

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday 5 April 2018 at 10.00 am in the Banqueting Hall, City Hall, Bradford

Members of the Committee – Councillors

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

Alternates:

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

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0915 in the Banqueting Hall on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.
- **INTERESTED PARTIES ARE ASKED TO NOTE THAT ITEMS 9, 10 AND 11 WILL NOT BE CONSIDERED BEFORE 1.30PM.**

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 11 January 2018 be signed as a correct record.

(Sheila Farnhill – 01274 432268)

4. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

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

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

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

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

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

(Sheila Farnhill - 01274 432268)

B. BUSINESS ITEMS

5. **MEMBERSHIP OF SUB-COMMITTEES**

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

(Sheila Farnhill – 01274 432268)

6. **LAND TO THE SOUTH OF GOOSE COTE LANE, KEIGHLEY** **Worth Valley**

1 - 46

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “AM”**) in respect of an outline planning application for residential development (all matters of detail reserved except access) of 100 market dwellings, 30 affordable sheltered dwellings and associated infrastructure and landscaping works on Land to the South of Goose Cote Lane, Keighley – 18/00214/MAO.

Recommended –

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

(John Eyles – 01274 434380)

7. **IVY HOUSE CARE HOME, HOLLIN WOOD CLOSE, SHIPLEY** 47 - 64
Shipley

The Assistant Director - Planning, Transportation and Highways will submit a report (**Document “AN”**) in relation to a full planning application for the change of use of an existing disused care home to 14 one and two bedroom apartments at Ivy House Nursing Home, 6 Hollin Wood Close, Shipley – 17/06421/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)

8. **LAND OFF ASHLANDS ROAD, ILKLEY** 65 - 94
Ilkley

A report will be submitted by the Assistant Director - Planning, Transportation and Highways (**Document “AO”**) in respect of an outline planning application, with all matters reserved other than access, for the construction of 14 dwellings and a veterinary surgery on land off Ashlands Road, Ilkley – 16/04629/MAO.

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)

Interested parties are asked to note that the following item will not be considered before 1.30pm

9. **LAND TO THE SOUTH OF WOODLANDS CE PRIMARY SCHOOL, MILL CARR HILL ROAD, BRADFORD** 95 - 114
Tong

A report will be presented by the Assistant Director - Planning, Transportation and Highways (**Document “AP”**) in relation to an outline planning application for the provision of a school car park for Woodlands CE Primary School (linked to an application within the Kirklees district for the redevelopment of a former waste water treatment works off Cliff Hollins Lane, following demolition of existing structures, to provide employment uses Classes B1(C), B2 and B8) on land to the South of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw, Bradford – 16/06146/MAO.

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)

Interested parties are asked to note that the following item will not be considered before 1.30pm

10. **LAND TO THE EAST OF KEIGHLEY ROAD, SILSDEN** 115 -
Craven 140

The report of the Assistant Director - Planning, Transportation and Highways (**Document “AQ”**) considers a full planning application for the development of a new caravan and cabin park on Land between Silsden Beck and the River Aire to the East of Keighley Road, Silsden – 17/06814/MAF.

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)

Interested parties are asked to note that the following item will not be considered before 1.30pm

11. **LAND AT THE FORMER RIVERSIDE WORKS, KEIGHLEY ROAD,** 141 -
SILSDEN 174
Craven

Previous reference: Minute 51 (2016/17)

A report will be presented by the Assistant Director - Planning, Transportation and Highways (**Document “AR”**) in relation to an application for outline planning permission for the demolition of existing buildings and the construction of up to 142 dwellings on Land at the Former Riverside Works, Keighley Road, Silsden – 16/03804/MAO.

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) Payment of a contribution of £348,439 for the provision of off-site affordable housing in Craven Ward, or an adjacent ward,
 - (ii) The safeguarding of the land shown hatched in red on plan SIL-BWB-00-01-DR-TR-101 Rev P1, adjacent to the proposed junction with Keighley Road, to provide for any improvements to the junction which may be required in future to facilitate access beyond the current application site,
 - (iii) Entering into an agreement under Section 278 of the Highways Act 1980 in respect of related off-site highway works,

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)



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on Thursday 5 April 2018.

AM

Subject:

Outline planning application (all matters of detail reserved except access) ref. 18/00214/MAO for residential development of land south of Goose Cote Lane, Keighley, with 100 market dwellings, 30 affordable sheltered dwellings and associated infrastructure and landscaping works.

Summary statement:

The Regulatory and Appeals Committee are asked to consider the recommendation for the determination of outline planning application ref. 18/00214/MAO, which proposes the residential development of land south of Goose Cote Lane, Keighley, made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

The application is in outline form but with details of the site access also submitted for approval. The amount of development specified in the application is 130 dwellings, with 30 of the dwellings comprising affordable sheltered units. Details of the scale, layout, appearance and landscaping of the development are Reserved Matters not for consideration in the current application.

The site is within the Green Belt and represents inappropriate development within the Green Belt as defined by saved policy GB1 of the replacement Unitary Development Plan and Section 9 of the National Planning Policy Framework. This greenfield site also represents part of an area of mixed upland pasture along the sides of the Worth Valley within the North Beck Valleys Landscape Character Area which is very vulnerable to major changes.

The applicant has not provided sufficient evidence to demonstrate either that very special circumstances exist sufficient to override the policy of Green Belt development restraint or that the adverse impact the development of 130 houses on this site would have on the character of the local landscape could be mitigated to an acceptable degree. There are not considered to be any apparent material considerations which should override the relevant provisions of the development plan in respect of Green Belt development restraint and the requirement for developments to make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District therefore it is recommended that the planning application 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

This report concerns an outline planning application (all matters of detail reserved except access) ref. 18/00214/MAO for residential development of land south of Goose Cote Lane, Keighley, with 100 market dwellings, 30 affordable sheltered dwellings and associated infrastructure and landscaping works.

The site is a 3.95 hectare greenfield site which has been previously undeveloped other than for agriculture and was last in use as grazing land and comprising part of an area of upland pasture stretching along the sides of the Worth Valley. Goose Cote Lane broadly defines the southern extent of the existing residential development in this area, albeit with a small residential enclave protruding south from Goose Cote Lane to the west of the site. The site slopes down towards the River Worth and the Keighley and Worth Valley Railway line at the valley bottom, steepening after the initial fields which slope gently. Damems Station is located approximately 300 metres east of the site.

The proposal is to residentially develop this land with 130 dwellings, including 30 affordable, sheltered dwellings. The proposed access would be via 2 new junctions onto Goose Cote Lane. Details of the site layout are not submitted for approval at this stage; however an indicative site layout plan has been submitted which illustrates a potential development scheme involving the construction of 100 houses laid-out in an inward looking new residential estate, with a mix of relatively small terraced and semi-detached houses together with a number of larger detached houses.

The illustrative layout also shows 30 other non-house units; with the footprint of the units implying they may be static caravans). Details of site landscaping are also reserved; however indicative site landscaping plans illustrate proposals to provide tree belts along the south-eastern boundary of the site and around the area accommodating the 30 non-house units. The 30 non-house unit area would be served by a separate access and would include a site office.

The site is within the Green Belt and represents inappropriate development within the Green Belt. Planning Policy confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 applicant argues that the harm the development would cause to the Green Belt would be limited by virtue of the fact that the site is surrounded on 3 sides by existing urban development and that the proposal would provide a linear form of development along the road which would 'slot in' and complement the existing development on the opposite side of Goose Cote Lane. However these arguments are not accepted as valid.

In fact less than 1/3rd of the site borders existing urban development, with the other 2/3^{rds} of the site boundary being onto open countryside. Furthermore the illustrated development is an inward looking residential enclave on land which extends some distance south of Goose Cote Lane not a linear development fronting onto Goose Cote Lane.

Additionally the development would leave a relatively small remnant of farmland to the east between the site and the existing residential estate to the north of Damems Lane thereby potentially compromising the integrity of further green belt land to the east. Consequently it is considered that the harm the development would cause to the Green Belt is substantial, with the development resulting in the construction of 130 new dwelling units and associated infrastructure within the Green Belt, reducing its openness and causing urban encroachment into the countryside.

In addition to the harm the development would cause to the Green Belt the development would also be harmful to the character of the landscape. The site is within an area of mixed upland pasture along the sides of the Worth Valley within the North Beck Valleys Landscape Character Area which is very vulnerable to major changes. The development would cause a significant extension of residential development down the sides of the Worth Valley, adversely affecting the setting of the Keighley and Worth Valley Railway and causing a noticeable deterioration in the landscape appearance of the area as viewed from many positions on the South side of the Worth Valley.

Very special circumstances which would mean that Green Belt development restraint should be overridden in this instance can only be considered to exist if the harm described above is clearly outweighed by other considerations. The factors advanced in favour of the development by the applicant include the contribution the development would make to housing land supply within the District, with the Council currently unable to demonstrate a 5 year supply of housing land; the inclusion of the site within the emerging Allocation Development Plan Document and Strategic Housing Land Availability Assessment; the fact that the development is sustainably located; the benefits of the development to the local economy; the deliverability of the site; and the biodiversity and landscape improvements comprised within the scheme.

In relation these factors it should be noted that they are not truly site specific and there is no apparent reason why equivalent benefits could not be achieved through the residential development of any other land in and around Keighley. Although the Council accept that it cannot demonstrate a 5 year supply of deliverable housing land this has not been accepted to undermine the national and local policy of Green Belt development restraint. To accept this would set a precedent which could allow the uncontrolled and piecemeal erosion of the Green Belt outside of the statutory Development Plan making process.

The application has been submitted in advance of the preparation of the Allocations Development Plan Document (DPD) and the associated Green Belt Review process, where the need for the release of Green Belt Land for housing and employment within each settlement/ functional area within the District will be properly and robustly considered. Where a need for Green Belt release is identified, all alternative potential green belt release sites will be assessed taking account of factors such as the impact upon the integrity of the Green Belt, the character of the landscape and environmental value and constraints of alternative sites.

Contrary to the claims of the applicant the Allocations DPD has not yet advanced to a stage where any weight can be attached to any reference to a site within the initial Allocations DPD consultation plan (which was not subject to any site sifting process).

Equally the Strategic Housing Land Availability Assessment (SHLAA) is simply part of the evidence base of the adopted Core Strategy which demonstrated the deliverability of the housing distribution proposals and is not a policy document.

At this point in time the status of the site is simply Green Belt with no adopted plans or policies indicating any likelihood of the land being released from Green Belt. In terms of the provisions of the Core Strategy the site is within the area defined as Keighley. Within the Core Strategy Keighley is defined as a Principle Town and is identified for the delivery 4,500 new residential units in the period up to 2030.

The Core Strategy Key Diagram indicates that Potential Localised Green Belt Deletions may be necessary to allow sufficient housing and employment sites to be allocated. However the need for any such Green Belt releases will be further assessed during the preparation of the Allocations DPD and no indication is given of what, if any, parts of the large amount of Green Belt land around Keighley may be most suitable (least harmful) for Green Belt deletion.

Taking account of the above, it is not considered that the considerations in favour of the development are sufficient to outweigh the harm the development would cause to the Green Belt, either when considering the Green Belt harm in isolation or when considered in combination with the harm the development would cause to the character of the landscape. Therefore very special circumstances are not considered to exist which would justify an exception to the policy of development restraint within the Green Belt and it is recommended that planning permission is refused for the reasons set out in detail within the Technical 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 inappropriate development within the Green Belt involving the development of buildings with over 1,000m² of floor space, the authority shall first consult the Secretary of State for his decision not whether to call in the application. Therefore, if the Committee propose to grant planning permission for the development, the required consultation with the Secretary of State must be undertaken before a Planning Decision is issued.

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 greenfield area of land on the periphery of Keighley with new housing. Although the Development Plan provides for significant residential growth within Keighley this should only take place on sites which are suitable and do not cause unacceptable social and environmental harm.

The report at Appendix 1 explains why the proposed development is considered to cause unacceptable harm to the Green Belt and the Character of the Landscape. Due to the development's failure in relation to these factors the application cannot be considered to be for Sustainable Development as defined by the NPPF.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future occupiers. However the Development Plan seeks to limit such impacts both by directing new development to sustainable locations, either close to existing centres or well connected to those centres in terms of public transportation, and also by requiring air quality mitigation to be incorporated into new developments, such as through travel planning measures and the provision of electric vehicle charging points.

In relation to these matters it should be noted that the proposed development site is on the periphery of Keighley/ Oakworth and is less well connected to existing shops and facilities than certain other potentially available housing sites. The scoring of alternative sites in terms of sustainability factors would be a consideration in the allocation of land through the Allocations DPD. Piecemeal development proposals, such as the current application, prejudice the proper consideration of what land is most appropriate to allocate for new development in terms of sustainability and connectivity factors.

It should also be noted that, although the applicant has provided an Air Quality Assessment which acknowledges the need to provide air quality mitigation, no specific air quality mitigation proposals are included in the submission in terms of the provision of electric vehicle charging points, etc. It can therefore be said that there is insufficient information available at this point in time to be confident that the residential development of the proposal site would not result in a higher level of greenhouse gas emissions impacts than other potential sites.

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 Worth Valley 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.

In response to this publicity 190 written representations have been received 182 of which object to the application and 8 of which support the application. Objectors include Councillors representing both the Worth Valley Ward and the adjacent Keighley West Ward and the local Member of Parliament.

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 relevant Wards.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To refuse planning permission for the reasons set out at the end of the Technical Report at Appendix 1

11. APPENDICES

Appendix 1: Technical Report

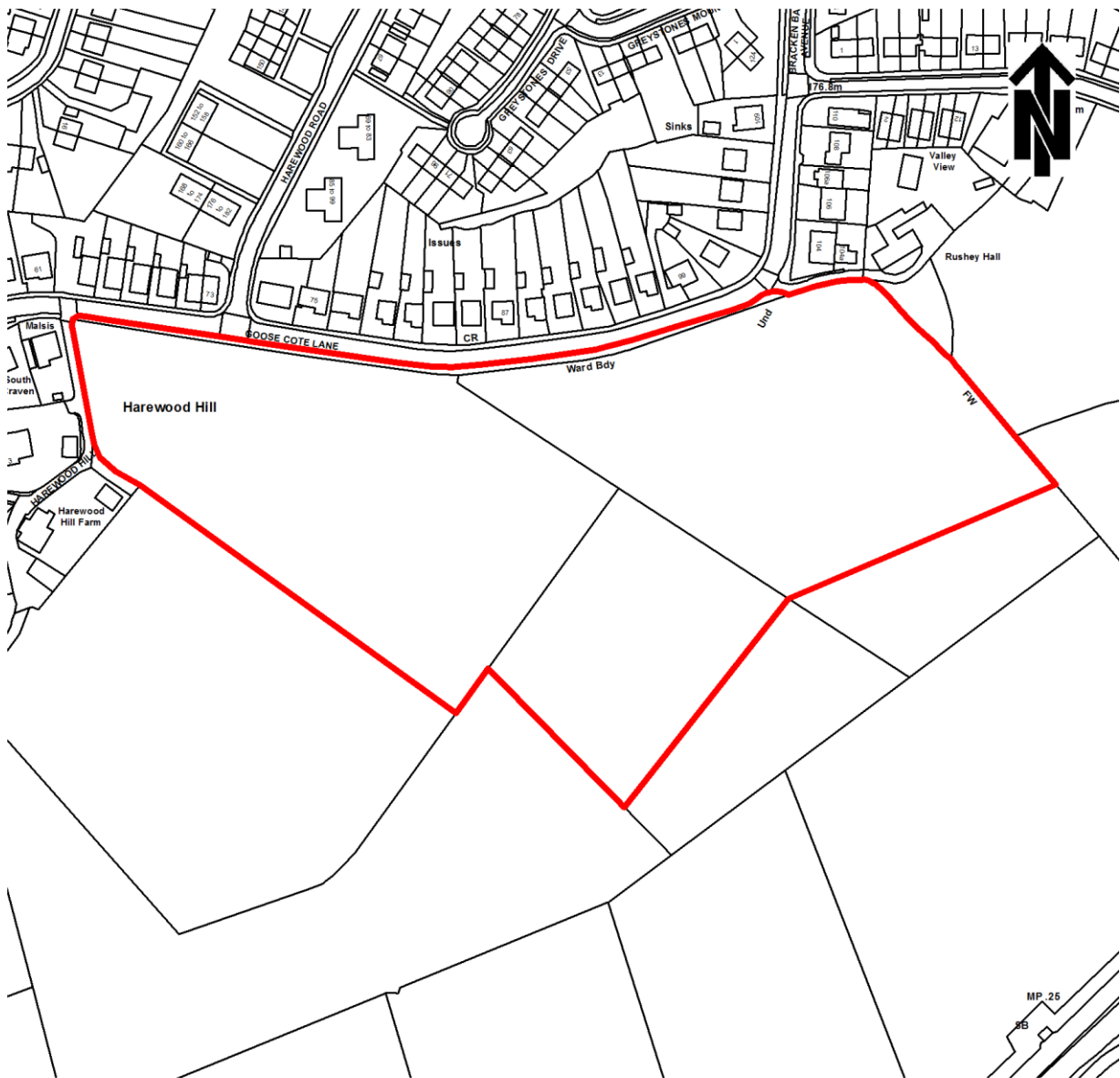
12. BACKGROUND DOCUMENTS

- Adopted Core Strategy
- National Planning Policy Framework
- Application file 18/00214/MAO

18/00214/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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**Land At Goose Cote Lane,
Keighley,
West Yorkshire**

05 April 2018

Ward: Worth Valley

Recommendation:

To Refuse Planning Permission

Application Number:

18/00214/MAO

Type of Application/Proposal and Address:

Outline planning application (all matters of detail reserved except access) ref.

18/00214/MAO for residential development of land south of Goose Cote Lane, Keighley, with 100 market dwellings, 30 affordable sheltered dwellings and associated infrastructure and landscaping works.

Applicant:

GCL Developments

Agent:

Mr Sam Dewar

Site Description:

The proposal site is a 3.95 hectare greenfield site which has been previously undeveloped other than for agriculture and was last in use as grazing land and comprising part of an area of upland pasture stretching along the sides of the Worth Valley. Goose Cote Lane broadly defines the southern extent of the existing residential development in this area, albeit with a small residential enclave protruding south from Goose Cote Lane to the west of the site. The site slopes down towards the River Worth and the Keighley and Worth Valley Railway line at the valley bottom. Damems Station is located approximately 300 metres east of the site. A caravan park is located on the opposite side of the valley to the proposal site.

