road. Floodplains do not fill and empty in a simple controlled manner and as such, any alterations should be accompanied with a hydraulic model of the River Aire. Furthermore, the raised access road will displace

a large amount of flood water and the details submitted have not shown how this displacement of water will be compensated within the site boundaries of the application.

The current flood levels used by the applicant in its assessment of flood risk do not include the latest allowances for climate change. The climate change allowances are only assessed up to the year 2050. The design life of the building is stated to be 65 years and as a result, climate change allowances should be considered up to 2083. The National Planning Practice Guidance refers planners, developers and advisors to the Environment Agency guidance on considering climate change in Flood Risk Assessments (FRAs). This guidance was updated in February 2016 and is available on Gov.uk. In accordance with this update to climate change advice, the development should be assessed with a 20-30% allowance for climate change attributed to peak river flows based on a less vulnerable development, with a design life of 65 years located within and adjacent to flood zone 3a and 3b.

The LLFA therefore recommends the application be refused because the second part of the Exception Test has not been passed as 'development has not been shown to be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

Surface Water Disposal

The application proposes to discharge surface water into the Rive Aire at a restricted greenfield runoff rate. The applicant proposes to install surface water attenuation tanks to manage the surplus water generated from this restricted flow. Indicative calculations have been carried out to assess the likely size of the attenuation tanks and this assessment shows that storage will be required to the magnitude of 2015 -3353m³. As a discharge in to the River Aire is proposed this volume of storage will have to be located within the floodplain and as a result, compensatory storage should be provided to manage the displaced volume of flood water. The applicant has not shown how this compensatory storage will be provided.

The LLFA therefore recommends the application be refused because the second part of the Exception Test has not been passed as 'development has not been shown to be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

Environment Agency 1st Response

- We object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the application should be refused planning permission on this basis.
- Practice Guidance to the National Planning Policy Framework classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the application site lies within Flood Zone 3b (functional floodplain) defined by the Practice Guide to the NPPF as having a high probability of flooding.

- The development type in the proposed application is classified as 'Less Vulnerable' in accordance with table 2 of the Practice Guide to the NPPF. Tables 1 and 3 of the Practice Guide to the NPPF make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

Environment Agency 2nd Response

- We have reviewed the information submitted and we maintain our objection to the proposal. Our comments provided in our previous response dated 30 October 2017 remain valid and are included below for clarity.
- We object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the application should be refused planning permission on this basis.
- Practice Guidance to the National Planning Policy Framework classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the application site lies within Flood Zone 3b (functional floodplain) defined by the Practice Guide to the NPPF as having a high probability of flooding.
- The development type in the proposed application is classified as 'Less Vulnerable' in accordance with table 2 of the Practice Guide to the NPPF. Tables 1 and 3 of the Practice Guide to the NPPF make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

Highways Development Control

- Having reviewed the details submitted there are a couple of points that need clarification before a full highway assessment is can be made.
- The Transport Assessment (TA) describes the planning application as 'outline' in nature where 'the exact land use mix for the development has not been fully confirmed', however the planning application is listed as a 'Full' application. The quantum of development on both the application form and TA do appear to be the same.
- The TA states that the level of car parking provision has been considered in accordance with Council's current guidelines as set out in 'Appendix C of the Replacement Unitary Development Plan'.
- It should be noted that the current guidance now is Appendix 4 of the Core Strategy although the parking requirements for the proposed B2 and B8 uses have not changed.
- The TA also goes on to say that 'The exact level of car parking provision will be considered as a reserved matter as part of a future detailed planning application once the exact quantum and details of site occupiers are known'.
- Given that this appears to be a full planning application then the quantum of development, and appropriate levels of parking, need to be agreed now.
- If the end occupiers are not yet known then a worst case scenario should be applied i.e. a greater B2 Use.
- Clarification to the above should be provided in the form of a Technical Note as an addendum to the TA.

Landscape Design 1st Response

- The site lies within the Airedale Landscape Character Area (see CBMDC SPD (Supplementary Planning Document): Landscape Character Volume 1: Airedale) and is located mostly within the green belt landscape type of “floodplain pasture”, the bottom part of the site is located within the landscape type of “industrial corridor”. Relevant policies include GB1, EN4.
- The overall description in the above SPD of the “floodplain pasture” landscape type states that.....*“The floodplain features as a prominent expanse of flat land covered with fields and hedges with distinctive perpendicular elements of Lombardy poplars. The river is marked by a sinuous line of trees meandering slowly across the plain whilst the canal follows the contours around its northern edge. The transport corridor is visible stretching across the floodplain. The railway passes close in to the valley side along the southern edge of the pastures and the A629 cuts up the areas of pasture and passes on a wide raised embankment straight through from Keighley to Sipton. The landform gives a very definite boundary to the area, and the lack of development illustrates the direct and uncomplicated link that still exists between the physical landscape and the land use.”* The visual prominence and enclosure is described as prominent and open.....*“The large area of flat land is prominent from all the major transport routes running through it as well as from the valley sides. Though surrounded by valley slopes the landscape has an open character.”*
- In the above SPD the strength of character of the “floodplain pasture” is described as strong.....*“Large, flat, hedgerow-bounded fields are very distinctive within this landscape.”* and the condition noted as declining, the policy guidelines for the area are to conserve and restore the landscape character.....*“Conserve this unique area of distinctive open floodplain pasture. Prevent development of this landscape and the encroachment of urban influences such as lights, road ‘improvements’ etc.....Conserve the farmed land use, traditional agricultural practices and field pattern.....Conserve and restore hedgerows with management and replanting.....Enhance corridor of A629 through sensitive, low key, tree and hedgerow planting.....Encourage low intensity farming which could allow for creation or restoration of meadows.”*
- The SPD policy guidelines regarding the potential for development also state that.....*“With strong character, high historic continuity and being prominent and open this landscape is very sensitive to change; and the fact that there is virtually no historic pattern of development here would indicate that any development could only be detrimental to the landscape character. In addition there are no other expansive areas of floodplain in the District and once its open, undeveloped character is breached, this distinctive landscape will be lost forever. Should further development be required within this area, it could best be accommodated within a wooded setting on the higher ground south of the railway adjacent to Steeton, Eastburn and Keighley. In this way the principle of building on the valley slopes is continued, and the canal and railway are retained as effective boundaries to the main area of floodplain pastures.”*
- Any proposals within the “floodplain pasture” landscape type would therefore need to look to conserving and restoring the distinctive landscape character of the area and would need to be sympathetic to this important character. We believe that the proposed development would neither conserve nor restore the sensitive landscape character and qualities of the area and that it would contribute to the deterioration of this unique landscape.

- However, if the proposed development is to be considered further at this location, a full Landscape and Visual Impact Assessment would need to be submitted with the planning application in order to fully assess the impact of the proposed development on the Airedale Landscape Character Area green belt and the surrounding environment.

Landscape Design 2nd Response

The site takes in the Beechcliffe Oxbow Lake which has value as a wildlife habitat and is a designated Bradford Wildlife Area (BWA). This will be largely destroyed if the proposal proceeds to construction. Looking back at historic maps of the area it can be seen that in the 1800's the oxbow lake was a meandering loop of the river. Construction of the Aire Valley trunk road in more recent times appears to have covered some sections of the former river bed, but the section that is left on this site is very clearly seen as a redundant river channel. In that respect, this feature has some historic as well as wildlife value. The Habitat Survey Report states that the Beechcliffe Oxbow Lake is located directly adjacent to the site which is not the case, as the submitted plans show it obliterated by proposed units 2, 3 and 4. I would strongly suggest that the whole of the BWA is retained in its current form and the layout of the site revised accordingly.

The cut and fill operation that will be required to adjust the level across the whole site is a total re-profiling of the landform that will remove all existing vegetation and preclude the retention of any trees. The removal of 170mm depth of the surface across much of the site in order to fill the lower areas which includes the oxbow lake seems counterintuitive to minimising the potential for flooding of the site.

Previous comments submitted in respect of landscape design issues referred to the fact that the site lies within the Airedale Landscape Character Area. This proposal is contrary to the policy of the relevant SPD.

The Visual Impact Statement that has been supplied is in my opinion relatively superficial and a scheme of this calibre demands that a fuller Landscape and Visual Impact Assessment (LVIA) be produced. Without a full LVIA it is simply indefensible to state that *'This document will be used as supporting evidence to demonstrate that that the development would not have any significant detrimental impact on the wider landscape...'*

The conclusion of the supplied Visual Impact Statement states (again) that the development will have minimal impact on existing landscape character. Again I would repeat that there is no substance to this given that it is based on a limited and simplistic appraisal of visual impact, with no consideration of landscape effects. The report also concludes that *'The site offers the opportunity, though a landscape led strategy, to offer a valuable site for the provision of new commercial space on an accessible and sustainable site.'* Had the proposal genuinely been based on a landscape led strategy, the oxbow lake would be retained.

If the site does offer the opportunity for the provision of new commercial space then in my opinion it is in the form of a less extensive development that respects the existing landscape character of this edge of town riverside location.

Natural England 1st Response

- Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the South Pennine Moors SPA and SAC have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives.¹
- In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the South Pennine Moors SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.
- We have not assessed this application and associated documents for impacts on protected species.
- If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Natural England 2nd Response

- Natural England has previously commented on this proposal and made comments to the authority in our letter dated 26 October 2017. I enclose a copy of the letter for your reference.
- The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.
- The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Planning Policy – Sequential Test Review

- In regards to the area of search a site which is over 10ha is of such a significant size, I think this makes it at least a District wide level of search. The Core Strategy for example only allocate 30ha of employment land for the next 15 years in Airedale.
- Taking this into account, the following sites are more sequentially preferable:
 - BN/E1.17 - WOODHALL ROAD, THORNBURY
 - BS/E1.7 STAITHGATE LANE NORTH, ODSAL
 - K/UR5.39 BANKLANDS AVENUE EAST, SILSDEN
 - K/UR5.36 HAINSWORTH ROAD, SILSDEN

- The above sites are all within lower to no flood risk zone.
- This does not include a list sites which are not allocated but may be vacant in the District. Something I would expect to see in a sequential assessment.
- Notwithstanding the above, the consideration of the sequential assessment or exception test should not have been undertaken. The NPPF and the supporting NPPG make it clear applications 'less vulnerable development' are not appropriate in Flood Risk Zone 3b.
- Like the NPPF, the NPPG is a material consideration in the determination of planning applications. The NPPG is there to provide further detailed information to the contents of the NPPF, and thus hold the same status and weight in the determination of applications.
- If the application were to be approved it may be called in by the Secretary of State as a departure to the development plan as it's within the Green Belt, and the EA also have call in powers due to the flood risk issue.

Rights of Way 1st Response

- Records indicate a number of public footpaths will be affected by these proposals as marked purple, blue and red on the plan below. Routes marked purple (namely Keighley Public Footpaths 11 and 12) are legally recorded on the Definitive Map. Routes marked blue (Keighley 718 and 699) are non-definitive in that while they may not be legally recorded they are routes that have been accepted by landowners as being public and are regularly used by footpath users. The red route to the west is also known to be un-adopted public highway (which also extends further to the north and south) and the red route to the east is known to have been used predominately in recent years to access the riverside path towards Stockbridge.
- The proposals as submitted will require a legal order to realign the Definitive paths (purple) onto a new route running around and between the commercial units (and along the line of the new proposed drainage channel). Such a legal order is open to public consultation and possible objection and the applicant would be advised to discuss specific requirements at an early stage as such legal orders, once commenced can take in excess of 6 months to process. Please note that at this stage no guarantee can be made that such an order will be successful. The proposals as submitted appear to indicate that the new section of path will run in a narrow corridor in-between the buildings.
- Such a proposal is not something that the Rights of Way Section or footpath users would accept as being a suitable replacement for the existing public right of way. The applicant is requested to either amend the plans to make any use of the path more appealing i.e. to redesign the site layout so that the path runs through a wide landscaped green corridor or alternatively looks to divert the route fully around the perimeter of the site i.e. along the western and northern edge of the site. This would connect the end of Keighley 718 with the river side path Keighley 699 at the north eastern edge of the site.
- This proposal should be designed to allow the path to run in a green corridor in conjunction with revised landscape proposals. Other than the section alongside the bypass the path should feel more open on at least one side and in-turn should allow the applicant to address any site security measures as already raised by the Police. Any new section of path should be provided at a minimum width of 2m running with

in the green corridor (minimum width of 5m) and ideally should include a surface of crushed stone.