Surrounding land uses are primarily residential to the north and north-east and agricultural to the east, south and south-west. The properties to the north-west of the site mainly comprise traditional farmhouse and barn type buildings arranged in an informal pattern. The properties to the north on the opposite side of Goose Cote Lane are arranged in a traditional residential estate format, comprise both art-stone bungalows (along the western part of the frontage) and brick semi-detached 2 storey houses (along the eastern part of the frontage).

The site is transected by several field boundaries comprising dry stone walls and the site frontage on Goose Cote Lane is also formed by a dry stone wall with a field gate access provided. Power lines also transect part of the site. The land has the appearance of rough grazing land, undulating in places and steepening to the south. The Southernmost part of the site appears to have suffered some localised land slippage.

Relevant Site History:

- None.

Development Plan Proposals Map Allocation:

- The proposal site is within the Green Belt as defined by the Proposals Map.

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
- EN1 Open Space, Sports and Recreational
- EN2 - Biodiversity and Geodiveristy
- EN3 Historic Environment
- EN4 - Landscape
- 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
- HO1 Scale of Housing Required
- HO2 Strategic Sources of Supply
- HO3 Distribution of Housing Requirement
- HO4 Phasing and Release of Housing Sites
- HO5 Density of Housing Schemes
- HO6 Maximising use of Previously Developed Land
- HO7 Housing Site Allocation Principles
- HO8 Housing Mix
- HO9 Housing Quality
- HO11 Affordable Housing 198

The National Planning Policy Framework (NPPF):

The NPPF sets out the government's national planning polices, 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 Keighley News. The date specified on these notices, by which representations should be submitted, was 01 March 2018.

In response to this publicity 190 written representations have been received 182 of which object to the application and 8 of which support the application. Objectors include Councillors representing both the Worth Valley Ward and the adjacent Keighley West Ward and the local Member of Parliament.

Summary of Representations Received:

Support

- The development would deliver much needed new housing.
- The development would bring about economic benefits.
- The development scheme would bring about environment benefits.
- The way in which the development would be designed will ensure that harm is not caused to the landscape or the local community.

Objection

- The proposed means of access is unsafe.
- The development would increase traffic on inadequate local roads and sub-standard junctions to the detriment of highway safety and amenity.
- At the junction between Goose Cote Lane and Oakworth Road visibility is poor.
- There is inadequate pedestrian footway infrastructure on local roads.
- Goose Cote lane is used as a 'rat run' to avoid congestion on Oakworth Road.
- Committed developments at Occupation Lane, the former Bronte School and Bogthorn will add to traffic congestion.
- The bus service serving the locality is infrequent (1 per hour) and inadequate.
- If this site was developed it would set a precedent for the development of further Green Belt land.
- The development would harm the green belt.
- The development will lead to the coalescence of Oakworth with Keighley and the loss of distinctiveness of Oakworth.
- There are alternative available sites which would not harm the greenbelt, including brownfield sites, as listed in the SHLAA.
- Very special circumstances do not exist which would override green belt protection.
- The development would harm the character of the landscape which forms part of 'bronte country'.
- Local tourism would be harmed as the quality of the landscape would be eroded and the setting of the Keighley and Worth Valley Railway degraded.
- The development would harm the amenities enjoyed by local residents and would not benefit the community.
- Concern that the site currently supports various species of birds and that incorporating bird boxes and a hedge will not lead to lapwings, skylarks and curlews thriving in a housing estate.

- The development would result in unacceptable ecological harm.
- The land is unstable and the development has not properly addressed land stability issues.
- The development would be likely to increase anti-social behaviour in the locality.
- Goose Cote Lane has severe surface water flooding problems which have not been addressed and would be exacerbated.
- The land is very boggy and unsuitable for development.
- Taking the existing drainage capacity of the site away could lead to increased off-site flooding problems.
- The development would result in an unacceptable loss of agricultural land.
- The development would put an unacceptable additional strain on inadequate local infrastructure, including:
 - Insufficient capacity in the main sewer;
 - Congested roads;
 - All local primary schools are full and unable to take extra pupils;
 - Local doctor's surgeries are full.

Consultations:

Children's Services

To create sustainable communities, Bradford Council needs to ensure there is adequate provision and a viable education infrastructure. It has a statutory duty to ensure that there are sufficient early years and school places in its area and to promote parental choice through increasing the diversity of provision.

Based on the data available in January 2018 the above housing development may cause concerns on where primary school aged children of families coming to reside in the development might attend school. Parents also usually have an expectation that their children would be able to secure a school place at their local school and minimise the distance they may need to travel.

The following schools are within a reasonable distance of the proposed development:
Primary: Oakworth, Worth Valley, Ingrow, Nessfield, St Joseph's Catholic and Lees
Secondary: Beckfoot Oakbank, The Holy Family and University Academy Keighley

Currently the primary schools are overcrowded or full in most year groups. It may therefore mean that the Council would need to increase the number of primary school places in this area. However, there are currently places available in the secondary schools in this area.

The development is in zone 3, a £20 CIL area, the payment is calculated on the total number of square metres which is non-negotiable. These funds would then be maintained and allocated to communities and departments as shown in the 123 agreement and in line with the decision of the Authority's Executive

Any District Community Infrastructure Levy (CIL), if granted to the Children's Services department, may be used to expand provision where possible to accommodate any additional children.

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 if the following details are implemented and secured by way of a planning condition on any planning permission the LLFA have NO OBJECTION to the proposed development.

The development should not begin until details of a scheme for foul & surface water drainage, including any balancing & off site works have been submitted to & approved in writing by the Local Planning Authority. The drainage scheme shall include proposals for the disposal of surface water from the development using sustainable drainage techniques or, proof that such techniques are impracticable in this instance. Only in the event of sustainable drainage techniques proving impracticable will disposal of surface water to an alternative outlet be considered.

Development to be drained via a separate system within the site boundary.

Should sustainable drainage featuring infiltration techniques prove impracticable on this site, the sewerage undertaker Yorkshire Water will specify a restricted surface water discharge rate to sewer, Surface water attenuation may therefore be required & if applicable the developer must submit details & calculations to demonstrate any surface water attenuation proposals are sufficient to contain flows generated in a 1:30 year event plus climate change within the underground system together with details & calculations to demonstrate flows generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed dwellings or safe egress & access.

Development to incorporate where practicable the precautionary mitigation measures specified in the Flood Risk Assessment for the site submitted by ARP Associates, Ref 800/627 r1.

Environmental Health – Air Quality

The proposed development constitutes a medium development for the purpose of the Bradford Low Emission Strategy (adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013) and the West Yorkshire Low Emission Planning Guidance (adopted December 2016)

Under the provisions of the LES planning guidance medium developments are required to provide an exposure assessment and Type 1 and 2 emission mitigation as follows:

Type 1 Mitigation

- Provision of electric vehicles charging facilities
- Adherence to IAQM / London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition during all demolition, site preparation and construction activities at the site.
- Type 2 Mitigation
- Provision of a Travel Plan of mitigation measures that will discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles.

- In addition some applications are required to submit an exposure assessment where the development has the potential to increase human exposure to poor air quality.

Exposure

The site is not in an area of existing air quality concern and new receptors at the site are considered unlikely to experience exposure to air pollutants above the national air quality objective levels. This is confirmed by the air quality assessment submitted with the application.

Proposed mitigation

The air quality impact assessment submitted with the report sets out the mitigation requirements of the West Yorkshire Low Emission Planning Guidance (adopted December 2016) for medium sites but there appears to be a lack of commitment to these requirements within the wider application. For example, there is no detail on the levels or type of EV charging proposed for the site or any mention in the outline travel plan of the need to promote the uptake of low emission vehicles on the development.

Should the council be minded to approve this application then as a minimum the following emission mitigation measures will be required:

1. Provision of EV charging points

Every property on the site with a dedicated parking space and/or a garage must as a minimum be provided with an outdoor, waterproof 3pin socket on a dedicated circuit capable of safely providing an overnight a trickle charge to an electric vehicle using a mode 2 charging cable. A minimum of a 16A power supply is recommended for this purpose. The charging point must be within 3m of the parking space and clearly marked as to its purpose. Information about the charging point should be included in the new home welcome pack.

EV charging provision can be improved by incorporating an opportunity to undertake mode 3 charging using a dual headed charging point. Whilst this is currently not a mandatory requirement of the LES planning guidance for medium size developments the cost of providing these units has fallen substantially in recent years and many developers are now choosing to take this approach to future proof their developments. Further information and advice on EV charging provision is available from the council air quality officers. The provision of EV charging on this development should be conditioned (see below).

2. Construction Environmental Management Plan (CEMP)

The air quality impact assessment submitted includes a dust risk assessment for the construction phase of the development and makes recommendations as to the measures needed to mitigate this impact (Table 23 in the REC Air quality impact assessment). This has been undertaken in accordance with the IAQM guidance on the control of dust from construction and demolition and the findings of this risk assessment and proposed mitigation are acceptable.

Prior to the commencement of development on the site a detailed CEMP will need to be submitted setting out how all the recommended control measures for the site will be delivered in practice. This should take the form of a detailed procedural document specific to this site. Simple replication of table 23 will not be accepted as a CEMP.

3. Low Emission Travel Plan

All medium developments require a detailed travel plan to be provided. This should demonstrate how car based trips to and from the site will be minimised through encouraging the use of more sustainable transport. The travel plan should also set out plans for encouraging car sharing and the use of low emission vehicles at the site. More advice on the development of a suitable travel plan can be found in the following document: <https://www.bradford.gov.uk/media/3591/air-quality-and-emissions-planning-guide.pdf>

It is noted that an interim travel plan has been submitted with this application but it does not adequately address the need to encourage the use of low emission vehicles at the site. The travel plan needs to be updated with further information about the provision of EV charging points on the development and other measures to be taken to promote and monitor the uptake of EVs on the development. The list of key objectives in section 2.2.1 of the interim travel plan should be amended to include:

- encourage the uptake of low emission vehicles at the site

Proposed conditions

If the council is minded to approve this application then it is recommended that the following planning conditions are included on the planning decision notice:

Condition 1: Electric Vehicle Recharging Points

From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/ or a garage shall be provided with access to a fully operation 3 pin socket on a dedicated circuit, capable of providing a safe overnight 'trickle' charge to an electric vehicle using a mode 2 charging cable. Charging points should be provided either within garage space or via outdoor, weatherproof sockets within 3m easy access of the off road parking areas. All EV charging points shall be clearly marked with their purpose and their purpose drawn to the attention of new residents in their new home welcome pack / travel planning advice.

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

Informative: It is the responsibility of the developer to ensure that the provision of EV charging is adequately incorporated into the design of the development such that there are no health and safety matters arising from trailing cables in public areas. If necessary cables may need to be placed beneath footpath areas and brought back to the surface nearer the parking areas. The minimum requirement is an operational weatherproof 3 pin socket on a dedicated 16A circuit with an ability to isolate from inside the property for security reasons. The developer is encouraged to consider upgrading the EV charging facilities to incorporate additional mode 3 charging capability as this will help future proof the development and improve its sustainability.

Condition 2: Construction Environmental Management Plan

Prior to commencement of the development a site specific Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction 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 London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition and reflect the level of mitigation identified as necessary in Table 23 of the Air Quality Impact assessment submitted with the application. Purpose: To protect amenity and health of surrounding residents in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF)

Informative: A simplified 'checklist' for the undertaking of CEMPs is now available from the air quality officer at Bradford MDC. It is recommended that the developer familiarises themselves with the content of this checklist before preparing and submitting a detailed CEMP. They should also have due regard to the construction dust mitigation measures recommended in the air quality impact assessment prepared to support this application.

Low Emission Travel Plan

If the application is approved a suitable condition to ensure submission of a detailed low emission travel plan that addresses the need to discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles should be agreed with the travel planning officer and air quality staff with Bradford MDC. The condition should ensure a requirement for monitoring and reporting on the use of low emission vehicles within the travel plan.

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

Subject to these conditions we have no air quality objections to this proposal.

Environmental Health – Land Quality

Environmental Health has considered the application and the Stage 1 Desk Study Assessment by ARP Geotechnical Ltd.

The report identified that historically, the site has been used as "agricultural fields since at least 1852".

The report concludes that "There is no evidence of any previous development on the site. However, made ground is often present on agricultural land, used to provide vehicle access through soft areas, infill hollows, or improve drainage". And goes onto recommend that "a ground investigation on a grid system is implemented, together with sampling and testing of the materials encountered for the potential contaminants of concern"

Environmental Health agrees with the findings of the Stage 1 Desk Study Assessment by ARP Geotechnical Ltd. Should the Local Planning Authority be minded to approve the application, we would recommend the following conditions for inclusion on the decision notice.

Site Investigation Scheme

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 and to comply with policy EN8 of the Local Plan for Bradford.

Site Investigation Implementation

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 and to comply with policy EN8 of the Local Plan for Bradford.

Remediation strategy

Unless otherwise agreed in writing with the Local Planning Authority, Prior to construction of the development hereby approved beginning a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

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

Remediation verification

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

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.

Materials importation

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.

The applicant should have regard to:

- YALPAG (formerly YAHPAC) 'Technical Guidance for Developers, Landowners and Consultants. Development on Land Affected by Contamination'
 - YALPAG 'Verification Requirements for Cover Systems' if remediation or quality control of imported soil materials is required, and
 - YALPAG (2016) guidance on 'Verification Requirements for Gas Protection Systems' if gas protection is necessary.
- Current editions of these documents are available on the Bradford MDC website <https://www.bradford.gov.uk/planning-and-building-control/planning-applications/planning-application-forms/>

Heritage Conservation

The application site is adjacent to Damems Farmhouse and attached cottages, which are grade II listed buildings dating from the seventeenth- and eighteenth-centuries, respectively. The application seeks outline consent for 130 residential units.

The proposal would have further impact on the semi-rural setting of these listed buildings, which has already been compromised to a considerable extent by previous residential development.

I consider the level of harm to the significance of these designated heritage assets to be less than substantial, and consequently, in accordance with paragraph 134 of the National Planning Policy Framework, this harm should be weighed against the public benefits of the proposal. The provision of a substantial number of new residential units may be considered sufficient public benefit to outweigh the limited harm identified.

If that is the case, it will be important in due course to ensure that the layout of the development provides the listed buildings with some sort of buffer zone, in order to retain the maximum spaciousness around them, in-keeping with their former use and isolation.

Highways Development Control

Having reviewed the Transport Assessment and proposed site access locations (as shown on Drawing: 795-101D, dated Oct 17) whilst I have no objections to the principle of the development there are two issues that need to be addressed before highways can fully support this scheme.

1. TRANSPORT ASSESSMENT (TA)

Prior to the planning application being submitted a scoping for the TA was agreed with highways and the current document has been developed in accordance with this.

It has however now come to my attention that Goose Cote Lane is a popular rat-run used by drivers wishing to avoid queuing traffic on Oakworth Road. Therefore the predicted site traffic distribution onto Goose Cote Lane i.e. 60% west & 40% east is likely to be reversed with more traffic choosing to use the rat-run.

The Council is therefore seeking a contribution of £40,000 towards future traffic calming measures to discourage rat-running along this route. Any contribution not spent within 5 years of first occupation of the site will be returned to the applicant / developer. The contribution will be secured by way of a Section 106 Agreement.

2. NEW FOOTWAY

Whilst the provision of a new footway along the site frontage on Goose Cote Lane is welcomed this should be included within red line boundary for this application so that it can be conditioned. It should also continue along the full site frontage including the small strip of land directly to the east of the proposed access serving the proposed 30 units and the plan should be amended to reflect this.

The site plan should also demonstrate what width is to be retained for the existing carriageway along the site frontage on Goose Cote Lane.

The works within the highway will have to be carried out under a Section 278 Agreement and the details of this can be discussed with James Marsh (Section 278 Co-ordination Engineer) on 01274 437308 (email james.marsh @bradford.gov.uk).

3. ACCESS ROADS

The proposed site entrance arrangement to serve the 100 dwellings is to have a width of 6m with 2m wide footways on either side. This is acceptable and meets adoptable standards.

The proposed access for the 30 units will only be adopted to the back edge of the footway on Goose Cote Lane and its width should be increased to 5.5m and this width should be retained around the bend and up to the proposed visitor parking.

It should be noted that whilst the site plan does show internal access arrangements this planning application is an outline application for "Access" only and therefore the internal arrangements will be reviewed in detail at the reserved matters stage. Notwithstanding this some general comments have been provided below.

GENERAL SITE LAYOUT

- If the length of a cul-de-sac exceeds 45m then a full size turning head should be provided. The combined length of the first shared surface road and private drive between the two proposed access points is greater than this and therefore a full size turning head is required.
- The 600mm hard margin should extend around the full extents of any shared surface road.
- An adoptable shared surface road should be provided along the centre of the two parking forecourts shown at the southern end of the site and the proposed parking spaces will not form part of the adoptable area.

Keighley & Worth Valley Railway Preservation Society

I write on behalf of the Railway to lodge our concerns with regard to the above planning application. The Railway, a registered charity, has been operating heritage steam and diesel services for fifty years, contributing significantly to the tourist economy in the district. We have become a centre of excellence for the restoration of steam and diesel locomotives and period rolling stock; and of the preservation of the attendant infrastructure and buildings that are such an important part of the history of the area. We work hard to pass on the heritage skills to future generations to prepare the railway for another five decades of operation.

We are concerned that the application in question will impact negatively on our attractiveness to visitors and therefore impact on our long-term future as well as reducing the amount of tourism revenue generated in the area. In addition, we have worries over the suitability of the infrastructure in the vicinity of the proposed development and the possibility of the density of the housing scheme introducing risks to individuals' safety. In combination with other planning applications and consents, the cumulative impact is, in our view, likely to destroy - or at the very least change for the worse - the character and heritage of the area to the detriment of the many local businesses that depend on the tourism economy.

Visual amenity

The Railway was made famous by being the location for the filming of *The Railway Children* in 1970, and since this time have welcomed nearly five million passengers. We are appealing as a destination because we operate the first complete branch line railway past the mills and open spaces that have become synonymous with the line that travels through 'Bronte Country'. We are one of the few heritage railways that can tell a story of social history, travelling past the mills and open spaces that explain very clearly the history of the railway and the area's role in the industrial revolution. Whilst this may seem like a call to avoid progress and development, it is not. It is a request to respect the past and to respect the importance of learning from history, which developments such as this take us a step further toward obliterating.

Safety of persons

Operating a railway brings risk, which we work hard to mitigate. One of the particular risks we have to manage is the threat to trespassers. We are aware that people have been known to use the railway as what they perceive to be a 'shortcut'. Opening up hitherto undeveloped areas, particularly to developments of the density proposed, increases the

likelihood that residents will use the railway as a route between locations and increase the risk to those individuals. We are not aware that any aspect of the design offers any suggestions on how to minimise risks of this nature.

Suitability of infrastructure

The level crossing facility at Damems, which is close to the proposed development, is a single-carriageway road crossing and leads to the A629 up a very poorly-maintained road. The crossing is currently used infrequently by road traffic, and with the road being closed to traffic every 45 minutes or so on our operational days, could prevent the flow of what is likely to be an increased traffic load. The increase in traffic is also likely to increase the cost of maintenance due to the significant increase in wear from the road traffic loadings.

Impact on the tourism economy and character of the area

We reiterate our concern that developments of this nature will allow the urban to creep further into what was previously green belt and impact negatively on the attractiveness of the area to tourists. Continuing to erode the green belt and open spaces in the area will result in a denuding of the district's distinctive, varied character that blends the urban and the rural. We are unclear how a development of this nature is congruent and compatible with the existing land use, with a housing scheme changing the character of the area beyond recognition.

As a result of the above concerns, we wish to lodge an objection formally against the proposed development.

Landscape Design

This application site lies within land designated as 'Green Belt' and it is within the Worth and North Beck Valleys Landscape Character Area as described in the Local Development Framework for Bradford, Landscape Character Supplementary Planning Document, adopted by Bradford Council in October 2008. Within this character area, the site falls within the character type 'mixed upland pasture'.

The policy guidelines relevant to this site are generally against any potential for housing development, with the character being 'very vulnerable to major changes' and the 'density of settlement... already at its capacity.'

The application makes the point that this proposal is for a sustainable development. The justification for this is that it is located on the edge of town and near to existing services. This is true to some extent, but the site is far enough from the centre of Keighley to make the car the preferred mode of transport for most future residents. If it is accepted that it is imperative to release green belt in order to build housing, there may be less sensitive sites around Keighley than this. I am also aware of a number of brownfield sites in the Keighley area that would offer housing development potential without significant green belt loss and consequent damage to landscape character. Such brownfield sites are located within walking distance of Keighley town centre and may be considered more sustainable than this proposal.

The site plan shows trees planted on the north eastern and south eastern boundaries of the site. I would concur that planting on the south eastern side is relevant, as this would help to screen the development and will provide a soft edge to the finger of green that extends up the Worth Valley. When travelling out of Keighley on the Worth Valley Railway, it is important that once past Damens Station, views from the train continue to reinforce the sense of leaving the residential fringe of Keighley behind. This is also true of travelling out of Keighley by road, or on foot via the Worth Way. There can be no doubt that the planting of a generous tree belt will help considerably to mitigate for the loss of open pasture.

Mitigation measures might also include planting a tree belt on the south western side of the development, where the 'new' residential edge will be conspicuous in longer distance views towards Keighley from higher up the Worth Valley (e.g. Viewpoint 4 & Viewpoint 2). The existing dry stone wall that forms the south western site boundary is built along a sloping ridgeline on the hillside, so it is quite prominent when viewed from the Haworth side. New houses built right up to this boundary could be one of the most prominent aspects of this development. In views from Vale Mill Lane the houses will be seen right on the edge of the hillside and partly on the skyline. The addition of built form on the silhouette outline of the hillside will be a particularly noticeable change in the view, more significant than is suggested in the Landscape and Visual Impact Assessment. I would dispute the statement that the views from Vale Mill Lane 'will be experienced by a very limited number of people'. This is close to Oakworth Station and the steam railway, and the whole area around Haworth and the Worth Valley attracts visitors and walkers from all over the world.

The Landscape and Visual Impact Assessment identifies 'Viewpoint 5' as one of those selected that will experience the greatest importance of effect. It is determined that from this position, the proposal will cause a noticeable deterioration in the landscape appearance of the area. I would concur with this, however, it should be noted that 'Viewpoint 5' is representative of views from very many positions on the south side of the Worth Valley. The panoramic view across the valley from the Worth Way (taking in the application site) is enjoyed at all points along at least a one kilometre stretch of the path from where it passes the rear of houses on Hill Top Road to the edge of Cross Roads. A similar panoramic view is on offer from multiple locations along all transport routes on the Hainworth side of the Worth Valley. These include a long section of Bingley Road, Hill Top Road, and Halifax Road. Views from a large number of private properties around the edge of Cross Roads, those on Lingfield Drive, The Three Acres Public House on Bingley Road, and users of the Bronte Caravan Park will all be impacted at a level comparable to, or more significant than, that of 'Viewpoint 5'.

Views towards the site from Halifax Road are at a closer range than those from the Worth Way, and the significance of the impact may be underestimated in the case of 'Viewpoint 3', considering that there is a stretch of the road approximately 300 metres long between the edge of Keighley and Cross Roads that has no tree screening. It should also be noted that any screening due to tree cover will not be as effective during the winter as it is during the summer.

Shown on the site plan are 30 units surrounded by tree planting that appear to take the form of mobile homes/static caravans. If these are static caravans, then they would be only 300 meters away from a significant number of similar homes on the Bronte Caravan Park. The proposed caravan park could be seen as a smaller satellite of the existing one, which is arranged as separate but linked groups of mobile homes on the south side of the valley floor.

As proposed, the site is split into three, the caravan park positioned in isolation on one side of the site, enveloped by trees and isolated. It is difficult to understand the logic to having a mobile home park on the 'Keighley' side of the development with houses wrapping around it. I cannot see any site analysis that explains the reasoning behind the proposed layout and justification for the caravan park. The significant tree planting that is around the mobile homes should be on the outside (southeast) edge of the development, helping to act as a softening and screening buffer between the residential area and the open pasture.

Also separated to some extent is the area of the development with higher density housing in the form of terraces. These are arranged in a block together, with the short streets following the slope rather than aligning with contours. It is a traditional layout that replicates the Victorian terraced housing further within the Keighley core, but in this setting it may be best to disperse the higher density terraces throughout the development to give a varied mix to the whole site, and perhaps have the lowest density housing around the sensitive edges.

The layout plan shows a development that generally turns its back on its setting. The long row of new houses alongside Goose Cote Lane faces south. Rear elevations and rear garden boundaries face the lane. At least there is a better arrangement on the other side of the development where a handful of houses do face Goose Cote Lane. On the south western edge of the site, there are three houses that face out towards the countryside, but others are inward facing. Sense of place, the link between the development and its location that provides a unique sense of identity, may be stronger with more of the properties taking advantage of the surrounding countryside with an outward facing layout.

If this site is developed with housing, there may be future pressure to develop nearby green belt due to the changed pattern of land usage. Specifically, the field alongside Damens Lane and Damens Farm will become enveloped on three sides by housing and it may be seen as a potential infill opportunity. The knock-on implication of further green belt release means that the future potential cumulative negative impact on landscape character could ultimately be more significant than is suggested by this particular application alone.

Parks and Greenspaces Service

Parks and Green Spaces Service would have previously requested a recreation commuted sum associated with the attached planning application for the provision or enhancement of Recreation Open Space, Playground and Playing Fields due to the extra demands placed on the locality by this development.

However, due to the implementation of CIL from 1.7.2017 we hereby comment that the development will result in a significant impact on the existing public open space due to 100 new residential units.

If the developer is looking to provide new public open space they will be required to maintain the areas themselves and a full landscape management plan will need to be produced and agreed as part of the planning process

If the developer is looking to the Council to maintain any new areas of public open space prior agreement is required as part of the planning process and a commuted sum will be required to maintain the areas for the next 25 years.

West Yorkshire Combined Authority(WYCA)

The site is located within the recommended 400m from the nearest bus routes that operate on Harewood Road. We generally take a pragmatic approach to walk distances to take the size and location of development sites into account.

When doing so, we also have to consider the development type and the level and quality of service (frequency and destinations served) at the destination bus stop.

Bus services which operate on Harewood Road include the K10 which operates between Keighley and Oakworth at a 60 minute frequency. The bus availability for the site is therefore considered to be acceptable. The size of the development is unlikely to change the bus route of frequency.

The closest bus stop on this corridor is 21896. As part of this scheme, Real Time Passenger Information displays could be provided at this stop at a cost to the developer of £10,000 to improve the public transport offer. In order to access this stop, safe and direct pedestrian links are required.

To encourage the use of sustainable transport as a realistic alternative to the car, the developer needs to fund a package of sustainable travel measures. We recommend that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council have recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme(RMC)) for all or part of the site. This model could be used at this site.

The payment schedule, mechanism and administration of the fund would have to be agreed with Bradford Council and WYCA and detailed in a planning condition or S106 agreement. As an indication of the cost should the normal RMC scheme be applied based on a bus only ticket, the contribution appropriate for this development would be £49,500.00. This equates to bus only Residential MCards.

West Yorkshire Police

Boundary treatments.

I appreciate that this is an outline application so there will be further changes. I would recommend that rear boundary treatments are installed to a height of 1800mm to secure

the rear of the properties. Materials such as masonry walls or close board timber fencing are suitable to use. Rear plot dividers should be to the same height (i.e. 1800mm) such as 1500mm high close board timber with a 300mm trellis along the top.

Access should be restricted from the front of each plot into the rear gardens with an 1800mm high gate which incorporates some form of lock such as hasp and staple and pad bolt. Gates should be positioned as near to the front of the building line as possible to increase natural surveillance.

For any front corner plots, I would suggest installing a front boundary treatment such as knee rail fencing or planting which will deter any vehicles from parking up along the grassed areas and causing any obstructions.

Front bin storage.

In relation to the central terraced houses, where there is insufficient space to apply a lockable gate to each plot, front bin storage should be provided for these plots.

External lighting.

Any new street lighting should provide good colour rendition levels to help support natural surveillance. Suitable standards are to BS 5489:2013.

External lighting should be installed above the front and rear doorways to each plot to illuminate the entrances. Photocell and dusk until dawn lighting are types of lighting which are energy efficient and cost effective to use. Lighting should allow for visibility and surveillance but not be 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 which could reduce visibility. If there is a constant light there is more opportunity to see any suspicious activities which can be reported to the Police.

Parking.

Looking at the site plan, it's positive to see that most of the houses include on plot parking. Where parking is on plot and located to the side of the property there should be a small side window located in one of the active rooms (i.e. kitchen or lounge) to overlook the parking bays.

A few of the corner plots have garages located to the rear of the properties, if close board fencing is used around the garden boundary this should provide some small level of surveillance to the parking area. It would be prudent also to include a gate along the driveway so that any additional vehicle which is parked in front of the garage, gates can be locked to provide security.

I would recommend that the parking bays adjacent to the terraced properties are visibly numbered per plot. This will ensure that residents cannot use more spaces that allocated and deter visitors from parking within marked residents bays, which prevents any parking disputes or calls for service to the Police.

Referring to the site plan, the visitor parking bays do appear limited in comparison to the number of plots on the site. It would be prudent to include more visitor parking bays which will prevent the increase of on street parking.

Play area.

In relation to the location of the play area, it appears to have good surveillance from the adjacent properties, however it is positioned to the side and rear of the properties which could cause noise disturbance to residents who live in these houses.

Doors and windows.

Doors and windows should be to one of the following Building Regulations standards; PAS 24:2012, PAS 24:2016, STS 202 issue 3:2011 burglary rating 2 or LPS 1175 issue 7:2010 security rating 2. If doors have 3rd party certification held within their name, any doors which include a euro cylinder lock should be to 3 star rated to standards TS007, STS 217 or Sold Secure Diamond Standards which offer more resistance to crimes relating to lock snapping.

If bespoke wooden doors are to be installed these should be a solid or laminated timber with a minimum density of 600kg/m³ and to 44mm thickness and include a 5 lever mortice lock to standards BS 3621 /8621 with a night latch or rim lock which are tested to the same standards.

I would recommend that all ground floor and accessible doors and windows include attack resistant glazing installed to standards BS EN 356 P1A so that in the event of any damage or attempted entry the glass will remain intact.

Intruder alarms.

I would recommend installing intruder alarm within each plot. 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).

West Yorkshire Archaeological Advisory Service

Statement of Significance

The application site encompasses an area of previously undeveloped land to the south of Goose Cote Lane overlooking the valley of the river Worth. Although the site is located at c. 200m AOD it is east-south-east facing. The latter is considered to be of significance as this aspect would have made it an attractive location for settlement in prehistoric, Romano-British and early medieval periods.

Excavation at Allerton Lane, Bradford in 2016 uncovered unexpected and well preserved evidence of late Iron Age occupation at 240m AOD on a south facing slope above a water course. This discovery establishes the potential for previously unrecognised archaeological remains on the flanks of valleys to the west of Bradford, where, previously settlement had not been thought to occur.

Two undated earthworks are known from close by the site in the Worth Valley. One, to the east of the site, is described as a possible medieval enclosure whilst a similar “L” or “J” shaped cropmark to the west is described as part of the post medieval field system (National Monument Mapping Programme Nos. 1,359,264 and 1,360,446).

The WYAAS consider the site to have archaeological potential and to have been attractive to communities from the Prehistoric to the early medieval period and, given the scale of the proposals, its archaeological potential should be fully evaluated prior to development.

Impact of Proposed Development

The proposal entails construction of 130 dwellings with associated infrastructure and earthmoving activities. Currently unknown archaeological remains may be uncovered and destroyed by earthmoving associated with the development.

WYAAS Recommendations

The WYAAS recommend that the developer be required to provide the Planning Authority with an evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. We would further recommend that a planning decision be deferred, on the grounds that the planning authority requires further information in order to reach an informed decision, until the results of the evaluation have been received and assessed by WYAAS, as your advisors on archaeological matters.

The evaluation would involve a geophysical survey and the excavation of a number of archaeological evaluation trenches. We recommend that the evaluation should be carried out pre-determination because further archaeological work to mitigate the impact of the development may be required and a pre-determination evaluation will enable the applicant to take account of the full archaeological implications (in terms of cost and programme) of the project.

Any subsequent archaeological advice would depend upon the results of the evaluation, but may vary from: a recommendation to refuse permission (very rare); to modify the design of the proposal to minimise damage to any archaeological deposits; to carry out archaeological recording in advance of development (an excavation), or to have an archaeologist on site during groundworks to record anything of interest that is revealed (a ‘watching brief’). This record can be secured by a suitably worded archaeological condition placed on any grant of planning permission awarded by CBMDC.

Relevant Policies

The National Planning Policy Framework (March 2012), paragraph 128 states that ‘Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’. This guidance is in accordance with City of Bradford Metropolitan District Environment Policies EN3, F which “Require proposals to protect or enhance the heritage significance and setting of locally identified non designated heritage assets, including [...] archaeological sites [...]”.

The requirement to carry out subsequent works is supported by The National Planning Policy Framework (March 2012). Paragraph 141 states that 'Local planning authorities should... require developers to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible'.

Recommended Planning Condition

The WYAAS recommend that the site's archaeological potential is fully evaluated by a pre-determination archaeological evaluation.

However, should the guidance given in the NPPF and Policy EN3 be ignored and planning permission is granted the above works can be secured by the attachment of a suitable condition

"No development to take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority."

Or, as an alternative to the above model condition which was first introduced in 1990, the following condition is suggested by Historic England in their Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment 2015 paragraph 37:

No demolition/development shall take place/commence until a written scheme of archaeological investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Detail of the work

A specification for the archaeological work can be supplied to the developer, on written request, by the West Yorkshire Archaeology Advisory Service, who would be responsible for monitoring the work of an archaeological contractor commissioned by the developer, on behalf of City of Bradford Metropolitan District Council. From the 1st of April 2011 in accordance with the agreement of the Council Committee that oversees our work the WY Archaeology Advisory Service will charge the developer for these and concomitant services. Please note that WYAAS make a charge for the production or validation of specifications.

We can also provide a list of archaeological contractors who may be available to tender for the work. In order to aid the developer to meet the requirements of the above condition I would suggest that it might be helpful to add the following as a note to the planning permission:

“For further information please contact: David Hunter, West Yorkshire Archaeology Advisory Service: 0113 393 9715.”

Yorkshire Water

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

No building or other obstruction including landscape features shall be located over or within 6 metres either side of the centre line of the water main i.e. a protected strip width of 12 metres, that crosses the site. If the required stand -off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

(In order to allow sufficient access for maintenance and repair work at all times)

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed , the information shall include:

- I. evidence that other means of surface water drainage have been properly considered and why they have been discounted ; and
- II. the means by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.

Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

(To ensure that no surface water discharges take place until proper provision has been made for its disposal)

The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge shall not exceed 5 (five) litres per second.

(In the interest of satisfactory and sustainable drainage)

Water Supply

Although I appreciate that the application is for outline permission only and therefore subject to change at reserved matters stage, the submitted site layout details are NOT

acceptable to Yorkshire Water. It appears that buildings will be located over the line of a water main and this could jeopardise Yorkshire Water's ability to maintain the public water network. I strongly advise the developer to amend the layout prior to submission of reserved matters.

1) The Flood Risk Assessment (prepared by ARP Associates - Report 800/627r1 dated November 2017) requires clarification but the matter can be dealt with via condition if planning permission is granted.

In summary, the report states that surface water will discharge to public combined sewer via storage with restricted discharge if soakaways are not feasible. The proposal site is currently undeveloped no positive surface water is known to have previously discharged to the public combined sewer network within which there is no capacity to accept surface water from this site. If robust evidence is provided to rule out soakaways, as a last resort curtilage surface water may discharge to the 150mm diameter public surface water sewer to the south east of the site, approximately 380 metres away, at a restricted rate of no more than 3.5 (three point five) litres per second.

An off-site surface water sewer may be required. This may be provided by the developer and considered for adoption by means of a sewer adoption agreement under Section 104 of the Water Industry Act 1991. Alternatively, the developer may in certain circumstances be able to requisition off-site sewers under Section 98 of the Water Industry Act 1991.

2) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed. Foul water domestic waste should discharge to the 300mm diameter public combined sewer recorded in Harewood Road.