- As regards the proposed development we are aware that parts of the land already flood and this helps form part of an area up the valley that is used as a flood plain. Access to the existing paths in the area can at times be restricted due to the flooding and while it is noted that the development will look to address some flooding/drainage issues through design there is a concern that any building on this site, is going to add to flooding problems.
- This is likely to cause further problems to the footpaths as well as adding to flooding issues in the Stockbridge area. There is also a concern that proposals to cut and fill will add to the problems as existing low level areas tend to retain flood water for some time after river levels elsewhere have dropped. This in turn may create flooding issues on sections of path not currently affected by flood water. It should also be noted that flooding in previous years has caused damage to the river bank both within the site boundary and along the stretch of path towards Stockbridge.
- In places this has required minor realignment of the path, tree planting to help stabilise the river bank and revetment work to the footpath. Again building on this flood plain and any subsequent alterations to the flow of water is likely to have an adverse impact on the river bank and subsequently the footpath. Many years ago the Environment Agency had looked at doing works to the river bank to the rear of Royd Ings Avenue but due to the costs the works were never carried out. As such the Rights of Way Section would also request that the developer contributes a financial sum towards the upkeep of the river bank and footpath both within the site and along the footpath link to Stockbridge. This funding will go towards works to include, vegetation clearance, riverbank stabilisation works including tree planting, revetment and minor surfacing.
- In addition it is noted that the walked line of K699 does not follow the top of the river bank but is currently some 10-15m in land and while it is noted that the proposed units will be stepped back from the river it is essential that a buffer strip is retained to ensure that access to the path can remain in the event of further river erosion or future changes to the line of the river. It is suggested therefore that a buffer strip of at least 20m is retained along the edge of the existing riverbank.
- At this stage the Rights of Way Section are unable to support these proposals but would be willing to discuss our requirements further if required.
- If planning permission is granted please ensure that the applicant is made aware of the need to adhere to the standard requirements during the period of any works on site.

Rights of Way 2nd Response

- The revised proposals appear to have acknowledged the need to divert sections of public footpaths Keighley 11, 12 and a short stretch of footpath 699. This process will need to be done by legal order. Such an order will most likely be pursued under section 257 of the Town and Country Planning Act to enable any development to take place. Any order is open to public consultation and possible objection; as such the Rights of Way Section is unable to guarantee if an order will be successful. Applications can take 6-18 months to determine so the applicant is advised to discuss specific requirements with the Rights of Way Section at an early stage to avoid delays. Any new section of path will also need to be constructed to a standard

acceptable to the Council and may include other improvements to facilitate any diversion.

- With respect to the plans as submitted I do have slight concerns regarding the proposed section of new path running to the rear of unit number 4, ideally any new path should run through a wide green corridor but it is noted that this section of path to the site boundary will run directly adjacent to that unit, while this is less than ideal any landscaping works should try to ensure the path retains an open feel at that point and that any restriction in width is kept to a minimum. It should be noted that the width of the new footpaths to be provided should have a minimum width of 2m and be inclusive of a crushed stone surface.
- The Rights of Way Section still have concerns regarding the use of this land for development due to any possible adverse effect on the flood plain and the loss of historic landscape features in the area. While it is noted that the existing footpaths are subject to occasional flooding we would like to ensure that these proposals do not add to flooding problems within this site and at other locations in the area as noted in my original comments. As such we would be guided by any comments my colleagues in Drainage will make on these proposals.
- With respect to the riverside path it is noted that it is retained in a green corridor however we would still like to ensure that the applicant is asked to commit to carrying out works to help stabilise the river bank, as this will help limit future erosion, as river bank erosion may in the future adversely affect access to the riverside public right of way. Such works should include the riverbank within the site boundary and a commitment to improve the riverbank to both the north and south of the site. Any landscaping proposals should include proposals for these works.
- If planning permission is granted please ensure that the applicant is made aware of the need to adhere to the standard footpath protection requirements during the period of any works on site.

West Yorkshire Police 1st Response

- Looking at the site plan, this appears very permeable in that there is unrestricted access around all of the units and parking areas, with no defensible space for each individual unit.
- I would recommend that any rear boundary treatments for each unit are to a height of 2m in order to provide more security and to restrict access around the rear of the units. These could be a closed welded mesh fencing which allows surveillance into the site and the surrounding area, (suitable standards are to LPS 1175 security rating 2 or above). Defensible planting such as hawthorn, blackthorn can also provide boundaries to certain areas of the site where more greenery or natural borders are required.
- I don't know what the intention will be for this industrial area, such as opening hours or the types of business. I would recommend that there be access control on the entrance to each site such as manual lockable gates. Gates can be left open during operational hours but locked when the businesses are closed which will prevent any strangers or potential offenders from accessing the car park and attempting crime or anti-social behaviour activities within the parking area.
- Where parking is directly adjacent to the units or entrance doors it would be prudent to install knee railing fencing along the fronts of the parking bays to prevent any

vehicles from either accidentally or deliberately driving into the front of the units or doors to gain entry.

- External lighting should be installed to cover the parking bays, footpath routes leading to the building and each entrance into the units. Suitable types of lighting are photo cell or dusk until dawn lighting which are energy efficient and cost effective to use. I would ensure that lighting levels are good enough to allow for visibility and surveillance but are not excessively bright which could cause light overspill.
- PIR / sensor lighting is not recommended as sensors can be knocked off balance which can disable the lights from working allowing an offender an opportunity to commit crime and remain unseen. If there is a constant light there is more chance to see any person acting suspicious or loitering in the area which can be reported to the Police.
- I would recommend installing monitored CCTV to cover the areas above, including any internal areas where required. CCTV should work in unison with the proposed lighting plan and provide good quality evidential images which are worthy for identification purposes.
- Any doors or windows should look to achieve security standards; PAS 24:2012, LPS 1175 issue7 SR2 and STS 201 / STS 202 Issue 3 BR2. Aluminium door sets and windows can achieve PAS 24 standards in addition to BS 4873:2009.
- Any shutters that cover delivery areas should look to achieve standards; LPS 1175 issue 7 security rating 1 or STS 202 issue 3 SR 1 or above.
- Bradford District are still experiencing a high level of euro cylinder crimes where the lock is snapped or the area around the locking mechanism is melted to expose the lock barrel, which is then snapped by the offender allowing entry into a building. Some of the standards that are recommended by Building regulations can include euro cylinder locks which are 1 star rated which can be breached. If there are any doors being installed which include a euro cylinder lock, the lock should be checked to ensure that it is 3 star rated and achieves TS007 or Sold Secure Diamond Standard which offer more resistance to these types of attacks.
- Depending on the use of the units or how many staff will work within each unit (there are no floor plans at this stage to view), it may be that access control is required on the main entrance doors such as swipe card or key fob access this should be security encrypted to prevent any unauthorised copying. If an external intercom system is required, these should be vandal resistant and include colour CCTV and audio capabilities to allow visitors to contact any staff.
- The plans show that there are voids underneath the units which have mesh grill which are fitted to address flooding issues. What is the height / width of the grill and how will this be fixed? From a crime perspective I would want to ensure that any potential offender could not gain access underneath the units by removing the mesh grills which causes damage or types of criminal damage such as arson.
- I would recommend installing intruder alarms within each unit which have door contacts fitted to entrance doors or delivery doors / shutters, this will provide additional security for each unit. Suitable standards are to NSI (National Security Inspectorate) or SSAIB (Security System and Alarms Inspection Board). BS EN 50131 or PD6662 (wired alarm system) or BS 6799 (wire free alarm system).

- Alternatively if intruder alarms are not being provided by the Developer, installing a 13 amp spur point is a cost effective measure to apply and will allow any tenant the option of purchasing their own intruder alarm.
- Whilst there is no objection in principle to the application West Yorkshire Police are unable to support the proposal in its present form.

West Yorkshire Police 2nd Response

- Having viewed the site plan and read through the design and access statement, it's positive to see the list of security measures that will be applied to secure the development. The inclusion of the mesh grills along the void area of the buildings will prevent any access beneath the buildings. The mesh panels should be a strong, durable material and either be securely welded to the metal poles / stilts or at least securely fixed using coach style bolts so that panels cannot be removed.
- The design and access statement does not mention any lighting within the development, depending on the hours of business operation, it would be prudent to include external lighting above the entrances and car park to help increase natural surveillance. As there are existing trees and wildlife within this location, lighting could have the canopies fitted so that light points downwards and prevents any light overspill.

Yorkshire Water

- It appears from the submitted site layout that buildings will be sited over the public sewerage system located within the site. This could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable. We therefore OBJECT to the development layout as currently shown. I strongly advise that, prior to determination of this application, the site layout is amended to allow for adequate protection of the sewers.
- The details submitted on drawing 207 dated September 2017 that has been prepared by MADP are NOT acceptable to Yorkshire Water. The following points should be addressed:
- the submitted drawing appears to show a building proposed to be built-over the line of public sewer crossing the site the submitted drawing should show the site-surveyed position of the public sewer crossing the site the submitted drawing should show the required building stand-off from public sewer -- or an agreed alternative scheme
- If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.
- On the Statutory Sewer Map, there is a 750mm diameter public surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.
- In this instance, a stand-off distance of 4 (four) metres is required at each side of the sewer centre-line.

Summary of Main Issues:

- 1) Green Belt
- 2) Floodplain
- 3) Landscape
- 4) Ecology
- 5) Rights of Way
- 6) Access, Highways and Air Quality
- 7) Community Safety Implications
- 8) Equality Act 2010, Section 149

Appraisal:

1) Principle

The majority of the proposal site is within the Green Belt - 8.7ha out of the full 10.7ha planning application area. Section 9 of the NPPF sets out a national framework for assessing the acceptability of proposals for the development of land within the Green Belt. At paragraphs 89 and 90 the NPPF defines types of development which can be treated as appropriate development within the Green Belt. The proposal cannot be considered to be covered by any of the exceptions set out in paragraphs 89 or 90 and must therefore be treated as inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt.

In terms of the provisions of the RUDP, saved policy GB1 provides the local policy basis for assessing the appropriateness of proposals for new development within the Green Belt. The proposed development does not meet any of the exceptions stated within saved policy GB1 and therefore the proposal must also be treated as inappropriate development in terms of the local Green Belt policy framework, which should only be approved in very special circumstances.

The NPPF confirms at paragraphs 87 and 88 that:

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

The proposed development would harm the Green Belt by reason of its inappropriateness, by reason of the harm to the openness of the Green Belt which would be caused by the development of 6 large industrial sheds and associated infrastructure in the Green Belt (only 2 of the 8 proposed sheds being outside of the Green Belt), and by reason of the elements of the development which conflict with the stated purposes of including land within the Green Belt.

In relation to the harm the development would cause to the purposes of including land within the Green Belt, it should be noted that the NPPF sets out these purposes as follows:

- To check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The stated purpose of including land in the Green Belt which is considered to be most relevant to the proposed development is the purposes of assisting in safeguarding the countryside from encroachment. It is considered that the proposed development of 6 industrial sheds in the Green Belt would represent significant urban encroachment into the countryside.

Overall, therefore, it is considered that the development would result in significant harm to the Green Belt in terms of inappropriateness, in terms of loss of openness and in terms of urban encroachment. Paragraph 88 of the NPPF advises that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

This report finds that the development will also cause significant harm to the functional floodplain, to a designated local wildlife site and to the character of the landscape. Therefore it is the harm to the Green Belt and the other harm identified in this report which are the subjects of the very special circumstances test. The considerations which are put forward in support of the application are the need for additional employment land and buildings in Keighley and the economic benefits of providing 9 new industrial units to be used for B2 and B8 purposes in Keighley.

In relation to these factors it is acknowledged that Policy AD1(C1) of the Adopted Core Strategy confirms that: Keighley and Bingley will be the principal focus for indigenous economic development including starter units for small and medium sized businesses, business park premises for larger digital, design and knowledge, financial and service sectors at Dalton Lane Business Innovation Zone and Royd Ings.

Core Strategy Policy EC1 sets out an aspiration for planning decisions to (amongst other things) deliver economic growth, restructuring and diversification, including through the development of a modern manufacturing sector and modernisation of manufacturing industries within the City of Bradford and the Airedale Corridor. Policy EC2 sets out the objective of delivering at least 1,600 new jobs annually in the District in the period to 2030 by planning for a supply of at least 135 hectares of developable employment land over the Local Plan period and protecting such land for employment uses. Core Strategy policy EC3 plans for the distribution of 30 hectares of new employment land in the Airedale Corridor.

Core Strategy Policy EN4 sets out a policy for supporting economic growth and protecting existing employment sites from alternative uses. Policy EN4 also requires new developments of more than 1000 sq metres of non-residential floorspace to meet 'BREEAM Very Good' standards on buildings and by 2019 will meet 'BREEAM EXCELLENT' unless, having regard to the type of development involved and its design, this is not feasible or viable.

The proposed development would provide for approximately 1/3rd of the total amount of new employment land proposed for Airedale in the period up to 2030. However this planning application is made in advance of the preparation of the Allocations DPD, which will allocate the land considered suitable for employment uses and will include a full Green Belt review. Policy EC3 indicates that the required employment land to be identified in the Allocations DPD will be met from the following sources:

1. Unimplemented but deliverable sites allocated within the RUDP;
2. Other committed sites with planning permission for employment use;
3. Sites already identified in existing regeneration strategies for Bradford City Centre and Airedale.
4. Sites identified in current and emerging masterplans including that for the Shipley and Canal Road Corridor (including Manningham), City Plan for Bradford City Centre and the Leeds Bradford Corridor.
5. New sites which are considered suitable for employment use.

The proposal site is partly within the Green Belt and entirely within the functional floodplain, it is also transected by a public right of way and contains a local wildlife site. There is no reason to conclude that the site would be likely to be considered to be a suitable site for allocation as employment land, due to the significant harm the development of this land would cause to the Green Belt, to the functional floodplain, to the character of the landscape and to a local wildlife site. In any event, without a full review of all available alternative land within Airedale, it is not possible to come to a conclusion on whether it will be necessary to release any land in Airedale from Green Belt for employment use or (if so) what sites would be most suitable for Green Belt release. In this context the weight which can be put on the economic benefits of developing the land for employment use is considered to be limited.

Conversely national and local planning policies make it clear that substantial weight should be attached to the harm the development will cause to the Green Belt and that inappropriate development in the Green Belt can only be approved in very special circumstances. Very special circumstances can only be considered to exist where the harm the development will cause to the Green Belt and any other harm is clearly outweighed by other considerations. In coming to a decision on this planning application members of the Regulatory and Appeals Committee must consider whether any considerations in favour of the development, particularly in terms of the economic factors advanced by the applicant, clearly outweigh the harm the development will cause to the Green Belt and all other harm associated with the development.

After giving due consideration to, and placing substantial weight upon, the harm the development would cause to the Green Belt, as described above, the advice of Planning

Officers to the Regulatory and Appeal's Committee is that, the benefits of developing the land for employment purposes do not clearly outweigh the harm the development would cause to the Green Belt, either when considering Green Belt harm in isolation or in combination with the harm the development would cause to the functional floodplain, to the character of the landscape and to a local wildlife site. Therefore the development is considered to be unacceptable in principle.

2) Floodplain

The NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. A sequential test must be applied to development proposals involving land at risk of flooding and, if necessary, the exception test. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The Environment Agency and the Council's Drainage Team (acting as lead local flood authority) have confirmed that the proposal site is in fact functional floodplain (Flood Zone 3B). This zone comprises land where water has to flow or be stored in times of flood. Planning Practice Guidance states that the only development which can be permitted within functional floodplain is essential infrastructure that has to be there and has passed the Exception Test, and water-compatible uses. The proposed development is neither essential infrastructure nor a water compatible use (which is narrowly defined) and therefore is unacceptable on functional floodplain.

The Council's Drainage Unit, acting in their capacity as Lead Local Flood Authority, have confirmed that the application proposes an inappropriate use within the functional floodplain (Flood Zone 3b) contrary to Tables 1 and 3 of the Practice Guide to the National Planning Policy Framework. The proposals are classified as 'Less Vulnerable' and as such are not permitted within Flood Zone 3b. The application therefore fundamentally contravenes national planning policy in respect of functional floodplains.

The application proposes an inappropriate use within the functional floodplain (Flood Zone 3b) contrary with policy EN7: Flood Risk of the Councils Core Strategy in that it fails to safeguard the potential to increase flood storage provision and improve defences within the River Aire corridor. The River Aire and the settlements alongside it suffered significant

flooding during December 2015 and therefore existing floodplains are being investigated to determine if they could offer greater flood risk benefits within the River Aire corridor. The development of this part of the functional floodplain with industrial sheds could inhibit the delivery of any future initiatives to alter the land in a way which would provide greater flood benefits for the River Aire Corridor.

In terms of sequential testing, the applicant has now provided a Sequential and Exceptions Test report which identifies 15 potential alternative development sites within Airedale and discounts these sites on the basis of a variety of factors. However this report is insufficient to demonstrate that the sequential test is passed, as several alternative sites within Airedale and the Wider District have been identified which are outside of the floodplain and are potentially capable of accommodating substantial employment development. These sites are:

- *BN/E1.17 - WOODHALL ROAD, THORNBURY*
- *BS/E1.7 STAITHGATE LANE NORTH, ODSAL*
- *K/UR5.39 BANKLANDS AVENUE EAST, SILSDEN*
- *K/UR5.36 HAINSWORTH ROAD, SILSDEN*

In terms of the exceptions test, the application does not include a hydrological assessment of the proposed alterations within the floodplain, and whether these alterations will have an effect on flood risk within the River Aire catchment. The current flood levels used by the applicant in his assessment of flood risk do not include the latest allowances for climate change. Additionally the development scheme does not clearly show how the flood water which will be displaced by the access road, raised car parks and ramps or the surface water attenuation system will be compensated for within the site. The second part of the Exception Test has therefore not been passed as 'development has not been shown to be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

The applicant has provided a document which sets out examples of development schemes, of a variety of scales, which have utilised unconventional building techniques to allow buildings to be developed within areas at high risk of flooding, such as the proposal site. It is acknowledged that, where development is necessary on an area of land at risk of flooding, then it is possible to utilise techniques such as building on stilts to mitigate flooding issues to some degree. However such techniques are not guaranteed to be successful or to fully mitigate flood risks, are only likely to be viable in specific circumstances and should only be utilised where no other land is available to build upon at a lower risk of flooding.

The applicant has not robustly demonstrated that the proposed development would fully mitigate flood risks, has not demonstrated that such techniques would be viable in this instance (no development appraisal/ viability assessment has been submitted despite a request for this information) and has not demonstrated that there is no other reasonably available development land within either Airedale or the wider District. Furthermore the use of unconventional building techniques does not alter the national planning guidance position that functional floodplains should not be built upon and does not obviate the need

to pass the sequential and exceptions test, as set out in the NPPF and Core Strategy Policy EN7.

The Environment Agency have also confirmed that they maintain their objection to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The Environment Agency recommend that the application should be refused planning permission on this basis. It is therefore considered that the development is also unacceptable in principle in relation to national and local policies pertaining to developing land at risk of flooding and in particular to developing land defined as functional floodplain.

3) Landscape

Core Strategy policy EN4 states that Development Decisions as well as Plans, policies and proposals should make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District. The site lies within the Airedale Landscape Character Area and is located mostly within the landscape type of “floodplain pasture”, the bottom part of the site is located within the landscape type of “industrial corridor”.

The site takes in the Beechcliffe Oxbow Lake which has value as a wildlife habitat and is a designated Local Wildlife Site. This will be largely destroyed if the proposal proceeds to construction. This feature has some historic as well as wildlife value. The submitted plans show it obliterated by proposed units 2, 3 and 4. The cut and fill operation that will be required to adjust the level across the whole site is a total re-profiling of the landform that will remove all existing vegetation and preclude the retention of any trees.

The overall description in the above SPD of the “floodplain pasture” landscape type states that.....”The floodplain features as a prominent expanse of flat land covered with fields and hedges with distinctive perpendicular elements of Lombardy poplars. The river is marked by a sinuous line of trees meandering slowly across the plain whilst the canal follows the contours around its northern edge. The transport corridor is visible stretching across the floodplain. The railway passes close in to the valley side along the southern edge of the pastures and the A629 cuts up the areas of pasture and passes on a wide raised embankment straight through from Keighley to Skipton.

The landform gives a very definite boundary to the area, and the lack of development illustrates the direct and uncomplicated link that still exists between the physical landscape and the land use.” The visual prominence and enclosure is described as prominent and open.....”The large area of flat land is prominent from all the major transport routes running through it as well as from the valley sides. Though surrounded by valley slopes the landscape has an open character.”

In the above SPD the strength of character of the “floodplain pasture” is described as strong.....”Large, flat, hedgerow-bounded fields are very distinctive within this landscape.” and the condition noted as declining, the policy guidelines for the area are to conserve and restore the landscape character.....” Conserve this unique area of distinctive open floodplain pasture. Prevent development of this landscape and the encroachment of urban influences such as lights, road ‘improvements’ etc.....Conserve the farmed land

use, traditional agricultural practices and field pattern.....Conserve and restore hedgerows with management and replanting.....Enhance corridor of A629 through sensitive, low key, tree and hedgerow planting.....Encourage low intensity farming which could allow for creation or restoration of meadows.

The SPD policy guidelines regarding the potential for development also state that....."With strong character, high historic continuity and being prominent and open this landscape is very sensitive to change; and the fact that there is virtually no historic pattern of development here would indicate that any development could only be detrimental to the landscape character. In addition there are no other expansive areas of floodplain in the District and once its open, undeveloped character is breached, this distinctive landscape will be lost forever. Should further development be required within this area, it could best be accommodated within a wooded setting on the higher ground south of the railway adjacent to Steeton, Eastburn and Keighley. In this way the principle of building on the valley slopes is continued, and the canal and railway are retained as effective boundaries to the main area of floodplain pastures."

Any proposals within the "floodplain pasture" landscape type would therefore need to look to conserving and restoring the distinctive landscape character of the area and would need to be sympathetic to this important character. The Council's Landscape Design team have advised that the proposed development would neither conserve nor restore the sensitive landscape character and qualities of the area and that it would contribute to the deterioration of this unique landscape.

A Visual Impact Statement has now been supplied to support the application along with bolstered landscaping proposals, including additional native tree and bush planting and wildflower grassland areas. This document has been reviewed by the Council's Landscape Architect who has confirmed that, in his opinion, the statement is relatively superficial and a scheme of this calibre demands that a fuller Landscape and Visual Impact Assessment be produced.

The conclusion of the supplied Visual Impact Statement states that the development will have minimal impact on existing landscape character. However the Council's Landscape Architect advises that there is no substance to this given that it is based on a limited and simplistic appraisal of visual impact, with no consideration of landscape effects. The report also concludes that 'The site offers the opportunity, though a landscape led strategy, to offer a valuable site for the provision of new commercial space on an accessible and sustainable site.' Had the proposal genuinely been based on a landscape led strategy, the oxbow lake would be retained.

If the site does offer the opportunity for the provision of new commercial space then the Council's Landscape Architect advises that it should be in the form of a less extensive development that respects the existing landscape character of this edge of town riverside location. In its current form the proposed development is therefore considered to unacceptably affect the character of the landscape and to be contrary to policy EN4 of the Core Strategy.

4) Ecology

Core Strategy policy EN2 states that proposals should contribute positively towards the overall enhancement of the District's biodiversity resource. They should seek to protect and enhance species of local, national and international importance and to reverse the decline in these species. The Council will seek to promote the creation, expansion and improved management of important habitats within the district and more ecologically connected patchworks of grasslands, woodlands and wetlands. Core Strategy policy EN5 confirms that, in making decisions on planning applications, trees and areas of woodland that contribute towards the character of a settlement or its setting or the amenity of the built-up area, valued landscapes or wildlife habitats will be protected.

Opportunities for specific habitat creation within development proposals will be sought, including provision for future management. Development which would cause serious fragmentation of habitats, wildlife corridors or have a significantly adverse impact on biodiversity networks or connectivity will be resisted. Paragraph 109 of the NPPF confirms that one of the government's objectives for the planning system is to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

The proposal site includes an Ox-bow wetland which is identified on the Proposals Map as a Bradford Wildlife Area. The site was re-surveyed in July 2017 and qualifies under the West Yorkshire Local Site criteria as species-rich swamp and will therefore be designated as such. The Habitat Assessment submitted with the planning application includes a study area which does not include the full proposal site and specifically does not include the Ox-bow wetland. The Habitat Assessment confirms that the site contains habitats of moderate to high ecological value.

It is clear that the proposed development site, although seemingly excluded from the development site in the Phase 1 Habitat report, actually does include the oxbow site in its entirety. The cut and fill plan submitted shows that not only is the oxbow included within the development site, but is actually to be obliterated as part of the cut and fill operation. Given the local ecological importance of the site, Bradford Development Plan Core Strategy policy EN2 comes into play, in relation to locally designated sites. Given that the oxbow feature is unique it is difficult to envisage how such a proposal could be supported, and impossible to envisage how the impact on it could be mitigated or compensated for.

In addition to the above concerns, the Habitat report submitted, although confirming that the site supports both lapwing and curlew, does not make any reference to the Core Strategy policy SC8, which seeks to protect the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) from adverse impacts. This policy identifies a zone (Zone B) extending 2.5km from the boundary of the SPA/SAC, within which impacts on supporting habitat should be avoided.

Given that the development site lies just under 2km from the SPA/SAC and supports lapwing and curlew – both of which are qualifying bird species for the SPA – there is a possibility that the site could be used for foraging and feeding by these species and therefore be regarded as supporting habitat. In order to confirm this, foraging bird surveys would be required (as also recommended by the Phase 1 Habitat report) and if confirmed as supporting habitat, the proposal would lead to an adverse effect which could not be effectively mitigated.

The Council's Biodiversity team have advised that, given the significant impact that this proposal appears to have on a designated Local Site and, potentially on supporting habitat of the South Pennine Moors SPA, and the absence of any detail as to how these impacts will be avoided or mitigated, it is not possible to support this application in its current form and, from an ecological and biodiversity viewpoint. Although the applicant has now supplied further proposals for ecological enhancement and mitigation, including Native tree & bush planting, Wildflower grass areas, Bird boxes, Bat boxes/ bricks, Hedgehog houses and Damp marginal wildflower areas, there is no evidence that these provisions would be sufficient to effectively mitigate the ecological harm which would be caused by the development. The proposal is therefore considered to be contrary to Core Strategy Policy EN2.

5) *Rights of Way*

One of the objectives set out in Strategic Core Policy SC6 of the Core Strategy is improving opportunities for walking, cycling and horseriding, establishing strategic green links and enhancing the rights of way network in urban and rural parts of the district. Policy AD1 carries this objective through with a stated policy to improve public rights of way and canal towpaths in Airedale. Core Strategy Policy DS4 confirms that the design of new development should integrate existing footpaths/cycle routes on the site into the development.

Records indicate a number of public footpaths will be affected by these proposals. Keighley Public Footpaths 11 and 12 are legally recorded on the Definitive Map. Routes Keighley 718 and 699 are non-definitive in that while they may not be legally recorded they are routes that have been accepted by landowners as being public and are regularly used by footpath users. A route to the west of the site is also known to be un-adopted public highway (which also extends further to the north and south) and a route to the east of the site is known to have been used predominately in recent years to access the riverside path towards Stockbridge.