From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 5 (five) litres per second.

3) The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. The developer should contact the Highway Authority with regard to the acceptability of highway drainage proposals. Highway drainage, may however be accepted under certain circumstances. In this event, a formal agreement for highway drainage discharge to public sewer, in accordance with Section 115 of the Water Industry Act 1991, will be required.

Summary of Main Issues:

- 1) Principle
- 2) Landscape/ Tourism
- 3) Heritage/ Archaeology

- 4) Access and Traffic Impacts
- 5) Flooding and Drainage
- 6) Ecology
- 7) Land Quality and Stability
- 8) Community Safety Implications
- 9) Equality Act 2010, Section 149

Appraisal:

1) Principle

The majority of the proposal site is within the Green Belt. 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 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 130 residential units and associated infrastructure in 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 purpose of assisting in safeguarding the countryside from encroachment. It is considered that the proposed development of 130 residential units in the Green Belt would represent significant urban encroachment into the countryside.

The applicant argues that the harm the development would cause to the Green Belt would be limited by virtue of the fact that the site is surrounded on 3 sides by existing urban development and that the proposal would provide a linear form of development along the road which would 'slot in' and complement the existing development on the opposite side of Goose Cote Lane. However these arguments are not accepted as valid.

In fact less than 1/3rd of the site borders existing urban development, with the other 2/3rds of the site boundary being onto open countryside. Furthermore the illustrated development is an inward looking residential enclave on land which extends some distance south of Goose Cote Lane not a linear development fronting onto Goose Cote Lane. Additionally the development would leave a relatively small remnant of farmland to the east between the site and the existing residential estate to the north of Damems Lane thereby potentially compromising the integrity of further green belt land to the east.

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.

In addition to the harm the development would cause to the Green Belt this report finds that the development would also be harmful to the character of the landscape. This is because the site is within an area of mixed upland pasture along the sides of the Worth Valley within the North Beck Valleys Landscape Character Area which is very vulnerable to major changes. The development would cause a significant extension of residential development down the sides of the worth valley, adversely affecting the setting of the Keighley and Worth Valley Railway and causing a noticeable deterioration in the landscape appearance of the area as viewed from many positions on the South side of the Worth Valley.

Therefore it is the harm to the Green Belt and the harm to the character of the landscape and the tourism industry which it supports which are the subjects of the very special circumstances test. Very special circumstances which would mean that Green Belt development restraint should be overridden in this instance can only be considered to exist if the harm described above is *clearly* outweighed by other considerations.

The factors advanced in favour of the development by the applicant include the contribution the development would make to housing land supply within the District, with the Council currently unable to demonstrate a 5 year supply of housing land; the inclusion of the site within the emerging Allocation Development Plan Document and Strategic Housing Land Availability Assessment; the fact that the development is sustainably located; the benefits of the development to the local economy; the deliverability of the site; and the biodiversity and landscape improvements comprised within the scheme.

In relation these factors it should be noted that they are not truly site specific and there is no apparent reason why equivalent (or greater) benefits could not be achieved through the residential development of any other land in and around Keighley. Although the Council accept that it cannot demonstrate a 5 year supply of deliverable housing land this has not been accepted to undermine the national and local policy of Green Belt development restraint. To accept this would set a precedent which could allow the uncontrolled and piecemeal erosion of the Green Belt outside of the statutory Development Plan making process.

The application has been submitted in advance of the preparation of the Allocations Development Plan Document (DPD) and the associated Green Belt Review process, where the need for the release of Green Belt Land for housing and employment within each settlement/ functional area within the District will be properly and robustly considered. Where a need for Green Belt release is identified, all alternative potential green belt release sites will be assessed taking account of factors such as the impact upon the integrity of the Green Belt, the character of the landscape and environmental value and constraints of the potential alternative green belt release sites.

Contrary to the claims of the applicant the Allocations DPD has not yet advanced to a stage where any weight can be attached to any reference to a site within the initial Allocations DPD consultation plan (which was not subject to any site sifting process). Equally the Strategic Housing Land Availability Assessment (SHLAA) is simply part of the evidence base of the adopted Core Strategy which demonstrated the deliverability of the housing distribution proposals and is not a policy document.

At this point in time the status of the site is simply 'Green Belt' with no adopted plans or policies indicating any likelihood of the land being released from Green Belt. In terms of the provisions of the Core Strategy the site is within the area defined as Keighley. Within the Core Strategy Keighley is defined as a Principle Town and is identified for the delivery 4,500 new residential units in the period up to 2030.

The Core Strategy Key Diagram indicates that Potential Localised Green Belt Deletions may be necessary to allow sufficient housing and employment sites to be allocated. However the need for any such Green Belt releases will be further assessed during the preparation of the Allocations DPD and no indication is given of what, if any, parts of the large amount of Green Belt land around Keighley may be most suitable (least harmful) for Green Belt deletion.

National and local planning policies make it clear that substantial weight should be attached to the harm inappropriate development causes 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 housing land supply 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 Appeals Committee is that, the benefits of developing the land for residential 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 character of the landscape. Therefore very special circumstances are not considered to exist which would justify an exception to the policy of development restraint within the Green Belt and consequently the development is considered to be unacceptable in principle contrary to saved RUDP policy GB1 and Section 9 of the NPPF.

2) *Landscape/ Tourism*

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. Core Strategy Policy PN1 sets the objective of promoting sustainable tourism that respects the Bronte heritage of Haworth and Thornton, the Bronte Parsonage Museum and the importance of the Keighley and Worth Valley Steam Railway.

The proposal site is within the Worth and North Beck Valleys Landscape Character Area as described in the Local Development Framework for Bradford, Landscape Character Supplementary Planning Document, adopted by Bradford Council in October 2008. Within this character area, the site falls within the character type 'mixed upland pasture'. The policy guidelines relevant to this site are generally against any potential for housing development, with the character being 'very vulnerable to major changes' and the 'density of settlement... already at its capacity.'

The existing dry stone wall that forms the south western site boundary is built along a sloping ridgeline on the hillside, so it is quite prominent when viewed from the Haworth side. New houses built right up to this boundary could be one of the most prominent aspects of this development. In views from Vale Mill Lane the houses will be seen right on the edge of the hillside and partly on the skyline. The addition of built form on the silhouette outline of the hillside will be a particularly noticeable change in the view, more significant than is suggested in the Landscape and Visual Impact Assessment.

The Landscape and Visual Impact Assessment identifies 'Viewpoint 5' as one of those selected that will experience the greatest importance of effect. It is determined that from this position, the proposal will cause a noticeable deterioration in the landscape appearance of the area. The Council's Landscape Architect concurs with this assessment; however, it should be noted that 'Viewpoint 5' is representative of views from very many positions on the south side of the Worth Valley.

The panoramic view across the valley from the Worth Way (taking in the application site) is enjoyed at all points along at least a one kilometre stretch of the path from where it passes the rear of houses on Hill Top Road to the edge of Cross Roads. A similar panoramic view is on offer from multiple locations along all transport routes on the Hainworth side of the Worth Valley. These include a long section of Bingley Road, Hill Top Road, and Halifax Road. Views from a large number of private properties around the edge of Cross Roads, those on Lingfield Drive, The Three Acres Public House on Bingley Road, and users of the Bronte Caravan Park will all be impacted at a level comparable to, or more significant than, that of 'Viewpoint 5'.

Views towards the site from Halifax Road are at a closer range than those from the Worth Way, and the significance of the impact may be underestimated in the case of 'Viewpoint 3', considering that there is a stretch of the road approximately 300 metres long between the edge of Keighley and Cross Roads that has no tree screening. It should also be noted that any screening due to tree cover will not be as effective during the winter as it is during the summer.

It is therefore considered that the development of 130 new residential units on the site will present significant harm to the character of the landscape in this part of the Worth Valley. The character and attractiveness of this landscape is a key component in the success and on-going viability of the heritage branch railway which runs along the bottom of the Worth Valley; the Keighley and Worth Valley Railway.

The Keighley and Worth Valley Railway Preservation Society have made representation on the application, raising concerns that the proposed residential development of the site will impact negatively on the railway's attractiveness to visitors and therefore impact on their long-term future as well as reducing the amount of tourism revenue generated in the area. The railway raise concerns that, in combination with other planning applications and consents, the cumulative impact is, in our view, likely to destroy - or at the very least change for the worse - the character and heritage of the area to the detriment of the many local businesses that depend on the tourism economy.

The Keighley and Worth Valley Railway Preservation Society contend that developments of this nature will allow the urban to creep further into what was previously green belt and impact negatively on the attractiveness of the area to tourists. Continuing to erode the green belt and open spaces in the area will result in a denuding of the district's distinctive, varied character that blends the urban and the rural.

It is considered that the adverse impact the development would have on the character of the landscape would in turn harm the tourism industry which relies upon this landscape to attract tourists and in particular the Keighley and Worth Valley Railway. In this respect

the development is also considered to run contrary to Core Strategy Policy PN1C3 as well as Policy EC4.

3) *Heritage/ Archaeology*

Core Strategy Policy EN3 states that the Council, through planning and development decisions, will work with partners to proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the District's designated and undesignated heritage assets and their settings. The policy goes on to confirm that the Council will require that all proposals for development conserve and where appropriate, enhance the heritage significance and setting of Bradford's heritage assets, especially those elements which contribute to the distinctive character of the District.

Core Strategy Policy EN3 also requires proposals to protect or enhance the heritage significance and setting of locally identified non designated heritage assets, including buildings, archaeological sites and parks, landscapes and gardens of local interest. Paragraph 128 of the NPPF, advises that 'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

The application site is adjacent to Damems Farmhouse and attached cottages, which are grade II listed buildings dating from the seventeenth- and eighteenth-centuries, respectively. The application seeks outline consent for 130 residential units. The Council's Heritage Conservation Team has advised that the proposal would have further impact on the semi-rural setting of these listed buildings, which has already been compromised to a considerable extent by previous residential development.

In determining this planning application the Council are aware that it is a legal requirement to have special regard to the desirability of preserving the listed buildings and their settings by virtue of the provisions of Sections 16 and 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990. It is also understood that, in accordance with the guidance set out in paragraph 132 of the NPPF, when considering the impact of the proposed development on the significance of Damems Farmhouse and the attached cottages, as designated heritage assets, great weight should be given to these assets' conservation and that, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The Council's Heritage Conservation Team have advised that they consider the level of harm to the significance of Damems Farmhouse and the attached cottages, as designated heritage assets to be less than substantial, and consequently, in accordance with paragraph 134 of the National Planning Policy Framework, this harm should be weighed against the public benefits of the proposal. The provision of a substantial number of new residential units may be considered sufficient public benefit to outweigh the limited harm identified. However it will be important in due course to ensure that the layout of the development provides the listed buildings with some sort of buffer zone, in order to retain the maximum spaciousness around them, in-keeping with their former use and isolation.

In terms of undesignated heritage assets/ archaeology the West Yorkshire Archaeological Advisory Service (WYAAS) have advised that the application site encompasses an area of previously undeveloped land to the south of Goose Cote Lane overlooking the valley of the River Worth. Although the site is located at c. 200m AOD it is east-south-east facing. The latter is considered to be of significance as this aspect would have made it an attractive location for settlement in prehistoric, Romano-British and early medieval periods.

Excavation at Allerton Lane, Bradford in 2016 uncovered unexpected and well preserved evidence of late Iron Age occupation at 240m AOD on a south facing slope above a water course. This discovery establishes the potential for previously unrecognised archaeological remains on the flanks of valleys to the west of Bradford, where, previously settlement had not been thought to occur.

Two undated earthworks are known from close by the site in the Worth Valley. One, to the east of the site, is described as a possible medieval enclosure whilst a similar “L” or “J” shaped cropmark to the west is described as part of the post medieval field system. The site is therefore considered to have archaeological potential and to have been attractive to communities from the Prehistoric to the early medieval period and, given the scale of the proposals, its archaeological potential should be fully evaluated prior to development.

The WYAAS recommend that the developer be required to provide the Planning Authority with an evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. They further recommend that a planning decision be deferred, on the grounds that the planning authority requires further information in order to reach an informed decision.

The evaluation would involve a geophysical survey and the excavation of a number of archaeological evaluation trenches. WYAAS recommend that the evaluation should be carried out pre-determination because further archaeological work to mitigate the impact of the development may be required and a pre-determination evaluation will enable the applicant to take account of the full archaeological implications (in terms of cost and programme) of the project.

Any subsequent archaeological advice would depend upon the results of the evaluation, but may vary from: a recommendation to refuse permission (very rare); to modify the design of the proposal to minimise damage to any archaeological deposits; to carry out archaeological recording in advance of development (an excavation), or to have an archaeologist on site during groundworks to record anything of interest that is revealed (a ‘watching brief’).

The applicant has been made aware of this issue and the need to provide an archaeological evaluation of the site. No such archaeological evaluation has been forthcoming. It is therefore considered that the planning application is deficient and unacceptable in terms of the provisions of Core Strategy Policy EN3 and Section 12 of the NPPF as it contains insufficient information to properly understand the archaeological potential of the site, the potential impact of the development upon any archaeological remains and the ways in which this potential impact may be mitigated.

4) Access and Traffic Impacts

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 advised that, whilst they have no objections to the principle of the development there, are certain issues that need to be addressed before the scheme can be fully supported in terms of highways issues.

The first issue is that Goose Cote Lane is a popular rat-run used by drivers wishing to avoid queuing traffic on Oakworth Road. Therefore the predicted site traffic distribution onto Goose Cote Lane i.e. 60% west & 40% east is likely to be reversed with more traffic choosing to use the rat-run. The Council is therefore seeking a contribution of £40,000 towards future traffic calming measures to discourage rat-running along this route. Any contribution not spent within 5 years of first occupation of the site will be returned to the applicant / developer. The contribution will be secured by way of a Section 106 Agreement.

The second issues is that, whilst the provision of a new footway along the site frontage on Goose Cote Lane is welcomed this should be included within red line boundary for this application so that it can be conditioned. It should also continue along the full site frontage including the small strip of land directly to the east of the proposed access serving the proposed 30 units and the plan should be amended to reflect this. The site plan should also demonstrate what width is to be retained for the existing carriageway along the site frontage on Goose Cote Lane.

The third issue relates to the proposed separate access for the 30 none-house units. The proposed access for the 30 units will only be adopted to the back edge of the footway on Goose Cote Lane and its width should be increased to 5.5m and this width should be retained around the bend and up to the proposed visitor parking.

The above issues have been raised with the applicant however the planning service are not yet in receipt of any form of response indicating whether the applicant is prepared to provide for the requested off-site works or adjust the footway and access as required. Therefore it is considered that the application currently insufficiently addresses highways matters contrary to Core Strategy Policy TR1 and paragraph 32 of the NPPF.

5) Flooding and Drainage

Core Strategy policy EN7 states that the Council will manage flood risk pro-actively and in assessing proposals for development will:

- 1) Integrate sequential testing into all levels of plan-making
- 2) Require space for the storage of flood water within Zones 2 and 3a

- 3) Ensure that any new development in areas of flood risk is appropriately resilient and resistant
- 4) Safeguard potential to increase flood storage provision and improve defences within the Rivers Aire and Wharfe corridors
- 5) Manage and reduce the impacts of flooding within the beck corridors, in a manner that enhances their value for wildlife
- 6) Adopt a holistic approach to flood risk in the Bradford Beck corridor in order to deliver sustainable regeneration in LDDs and in master planning work
- 7) Require that all sources of flooding are addressed, that development 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
- 8) Seek to minimise run-off from new development; for Greenfield sites run off should be no greater than the existing Greenfield overall rates
- 9) Require developers to assess the feasibility of implementing and maintaining SUDS in a manner that is integral to site design, achieves high water quality standards and maximises habitat value
- 10) Use flood risk data to inform decisions made about Green Infrastructure. Only support the use of culverting for ordinary water courses, and additional flood defence works that could have adverse impacts on the environment, in exceptional circumstances.

The proposal site is not within an area which is considered to be at significant risk of flooding. Therefore the main issue associated with these matters is ensuring that the site drainage system is designed around the principles of SUDS and will not increase off-site flood risks and ensuring that the development does not adversely affect existing drainage and water infrastructure. The Council's Drainage Unit, acting in their capacity as lead local flood authority, have confirmed that they have no significant objection to the application on flooding or drainage grounds, subject to the imposition of suitably worded conditions requiring full details and approval of a site drainage system based upon the principles of SUDS.

Yorkshire Water have also commented upon the planning application, confirming that the submitted (indicative) site layout details are NOT acceptable to Yorkshire Water. It appears that buildings will be located over the line of a water main and this could jeopardise Yorkshire Water's ability to maintain the public water network. Yorkshire Water strongly advise the developer to amend the layout prior to submission of reserved matters.

Yorkshire Water have also commented that the Flood Risk Assessment (FRA) requires clarification but that they consider that the matter can be dealt with via condition if planning permission is granted. The FRA states that surface water will discharge to public combined sewer via storage with restricted discharge if soakaways are not feasible. The proposal site is currently undeveloped no positive surface water is known to have previously discharged to the public combined sewer network within which there is no capacity to accept surface water from this site.

Yorkshire Water have confirmed that, if robust evidence is provided to rule out soakaways, as a last resort, curtilage surface water may discharge to the 150mm diameter public surface water sewer to the south east of the site, approximately 380 metres away, at a restricted rate of no more than 3.5 (three point five) litres per second. An off-site surface water sewer may be required. This may be provided by the developer and considered for adoption by means of a sewer adoption agreement under Section 104 of the Water Industry Act 1991. Alternatively, the developer may in certain circumstances be able to requisition off-site sewers under Section 98 of the Water Industry Act 1991.

In terms of foul drainage, Yorkshire Water have advised that foul water domestic waste should discharge to the 300mm diameter public combined sewer recorded in Harewood Road. From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 5 (five) litres per second.

Overall it is considered that there is no reason to conclude that the proposed development of the land with 130 residential units is likely to be unacceptable on drainage or flood risk grounds. However this is subject to the imposition of planning conditions requiring approval of a suitable site layout which protects existing water infrastructure and which require approval of details of appropriate separate foul and surface water drainage systems, designed around the principles of Sustainable Urban Drainage Systems (SUDS).