The proposals as submitted will require a legal order to realign the Definitive paths onto a new route running around and between the commercial units (and along the line of the new proposed drainage channel). Such a legal order is open to public consultation and possible objection and the applicant would be advised to discuss specific requirements at an early stage as such legal orders, once commenced can take in excess of 6 months to process. Please note that at this stage no guarantee can be made that such an order will be successful.

The applicant has now provided revised proposals, which include an improved footpath diversion route and acknowledge the need to divert sections of public footpaths Keighley 11, 12 and a short stretch of footpath 699. The Council's Area Rights of Way Officer has withdrawn his objection on this basis but has advised of their slight concerns regarding the proposed section of new path running to the rear of unit number 4; ideally any new path should run through a wide green corridor.

With respect to the riverside path it is noted that it is retained in a green corridor. However the Council's Area Rights of Way Officer has requested that the applicant is asked to

commit to carrying out works to help stabilise the river bank, as this will help limit future erosion, as river bank erosion may in the future adversely affect access to the riverside public right of way. Subject to these improvements being secured there is no longer considered to be any reason to refuse planning permission in relation to the developments' impacts on the public rights of way network.

6) Access, Highways and Air Quality

Adopted Core Strategy policy TR1 indicates that through planning decisions the Council will aim 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 through (amongst other things) ensuring that development is appropriately located to ensure that the need to travel is reduced, the use of sustainable travel is maximised, and the impact of development on the existing transport networks is minimal. Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The Council's Highways Development Control team have been consulted on the application and have raised a number of queries regarding the quantum of development and the parking levels to be provided. The Highways Development Control team have confirmed that until this information is provided a full highway assessment cannot be made. Therefore as it stands insufficient information has been provided to make a full highway assessment of the application contrary to Core Strategy Policies TR1 and TR2.

The proposed development will generate substantial additional HGV traffic (up to an additional 30 vehicle trips through Beechcliffe roundabout and up to 78 vehicle trips through Bradford Road roundabout in the morning peak hour) which has the potential to worsen air quality impacts for the District. Core Strategy Policy EN8(A), supported by the Council's Low Emissions Strategy, sets out the framework for assessing development proposals in relation to Air Quality matters and identifies the measures which are required to mitigate adverse air quality impacts, including through low emissions travel plans, electric vehicle charging low emission fleets and emissions damage cost calculation/offsetting.

Although the application does include a Transport Assessment and Travel Plan framework these documents do not adequately provide for measures to off-set or mitigate the adverse air quality and greenhouse gas emissions impacts of the development. An Air Quality Assessment has also now been submitted which includes an assessment of the air quality impacts of the development and concludes that these will not be significant, subject to mitigation. However the Council's Environmental Health Air Quality team have reviewed this document and have indicated that they have remaining concerns, particularly in relation to specific locations where modelling work is currently predicting that levels are already approaching or exceeding air quality objectives and will be made worse if the development proceeds without substantial air quality mitigation.

The validity of this modelling work and some of the assumptions made are still under review. The most effective form of mitigation would be to ensure that all vehicles accessing the development site had a minimum Euro 6 emission standard but at present the impact and practicality of implementing such mitigation has not been fully explored or

reported on by the applicant. A period of air quality monitoring in the area (minimum of 6 months) and re-modelling of the air quality impacts based on the use of Euro 6 vehicles only at the development site would help to determine if this application can be delivered with an acceptable level of air quality emission mitigation.

It is therefore considered that the planning application remains contrary to Core Strategy Policy EN8(A) as the proposals does not incorporate adequate measures to mitigate or offset the development's emissions and impacts, in accordance with the Low Emission Strategy for Bradford and associated guidance documents, the development will not deliver a positive impact on air quality in the district in areas where air quality is a matter of concern and the development is likely to exacerbate air quality beyond acceptable levels.

7) Community Safety Implications:

Adopted Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, subject to appropriate access control, boundary treatments, CCTV and lighting provisions being implemented, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with adopted Core Strategy Policy DS5.

8) Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is not considered to be any sound basis to conclude that either refusing or approving planning permission would be likely to lead to disproportionate impacts on any groups of people or individuals who possess protected characteristics.

Reasons for Refusing Planning Permission:

- 1) The proposal is for inappropriate development within the Green Belt. The economic benefits which may result from the development are not considered to counterbalance the harm the development would cause to the Green Belt, either when considered in isolation or in combination with the other harm the development would cause. The proposal is contrary to saved policy GB1 of the Replacement Unitary Development Plan and Section 9 of the National Planning Policy Framework.
- 2) The proposal is for development within the functional floodplain which is not essential infrastructure and is not a water compatible use. Neither the sequential test nor the exceptions test are passed. The proposal is contrary to Core Strategy policy EN7 and Section 10 of the National Planning Policy Framework.
- 3) The development would unacceptably harm the character of the local landscape contrary to Core Strategy Policy EN4.

- 4) The development would result in the destruction of an Ox-bow wetland, which is designated as a locally important nature conservation site, and contains insufficient information to demonstrate that the development would not adversely affect the South Pennine Moors SPA through loss of supporting habitat, contrary to Core Strategy Policy EN2.
- 5) The proposals do not incorporate adequate measures to mitigate or offset the development's emissions and impacts, in accordance with the Low Emission Strategy for Bradford and associated guidance documents, the development will not deliver a positive impact on air quality in the district in areas where air quality is a matter of concern and the development is likely to exacerbate air quality beyond acceptable levels contrary to Core Strategy Policy EN8(A).
- 6) Insufficient information has been provided to make a full highway assessment of the application contrary to Core Strategy Policies TR1 and TR2.

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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 8 March 2018

AK

Subject:

Application for the construction of 27 dwellings at Ashwell Farm, Ashwell Road, Heaton, Bradford.

Summary statement:

The proposal relates to the construction of a scheme of 27 residential units on a formerly allocated phase 2 housing site. 5 of the units are to be provided on an affordable rent basis. Access to the site is taken from Ashwell Road.

A full assessment of the application, relevant planning policies and material planning considerations is included in the report at Appendix 1. Through the attachment of the proposed conditions and a Section 106 Legal Agreement to secure affordable housing and ensure maintenance of the access road it is considered that the proposal is acceptable and it is recommended that Planning Permission is granted.

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 application relates to the construction of 27 dwellings on land at Ashwell Farm, Ashwell Road, Heaton, Bradford.

2. BACKGROUND

Attached at Appendix 1 is a copy of the Officer's Report which identifies the material considerations of the proposal.

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. If Members are minded to refuse the application then reasons for refusal need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

A number of stakeholders have made requests for the developer to make contributions towards meeting off-site infrastructure and other needs associated with the development. These contributions principally comprise of the provision of 20% of the units on an affordable rent basis and a residential Metrocard Scheme at a cost of £13,365.

In order to comply with policy HO11 of the Core Strategy the provision of up to 20% of the proposed houses as Affordable housing is required. The developer has agreed to enter into a section 106 agreement in order to meet the necessary affordable housing provision.

It is proposed to provide electric vehicle charging points to all dwellings in lieu of a contribution towards a residential metrocard scheme. It is considered that the provision of EV charging points represents a betterment of the scheme as charging points are in situ permanently, rather than, for example a MetroCard Scheme which is only for 1 year, with no guarantee that residents will renew after that period.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

None relevant to this application.

7. LEGAL APPRAISAL

The options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended).

8. OTHER IMPLICATIONS

All considerations material to the determination of the planning application are set out in the technical report at Appendix 1.

8.1 EQUALITY & DIVERSITY

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations received have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Full details of the process of public consultation undertaken and a summary of the comments made are attached at Appendix 1.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located within the urban area of Bradford and is in a sustainable location and as such there are no implications for the Council.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development of new buildings and land for residential purposes will invariably result in an increase in greenhouse gas emissions associated with both construction operations and the activities of future users of the site. Consideration should also be given to the likely traffic levels associated with this development. Consideration should also be given as to whether the location of the proposed development is such that the use of sustainable modes of travel would be best facilitated and future greenhouse gases associated with activities of the residents are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are proposed at a rate of 1 per residential unit in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy. This can be ensured 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 into 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

The Technical Report at Appendix 1 summarises the material planning issues raised by representations and the appraisal gives full consideration to the effects of the development upon residents within Heaton Ward.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

To Grant Planning Permission subject to the conditions recommended at the end of the Technical Report at Appendix 1 and subject to the developer entering into section 106 agreement for the provision of affordable housing and maintenance of the highway.

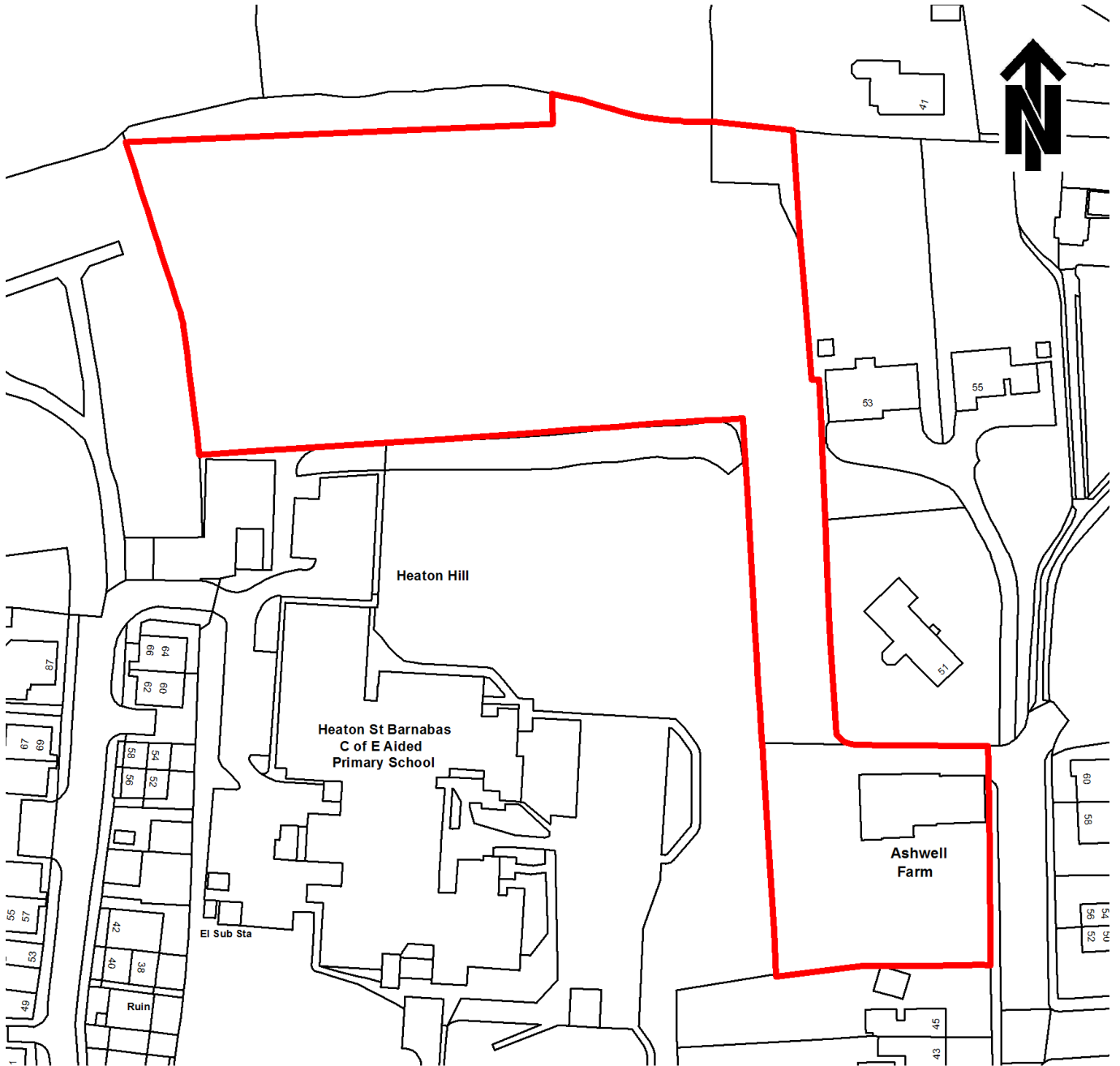
11. APPENDICES

Appendix 1: Technical Report

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Replacement Unitary Development Plan
Local Plan for Bradford

17/06647/MAF



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Ashwell Farm
47 - 49 Ashwell Road
Heaton
Bradford BD9 4AX

Appendix 1

8 March 2018

Ward: Heaton (ward 12)

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT.

Application Number:

17/06647/MAF

Type of Application/Proposal and Address:

Application for the construction of 27 dwellings at Ashwell Farm, Ashwell Road, Heaton, Bradford.

Applicant:

Mr Mohammed Asghar Choudhury

Agent:

Mr Andrew Rollinson

Site Description:

The site is located to the north west of Ashwell Road and is accessed via an existing vehicular access that currently serves Ashwell Farm. It currently comprises a grassed field that slopes downwards from south to north. A number of trees are located along the boundaries of the site together with some dilapidated outbuildings along the southern boundary. The site is bounded by residential development (to the east), open countryside (to the north) and a school and library/village hall (to the south and west).

Relevant Site History:

10/01719/OUT-Construction of residential development-Granted Subject to S106-07.12.2010

12/01538/REM-Approval of reserved matters of outline approval 10/01719/OUT-Withdrawn-30.07.2012

13/05022/REM-Reserved matters dated-Granted-03.07.2014

16/06365/MAF-Alterations to the design of 10 house plots (ref 10/01719/OUT and 13/05022/REM)-Granted Subject to 106-03.02.2017

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.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated, however, the main body of the site was formerly allocated as a Phase 2 Housing Site (Ref: BW/H2.11).

Proposals and Policies

P1- Presumption in Favour of Sustainable Development
SC1- Overall Approach and Key Spatial Priorities
SC4- Hierarchy of Settlements
SC8- Protecting the South Pennine Moors SPA and the South Pennine Moors SAC
SC9- Making Great Places
TR1- Travel Reduction and Modal Shift
TR2- Parking Policy
TR3- Public Transport, Cycling and Walking
HO5- Density of Housing Schemes
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
DS1- Achieving Good Design
DS3- Urban Character
DS4- Streets and Movement
DS5- Safe and Inclusive Places
ID3- Developer Contributions

Parish Council:

Not in a Parish

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The deadline for the submission of comments was 5th January 2018. A total of 12 representations were received consisting of 8 objections and 4 general comments.

Summary of Representations Received:

- Increased traffic
- Additional vehicle movements will conflict with existing school traffic
- Construction traffic will cause additional congestion
- The development will result in overspill parking on neighbouring streets

- Air and noise pollution from vehicles
- Loss of flora and fauna
- No benefit of providing housing
- There are existing empty properties in Heaton
- The site is the subject of a land ownership dispute
- Excessive height of dwellings
- Additional traffic would prevent emergency services accessing Ashwell Road
- The junction of Emm Lane and Ashwell Road is not suitable for additional traffic
- Loss of green space
- Additional burden on school places in the area
- Plots 2 and 27 will overlook and overshadow 51 Ashwell Road
- Insufficient drainage details
- Out of keeping with the traditional character of Heaton
- Adverse impact on Heaton Royds Lane footpath
- Harm to long distance views from Northcliffe Park
- Surface water run off implications for Heaton Woods
- Lack of affordable homes
- Excessive development density
- Site plans show conflicting boundary information
- The application states that construction workers will park in Ashwell Road
- An area of land in the North-East corner of the site is not included within the Geotechnical report.
- The omitted area of land is filled with quarry waste
- The buffer zone should be 5 metres in depth for the entirety of the north boundary
- Maintenance arrangements for the buffer zone are unclear
- The cross sections include land outside of the site boundary
- The dry stone wall at the rear of plot 27 has no foundations
- The fence on the south side of the buffer zone could be damaged by strong winds
- Plot 27 will be constructed on unstable land
- There are no construction details for the new wall to be provided at the rear of plots 26 and 27
- Plot 27 will overlook both the dwelling and garden of 41 Wilmer Drive
- The boundary fence between the development site and Heaton Woods Trust land to the north should be replaced before development commences.

Consultations:

West Yorkshire Combined Authority- The developer should fund a Residential Metrocard Scheme to encourage the uptake of sustainable transport modes. The contribution appropriate for this development would be £13,365.00 and equates to Bus Only Residential metrocards.

Education- Based on the data available in December 2017 the proposed development may cause concerns on where children of families coming to reside in the development might attend school, as primary and secondary schools within walking distance are currently overcrowded or full. For this reason the development may result in a need for the Council to increase the number of school places in the area. However the development site is located within a nil CIL area. As education is listed on the Council's CIL Regulation 123 list a financial contribution cannot be sought.

Development and Enabling: The affordable housing quota for Heaton is 20%, which would equate to the provision of 5 affordable units in the instance. The affordable housing units should be delivered on site at affordable rent via a registered provider.

Design and Conservation- The application site is adjacent to Heaton Estates Conservation Area but the proposed development would have little or no impact on the character or appearance of the conservation area. As such, the proposal is in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, relevant conservation policies within the National Planning Policy Framework, and Core Strategy Policy EN3 of the Local Plan for Bradford.

Parks and Greenspaces- The development site is located within a nil CIL area and therefore a contribution towards the enhancement of recreation open space, playing fields or playgrounds cannot be sought. Any new areas of public open space within the development should be maintained as part of landscape maintenance and management plan.

West Yorkshire Police- The existing dry stone wall to the south east, and west boundaries of the site should be increased to a height of 1.8 metres or topped with fencing to this height. Rear plot dividers should be 1800mm, such as a 1500mm high close board fence with 300mm high trellis along the top or a 1500mm high close board fence with 1800mm high privacy panel adjacent to the rear doorway. Plots which have stepped access to the rear gardens should have front bin storage. There is no surveillance of the on plot parking bays from habitable rooms for plots 3-10 and 15-27.

Yorkshire Water- A water supply can be provided under the terms of the Water Industry Act 1991.

Highways-The proposal cannot be supported in its current form as the proposal does not meet adoptable standards for the following reasons:

- The centre line radius for a traditional estate road is 20m and this should be marked clearly on the bends on the site layout plan.

- A minimum of 2m wide footways should be provided and 1.5m is not acceptable.

- The carriageway width should be a consistent 5.5m wide. A variable width between 4.99m - 5.31m is not acceptable.

- Visibility splays of 2.4m x 43m at the site entrance should be shown in full and these should be measured to the kerb edge to demonstrate that they can be achieved.

Minerals and Waste Team- The proposal is in a Minerals Safeguarding Area for clay, sandstone and coal. However, given the relatively small size of the site are likely to inhibit any viable large scale mineral extraction. There are no other apparent minerals or waste legacy issues that would have an adverse impact on the proposed development.

Drainage (Lead Local Flood Authority)-The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework, Planning Practice Guidance and local planning policies. An assessment of the submitted documentation has been undertaken and subject to planning conditions no objections are raised. Conditions should be imposed requiring the submission of full details and calculations of the proposed means of foul and surface water drainage. A

further condition is necessary requiring the submission of a Surface Water Drainage Maintenance and Management document.

Summary of Main Issues:

- 1.Principle
- 2.Visual amenity
- 3.Residential amenity
- 4.Highway and Pedestrian safety
- 5.Drainage
6. Air Quality/Sustainable Travel
- 7.Conservation issues
- 8.Trees
- 9.Community Safety Implications
- 10.Contaminated land
- 11.Further Issues Raised by Representations
- 12.Community Infrastructure Levy

Appraisal:

1.Principle

The site is unallocated, however, the main body of the site was formerly allocated as a Phase 2 Housing Site (Ref: BW/H2.11).

Given the resolution of the Council's Executive meeting on the 21st November 2011 (as regards the saving of RUDP policies H1 and H2) allocation BN/H2.3 is no longer allocated as part of the saved statutory development plan. This is due to the lapsing of policies H1 and H2 on the 30th September 2008. For this reason the site is now unallocated within the RUDP. At the Executive meeting it was resolved that the Executive note the extensive and robust statutory process which the sites allocated under policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented Housing Sites previously allocated under these policies should be accorded significant weight when considering their use for residential development.

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. The adopted Core Strategy 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. More specifically, policy HO3 of the Core Strategy identifies a need to provide 4500 new homes in north-west Bradford up to 2030.

In the above context there is an urgent need for the Council to provide appropriate housing land. In relation to housing land supply, the National Planning Policy Framework (NPPF) indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against the Council's housing targets. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%. The Council's Strategic Housing Land Availability Assessment Update Report 2015 (SHLAA) indicates that there is a substantial shortfall in housing land relative to these requirements. Whilst the Council is updating the SHLAA, it anticipates that the five-year housing land supply position will remain well below the level required

by the NPPF. Under these circumstances paragraph 14 of the NPPF confirms that the relevant policies for the supply of housing should not be considered up-to-date. Paragraph 49 of the NPPF confirms that where a five-year supply of housing land cannot be demonstrated housing applications should be considered with a presumption in favour of sustainable development.

In light of the record of persistent under-delivery and the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District. This proposal would make a valuable contribution towards meeting that need. The site is considered to occupy a sustainable location within an established residential area, where shops and services are accessible by travel modes other than the car. Specifically, there are bus services and local shopping facilities located nearby on Emm Lane. Given the previous site allocation, the sustainable location of the site and the absence of a five year housing land supply it is considered that the principle of residential development on this site is acceptable.

Policy HO5 of the Core Strategy advises that densities should usually achieve a minimum of 30 dwellings per hectare to ensure the efficient use of land. The developable area of the site, discounting the site access road, extends to an area of approximately 0.86 hectares. As such the provision of 27 dwellings would equate to a density of 31 dwellings per hectare which accords the requirements of policy HO5 of the Core Strategy.

2. Visual amenity

The National Planning Policy Framework (NPPF) confirms that good design is a key aspect of sustainable development, is indivisible from good planning and should 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 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;
- 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 NPPF also stresses that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

At the local level policy DS1 of the Core Strategy seeks to ensure that development proposals achieve good design and create high quality places and policy DS3 requires that proposals create a strong sense of place and are appropriate to their context. In

respect of landscaping policy DS2 seeks to ensure that development proposals include appropriate and effective site landscaping.

There are a variety of house types in the area surrounding the site, with traditional stone built terraced dwellings to the south and more modern detached and semi-detached properties to the east. However the site is considered to be self-contained and the proposed dwellings would not be viewed directly in conjunction with surrounding properties. The site circumstances therefore present an opportunity to create a development with its own identity. In this regard there are a number of different house types proposed that help to add visual interest to the streetscene. Overall it is considered that subject to the use of appropriate construction materials the proposed dwellings would not be visually out of keeping with the character of the area.

The proposal includes a landscaping scheme which has been formulated to integrate the development into the wider landscape. Specifically, the proposals include the provision of grass verges, ornamental planting and street trees on the main access road into the development, providing an attractive approach into the development. Further trees are proposed at intermittent intervals along the south and west boundaries of the site in order to supplement existing trees and soften the appearance of the development in relation to the school to the south and the allotments to the west. A landscaped buffer zone is proposed to the northern edge of the site in order to soften the appearance of the development in relation to the area of green belt beyond the northern boundary of the site. It is considered that the landscaping proposals sufficiently demonstrate that the development will be acceptably integrated into the surrounding environment in accordance with policy DS2 of the Core Strategy.

3. Residential amenity

Policy DS5 of the Core Strategy requires that development proposals do not harm the amenity of existing or prospective users and residents.

Ashwell Farm is a detached property located adjacent to the access road in the south-east corner of the site. This property would not be affected by the positioning of the proposed dwellings but it would have an increase in the level of traffic travelling past its south and west boundaries. However a hedge is proposed along the south boundary of the property, as well as tree planting to the west boundary. The proposed planting would act as a barrier which would reduce the impact of the development on the occupiers of the property to an acceptable level.

There are two further detached dwellings, 51 and 53 Ashwell Road, located to the east of the site access road. However, there are substantial boundary hedges separating these properties from the access road and therefore the amenity of the properties is considered to be unaffected by vehicle movements on the development access.

The proposed dwellings at plots 2 and 27 would be sufficiently separated from both 51 and 53 Ashwell Road, to the east, to ensure that no adverse overbearing, overshadowing, or overlooking implications would be incurred in respect of the habitable room windows of the dwelling or its private amenity space.

41 Wilmer Drive is located beyond the north-east corner of the development site and is a detached dwelling set within an extensive curtilage. The nearest proposed property, at plot 27, would be a split level dwelling with two storeys to the front elevation and

three storeys at the rear. The proposed dwelling would be sufficiently separated from the west elevation of 41 Wilmer Drive to ensure that it would not result in any adverse overbearing, overshadowing or overlooking implications. Whilst plot 27 would occupy an elevated position in relation to the garden of 41 Wilmer Drive the windows of the proposed dwelling would be sufficiently separated from the common boundary to the north to ensure that no adverse overlooking implications would be incurred.

The internal layout of the development is such that the proposed dwellings would benefit from sufficient separation distances to ensure that no adverse residential amenity implication would be incurred as a result of overbearing, overshadowing or overlooking. The proposed dwellings would be afforded a sufficient level of private amenity space to cater for the needs of future residents. The adjacent uses to the north (open land), west (allotments), and, south (school) will not have a detrimental impact on the future occupiers of the proposed dwellings.

In conclusion the development is not considered to result in any adverse residential amenity implications in accordance with the requirements of policy DS5 of the Core Strategy.

4. Highway and Pedestrian safety

The site would take access from Ashwell Road, as per the previously approved application. The point of access would allow for two way vehicle traffic and would benefit from acceptable visibility splays to the north and south on Ashwell Road.

The proposed development would provide 27 dwellings and vehicle trips from the development would therefore fall below the 30 two-way vehicles per hour threshold which would require the submission of a transport assessment, as set out in appendix B of Department for Transport's guidance on transport assessments. For this reason the level of traffic generated from the development is not considered to have a material impact on the highway network. The proposal is therefore considered to accord with policy TR1 of the Core Strategy and paragraph 32 of the NPPF.

The development would provide sufficient off street car parking provision to meet with the requirements of policy TR2 and Appendix 4 of the Core Strategy, which require the provision of an average of 1.5 spaces per dwelling across the development.