6) 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 SC8, seeks to protect the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) from adverse impacts. 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 applicant has provided a preliminary ecological appraisal to support their application which advises that there are no statutorily protected nature conservation sites located within 2 km of the site. There are four Local Wildlife Sites (LWS) within 2 km of the application site, with the nearest site being Whins Wood LWS 0.42 km to the east. There are fifteen 3rd Tier Bradford Wildlife Area (BWA) within 2 km of the application site, with the nearest site being Haworth – Oakworth Sewage Works BWA 170 m to the south.

With the River Worth and the Keithley and Worth Valley Railway located between the application site and Haworth – Oakworth Sewage Works BWA it is considered unlikely that the development will have a significant impact on this site. However the report recommends that a landscape screen/buffer is provided between the application site and Haworth – Oakworth Sewage Works BWA.

The report also advises that the application site includes three agricultural fields of similar size (1.2 ha – 1.9 ha) on the south facing slope of the River Worth Valley. The fields all contain semi-improved agricultural farmland with boundary dry-stonewalls. The dominant habitat within the application site is semi-improved grassland (no evidence or livestock grazing or hay-cutting in 2017).

The report found that the botanical species composition was similar in each of the three fields that form the application site, with minor variation in species dominance. Dominant species included Cock's foot *Dactylis glomerata*, common bent *Agrostis capillaris*, red fescue *Festuca rubra*, white clover *Trifolium repens*, red clover *Trifolium pratense*, Yorkshire fog *Holcus lanatus*, perennial rye-grass *Lolium perenne*, ribwort plantain *Plantago lanceolata*, dandelion *Taraxacum*, cow parsley *Anthriscus sylvestris* and meadow buttercup *Ranunculus acris*.

The report notes encroaching scrub, due to a lack of management, along the edges of several of the fields within the application site. Species included hawthorn *Crataegus monogyna*, blackthorn *Prunus spinosa*, dog-rose *Rosa canina*, ivy *Hedera helix*, holly *Ilex aquifolium*, bramble *Rubus fruticosus*, elder *Sambucus nigra* and ash *Fraxinus excelsior*. Several mature sycamore *Acer pseudoplatanus* trees are located to the north of the site within the garden of a neighbouring property.

Given the close proximity Haworth – Oakworth Sewage Works BWA, which holds features of botanical interest, the report recommends that a detailed botanical survey be undertaken on the application site between May – August to determine the importance of the semi-improved grassland habitat within the application site.

To enhance the ecological value of the site the report further recommends that native/biodiversity beneficial species be used within the landscaping of the site, with specific measures included within the scheme to benefit local Biodiversity Action Plan Habitats and Species. The report advises that the development presents an opportunity for biodiversity gains through planting and the creation of features to support wildlife.

The report finds that there are no records of great crested newt or other amphibian species within 2 km of the site and that it is considered unlikely that the development will impact great crested newts. Equally no evidence of badger activity was observed within the site; however the report recommends that a pre-start badger survey is undertaken prior to the commencement of any construction works. This survey should be undertaken 1-2 days before construction works commence and should cover the application site and those accessible habitats within 30 m of the site boundary.

The report advises that the habitats within the site provide potential habitat for open-ground nesting birds and could support a number of declining farmland bird species throughout the year including UK BAP priority species. To determine the value of the habitats within the site to breeding birds the report recommends that a standard breeding bird survey is undertaken on the site.

The report also recommends that provision for nesting birds (e.g. house sparrow terrace boxes) should be made within the development scheme, ideally these should be permanent features built into the dwellings. Opportunities should also be sought for enhancing the site's value for breeding birds, e.g. provision of barn owl boxes attached to poles and bird-friendly planting and hedgerow creation. Compensation input, in the form of artificial nest boxes, should be included within the new dwellings for species such as common swift, house martin and house sparrow.

The report recommends that, where possible, any works affecting potential bird nesting areas (scrub and grassland) should be undertaken outside the main bird nesting period of March to August (inclusive). If this is not possible, any such works undertaken within the bird nesting period (March to August inclusive) should be supervised by a suitably qualified ecologist. The supervising ecologist will advise all site personnel of the potential presence of nesting birds, their legal protection and the need to minimise disturbance of nesting birds. If active nests are present, they must be retained in situ undisturbed until the nests are no longer active.

Overall it is considered that, subject to a requirement to implement the further survey work and ecological mitigation and enhancement measures recommended within the applicant's ecological report, there is no basis to conclude that the proposed development would be likely to result in unacceptable ecological impacts. The report does not include any reference to the potential for the residential development of the site to impact upon the South Pennine Moors Special Protection Area through increased recreation pressures, as identified within Core Strategy Policy SC8. However it is considered that this issue could potentially be addressed through mitigation provided for through the Community Infrastructure Levy and through a requirement to provide an appropriate level of public open space on the site.

7) *Land Quality and Stability*

Core Strategy Policy EN8 advises 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.

As advised by the Environmental Health Land Quality Team it is considered that land contamination risks have been sufficiently assessed at this stage for the Planning Authority to be reasonably confident that any contamination problems associated with the site can be addressed through the imposition of suitably worded planning conditions. However there is evidence of some land slippage on part of the proposal site and therefore land stability issues must also be considered.

The application is supported by a Desk Based land contamination and stability risk assessment report. In relation to land stability the report advises that there is a large area (approximately 1.6ha) in the centre of the site which is indicated to comprise mass movement (slip material). This is evidence that at least some areas of the site are at significant risk from slope instability.

The report advises that, at the earliest stage, this will need to be assessed in more detail, as it may have significant impact on the viability of the proposed development. A full ground investigation of the site should be implemented, including appropriate in situ ground penetration testing, laboratory testing, in order to allow a slope stability analysis to be carried out. Given the slopes and historic instability on the site, the use of retaining walls or other stabilisation structures are likely to be required across the site. It is possible that remedial measures, to improve slope stability, may be required.

Given the apparent significance of the slope stability issue both in terms of the viability/deliverability of the development and the potential implications for the layout of the development and the potential need for significant retaining structures which may be unacceptable in terms of landscape impact, it is considered necessary for the recommended land stability assessment to be provided pre-determination to ensure that a properly informed planning decision is made.

It is considered that insufficient information has been provided to be confident that the land is sufficiently stable to accommodate the proposed development or that land stability issues can be viably mitigated within an acceptable development scheme without a requirement for an excessive and unacceptable number of retaining structures. The application is therefore considered to be contrary to the provisions of Core Strategy Policy EN8 in this respect.

8) 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.

9) 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 considerations in favour of 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 development would unacceptably harm the character of the landscape to the detriment of the local tourist industry and the adjacent heritage railway line. The proposal is contrary to Core Strategy Policies PN1 and EN4.
- 3) The application does not properly and fully assess land stability issues associated with the site or how land stability may affect the development viability, layout, design and requirement for retaining structures. The proposal is contrary to Core Strategy Policy EN8.
- 4) The application does not properly assess the archaeological potential of the site or the potential archaeological impact of the development and how this may be mitigated. The proposal is contrary to Core Strategy Policy EN3.
- 5) The application does not fully and adequately address highways issues associated with 'rat running' on local roads and the means of access as currently proposed is not satisfactory. The proposal is contrary to Core Strategy Policy TR1 and paragraph 32 of the National Planning Policy Framework.

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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 Thursday 5 April 2018.

AN

Subject:

Full planning application ref. 17/06421/MAF for the change of use of an existing disused care home to fourteen 1 and 2 bedroom apartments at Ivy House Nursing Home, 6 Hollin Wood Close, Shipley, West Yorkshire, BD18 4LG.

Summary statement:

The Regulatory and Appeals Committee are asked to consider the recommendation for the determination of full planning application ref. 17/06421/MAF, which proposes the conversion of a building known as Ivy House Nursing Home from its current lawful use as a residential institution (care home) to 14 self-contained 1 and 2 bedroom apartments, made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

The proposal site is unallocated on the Development Plan Proposals Map and the proposed development would not conflict with any of the provisions of the Development Plan in terms of the principle of the change of use from a residential institution to 14 self-contained residential units. Objectors have raised concerns in relation to overlooking and amenity issues and the potential intensification of parking and traffic. However the applicant has proposed amendments which it is considered satisfactorily overcome these concerns including omitting a previously proposed 1st floor extension and providing for an improvement arrangement of external spaces.

The development provides for the level of parking required by policy TR2 of the Core Strategy and there is no reason to believe that the development would lead to an intensification of local traffic to the extent that road safety or amenity would be materially harmed. It is therefore recommended that planning permission is approved for the reasons and subject to the conditions set out in the Report at Appendix 1.

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 report concerns a full planning application ref. 17/06421/MAF for the conversion of a nursing home to 14 self-contained 1 and 2 bedroom apartments. The site has been in long standing use as a Care Home but now stands vacant. The Core Strategy plans for North West Bradford, to see the creation of 4,500 new homes in the period up to 2030. The new homes will be delivered by a mix of sites including redevelopment and intensification within the urban area and a substantial contribution from green belt changes in sustainable locations.

It is considered that the proposed residential conversion would be consistent with the Core Strategy's development objectives for North West Bradford as it would facilitate the intensification of residential provision within the existing urban area, potentially helping to reduce pressure for Green Belt release. The existing use of the site as a Care Home has discontinued and is not safeguarded under either the provisions of the saved policies of the replacement Unitary Development Plan or the new policies set out within the Core Strategy. It is therefore considered that the development is acceptable in principle.

The proposal originally included a 1st floor extension to part of the existing Care Home. However concerns were raised by local residents and the Planning Service that this extension could lead to unacceptable overlooking/ loss of privacy issue for adjacent residents. In response the applicant revised the proposals to omit the extension and has thereby fully addressed this overlooking concern. The external alterations proposed in the application are now principally limited to removing the existing conservatory and building extension which will provide a simpler and more authentic exterior to the building.

In addition concerns were raised in relation to the landscaping and provision of amenity space within the grounds of the care home and how this could be adapted to provide for a reasonable standard of amenity for the proposed new residential units. In response the applicant has provided revised plans showing improvements to the site landscaping and amenity and drying space provided.

In relation to highways issues the Council's Highways Development Control team have confirmed that the level of parking provided is acceptable and in line with policy and that there is unlikely to be a significant increase in transport movement to and from the site due to the extent of vehicular movements that the previous use as a 36-bed care home is likely to have generated.

Overall it is considered that the proposed change of use, as revised, is acceptable in principle and should not result in unacceptable adverse impacts for the occupants of surrounding land. It is therefore recommended that planning permission is approved for the reasons and subject to the conditions set out in the Report and 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 approve planning permission then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting planning permission either subject to the conditions set out in the report at Appendix 1 or subject to any other planning conditions which the Committee consider to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Alternatively if the Committee decide that planning permission should be refused, they may refuse the application accordingly. Reasons for refusal should be given based upon development plan policies or other material planning considerations.

5. FINANCIAL & RESOURCE APPRAISAL

The development would be subject to the Community Infrastructure Levy (CIL) and the amount of development proposed is below the 15 unit threshold, beyond which the provision of Affordable Housing is required. Therefore this report does not advise that there is any requirement to impose Planning Obligations requiring off-site infrastructure contributions or works through a Legal Agreement under Section 106 of the Act.

However, if the Committee consider that any off site infrastructure or other works, not covered under CIL, are necessary to make the application acceptable in planning terms then the Committee may make approval of the planning application subject to the prior engrossment of a legal agreement under Section 106 of the Act. However any such resolution would need to clearly set out the heads of terms of that agreement and the reasons why such obligations would be considered to be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

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 conversion of a residential institution to 14 separate residential units and will thereby increase the amount of non-specialist residential accommodation available within north west Bradford. The proposal site comprises existing developed land within an established residential area with relatively good connections to the Local Centre of Saltaire. The report below advises that the development will not result in unacceptable adverse environmental or social impacts. It is therefore considered that the proposed development is consistent with the definition of Sustainable Development set out in the NPPF.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future occupiers. However the Development Plan seeks to limit such impacts both by directing new development to sustainable locations, either close to existing centres or well connected to those centres in terms of public transportation, and also by requiring air quality mitigation to be incorporated into new developments, such as through travel planning measures and the provision of electric vehicle charging points.

In relation to these matters it should be noted that the proposed development is in a location where housing growth is desirable in terms of its connectivity to an established residential area and the Local Centre of Saltaire. It should also be noted that the applicant proposes to include a cycle store within the ground floor of the development and has indicated his willingness to provide electric vehicle charging facilities, details of which would be reserved by planning condition. It is therefore considered that there is no basis to conclude that the development would result in disproportionate or unacceptable levels of greenhouse gas emissions.

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 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 Shipley 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.

In response to this publicity 10 written representations have been received all of which object to the application. Objectors include Ward Councillors.

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 Shipley Ward.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To grant planning permission for the reasons and subject to the conditions set out at the end of the Technical Report at Appendix 1

11. APPENDICES

Appendix 1: Technical Report

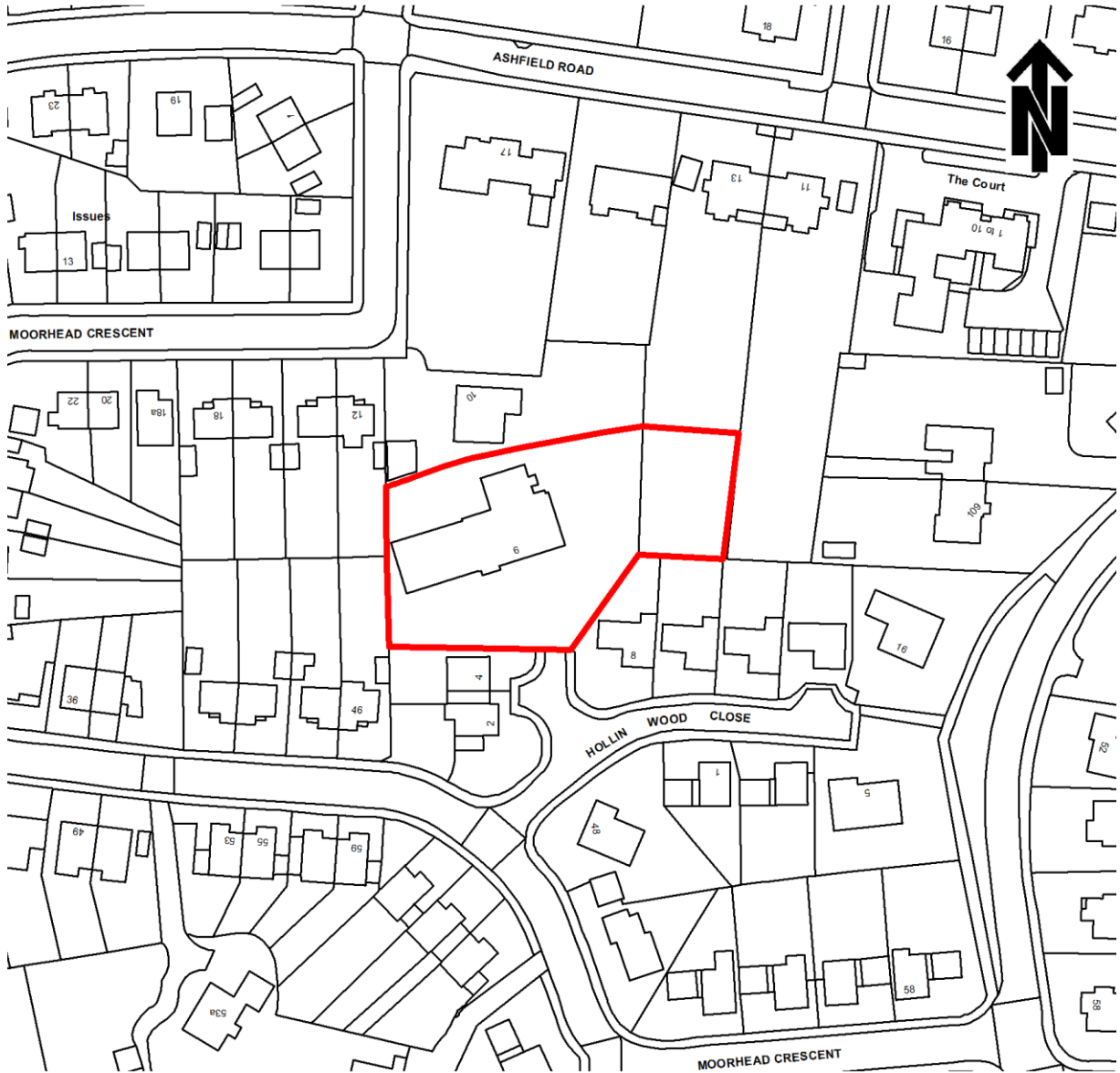
12. BACKGROUND DOCUMENTS

- Adopted Core Strategy
- National Planning Policy Framework
- Application file 17/06421/MAF

17/06421/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**Ivy House Nursing Home,
6 Hollin Wood Close,
Shipley, BD18 4LG**

05 April 2018

Ward: Shipley

Recommendation:

To Approve Planning Permission

Application Number:

17/06421/MAF

Type of Application/Proposal and Address:

Full planning application ref. 17/06421/MAF for the change of use of an existing disused care home to fourteen 1 and 2 bedroom apartments at Ivy House Nursing Home, 6 Hollin Wood Close, Shipley, West Yorkshire, BD18 4LG.

Applicant:

Jayco Developments (Yorks) LTD

Agent:

Bradley Stankler

Site Description:

The proposals site comprises a 0.24 hectare disused care home site located within a residential estate. The site forms a self-contained enclave surrounded by housing with a gated single point of access off Hollin Wood Close. The site does not have any meaningful presence within any street scene or public viewpoint. The care home building is part 1 storey and part 2 storey to the front and part 2 storey, part 3 storey to the rear.

The building is essentially an unremarkable and traditionally designed detached house type building which has been substantially extended in the past to provide care home accommodation. The grounds comprise part hard surface parking and turning areas and part overgrown gardens. The boundaries of the site comprise a mix of fencing and hedging with substantial hedges located between the site and adjacent properties to the south north and west. The nearest Local Centre is Saltaire, approximately 700 metres north-east.