The Highways Development Control Department have advised that the internal layout of the development does not achieve an adoptable standard for the following reasons:

- The centre line radius for a traditional estate road is 20m and this should be marked clearly on the bends on the site layout plan.
- A minimum of 2m wide footways should be provided and 1.5m is not acceptable.
- The carriageway width should be a consistent 5.5m wide. A variable width between 4.99m - 5.31m is not acceptable.

The agent has indicated that rather than construct an adoptable estate road the intention is that the road is to be privately maintained. The agent has provided a commitment to enter into a Section 106 agreement to ensure that the road is adequately maintained providing the Council with legal recourse in the event that it is not.

It is considered that whilst the highway layout does not achieve adoptable standards the deficiencies identified would not result in any significantly adverse highway or pedestrian safety implications which would warrant refusal of the proposal.

West Yorkshire Combined Authority has requested the provision of a bus only Residential MetroCard Scheme (cost of £13,365 to the developer). It is considered that the site occupies a sustainable location within easy walking distance of public transport and shopping facilities. The developer has agreed to the provision of EV charging points within the scheme for each dwelling and this can be ensured by planning condition. It is considered that the provision of EV charging points represents a betterment of the scheme as charging points are in situ permanently, rather than, for example a MetroCard Scheme which is only for 1 year, with no guarantee that residents will renew after that period.

5.Drainage

Policy EN7 of the Core Strategy deals with Flood Risk and states that the Council will manage flood risk pro-actively. In assessing development proposals this will require that all sources of flooding are addressed, that proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure is taken into account. Development proposals will also be required to seek to minimise run-off and for Greenfield sites run off should be no greater than the existing Greenfield overall rates.

The developer has provided a drainage layout indicating that surface water is to be disposed of via soakaways and foul water is to be disposed of by connecting to the mains sewer.

The Councils Drainage Unit (acting as Lead Local Flood Authority) have advised that they have no objection to the proposed development subject to the imposition of planning conditions requiring the submission of full details and calculations relating to the proposed means of foul and surface water drainage to be submitted and approved in writing by the Local Planning Authority. The surface water drainage proposals will be required to be based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its effect on the water environment including a peak pass forward flow of 5 litres per second have been submitted. The developer will also be required to submit a Surface Water Drainage Management document and the developer will be required to manage the drainage infrastructure serving the development in accordance with the terms and conditions of the agreement across the lifetime of the development.

Subject to the aforementioned conditions the proposed development is not considered to result in any adverse drainage implications in accordance with the requirements of paragraph 103 of the NPPF and policy EN7 of the Core Strategy.

6. Air Quality/ Sustainable Travel

Paragraph 35 of the NPPF confirms that developments should be located and designed where practical to:

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;

- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- Consider the needs of people with disabilities by all modes of transport.

The Bradford MDC Low Emissions Strategy, published in August 2013, sets out a Development Control Air Quality Policy at Appendix 2 which identifies the criteria for the requirement of an Air Quality Assessment and specifies the level of mitigation expected to be provided for different categories of development.

This proposal is below the Department for Transport threshold criteria for a Transport Assessment and therefore no air quality assessment is required, but there is a need to consider whether the development will expose future occupiers to unacceptable levels of NO₂ and particulate matter.

In respect of mitigation measures the proposed residential development is required to provide Type 1 mitigation in the form of electric vehicle (EV) charging points for each dwelling. The developer has confirmed that EV charging points will be provided for each dwelling and this can be ensured by a planning condition in the event that planning permission is granted.

Subject to the aforementioned condition and adherence to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition it is considered that the development will suitably promote the adoption of sustainable patterns of travel by future residents and facilitate the accessing of local facilities and services by modes of transport other than the private car in accordance with the provisions of paragraph 35 of the NPPF and policy EN8 of the Core Strategy.

7. Conservation Implications

The nearest Conservation Area is the Heaton Estates Conservation Area to the east of the site. Its western boundary runs along the eastern boundary of Ashwell Road and is separated from the site by the dwellings along Ashwell Road. As such it is not considered that the application site is directly related to the Conservation Area and as such the development is not considered to result in any adverse implications in respect of the character and appearance of the conservation area. The proposal is therefore considered to accord with policy EN3 of the Core Strategy.

8. 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.

There are a number of protected trees located adjacent to the boundaries of the development site on third party land. Specifically, there are trees located within the school site to the west of the proposed access and there are further trees located on the northern boundary of the school site, which would be at the rear of the proposed dwellings at plots 2-6. As the aforementioned trees are protected by Tree Preservation Orders it is important that these trees are adequately protected during the construction

phase of development. A tree protection plan has been submitted how trees will be protected during construction. Subject to a condition requiring the provision of the tree protective fencing in accordance with submitted information to be retained throughout the course of development the proposal is not considered to result in any adverse implications in respect of protected trees.

9. Biodiversity

The application site is not a locally designated site of nature conservation value (Bradford Wildlife Areas). The development is not considered to have an adverse impact on important/priority habitats or on species of international, national and local importance. The development would also introduce a degree of biodiversity enhancement as a result of the proposed landscaping scheme. As such the proposal is considered to accord with the requirements of policy EN2 of the Core Strategy

The site is located within 'Zone C' of the South Pennine Moors SPA (Special Protection Area) and the South Pennine Moors SAC (Special Area of Conservation), as the site is between 2.5km and 7km from the protected areas. The proposed development will result in a net increase in the number of dwellings within this zone of influence. However, given the separation distance of the site from the protected areas the proposal is not considered to result in a significant level of additional recreational pressure on the SPA or SAC. The proposal is therefore considered to be acceptable and accords with policy SC8 of the Core Strategy.

10. Community Safety Implications

Policy DS5 requires that development proposals are design to ensure a safe and secure environment and reduce opportunities for crime. The Police Architectural Liaison Officer has reviewed the submitted proposals and, whilst not objecting in principle to the proposed development, has raised certain concerns and points of detail in relation to matters including:

- The existing dry stone walls to the south east, and west boundaries of the site should in increased to a height of 1.8 metres or topped with fencing to this height.
- Rear plot dividers should be 1800mm, such as a 1500mm high close board fence with 300mm high trellis along the top or a 1500mm high close board fence with 1800mm high privacy panel adjacent to the rear doorway.
- Plots which have stepped access to the rear gardens should have front bin storage.
- There is no surveillance of the on plot parking bays from habitable rooms for plots 3-10 and 15-27.

Whilst being mindful of the need to provide a suitably crime resistant environment with well-defined and secure public and private spaces the Council must also balance other planning considerations including facilitating connectivity to the surrounding built and natural environment .

The dry stone wall boundary to the south of the site is surmounted by a paladin fence and exceeds 1.8 metres in height. The remaining dry stone wall boundaries are considered to be of a sufficient height to provide defensible space whilst contributing towards the provision of a visually attractive environment.

In respect of the provision of rear plot dividers and bin storage arrangements for properties with stepped access to the rear it is considered that these matters can be appropriately dealt with by imposing suitable worded planning conditions.

In terms of the surveillance of on plot parking for plots 3-10 and 15-27 it is considered that whilst the parking bays are not overlooked by ground floor active room windows (i.e kitchen or living room), the presence of first floor habitable room windows throughout the site would provide some natural surveillance and act as a sufficient deterrent to criminal activity.

It is not considered to be appropriate for the planning system to regulate all of the aspects of the development referred to by the Police Architectural Liaison Officer, such as the specifications of external lighting, doors and windows and intruder alarms as these matters are not generally considered to be land use planning concerns.

It is considered that the development has generally been designed to reflect the principles of secure by design and that the spaces which would be created by the development would not be unacceptably insecure or susceptible to antisocial behaviour.

Subject to the reservation of details of rear plot dividers and bin storage arrangements by planning conditions it is considered that there are no grounds to conclude that the proposed development would create an unsafe or insecure environment and the proposal is considered to accord with policy DS5 of the Core Strategy.

11. Land Contamination

Policy EN8 of the Core Strategy requires that Proposals for development of land which may be contaminated or unstable must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination or instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment. Investigation of land quality must be carried out in accordance with the principles of best practice.

The Council's Environmental Health Department have assessed the submitted Phase 1 and Phase 2 Reports and concur with the recommendations made. Specifically, that the single elevated concentration of benzo(a)pyrene, associated with fly tipping, is dealt with by removing any fly tipped material from areas where soft landscaping or amenity areas are to be located.

The ground gas risk assessment concludes that no gas protection will be required and the Council's Environmental Health Department agrees with this conclusion.

In order to ensure that the identified remediation actions are carried out it is recommended that a planning condition is imposed requiring the submission of a remediation verification report, produced by a competent person, to be submitted once the construction works and landscaping have been undertaken. Further conditions are also required detailing how any unexpected contamination will be dealt with and requiring the submission of a methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils. Subject to the

above-mentioned conditions the proposed development is considered to accord with policy EN8 of the Core Strategy.

12. Further Issues Raised by Representations

Construction traffic will cause additional congestion and conflict with school traffic- A condition is to be imposed requiring full details of the contractors means of access to the site, details of the areas of car parking for construction workers, sales staff and customers, as well as details of the hours of deliveries. Subject to the approval of acceptable details construction traffic is not considered to adversely impact upon highway or pedestrian safety.

Increased air pollution from vehicles- It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations. The development would also provide Type 1 Mitigation in the form of Electric Vehicle Charging points as required by the Bradford Low Emission Strategy.

Loss of Flora and Forna- The proposed development would not result in the loss of any protected trees and would provide adequate means of protection for protected trees on third party land during construction. The development also includes a landscaping scheme and whilst specific details are reserved for approval by condition this is likely to include native species which would contribute towards biodiversity value.

No benefit of providing new housing- The Core Strategy sets out a need to provide 4500 new homes in north-west Bradford upto 2030. This figure is evidence based and was found to be sound after a public examination of the Core Strategy by an appointed Inspector.

There are existing empty properties in Heaton- This existence of empty properties is not a material planning consideration.

The site is the subject of a land ownership dispute- Land ownership is not a material planning consideration. The applicant has completed Certificate A of the application form indicating ownership of the land within the submitted red line location plan. Title deeds information has been submitted confirming that the red line location plan is accurate.

The dwellings are excessive in height- The development site is self-contained and the height of the dwellings is not considered to be out of keeping with the surrounding context.

Additional traffic would prevent emergency services accessing Ashwell Road- The development provides for adequate off street car parking to ensure that Ashwell Road is unaffected by additional parked cars. In any case if vehicles are parked in locations which block access this matter should be reported to the police.

The junction of Emm Lane and Ashwell Road is not suitable for additional traffic- The development is not considered to result in a significant number of additional vehicle trips such as would result in adverse highway and pedestrian safety implications at the junction of Emm Lane and Ashwell Road.

Loss of green space- Whilst the site is predominantly comprised of greenfield land, it is not subject to any restrictive planning policy protection as an area greenspace, rather it was formerly allocated as a phase 2 housing site and therefore the principle of residential development is considered to be acceptable.

Additional burden on school places in the area- The site is located within 'Residential Zone 4' which is a nil CIL zone. For this reason an Education contribution is not required.

Adverse impact on Heaton Royds Lane footpath- The development site is sufficiently separated from the public footpath on Heaton Royds Lane (Footpath Shipley 32) to ensure that no adverse implications would be incurred. The visual impact of the development is considered to be acceptably mitigated by the proposed landscape scheme.

Harm to long distance views from Northcliffe Park- The design of the development is considered to be acceptable and it is not considered to form a strident feature in long distance views from the north, particularly as the size and siting of the dwellings are designed to work with topography of the site.

Surface water run off implications for Heaton Woods- Full details and calculations of the means of surface water run-off are required by the imposition of a planning condition. The condition will only be discharged providing that the submitted drainage details meet with the requirements of the Lead Local Flood Authority. Consequently it is considered that subject to the approval of details the development would not result in any adverse surface water run off implications for Heaton Woods.

Lack of affordable homes- The development is subject to a requirement to provide 5 affordable homes, which meets with policy HO11 of the Core Strategy. The provision of the affordable housing will be ensured by a section 106 legal agreement.

An area of land in the North-East corner of the site is not included within the Geotechnical report- It is noted that an area of land within the site boundary is not included within the submitted Geotechnical report. However, the records held by the Councils Environmental Health Land Contamination Team and Minerals and Waste Team, do not raise any significant concerns in respect of the omitted area of land. Furthermore the development is subject to a planning condition ensuring that any unexpected contamination encountered is dealt with appropriately.

The buffer zone should be 5 metres in depth for the entirety of the north boundary- The proposed buffer zone is considered to be sufficient to ensure that the development achieves an appropriate appearance in relation to the surrounding landscape.

Maintenance arrangements for the buffer zone are unclear- The buffer zone and all other communal landscaped areas within the development will be managed and maintained in accordance with the approval of a Landscape Maintenance and Management Plan.

The cross sections include land outside of the site boundary- Any land included outside of the site boundary on the cross section drawings is for illustrative purposes only.

The dry stone wall at the rear of plot 27 has no foundations and may be undermined by development. The proposed development is subject to building regulations, with the foundations of all new build properties subject to approval. The proposed development is therefore not considered to result in any additional load bearing on inadequate supporting structures.

The fence on the south side of the buffer zone could be damaged by strong winds- It is considered that an appropriate boundary fence can be provided to withstand inclement weather conditions.