Relevant Site History:

- 88/04948/FUL Two storey extension to provide additional bedroom Hollinwood Close Shipley PPGR 10.10.1988
- 90/04443/FUL Demolition of conservatory and erection of larger replacement conservatory Hollin Wood Close Moorhead Lane Shipley GRANT 24.09.1990
- 92/06570/FUL Two storey extension providing eight extra beds in accordance with amended plans Hollin Wood Close Shipley REFUSE 19.03.1993
- 93/03689/FUL Single storey extension GRANT 11.02.1994
- 94/01944/FUL Extension to front conservatory of nursing home REFUSE 15.08.1994
- 94/03418/FUL Single storey extension to form porch and sitting area GRANT 23.03.1995

- 00/03366/FUL First floor extension to property to form two additional bedroom and single storey extension to sitting area GRANT 18.01.2001
- 05/05328/FUL Erection of two storey front extension and rear conservatory REFUSE 15.09.2005
- 06/06784/FUL Construction of conservatory to rear GRANT 13.06.2007

Development Plan Proposals Map Allocation:

- The proposal site is unallocated on the Development Plan Proposals Map.

Proposals and Policies

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:

- HO5 – Density of Housing Schemes
- HO8 – Housing Mix
- HO9 – Housing Quality
- DS1 – Achieving Good Design
- DS3 – Urban Character
- DS4 – Streets and Movement
- DS5 – Safe and Inclusive Places
- EN8 – Environmental Protection Policy
- TR1 –Travel Reduction and Modal Shift
- TR2 – Parking Policy
- TR3 – Public Transport, Cycling and Walking

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:

Not in a parish

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 2 February 2018. In response to this publicity 10 written representations have been received all of which object to the application. Objectors include Ward Councillors.

Summary of Representations Received:

- Maintenance/ removal of hedges which are adversely affecting neighbouring properties is required.
- Concerns in relation to the position of the fire escape and the potential for light nuisance.
- Requirement for improved boundary treatments/ screening for existing residents.
- Concerns about loss of privacy and overlooking.
- The development would increase traffic to the detriment of highway safety and amenity.
- The proposed level of parking is insufficient as residents are likely to have at least 2 cars per dwelling.
- The removal of trees is unacceptable.
- The proposed 1st floor extension represents overdevelopment undermining residential amenity and privacy [this extension has now been removed from the proposal].
- The development would not provide for adequate fire safety.
- Concerns that the proposed change of use may attract anti-social behaviour.

Consultations:

Children's Services

To create sustainable communities, Bradford Council needs to ensure there is adequate provision and a viable education infrastructure. It has a statutory duty to ensure that there are sufficient early years and school places in its area and to promote parental choice through increasing the diversity of provision.

Based on the data available in March 2018, the above housing development may cause concerns on where children of families coming to reside in the development might attend school. Parents also usually have an expectation that their children would be able to secure a school place at their local school and minimise the distance they may need to travel.

The following schools are within a reasonable distance of the proposed development:
Primary: Beckfoot Heaton, Cottingley Village, Saltaire, Shipley CE, St Walburga's Catholic and Wycliffe CE.

Secondary: Beckfoot School, Beckfoot Upper Heaton, Belle Vue Girls' and Samuel Lister Academy.

Currently the primary schools are overcrowded, which may therefore mean that the Council may need to increase the number of school places in this area. There is currently availability in nearby secondary schools.

The development is in a zone 2 CIL area, the payment is calculated on the total number of square metres which is non-negotiable. These funds would then be maintained and allocated to communities and departments as shown in the 123 agreement and in line with the decision of the Authority's Executive

Any District Community Infrastructure Levy (CIL), if granted to the Children's Services department, would be used to expand provision where possible to accommodate any additional children.

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 & have NO OBJECTION to the proposed development.

Heritage Conservation

Ivy House Nursing Home is located in the World Heritage Site Buffer Zone. The proposals are to convert the existing nursing home into a sixteen 1 and 2 bedroom apartments.

Externally there are a number of alterations proposed, however the removal of the existing conservatory and different style extensions will provide a simpler and more authentic exterior. Due to the location of the property it will not significantly impact on the character and setting of the World Heritage Site. The proposed change of use will not impact on any key views into or out of the World Heritage Site. For this reason I believe the proposals will comply with policy EN3 of the Bradford Council Local Plan Core Strategy.

Highways Development Control

The site is located in relatively sustainable location in a residential area and within walking distance of major transport facilities.

The development may increase pressure on local roads in the evening and weekends due to the change in transport patterns, but overall there is unlikely to be a significant increase in transport movement to and from the site due to the extent of vehicular movements that the previous use as a 36-bed care home is likely to have generated.

The development would provide 24 car parking spaces which equates to an average of 1.5 spaces per unit which is in accordance with local policy.

Although I have no major concerns with the proposed development, the following amendments are required:

1. Provision of cycle storage/parking facilities.
2. Provision of a designated pedestrian path to at least one side within the site connecting to the external footway.
3. Provision of electric charging point within the car parking area.
4. Clarification of how refuse will be collected.

Landscape Design

The revised drawing 75/01 Proposed Site Layout shows the general arrangement for the external works and its relationship to the existing planting around the site.

The general principles appear satisfactory but further development and details would be required if the submission is approved.

The proposed works to the front of the development that require the removal of existing extensions and a steep garden area to enable car parking will need extensive excavation that may impact on planting around the perimeter and I would like to see some cross sections as retaining walls may be required to achieve the levels required and to stabilise the boundary to the properties to the south.

Although along this boundary the applicant may be advised to discuss the conifer hedging with adjacent landowners, it appears the size may impact on the light in these gardens and a new boundary fence may be a preferable option.

A detailed planting plan and specification will be required along with the preparation/topsoiling and subsequent management.

Parks and Greenspaces

Parks and Green Spaces Service do not require a recreation contribution for the provision or enhancement of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development in compliance with CIL from 1.7.17 as the number of houses/units associated with the attached planning application is below the threshold.

If the developer is looking to the Council to maintain any areas of public open space on the development a commuted sum will be required to maintain the areas for the next 25 years.

If the developer is looking to maintain the areas themselves a full landscape management plan will need to be produced and agreed as part of the planning process.

Yorkshire Water

Application details checked - based on the information submitted, no observation comments are required from Yorkshire Water.

Summary of Main Issues:

- 1) Principle
- 2) Design, Amenity and Landscaping
- 3) Highways Issues
- 4) Community Safety Implications
- 5) Equality Act 2010, Section 149

Appraisal:

1) Principle

The proposal site is unallocated on the Proposals Map. The site has been in long standing use as a Care Home but now stands vacant. The Core Strategy plans for North West Bradford, to see the creation of 4,500 new homes in the period up to 2030. The new homes will be delivered by a mix of sites including redevelopment and intensification within the urban area and a substantial contribution from green belt changes in sustainable locations.

It is considered that the proposed residential conversion would be consistent with the Core Strategy's development objectives for North West Bradford as it would facilitate the

intensification of residential provision within the existing urban area, potentially helping to reduce pressure for Green Belt release.

The existing use of the site as a Care Home has discontinued and is not safeguarded under either the provisions of the saved policies of the replacement Unitary Development Plan or the new policies set out within the Core Strategy. It is therefore considered that the development is acceptable in principle in accordance with Core Strategy policies SC5, BD1, HO3 and HO6.

In terms of the provisions of Core Strategy Policies HO5 (Density), HO8 (Housing Mix), and HO11 (Affordable Housing) it is considered that the proposal does not conflict with these policies. This is because the development would provide for a relatively high density of housing and would provide for 1 and 2 bedroom apartments in an area which currently primarily offers 3 and 4 bedroom houses, increasing the diversity of the housing mix in this location. The development is below the 15 unit threshold above which the provision of Affordable Housing is required.

2) Design, Amenity and Landscaping

The National Planning Policy Framework (NPPF) 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;
- 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 the design policies within the Core Strategy (DS1 to DS5) indicate that development schemes should be informed by a good understanding of the site/area and its context, take a comprehensive approach to development, work with the landscape to reduce the environmental impact of development, create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials and ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose. Core Strategy Policy EN8 confirms that development schemes should provide a high standard of protection for health, environmental quality and amenity.

The proposal originally included a 1st floor extension to part of the existing Care Home. However concerns were raised by local residents and the Planning Service that this extension could lead to unacceptable overlooking/ loss of privacy issue for adjacent residents. In response the applicant revised the proposals to omit the extension. The proposal would not introduce any additional overlooking issues in terms of the creation of new windows or new habitable rooms and is therefore considered fully address this concern.

The external alterations proposed in the application are now principally limited to removing the existing conservatory and building extensions which will provide a simpler and more authentic exterior to the building. In addition alterations are proposed to external areas to provide the required level of parking and improve the site landscaping, with the provision of amenity and drying space. The issue of the high hedges located on the site boundaries has been raised with the applicant, who has confirmed that he would be amenable to agreeing a maintenance regime for the hedges secured through planning condition.

The Council's Housing team have raised some concerns in relation to means of escape for certain of the apartments; however this matter is more appropriately addressed through Building Regulations. In terms of planning policy and the provisions of Core Strategy Policy HO9 it is considered that the size and layout of the care home building is suitable for the provision of the proposed 14 self-constrained unit and that the floor space, layout and natural light afforded to the units would provide a reasonable standard of amenity for occupants.

It is therefore concluded that the development is appropriately designed and would not adversely affect the amenities enjoyed by the occupants of surrounding land and would provide residential accommodation which itself would provide a reasonable standard of amenity for prospective new occupants in accordance with Core Strategy policies EN8, HO9 and DS1 to DS5.

3) *Highways Issues*

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.

Local residents have raised concerns that the proposed residential conversion would adversely affect them through off-site parking issues and an increase in traffic on local residential roads. However the Council's Highways Development Control team have been consulted on the application and have confirmed that the level of parking provided is acceptable and in line with policy and that there is unlikely to be a significant increase in transport movement to and from the site due to the extent of vehicular movements that the previous use as a 36-bed care home is likely to have generated.

The applicant has now shown cycle storage arrangements within the ground floor of the building and has confirmed that he would accept a planning condition requiring the provision of electric vehicle charging points. Therefore, notwithstanding the concerns of residents, subject to the planning conditions recommended at the end of this report, it is considered that there is no basis to conclude that the change of use from a residential institution to 14 self-contained apartments would be likely to lead to traffic conditions prejudicial to highways safety or off-site parking problems in accordance with Core Strategy Policies TR1 and TR2 and paragraph 32 of the NPPF.

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 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.

5) 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.

Reason for Granting Planning Permission

The proposed development would allow a disused care home to be converted into residential accommodation and would be consistent with the Core Strategy objective of intensifying residential development within residential areas in North West Bradford and providing a mix of house types.

The potential impacts of the proposed development have been carefully assessed in terms of potential visual, amenity, traffic, parking and any other potential adverse environmental effects and, subject to the planning conditions recommended below, it is not considered that the development would result in any significant adverse impacts on the environment or the occupants of surrounding land.

The proposal is consistent with the provisions of the National Planning Policy Framework, the saved policies of the replacement Unitary Development Plan and the policies of the Adopted Core Strategy, in particular policies: SC5, BD1, HO3, HO5, HO6, HO8, HO9, TR1, TR2, EN8, DS1, DS2, DS3, DS4 and DS4.

Conditions of Planning Permission:

- 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) None of the dwellings to which this decision notice relates shall be brought into occupation, until the off street car parking spaces hereby approved have been laid out, hard surfaced, marked into bays and drained within the curtilage of the site and the ground floor cycle storage provisions hereby approved have been implemented in accordance with the approved plans numbered 75/01 and 75/02. The car and cycle parking facilities provided shall then be kept available for use whilst ever the use exists.

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

- 3) None of the dwellings to which this decision notice relates shall be brought into occupation until full details of the hard and soft landscaping features illustrated on drawing ref. 75/01, including planting specifications, proposals to trim hedges to a specified height and full details of ground levels, including any required retaining structures, have been submitted to and approved in writing by the local planning authority. Thereafter the approved landscaping details shall be implemented in full, either before any of the dwellings to which this decision notice relates are brought into occupation or in accordance with an alternative timetable submitted to and approved in writing by the Local Planning Authority.

Reason: To provide for an attractive external environment of high amenity value to residents, to accord with Policies DS1, DS2, DS3, DS4 and DS5 of the Core Strategy.

- 4) None of the residential dwellings, hereby approved, shall be brought into occupation until full details a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented in full in accordance with the approved details.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity and to accord with Policies DS1, DS2, DS3, DS4 and DS5 of the Core Strategy.

- 5) Before any part of the development is brought into use full details of the provision of electric vehicle charging points to serve the new car parking spaces shown on plan numbered 75/01 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the electric vehicle charging provisions shall be fully

implemented either before any of the residential dwellings, hereby approved, are brought into occupation or in accordance with an alternative timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the District, and takes into consideration paragraph 35 of the National Planning Policy Framework and policy EN8 of the Core Strategy.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on Thursday 5 April 2018.

AO

Subject:

Outline planning application ref. 16/04629/MAO for the construction of 14 dwellings and a veterinary surgery at the former Allotment Gardens, Kimberley Street, Ilkley, West Yorkshire with all matters reserved other than access.

Summary statement:

The Regulatory and Appeals Committee are asked to consider the recommendation for the determination of outline planning application ref. 16/04629/MAO, which proposes the development of the greenfield land off Ashland Roads in Ilkley, to the north and east of Kimberley Street, with a veterinary surgery and 14 new dwelling houses. The application is in outline form with all matters reserved other than access.

The proposal site is allocated as an Employment Site on the Development Plan Proposals Map. However the applicant has demonstrated that the construction of 14 houses on part of the site is necessary in order to facilitate the development of the remainder of the site with a veterinary surgery and that alternative employment developments on the site would not be viable. The site is within Flood Zone 3; however extensive negotiations have taken place with the Environment Agency over a number of years and it is now considered that sufficient work has been undertaken to be confident that developing the site in the manner proposed is acceptable in flood risk terms.

The implications of developing the site with the type and amount of development proposed and with the access and flood mitigation measures described in the application would not result in unacceptable adverse impacts in terms of amenity, tree protection, traffic and transportation or any other adverse impacts. It is therefore recommended that planning permission is approved for the reasons and subject to the conditions set out in the Report at Appendix 1.

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 report concerns an outline planning application ref. 16/04629/MAO, which proposes the development of the greenfield land off Ashland Roads in Ilkley, to the north and east of Kimberley Street, with a veterinary surgery and 14 new dwelling houses. The application is in outline form with all matters reserved other than access. The proposed access is a single vehicular access off Ashlands Road (full junction), together with a new footpath link between Ashlands Road and an adjacent track to the east. The northern 1/3rd of the site is not proposed to be developed with buildings but would instead be provided as a Public Open Space, similar to the current arrangement of the site but with a reduced area.

The proposal site current serves as an informal recreation area/ public open space but is not allocated or protected as such on the Development Plan Proposals Map. The site is currently greenfield and was last in use as allotment gardens prior to its current informal recreational use. Surrounding land uses are a small business park to the east, residential to the south and west and a mix of uses including employment, recreation, cemetery and sewerage works to the north. The site adjoins Ashlands Road and is separated from Leeds Road by a small area of land accommodating an advertising hoarding and a group of trees.

The proposal site is allocated as an Employment Site on the Development Plan Proposals Map. However the applicant claims that the construction of 14 houses on part of the site is necessary in order to facilitate the development of the remainder of the site with a veterinary surgery whilst providing for a financially viable development scheme. The applicant has also demonstrated that a range of alternative employment developments on the site would not be viable. It is considered that this argument is valid and that the use of the land, as proposed, for both employment and residential purposes, although conflicting with the Development Plan Allocation and saved RUDP policy E1, is acceptable in this instance.

Objectors have raised concerns in relation to the suitability of the site for development, traffic issues and flooding and drainage issues. In relation to flooding matters it should be noted that the site is within Flood Zone 3; however the applicant proposes a development scheme which would allow the northern part of the site to continue to flood, whilst providing for a development platform and swale in the southern part of the site which would reduce the flood risk to the houses and vets proposed to be developed without increasing flood risk to adjacent land. Extensive negotiations have taken place with the Environment Agency over a number of years and it is now considered that sufficient work has been undertaken to be confident that developing the site in the manner proposed is acceptable in flood risk terms.

As the application is in outline form details of the site layout are not submitted for consideration at this point; however details of the swale which would run around the edge of the site have been submitted for approval as have details of the site access. It is considered that developing the site with the type and amount of development proposed and with the access and flood mitigation measures shown on the submitted plans would not result in unacceptable adverse impacts in terms of amenity, tree protection, traffic and transportation, or any other significant adverse impacts. It is therefore recommended that

planning permission is approved for the reasons and subject to the conditions 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 approve planning permission then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting planning permission either subject to the conditions set out in the report at Appendix 1 or subject to any other planning conditions which the Committee consider to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Alternatively if the Committee decide that planning permission should be refused, they may refuse the application accordingly. Reasons for refusal should be given based upon development plan policies or other material planning considerations.

5. FINANCIAL & RESOURCE APPRAISAL

The development would be subject to the Community Infrastructure Levy (CIL), at a rate of £100 per m² of floorspace created, and no affordable housing is proposed to be incorporated within the proposed development. Therefore this report does not advise that there is any requirement to impose Planning Obligations through a Legal Agreement under Section 106 of the Act.

The land to be provided as public open space within the northern area of the site will require ongoing maintenance. However this land is currently owned by the Council and is agreed to remain the maintenance responsibility of the Council, subject to the payment of a maintenance commuted sum. Therefore it is not considered necessary to impose a Planning Obligation requiring a maintenance plan for this area.

All residential development of 11 units or more in Wharfedale would normally be required to make provision for 30% Affordable Housing. However this threshold was not in place at the time when the planning application was originally made, consideration of the application having been considerably delayed due to the need to fully assess flood risk matters. Therefore in this instance it is considered that it would be unreasonable to impose the new lower affordable housing threshold on the applicant and that doing so would be

likely to undermine the deliverability of the development, taking account of the viability information which has been provided by the applicant.

However, if the Committee consider that any off site infrastructure or other works, not covered under CIL, are necessary to make the application acceptable in planning terms then the Committee may make approval of the planning application subject to the prior engrossment of a legal agreement under Section 106 of the Act. However any such resolution would need to clearly set out the heads of terms of that agreement and the reasons why such obligations would be considered to be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

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 National Planning Policy Framework (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 14 dwelling houses and a veterinary surgery on a greenfield site within the existing settlement boundary of Ilkley. The site enjoys relatively good connections to bus services operating on Leeds Road and also to range of services and amenities accessible within a reasonable walking distance. The report below advises that the development has suitably addressed flooding issues and will not result in unacceptable adverse environmental or social impacts. It is therefore considered that the proposed development is consistent with the definition of Sustainable Development set out in the NPPF.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future occupiers. However the Development Plan seeks to limit such impacts both by directing new development to sustainable locations, either close to existing centres or well connected to those centres in terms of public transportation, and also by requiring air quality mitigation to be incorporated into new developments, such as through travel planning measures and the provision of electric vehicle charging points.

In relation to these matters it should be noted that the proposed development is in a location where housing growth is desirable in terms of its connectivity to an established residential area and a range of facilities and services located within Ilkley. Moreover the proposed veterinary surgery would be readily accessible to a relatively large residential population, with the existing premises being located a short distance down Leeds Road. Furthermore any permission would be subject to a requirement at Reserved Matters stage to provide for the required level of Electric Vehicle charging points and cycle parking provision.

Additionally the applicant proposes to retain public open space within the northern area of the site allowing continued informal recreational activities on the site for existing and prospective new residents. Taking account of the above it is considered that there is no basis to conclude that the development would result in disproportionate or unacceptable levels of greenhouse gas emissions.

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 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. Security considerations will inform the assessment of the suitability of the layout and boundary treatments of the development at the Reserved Matters stage.

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 Ilkley 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.

In response to this publicity 65 written representations have been received including 49 letters of support and 16 objections. Objectors include a Ward Councillor.

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 Ilkley Ward.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To grant planning permission for the reasons and subject to the conditions set out at the end of the Technical Report at Appendix 1

11. APPENDICES

Appendix 1: Technical Report

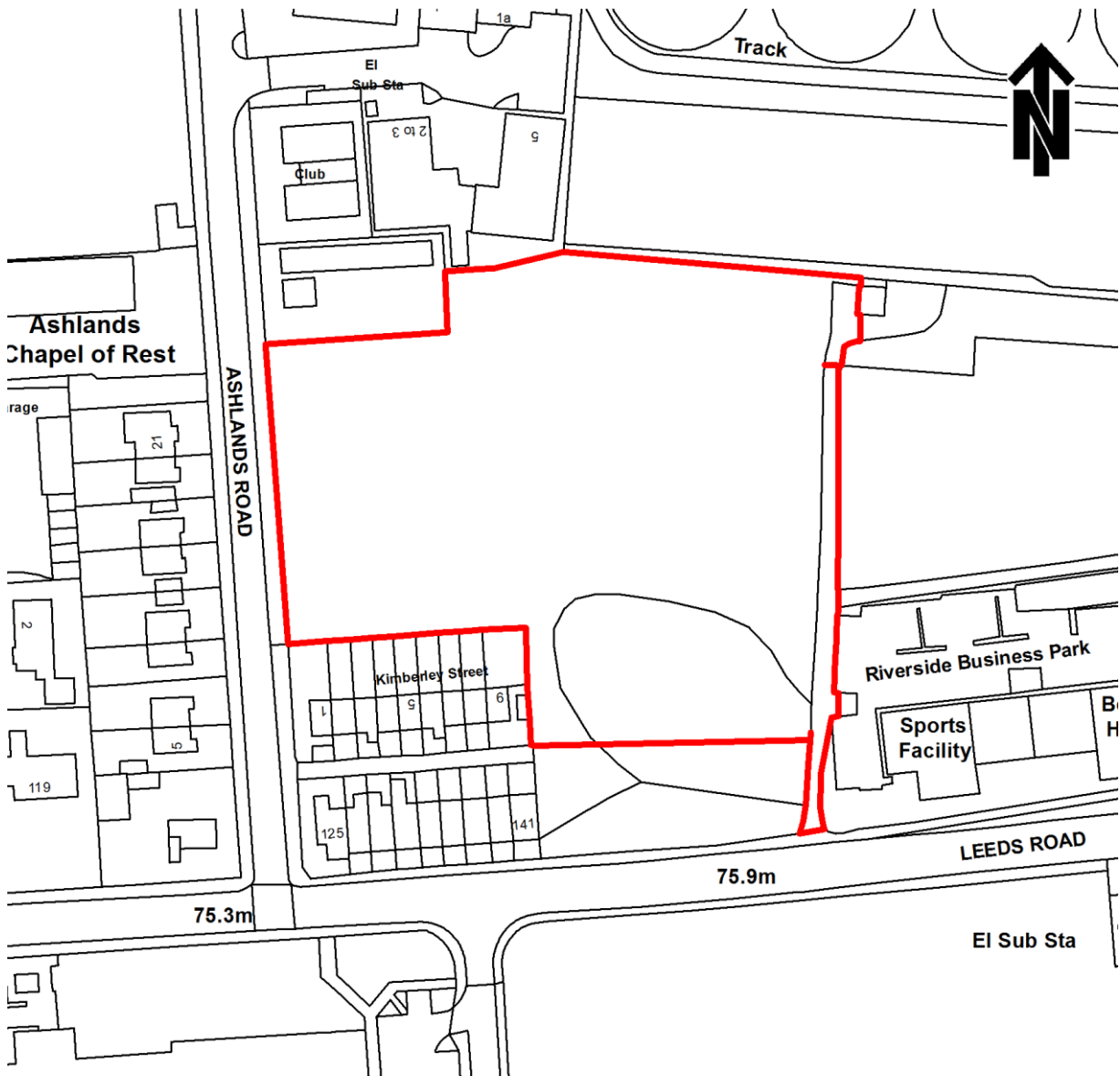
12. BACKGROUND DOCUMENTS

- Adopted Core Strategy
- National Planning Policy Framework
- Application file 16/04629/MAO

16/04629/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**Former Allotment Gardens,
Kimberley Street,
Ilkley**

05 April 2018

Ward: Ilkley

Recommendation:

To Grant Outline Planning Permission Subject to Conditions

Application Number:

16/04629/MAO

Type of Application/Proposal and Address:

Outline planning application ref. 16/04629/MAO for the construction of 14 dwellings and a veterinary surgery at the former Allotment Gardens, Kimberley Street, Ilkley, West Yorkshire, with all matters reserved other than access.

Applicant:

Mr Richard Irving

Agent:

CFK Developments (Ilkley) LLP

Site Description:

The proposal site is 1 hectare area of greenfield land within Ilkley, located north of Kimberley Street/ Leeds Road (A65), east of Ashlands Road, south of Ilkley Waste Water Treatment Works. The land is currently an open grassed area with some peripheral planting with an established footpath transecting the site diagonally from Ashlands Road at the north-western corner to the allotment access at the site's south-eastern corner.

The site is well screened from Leeds Road by an advertising hoarding which is outwith the application site and existing mature trees situated between the hoarding area and the site. The site is also well screened from the waste water treatment works to the north by a row of mature trees and some vegetation screening is also provided between the rear gardens of the northern Kimberley street terrace and the site. The site is relatively open on the Ashlands Road frontage and on the eastern boundary with the allotments.

Historical maps indicate that the site has been substantially undeveloped since at least 1850 and that the sewerage works to the north was developed between 1854 and 1859, with the Kimberley Street terrace developed between 1894 and 1907. However the site does appear to have been used as allotment gardens in the first half of the 20th century and a map dated 1955 to 1956 appears to show that part of the site was used as a mortuary associated with the adjacent cemetery (to the north-west) at that time.

In terms of adjacent land uses the surrounding area is mixed residential and commercial with housing situated to the west and south-west, the waste water treatment works and a brewery to the north, allotments and modern office buildings to the east and two Primary Schools (Ashlands and Sacred Heart), with associated playing fields, to the south.

In terms of nearby facilities and amenities Ilkley's Primary Shopping Area begins approximately 500m to the west with the Booths Supermarket, the Springs Medical Centre accessible by an approximately 1.6km journey and Ilkley Railway Station is accessible via an approximately 1km journey distant. Adjacent allotments and public footpaths offer opportunities for informal outdoor recreational activities closer to the site.

Relevant Site History:

- None

Development Plan Proposals Map Allocation:

The site is allocated as Employment Site K/E1.11 on the Development Plan Proposals Map. The relevant proposals document describes this employment site as follows:

K/E1.11 ASHLANDS ROAD, ILKLEY 1.03 ha

A new greenfield site within the settlement, one of only two Employment Sites in Ilkley. The site is well related to town/local facilities and public transport services. Development must incorporate a cycleway and publicly accessible recreation open space to redress a local deficiency. Development restricted to B1 or B8 uses to prevent adjacent housing being adversely affected. Development of the land should make provision for the retention of mature trees on the site.

Proposals and Policies

As the site is allocated for employment purposes saved policy E1 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:

- HO5 – Density of Housing Schemes
- HO8 – Housing Mix
- HO9 – Housing Quality
- HO11 – Affordable Housing
- DS1 – Achieving Good Design
- DS2 – Working with the Landscape
- DS3 – Urban Character
- DS4 – Streets and Movement
- DS5 – Safe and Inclusive Places
- EN1 – Open Space, Sport and Recreation
- EN7 – Flood Risk
- EN8 – Environmental Protection Policy
- TR1 –Travel Reduction and Modal Shift
- TR2 – Parking Policy
- TR3 – Public Transport, Cycling and Walking

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:

Ilkley Parish Council – The Plans Committee of Ilkley Parish Council recommends refusal of this application. The proposed development is of excessive scale for the site and its presence would result in the over dominance of, and loss of amenity to, neighbouring properties. The site is unsuitable for development as confirmed by Yorkshire Water with strong issues of odour from the adjacent sewerage works and flooding of this area.

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 Ilkley Gazette newspaper. The date specified on the initial notices, by which representations should be submitted, was 14 July 2016. Further rounds of publicity were subsequently initiated as additional information was submitted with the end date for the most recent publicity period being 26 December 2017. In response to this publicity 65 written representations have been received including 49 letters of support and 16 objections. Objectors include a Ward Councillor.

Summary of Representations Received:

Support

- The new veterinary surgery will increase jobs in the area.
- The current site for the vets is unsuitable in terms of its access adjacent to a school.
- Additional housing will be created at the old Ashlands premises.
- The new vet practice will greatly increase the level of diagnostics, first aid and emergency critical care available.
- The development will also create an additional 14 much needed residential homes in a desirable location, with excellent schools and public transport service into Leeds and Bradford.
- The development will not detract from the aesthetics of Ilkley as a town.
- The proposed buildings will not have a negative impact on the current properties located within the close vicinity.
- The extreme downpour on Boxing Day 2015 did not flood the residential or commercial property on Ashlands Road.
- At the water treatment plant the sludge waste material is managed efficiently and all removal benchmarks are met, the odour is momentary and attributable to the tankering away of waste products. Any odour emitted during tankering is quickly taken away within minutes with the prevailing winds to the east of the proposed site.

Objection

- The site is unsuitable for development as it is in the floodplain.
- The development will unacceptably increase the risk of flooding to the occupants of surrounding land and in particular properties on Kimberley Street, Ashlands Road and the business park to the east, which have already been subject to flooding.

- The submitted Flood Risk Assessment is inaccurate as it does not fully assess the flood risks associated with Backstone Beck or other known flooding issues associated with the locality.
- The development may alter groundwater flows and increase flooding problems to the basements of properties on Kimberley Street.
- The development would increase traffic causing unsafe road conditions and prejudicing the amenity of existing residents, particularly along Ashlands Road.
- The proposed access would reduce the amount of parking available on Ashlands Road to the detriment of residents on Kimberley Street without parking.
- The Ashland Road/ Leeds Road junction is unsafe and its use should not be intensified.
- The site is used as a recreational area by local residents and its removal will unacceptably reduce opportunities for outdoor recreation in the locality, particularly for children.
- The site is unsuitable for residential development in terms of odour issues associated with its proximity to the adjacent Sewerage works.
- The development would increase pressures on local school places, which are already oversubscribed.
- Services which cross the land would require re-routing.
- The proposed 4-bed houses are unsuitable; starter homes should be provided in Ilkley.
- Alternative adjacent premises would be more suitable for the veterinary practice to relocate to.
- The development would not improve the local environment.
- The development of this greenfield site should not go ahead whilst brownfield sites remain available.
- Current rail station parking is inadequate and the development would exacerbate existing parking problems.

Consultations:

Biodiversity

Principle of development is acceptable, in respect of biodiversity, but revised layout to protect more trees and conditions for various habitat creation (bat/bird boxes, hedgehog access), biodiversity enhancement/landscaping plans (including POS (Public Open Space) area), lighting plan, SUDS/bioswales details and pre-development badger surveys are required to ensure no net loss of biodiversity.

Developer contributions towards mitigation for impacts on the South Pennine Moors SPA/SAC (Special Protection Area/Special Area of Conservation) are also required to ensure legal compliance with the European Habitat Regulations

Drainage/ Lead Local Flood Authority

I have reviewed the revised Flood Risk Assessment submitted on the 22 November 2017 for the above application. The revisions include the outputs of a recent 1D/2D hydraulic modelling exercise of the River Wharfe and Backstone Beck. The outputs now show the proposed development to be safe from fluvial flood risk and not to increase flood risk to

neighbouring properties or land. Subject to the hydraulic model being verified as suitable by the Environment Agency, I would have no objection to the development.

Education

To create sustainable communities, Bradford Council needs to ensure there is adequate provision and a viable education infrastructure. It has a statutory duty to ensure that there are sufficient early years and school places in its area and to promote parental choice through increasing the diversity of provision.

Based on the data available in November 2017 the above housing development may cause concerns on where children of families coming to reside in the development might attend school. Parents also usually have an expectation that their children would be able to secure a school place at their local school and minimise the distance they may need to travel.

The following schools are within a reasonable distance of the proposed development:
Primary: Ashlands, The Sacred Heart Catholic, All Saint's CE, Ben Rhydding, Burley Oaks, Burley & Woodhead CE and Addingham Primary Schools.
Secondary: Ilkley Grammar School.

Currently the schools are overcrowded or full. It may therefore mean that the Council would need to increase the number of school places in this area.

The development is in Zone 1, a £100 CIL area. The payment is calculated on the total number of square metres which is non-negotiable. These funds would then be maintained and allocated to communities and departments as shown in the 123 agreement and in line with the decision of the Authority's Executive

Any District Community Infrastructure Levy (CIL), if granted to the Children's Services department, would be used to expand provision where possible to accommodate any additional children.

Environment Agency

We have reviewed the information provided and we maintain our **objection** to this proposal. Our detailed comments are as follows.

Model Review

The latest model review relates to the review of the Backstone Beck model which has been submitted as part of the amended flood risk assessment (FRA) for the proposal. We have reviewed the model provided for the FRA and this has raised further issues which will be required to be addressed and further clarification is required to be provided.

We **object** to the proposal until the issue with the model has been overcome and as such we are unable to assess the FRA in detail, until the model has been found to be acceptable.

In order to overcome this objection (and enable us to review the FRA in detail) the applicant will need to carry out a sensitivity analysis to assess if the issue will impact the output of the model.

Detailed comments relating to the model review issue are as follows;

Two culverts are included in the Backstone Beck model reach. The invert, widths and height match the survey drawings. However, an automatic top slot of 5m height has been added to each of these features. Whilst the manner in which Flood Modeller approaches these slots should ensure no change in wetted perimeter or bore area, a slot height approximately 5x taller than the culvert height seems inappropriate. Flood Modeller help suggests a typical height of half the culvert height (so in this case ~0.5m). Given the proximity of BSB_c297 to the development site it is strongly recommended that a sensitivity test is undertaken with these values significantly reduced to identify the impact on upstream water levels.

Environmental Health - Nuisance

I have concerns regarding noise from the above proposal. My initial concern is with regards to noise arising from the construction of the properties.

The site is located in an area where there are already residential properties in existence, and therefore the noise generated from construction works is likely to result in complaints to this department. I would therefore recommend that the hours of operation are restricted as follows:

- Monday to Friday 8.00 a.m. to 6 p.m.
- Saturday 8.00 a.m. to 1 p.m.
- Sundays, Public/Bank Holidays No working.

Night-time or 24-hour working must be agreed with the Local Authority.

During the construction phase there will be noise & dust generated on the site and therefore control measures will be required.

- All sites should be totally surrounded by fencing or hoarding, where possible. These should be to the required height and density appropriate to the noise sensitivity of the location in order to reduce noise breakout from the site. All site gates should be controlled to give the minimum amount of time open for passage of vehicles in order to minimise stray noise to external surrounding areas.
- Fixed items of construction plant should be electrically powered rather than diesel or petrol driven, wherever possible. Where this is not practicable suitable attenuation measures should be provided, such as acoustic enclosures.
- Vehicles and mechanical plant should be fitted with effective exhaust silencers, be maintained in good and efficient working order and should be operated in such a manner so as to minimise noise emissions.
- Machines that are in intermittent use should be shut down when not in use. Where machinery is in continuous use consideration should be given to housing it in a suitable acoustic enclosure.

- Noisy plant and equipment should be sited as far away as is possible from residential or other noise sensitive properties. Barriers such as soil banks, materials stockpiles, site portacabins, and proprietary acoustic barriers should be employed to ensure that the impact of site activities on noise sensitive premises is kept to a minimum.
- Care should be taken when loading and unloading vehicles, dismantling scaffolding or moving materials to reduce noise impact.
- All deliveries of materials, plant and machinery to the site, and any removals of waste or other material must take place within the permitted hours.
- Employees, sub-contractors or other persons employed on the site must not cause unnecessary noise from their activities. Excessive revving of engines, music from radios, shouting and noisy or rowdy behaviour should all be avoided.

Secondly, given the development's close proximity to busy railway lines, the applicant should provide evidence that the buildings' envelopes of shall be constructed so as to provide sound attenuation against external noise, so to ensure the following maximum sound levels:

External Amenity:	55 dB, L_{Aeq} , 07:00-23:00 hours
External Amenity:	45 dB, L_{Aeq} , 23:00-07:00 hours
External Amenity:	60 dB, L_{Amax} , 23:00-07:00 hours
Habitable Rooms:	35 dB, L_{Aeq} , 07:00-23:00 hours
Dining Rooms:	40 dB, L_{Aeq} , 07:00-23:00 hours
Bedrooms:	30 dB, L_{Aeq} , 23:00-07:00 hours

The following design and layout principles should also be considered:

- Has the surrounding area been considered when arranging the site layout?
Example: positioning noise sources and noise sensitive premises as far away as possible from one another, screening outdoor amenity areas etc.
- Has the surrounding noise climate been taken into consideration when arranging the internal layout of residential units? Example: locating bedrooms on quiet facades.
- Has consideration been given to increasing the noise insulation standard for windows and doors of potential noisy facades?
- Has consideration been given to methods of ventilation?
- Where a development will overlook a significant noise source such as a major road, railway, industrial or entertainment premises etc, it is desirable that part of the habitable space in each unit does not overlook the significant noise source. Single aspect units, where all the habitable space overlooks the significant noise, should be avoided.
- Consider the use and location of site levels, barriers and screens between the development and identified noise source.