*There are no construction details for the new wall to be provided at the rear of plots 26 and 27-*Details of all boundary treatments can be reserved for approval by the imposition of a planning condition, to ensure that they are of an appropriate design.

The boundary fence between the development site and Heaton Woods Trust land to the north should be replaced before development commences. It is considered that requiring the provision of a boundary fence along the northern boundary of the site before development commences cannot be justified and such a condition is likely to fail the requirements of circular 11/95 as it is not necessary or reasonable.

13. Community Infrastructure Levy

The site is located within 'Residential Zone 4' which is a nil CIL area. The development is therefore not required to provide a financial contribution towards the provision of off-site infrastructure.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations received have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics.

Reason for Granting Planning Permission:

The proposed development is considered to be acceptable in principle and is not considered to result in any adverse implications in respect of visual amenity, residential amenity, highway and pedestrian safety, drainage, land contamination, ecological impacts or air quality. The proposal is considered to accord with the relevant national planning policies set out in the NPPF and policies P1, SC1, SC4, SC8, SC9, TR1, TR2, TR3, HO5, HO8, HO9, HO11, EN3, EN5, EN7, EN8, DS1, DS3, DS5 and ID3 of the Local Plan.

Conditions of Approval

General

Three Year Time Limit

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

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

PD Rights Removed A-E

2. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

Material Samples

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

Boundary Treatments

4. Notwithstanding the details provided on the submitted plans details of the design, height and materials of boundary treatments to the plot curtilages and any retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary details so approved shall then be provided in full prior to the first occupation of the development and shall thereafter be retained as long as the development subsists.

Reason: In the interests of amenity and privacy and to accord with Policies DS2, DS3, DS5 and EN3 of the Local Plan Core Strategy.

Landscaping Scheme

5. In the first planting season following the completion of the development, or as may otherwise be agreed in writing by the Local Planning Authority, the landscaping proposals and new tree planting shall be implemented at the site in accordance with details shown on the approved Landscape Proposals drawing references PWP 111-001 01 and PWP 111-002 01 received by the Council on 1st December 2017.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

Landscape Maintenance

6. Before any part of the development is brought into use, the developer or successor in title, shall enter into a legal agreement to maintain the said 'internal verges and planting areas within the site in perpetuity' by way of a Management Company. The developer or successor in title shall lay out all those areas within the site in accordance with the approved drawing, and to a constructional specification by the Local Planning Authority, as part of those maintenance arrangements to be set out in a Management Maintenance Perpetuity Plan. As and when a phase or the whole development is completed the final verges and planting areas relating to that phase or the whole of the development, whichever shall apply, shall be laid out according to the approved plan.

Reason: To ensure that the areas are adequately maintained for the lifetime of the site in perpetuity, and therefore, will not require the Council to publicly maintain them at any time in the future.

Tree Protection Plan

7. The development shall not begin, nor shall there be any demolition, site preparation or ground works, 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 on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details shown on the submitted Tree Protection Plan reference "Appendix 6: CCL Arboricultural Report 08359/A".

No ground works, development or demolition shall begin until the Local Planning Authority has inspected and given its written confirmation that the agreed tree protection measures have been installed in accordance with those details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

Tree Protection Retention

8. The agreed tree protection measures, shall remain in place, and shall not be moved, removed or altered for the duration of the development without the prior written consent of the Local Planning Authority. There shall be no excavations or alteration of ground levels within the tree protection areas/construction exclusion zones created on the site, and no engineering or landscaping works, service runs, or installations shall take place and no materials shall be stored within them without the prior written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected for the duration of development activity on the site, in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

Highways

Parking Provision

9. Before any of the dwellings to be constructed are brought into use the proposed car parking spaces to be approved shall be laid out, hard surfaced, sealed, marked out into bays and drained within the site as shown on the approved drawing and completed to a specification approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety, and in accordance with Policies TR2, DS4 and EN7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Provision of Access

10. Before commencement of development full details of the proposed means of vehicular and pedestrian access hereby approved, including a construction specification and street lighting and drainage details shall be submitted to and approved in writing by the Local Planning Authority. The proposed means of vehicular and pedestrian access shall then be provided in accordance with the details so approved before first occupation of the approved dwellings.

Reason: To ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Provision of Turning Area

11. Before any of the proposed dwellings to be constructed as part of the development are brought into use the vehicle turning areas hereby approved shall be laid out, hard surfaced, sealed and drained within the site, as shown on the approved plan and retained whilst ever the development is in use.

Reason: In the interests of highway safety and to accord with policy TR2 of the Core Strategy.

Section 278 works

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

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

No gates open over highway

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

Reason: In the interests of highway safety and to accord with policy TR2 of the Core Strategy.

Contamination

Remediation Verification

14. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, 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 comply with policy EN8 of the Local Plan for Bradford.

Unexpected Contamination

15. 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 comply with policy EN8 of the Local Plan for Bradford.

Material Importation

16. 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 comply with policy EN8 of the Local Plan for Bradford.

Drainage

Surface Water Drainage

17. Notwithstanding the details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its effect on the water environment. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and to accord with policy EN7 of the Local Plan for Bradford

Surface Water Management Plan

18. 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: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

Foul Water Drainage Details

19. Notwithstanding the details contained in the supporting information, the drainage works shall not commence until full details and calculations of the proposed means of disposal of foul water drainage, have been submitted to and approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: In the interest of satisfactory drainage and to accord with policy EN7 of the Local Plan for Bradford.

Air Quality

Domestic Electric Vehicle Recharging Points

20. Unless otherwise agreed in writing with the Local Planning Authority, from the date of first occupation, every property on the site with dedicated parking shall be provided with access to a fully operation 3 pin socket on a dedicated 16A circuit, capable of providing a 'trickle' charge to an electric vehicle. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas or within dedicated garage space. All EV 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.

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 West Yorkshire Low Emission Strategy and the National Planning Policy Framework (NPPF).

Construction Environmental Management Plan

21. Prior to commencement of the development a Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation, construction and demolition phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the IAQM Guidance on the Control of Dust and Emissions from Construction and Demolition and include a site specific dust risk assessment and mitigation plan. 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 surrounding residents in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF) as possible.



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 8th March 2018

AL

Subject:

This is a reserved matters application for 30 dwellings approved by outline permission 14/04045/MAO requesting consideration of appearance, landscaping, layout and scale on the site of Flockton House, Flockton Road, Bradford.

Summary statement:

The positioning of the access into the site from Brompton Avenue was approved as part of the outline planning permission and as such this application simply relates to the appearance, landscaping, layout and scale of development within the application site.

The dwellings are in the form of semi-detached and terraces of 4 dwellings. The layout is such that dwellings front onto both Brompton Avenue and Flockton Road, each being served by individual driveways. The design of the dwellings is such that they are all 2 storeys in height and will be constructed of reconstituted stone and render on the elevations with reconstituted slate on the roof. The design and layout are considered to be in keeping with the general character of the locality.

To the west of the site is a Grade I Listed Building (Bolling Hall) which is separated from the site by a copse of mature trees. The scale of development, particularly along the western boundary, is less than previously existed when Flockton House occupied the site and therefore it is not considered that the scheme will have a detrimental impact on the setting of the listed building.

The development will be carried out by Bradford Council's Housing Services and will comprise 100% affordable housing for rent. Objections have been raised to the tenure of the dwellings but this cannot be considered when determining the planning application. However, the development will make an important contribution to Bradford Council's affordable housing stock.

Overall it is considered that subject to the imposition of appropriate conditions the scale, design and layout of the development are acceptable and will not have a significantly detrimental impact on the visual character and appearance of the streetscene and wider locality.

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 a reserved matters application for 30 dwellings approved by outline permission 14/04045/MAO requesting consideration of appearance, landscaping, layout and scale on the site of Flockton House, Flockton Road, Bradford.

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. If Members are minded to refuse the application then reasons for refusal need to be given.

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. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are to be provided within the main car park serving the development (planning condition already imposed on the outline consent).

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 and it is not considered that there are any significant implications for the Ward itself.

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).

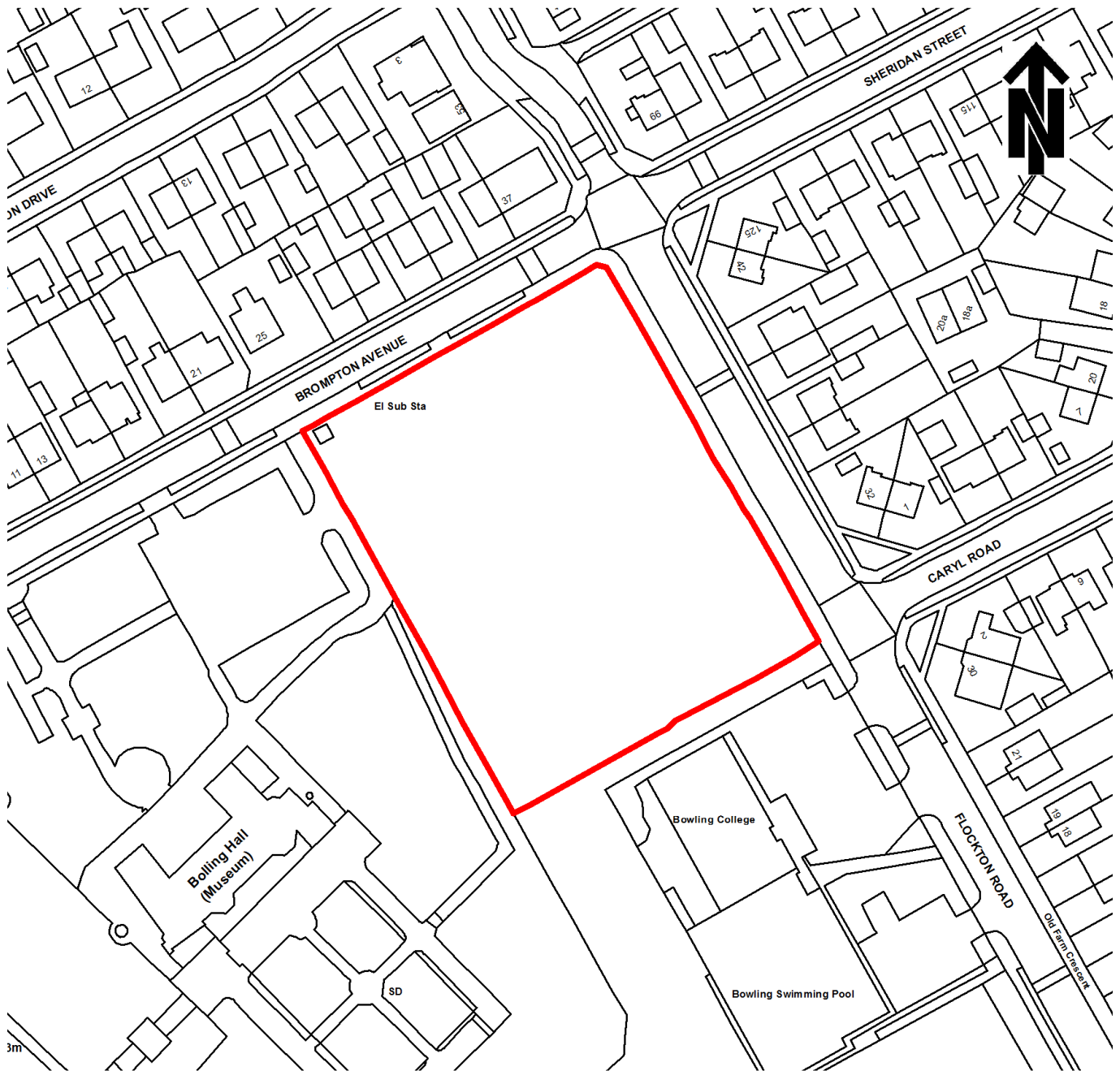
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Local Plan for Bradford
Planning application: 17/06960/MAR

17/06960/MAR



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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Former Site of Flockton House
Flockton Road
Bradford BD4 7RH

Appendix 1

8 March 2018

Ward: Bowling and Barkerend

Recommendation:

APPROVE THE RESERVED MATTERS

APPLICATION WITH PETITION

Application Number:

17/06960/MAR

Type of Application/Proposal and Address:

This is a reserved matters application for 30 dwellings approved by outline permission 14/04045/MAO requesting consideration of appearance, landscaping, layout and scale on the site of Flockton House, Flockton Road, Bradford.

Applicant:

Mrs Julie Rhodes (City of Bradford Metropolitan District Council)

Agent:

Mrs Fiona Kelly (City of Bradford Metropolitan District Council)

Site Description:

The site is located to the west of Flockton Road and to the south of Brompton Avenue and is currently vacant having been previously occupied by a two storey stone building that was in use as offices. A low level stone wall runs along the eastern and northern boundaries. To the north and east of the site are residential properties fronting onto Brompton Avenue and Flockton Road respectively. To the south of the site is a swimming pool whilst to the west is Bolling Hall. A number of trees run adjacent to the western boundary of the site separating the site from the grounds of Bolling Hall.

Relevant Site History:

Prior Approval was granted on the 4th September 2014 under reference 14/03594/PND for the demolition of the former school and council office.

Outline planning permission was granted on the 8th January 2015 under reference 14/04045/MAO for the construction of 30 two and three bed dwellings.

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 in the RUDP but is located within a defined Community Priority Area. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

N/A

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC7 Green Belt
SC9 Making Great Places
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
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
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:

Not applicable in this instance.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 2nd February 2018.

As a result of the publicity exercise 20 representations have been received objecting to the proposal.

A petition comprising 214 signatures has also been submitted objecting to the proposal.

A local Ward Councillor has requested that the application be presented to this Committee for determination on the grounds that the new access onto Brompton Road will cause traffic issues.

An objection has also been received from the Member of Parliament for the constituency the site is located within.

Summary of Representations Received:

Principle:

- It can clearly be identified that development is proposing to build as many homes as possible on the site – thought should be given to the residents who have lived in the area for a long time

Highways:

- On weekdays the business of the swimming pool already creates issues for parking but with the addition of 30 dwellings to the immediate area this will pose an even greater problem
- There is insufficient parking proposed based on many households having 2 cars
- Flockton Road would be a better location for the entrance as the road is wider
- Traffic is already an issue as can be evidenced by the number of speed bumps on the roads
- Most families who reside on Brompton Avenue hold two to three cars per household; although this may seem like a sufficient amount of space, it is still a struggle to obtain parking amenities due to the narrow/restricted parking option
- The development plans indicate that the two-bed housing options will be located closer onto Brompton Avenue, which is not a feasible option as the homes will only hold one car per household resulting a rivalry for parking in the future when the housing is complete
- The junction between Brompton Avenue and Flockton Road possesses many disruptions already due to oncoming school traffic as can be seen by the many speed bumps in the area/roads nearby; By adding another 30 dwellings with an entrance on Brompton Avenue would enhance the congestion and impact residents neighbouring

Visual amenity:

- Residents need clarification that these houses will not appear to be designed differently (e.g. materials) and can be built to best-suit those around them

Residential amenity:

- Overlooking of existing dwellings

Others:

- The addition of social housing will bring the value of the properties already in the area further down. Since the recession the properties have not yet recovered and this will further hinder our property value
- Social housing will result in significant changes to the local community

- It would be better to match the current stock of homes which are made to be sold and not rental stock

Consultations:

Yorkshire Water Land Use Planning – No objection to the details submitted but no drainage details have been provided so no further response can be given

Historic England – No comments to make on the proposal and advise that the views of the Council's specialist conservation and archaeological advisors are sought

Landscape Design Unit – No objection to the principle of the development but suggest that there are areas that could be improved across the scheme

Highways DC – No objection to the principle of the development subject to the imposition of appropriate conditions

West Yorkshire Police – No objection to the principle of the development but comments are made on specific aspects of the development including boundary treatments, surveillance of parking bay, external lighting, physical security, and, Intruder alarms

Summary of Main Issues:

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

Appraisal:

The application is a Reserved Matters application relating to the construction of 30 dwellings. The matters being sought for approval are appearance, landscaping, layout and scale. The access to the site from Brompton Avenue was approved as part of the outline planning permission under reference 14/04045/MAO. The site is being developed by Bradford Council's Housing Services as part of the affordable housing programme across the District.

1. Principle of development

The principle of residential development on the site has previously been accepted through the granting of outline planning permission under reference 14/04045/MAO.

Policy HO5 of the Core Strategy seeks to ensure that residential developments achieve a minimum density of 30 dwellings per hectare on the site. The site measures 0.64 hectares and proposes 30 dwellings. This equates to a density of 47 dwellings per hectare which is considered to be acceptable in terms of making the most efficient use of the site.

Overall therefore it is considered that the principle of residential development on the site is 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.

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 site is located in an area where the predominant house type comprises 2 storey semi-detached dwellings. The dwellings are constructed of a mix of materials including brick and render, and, stone and pebble dashing. The site is also located to east of Bolling Hall which is a stone built Listed Building.

The layout of the site is such that it is accessed via a single point of access taken from Brompton Avenue. The proposed dwellings comprise principally of 2 storey semi-detached dwellings with there also be 2 terraces comprising 4 x 2 storey dwellings, these being located along the southern boundary of the site backing onto the swimming baths. The proposed dwellings will be constructed of reconstituted stone and render on the elevations with reconstituted slate on the roof.

The Landscape Design Unit have not raised an objection to the principle of the development but have suggested that there are improvements that could be made to the overall layout of the scheme. Such improvements could include a further increase in the number of new trees planted across the development; for example more of the rear gardens on the south side could include a tree, shrub planting along the boundaries and the boundary treatment around the substation could be improved.

With regard to the additional tree and shrub planting within the development this would take place within the domestic curtilages as there are no public areas of open space. It would then be down to the future occupiers to maintain the landscaping and replace trees where they are damaged or lost. The Landscape Design Unit have suggested that the future landlords of the properties should be responsible for the upkeep of the landscaped areas but this cannot be guaranteed or controlled by the planning system. Whilst it would be beneficial to the visual appearance of the locality to increase the level of landscaping it is not considered that it can be successfully secured through planning conditions.

With regard to the boundary treatment around the substation a revised plan has been submitted that shows it to be separated from Bolling Hall by a 1.8 metre high wall extending to the free standing stone pillar on site. The A frame removed and opening walled up and a 900mm high wall constructed to the perimeter of the easement, demarcating the boundary with the house behind. This is now considered to be satisfactory.

The layout is considered to be in keeping with the surrounding development both in terms of the layout of the site and the design of the dwellings.

Overall therefore it is not considered that the proposal will have a detrimental impact on the visual character and appearance 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 site is bounded to the north and east by existing residential development with dwellings fronting onto Brompton Avenue and Flockton Road respectively. The relationship between the existing and proposed dwellings is main elevation to main elevation with a separation distance of 23 metres. This distance is in excess of the policy requirement of 17 metres and is therefore considered to be acceptable.

Within the site the relationships between the proposed dwellings is main elevation to main elevation and main elevation to gable end. The separation distances are again in excess of the policy requirement.

Overall therefore it is not considered that the layout of the development will have a significantly detrimental impact on the residential amenities of the occupiers of either the existing or proposed dwellings.

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 proposed access to the development from Brompton Avenue was approved as part of the outline planning permission and as such cannot be reconsidered as part of the current proposal. This application simply relates to the internal layout.

In terms of the internal layout the Highways Department have not raised an objection in terms of either the layout of the access road or the level of parking serving the dwellings. However, they have stated that the proposal would require the removal of some existing Traffic Regulation Orders from the site frontage on Flockton Road and as such the cost of promoting the Traffic Regulation Order changes will have to be met by the applicant. An additional Traffic Regulation Order may be required at the junction of Flockton Road with Sheridan Street to discourage parking in this location. Annotations for these Traffic Regulation Orders have been made on the plan and will be secured through a recommended condition requiring the Applicant to enter into a Section 278 Agreement.

Overall therefore, subject to the imposition of appropriate conditions, 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 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.

Yorkshire Water have not raised an objection to the development but have stated that as no drainage details have been provided no further response can be given. The issue of drainage was fully assessed during the consideration of the outline planning application when both Yorkshire Water and the Council's Drainage Services were consulted and responded. Based on their consultation responses appropriate conditions were imposed on the outline planning permission and will be relevant to 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.

Whilst there are no trees within the site there are a number of trees located within the grounds of Bolling Hall to the west of the site. The layout of the development is such that the dwellings are located sufficient distance away from the crown spread of the trees and therefore will not be impacted upon during the construction phase of the development subject to the installation of protective fencing. The orientation of the dwellings is such that the gable ends of the dwellings will face onto the trees and therefore there will not be future pressure on the crown thinning of the trees due to loss of light to habitable room windows.

It is therefore considered that the design and layout of the development will not impact on the existing trees adjacent to the site.

7. 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 (WYPALO) has not raised an objection to the principle of the development but has raised a number of comments regarding site specific aspects of it, these being as follows:

Boundary treatments: The majority of the boundary treatments are considered to be acceptable. However it is noted that the front low level stone walls are being retained around the properties and these can provide a seating area for local youths, especially on an evening. Ideally railings, or possibly a coarse, rough edged topping which will make seating more uncomfortable should be added to this wall – *the retention of the low level wall around the frontage of the site provides an open aspect to the development and mirrors a lot of the existing boundary treatment on Brompton Avenue and Flockton Road. The comments of the WYPALO are noted but it is considered that the retention of the existing boundary wall in its current form retains the character of the streetscene. It is also considered that the wall will be self-policed by the residents who occupy those dwellings as well as by neighbouring occupiers.*

Surveillance of parking bay: Plot 9 has parking to the rear of the property and it is recommended that a small side window is installed in the kitchen or lounge to provide

more surveillance of this plot vehicles – *whilst the parking spaces are located to the rear of plot 9 they do front directly onto Flockton Road and do benefit from good natural surveillance. By incorporating windows in the side elevation it will not increase the natural surveillance of the parking spaces as they are located at the rear of the dwelling.*

External lighting: It is recommended that external lighting above the front and rear doorways is installed – *this is outside the control of planning legislation and it is upto the developer and future occupiers of the dwellings whether they install the lighting.*

Physical security: It is recommended that doors and windows should be submitted to Building Regulation standards and that each dwelling has an intruder alarm fitted – *this is outside the control of the planning legislation and is covered by Building Regulations Approved Document Q.*

8. 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.

The issue of land contamination was fully assessed during the consideration of the outline planning application where appropriate conditions were imposed on the planning permission.

9. 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.

The site is a clear site with the building having already been demolished and as there are no trees on the site there are no biodiversity issues.

10. 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. In this instance the site is located within an area where the affordable housing requirement is upto 15% of the number of units.

The Applicant has stated that demographical studies have identified that the Bradford district is experiencing increased demand for affordable houses. In response, the Council's Housing Services is developing affordable housing projects across the district. This site will be developed with 2 and 3 bedroom properties for rent. The provision of 100% affordable housing is in excess of the policy requirement and is therefore considered acceptable. However, the provision of the affordable housing cannot be secured via a Section 106 Legal Agreement as the Applicant is the Council and it cannot enter into an Agreement with itself.

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 Districts designated and undesignated heritage assets and their settings.

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."

To the west of the site is Bolling Hall, a Grade I Listed Building. The building is located 34 metres from the western boundary of the site and is separated from it by a large copse of mature trees. The application site was previously occupied by a 2 storey office block whose built form was close to the joint boundary. The layout of the development is such that built form is significantly different to what existed before and is no longer one large building. The spaces between the dwellings and the open space of the access road reduce the impact of the new development on the adjacent listed building.

As such it is not considered that proposed development will have a significantly detrimental impact on the setting of the adjacent listed building.

12. Community Infrastructure Levy (CIL)

The site is located within a nil CIL area and therefore will not generate any monies towards infrastructure provision under the CIL legislation.

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:

The addition of social housing will bring the value of the properties already in the area further down. Since the recession the properties have not yet recovered and this will further hinder our property value – *unfortunately the issue of devaluation of dwellings is not a material planning consideration. This application does not cover the tenure of the properties, i.e. whether they are private or social housing, but simply assesses the built form and the impact it will have on the immediate vicinity*

Social housing will result in significant changes to the local community – *This application does not cover the tenure of the properties, i.e. whether they are private or social housing, but simply assesses the built form and the impact it will have on the immediate vicinity*

It would be better to match the current stock of homes which are made to be sold and not rental stock – *This application does not cover the tenure of the properties, i.e. whether they are private or social housing, but simply assesses the built form and the impact it will have on the immediate vicinity*

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 scheme provides a residential development on an allocated safeguarded site. The layout of the proposal is acceptable and presents no concerns with regard to visual or residential amenity and highway safety. The proposal will assist in delivery of housing and help meet the shortfall in housing need in the district. The application has been fully assessed in relation to the impact of development on the adjacent Grade I listed building and whilst there are potential effects on the setting of this heritage asset these have been fully taken into consideration and it is concluded that no substantial harm will result and

that the harm that does result by constructing built form on this site has been weighed against the public benefits and found, on balance, to outweigh the harm.

Overall the proposal is considered acceptable subject to the attached conditions and satisfies the requirements of policies P1, SC1, SC4, SC7, SC9, TR1, TR2, TR3, HO5, HO6, HO8, HO9, HO11, EN2, EN3, EN5, EN7, EN8, DS1, DS2, DS3, DS4, DS5, ID2, and, ID3 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Time scale

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

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

2. Visibility splays

Prior to any development starting on site the details of the visibility splays to be maintained at the junction of Flockton Road with Brompton Avenue/Sheridan Street shall be submitted to and be approved in writing by the Local Planning Authority. There should be no obstruction to visibility exceeding 900mm in height above the level of the adjacent footway within the splays so formed.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with to ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

3. TRO

A drawing indicating the extent and full details for the removal and/or promotion of additional Traffic Regulation Order(s) along the site frontages on Flockton Road and Brompton Avenue/Sheridan Street shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development and no part of the development hereby approved shall be brought into use until best endeavours to implement the Traffic Regulation Order has been undertaken by the Highway Authority with all costs borne by the applicant.

Reason: In the interest of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document.

4. Car parking facility

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

Reason: In the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document.

5. Gates

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

Reason: In the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document.

6. Retaining structure

Within 6 months of the development hereby permitted commencing on site details of any retaining structures, including any calculations, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved details before the development is first occupied.

Reason: In the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document.

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