Heritage Conservation

The application site is located in the distant setting of two Grade II listed buildings, the north and south cemetery chapels within Ilkley cemetery at the northern end of Ashlands

Road and beyond that the boundaries of Middleton and Ilkley Conservation Areas. Having viewed the submitted information I am of the opinion that the proposed development is unlikely to impact on the setting of the heritage assets to any greater extent than that of the existing situation and the proposal is therefore considered to accord with saved RUDP Policies BH4A and BH7 (Core Strategy Policy EN3).

Highways Development Control

The main highway concerns were provision of pedestrian refuges to achieve visibility splays; new TRO's (Traffic Regulation Orders) on Leeds Road and Ashlands Road; and provision of car park for residents of Kimberley Street and/or Leeds Road. The plan seems to address all the highway works and if the provision of the car park can be conditioned then I would have no further objections with regard to these.

However I cannot support the proposed internal arrangements as shown on the site layout plan Ref: 766-210 Rev AA, and the reason for this is generally as set out in my previous consultation response.

Natural England

Relationship with Core Strategy

Your Authority should consider the Habitats Regulation Assessment (HRA) of the Draft Bradford Core Strategy, which identifies the potential for adverse effects with respect to new housing allocations in proximity to the South Pennine Moors SPA and SAC, particularly in relation to urban edge effects (fly-tipping, invasive species, cat predation and increased risk of fire), loss of feeding areas used by SPA birds and recreational disturbance/trampling. Proposed mitigation has been identified by your Authority and further survey work has been undertaken to ensure the Core Strategy directs development away from areas used by SPA birds and incorporates avoidance/mitigation measures to reduce urban edge effects and recreational disturbance/tramping.

It will be necessary to ensure consistency between the evidence base work for the Core Strategy and any required avoidance and mitigation measures for this proposal. Given that evidence is already available in relation to the Core Strategy this should assist your Authority in considering the need for any avoidance and mitigation measures under the requirements of the Habitats Regulations.

Protected landscapes

The proposed development is for a site within or close to a nationally designated landscape namely Nidderdale AONB (Area of Outstanding Natural Beauty). Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted

within the designated landscape. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals-outside the designated area but impacting on its natural beauty.

Local sites

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.

Rights of Way

There are no recorded public rights of way within or immediately adjacent to the proposed site. There is a public footpath (Ilkley 208) which leaves Ashlands Road opposite the north west corner of the site and runs in a westerly direction towards Beanlands Parade and the riverside footpath, this route is shown with a blue line on the plan above.

I note the proposal to provide a route for pedestrians and cyclists through the public open space linking Ashlands Road to the existing gravel track giving access to the allotments. I note that this has been provided to meet the proposed cycleway improvements at this site identified within the RUDP.

There do not appear to be any public rights to use the existing gravel access track to the allotments, it is not recorded as a public right of way or public highway. I note the comment that ownership of the gravel path is (subject to planning) to transfer to the applicant who is happy that the path can therefore be used by the public to provide pedestrian and cycle connectivity through the site. I still feel that the status will need to be clarified and a public cycleway will need to be formally created. Responsibility for the future maintenance of the route for cyclists/pedestrians will also need to be clarified and agreed, will the route be included in the Highways Act Section 378 agreement for the site?

I note that amendments have been made to the route across the public open space so that it connects more closely to Footpath 208 to give a reasonably continuous route for pedestrians.

West Yorkshire Combined Authority (WYCA)

Good pedestrian access to/from the site to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired.

We recommend that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes through a sustainable travel fund.

The fund could be used to purchase discounted MetroCards for all or part of the site. Based on our current RMC scheme, there is an option for the developer to purchase (in bulk) heavily discounted Residential MetroCards (circa 40% discount) as part of a wider sustainable travel package. Other uses could include personalised travel planning, car club use, cycle purchase schemes, car sharing promotion, walking / cycling promotion and or further infrastructure enhancements. The payment schedule, mechanism and administration of the fund and RMC scheme would be agreed with LCC and WYCA and detailed in a planning condition or S106 agreement. The contribution appropriate for this development would be £6,737.50

Yorkshire Water (YW)

In previous correspondence we have made clear our concerns that, due to the proximity of some of the houses to the adjacent waste water treatment works (WWTW), future residents of these properties could experience a loss of amenity primarily due to malodour. I note that the site layout has not materially altered in this regard and so our comments made in our letter of 28th March 2017 still apply as we are strongly of the view that it is an inappropriate use of land to site sensitive receptors close to an operational WWTW. I note that the developer has submitted a revised Flood Risk Assessment (FRA) and our comments in this regard are below.

Waste water

The Flood Risk Assessment 15/018.01 (revision 09) dated 22/11/2017 prepared by JOC Consultants Ltd remain unacceptable so far as YW is concerned. The report suggests that if surface water drainage from the series of swales around the site cannot ultimately drain via infiltration to ground, it will discharge to the public combined sewer. In previous correspondence , YW has made it clear that public sewer network does not have any available capacity to accept any surface water from this development.

The FRA (para 5.2) states that to alleviate flooding a development plateau will be constructed in the southern part of the site with swales along the western, eastern and southern boundaries. Presumably these would drain surface water from the development but will also be designed to intercept shallow overland flow from Ashlands Road and Leeds Road and divert it around the perimeter of the raised site to the retained flood plain between the development plateau and the northern boundary" .

YW has concerns that, if infiltration techniques do not work during periods of high or prolonged rainfall (see below), water could enter the WWTW which is at a lower elevation, thus causing flooding to essential infrastructure. The FRA acknowledges the likelihood of surface water para 6.6.1 stating that "some surface water flooding adjacent to the northern boundary is to be expected under existing conditions as the ground level immediately to the south of the boundary is 70mm lower than the lowest point on the boundary....". This

area is already subject to flooding from the River Wharfe (para 6.4.6 of the FRA) and it is not clear what the potential impact of increasing flows to this area would be.

It should also be noted that the public sewer network is for domestic sewage purposes only. Land and highway drainage have no right of connection to the public sewer network and any issues associated with removal of water arising through land drainage pathways and/or shallow groundwater present due to the proximity of the River Wharfe should be addressed (although this a matter for the local land drainage authority). In 6.8.1 the FRA notes that the presence of standing water on the site is likely to be attributed to a "perched water table in the sub-soil overlying a low permeability stratum". YW agrees with this statement, based on similar occurrences within the WWTW.

If planning permission were to be granted (notwithstanding our views on the site's location close to the WWTW) there must be a condition reflecting this position. I am assuming that Bradford Council's land drainage team and the Environment Agency will comment on other flooding matters. YW must be re-consulted with regard to the wording of any conditions regarding drainage of foul and surface water but suggest the following:-

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

(In the interest of satisfactory and sustainable drainage)

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority .

(To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network)

Summary of Main Issues:

- 1) Principle
- 2) Sustainability and Density
- 3) Flood Risk and Drainage
- 4) Design & Amenity
- 5) Ecology and Trees
- 6) Access and Highways
- 7) Community Safety Implications
- 8) Equality Act 2010, Section 149

Appraisal:

1) Principle

At paragraph 47 the NPPF stresses the need for Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the NPPF requires Local Planning Authorities (LPAs) to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The Local Plan 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, including 1,000 within Ilkley.

The delivery of 14 dwellings on the proposal site would therefore be supported in broad terms by national and local planning policy in terms of delivery of housing within the District. However site specific policy constraints must be considered. The relevant policy constraint to residentially developing the site is the allocation of the site as Employment Site K/E1.11.

The presumption in favour of sustainable development suggests that planning permission should be granted for development unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or (b) specific policies in the NPPF indicate development should be restricted.

Saved RUDP policy E1 generally safeguards Employment Sites for employment uses; however the NPPF urges flexibility stating that, where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. A 2014 report regarding Compliance of the Policies of the Replacement Unitary Development Plan with National Planning Policy Framework, approved for the purposes of Decision Making by the Council's Regulatory and Appeals Committee on 5 June 2014, confirms this policy position stating that:

At present the supply of employment land has diminished with most of the prime sites now developed. The LPA needs to ensure a sufficient supply to meet future need. However there may be sites with little market appeal that have remained undeveloped for a considerable period. If a developer can demonstrate lack of demand for employment purposes, for example through a long term marketing strategy, and can illustrate a demand for an alternative sustainable land use, permission for such use should be granted.

The proposed development includes residential development and employment development (non-core). The applicant has provided development appraisal information which the Council's Economic Development Service confirm demonstrates that the development of the site for a 100% employment would be unlikely to be viable at the agreed land value. The applicant claims that the development scheme arrived at, which includes a mix of residential dwellings and an employment unit to be used as a veterinary surgery, represents one of the few viable ways of developing a difficult site in terms of the flood risk constraints/ costs which pertain.

Taking account of the development appraisal information provided by the applicant together with the considerable length of time that the site has been allocated for employment purposes without any development being delivered, together with the lack of demonstrable 5 year supply of deliverable housing land within the District, it is considered that in this instance these factors represent material considerations which override saved policy E1 and indicate that a mixed residential and employment development on the site, as proposed, is acceptable.

2) Sustainability & Density

The NPPF advises that the purpose of the planning system is to contribute to sustainable development. For the planning system delivering sustainable development means:

- 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;
- 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;
- 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.

The key sustainable development principles articulated through the NPPF are that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. Accessibility should be a key consideration in all development decisions. Most developments that are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.

The proposal site is a greenfield site on the edge of the built-up area of Ilkley adjacent to existing housing to the west and south and within a 500m journey of Ilkley's Primary Shopping Area. The appropriateness of the Principle Town of Ilkley as being one of the focuses for future housing and employment growth is reinforced by Core Strategy Policy SC4 which puts forward a hierarchy of settlements to establish a sustainable pattern of growth with The Principle Towns of Ilkley, Keighley and Bingley second in the hierarchy below the Regional City of Bradford.

Although the proposal site is greenfield, it is immediately adjacent to existing housing and commercial areas, is within 500m of Ilkley's Primary Shopping Area, is in reasonably close proximity to a number of facilities and services including places of worship, schools, shops and recreational spaces and is close to several bus stops on one of the District's main arterial roads. Furthermore local informal recreational opportunities exist in terms of walking routes and allotment provision and additionally the proposal to develop the northern half of the site as a public garden/ open space

Policy HO5 of the Core Strategy seeks to ensure that the best and most efficient use is made of any development site. As such there is a requirement to achieve a minimum density of 30 dwellings per hectare on residential development sites. In the case of the development proposals the residential development area totals approximately 0.4 hectares, with the remainder of the 1 hectare site being devoted to commercial and recreation uses, as required by the Development Plan land use allocation. Therefore the development density can be calculated as 35 Dwellings Per Hectare. This level of housing density is considered to be acceptable in this location.

3) Flood Risk and Drainage

Core Strategy policy EN7 states that the Council will manage flood risk pro-actively and in assessing proposals for development will:

- 1) Integrate sequential testing into all levels of plan-making
- 2) Require space for the storage of flood water within Zones 2 and 3a
- 3) Ensure that any new development in areas of flood risk is appropriately resilient and resistant
- 4) Safeguard potential to increase flood storage provision and improve defences within the Rivers Aire and Wharfe corridors
- 5) Manage and reduce the impacts of flooding within the beck corridors, in a manner that enhances their value for wildlife
- 6) Adopt a holistic approach to flood risk in the Bradford Beck corridor in order to deliver sustainable regeneration in LDDs and in master planning work
- 7) Require that all sources of flooding are addressed, that development 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
- 8) Seek to minimise run-off from new development; for Greenfield sites run off should be no greater than the existing Greenfield overall rates
- 9) Require developers to assess the feasibility of implementing and maintaining SUDS in a manner that is integral to site design, achieves high water quality standards and maximises habitat value
- 10) Use flood risk data to inform decisions made about Green Infrastructure. Only support the use of culverting for ordinary water courses, and additional flood defence works that could have adverse impacts on the environment, in exceptional circumstances.

The proposal site is within a location potentially affected by flooding from both the River Wharfe and Backstone Beck. Concerns in relation to the flooding impacts of developing the site are one of the main points of objection. The application was originally submitted together with a Flood Risk Assessment in June 2016. The flood mitigation strategy for the site has remained consistent from submission: to alter site levels allowing the northern part of the site, to be developed as a public open space, to continue to flood to a greater depth, whilst providing a slightly raised development platform within the southern area of the site, and associated swale.

The development scheme is designed to mitigate flood risks to the proposed new development to an acceptable level without reducing the flood water storage capacity of

the site. Although the application is in outline form a significant amount of detailed design work has been undertaken on the flood mitigation works in terms of the landform to be created and the swale to be provided to intercept overland flood water flows and divert such flows to the dual function flood water storage area and POS within the northern part of the site.

The principle of the proposed flood mitigation works has been generally accepted by both the Environment Agency and the Council's Drainage Unit throughout the consideration of the application; however the determination of the application has been delayed by a need to arrive at an agreed hydrological model which proves that the flood mitigation will work. The Council's Drainage Unit, acting in their capacity as Lead Local Flood Authority, have now withdrawn their objection to the application, subject to the Environment Agency confirming that they have arrived at a satisfactory model.

The Environment Agency have recently confirmed that the issues associated with the model have broadly been satisfied, subject to satisfaction of some further queries regarding Finished Floor Levels, which have now been responded to by the applicant. Although the Environment Agency have not yet formally withdrawn their objection, it is considered that, given that nearly two years have now passed since the original application submission, it is now time to draw a line under the assessment process and determine the application.

It is considered that the proposals satisfactorily addresses flood risk issues associated with the site and propose a development scheme which will ensure that off-site flood risks are not increased whilst mitigating flood risks to the proposed 14 houses and veterinary surgery to an acceptable level. Yorkshire Water have raised concern regarding the adequacy of existing surface water drainage infrastructure and the combined sewer network to accept additional surface water flows; however details of surface water drainage can be controlled by planning condition and there is no reason to suppose that a suitable outfall could not be found. It is therefore considered that the development accords with Core Strategy Policy EN7 in respect of flood risk and drainage.

4) Design & 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 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;

- 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 the design policies within the Core Strategy (DS1 to DS5) indicate that development schemes should be informed by a good understanding of the site/area and its context, take a comprehensive approach to development, work with the landscape to reduce the environmental impact of development, create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials and ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose. Core Strategy Policy EN8 confirms that development schemes should provide a high standard of protection for health, environmental quality and amenity.

The planning application is in outline form with details of the development's layout, scale, appearance and landscaping not matters for consideration at this stage. However an indicative site layout plan has been provided which shows an example arrangement of 14 houses and a veterinary surgery on the site.

The illustrative layout shows the veterinary surgery provided to the rear of the properties on Kimberley Street, properly addressing Ashlands Road and with landscaping buffering provided to the Kimberley Street Properties. The 14 houses are located beyond, arranged in an inward looking development pattern which is considered to be appropriate in this instance. The land within the northern part of the site is shown as being provided as a Public Open Space which would also provide flood water storage capacity.

The layout provides for the retention of the majority of the mature trees remaining on and adjacent to the site, supplemented with additional planting. It is considered that the illustrative site layout plan provided adequately demonstrates that 14 houses and a veterinary surgery could be constructed on the site in a positive and contextually appropriate design and in a manner which does not unacceptably harm the amenities enjoyed by the occupants of surrounding land or result in unacceptable tree loss. This is however subject to acceptable detailed development plans being proposed at the Reserved Matters stage.

An issue raised both by Yorkshire Water and objectors is the potential for new residents to be adversely affect by odour from the adjacent waste water treatment works. To address this issue the applicant has submitted both subjective and objective odour assessments. The objective assessment shows that the site's proximity to the waste water treatment works means that there is the potential for new residents to be exposed to odour. However the subjective assessment shows that in reality significant odour problems associated with the waste water treatment works do not arise.

Following the submission of the odour assessments, Environmental Health have not objected to the development on odour grounds but have raised concerns regarding the need to design the development and construct the site in a manner which prevents noise nuisance from occurring. It is considered that the noise issues raised are matters which can adequately be dealt with at the Reserved Matters, detailed design stage. Overall it is considered that there is no reasonable basis to conclude that the proposal site would be an unsuitable site for new housing in terms of its proximity to the adjacent waste water treatment works and the odour and noise issues associated with the locality. The proposal is not therefore considered to conflict with Core Strategy Policy EN8.

5) Ecology and Trees

Core Strategy policy EN2 states that proposals should contribute positively towards the overall enhancement of the District's biodiversity resource. 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.

The main ecological feature of the site requiring consideration are the existing mature trees located on and adjacent to the site. The application is in outline form with matters of detail relating to site landscaping and layout Reserved Matters not for consideration at this stage. However details of the proposed flood mitigation swale have been put forward for approval and the tree protection implications of this swale have been assessed. The swale would run close to several mature trees along the Leeds Road frontage and the allotments track which are proposed to be retained.

The Council's Tree Officer initially raised concerns about the potential tree impact of the swale; however following a site meeting, where the applicant explained the construction method for the swale (no dig within Root Protection Areas), the Tree Officer indicated he was content, subject to further details and tree protection requirements. Such details and Tree Protection requirements can be secured at the Reserved Matters stage.

In terms of protected wildlife sites within the locality, the submission demonstrates that the site does not constitute supporting habitat for the South Pennine Moors SPA. However there is the potential for the residential units proposed as part of the application to increase recreation pressure on the SPA. Nonetheless the development provides on-site public open space, diverting recreational pressure, and will also be liable to CIL, which can be used to fund improvements to mitigate recreational impacts on the South Pennine Moors.

Taking these factors into consideration it is considered that there is no reasonable basis to conclude that the development would be likely to significantly impact upon the integrity of the South Pennine Moors, even when considered in combination with other planned housing growth. Consequently, subject to further assessment and mitigation of ecological impacts at the Reserved Matters Stage, it is considered that the application is acceptable in terms of ecological and tree impacts in accordance with Core Strategy Policies EN2 and EN5.

6) Access and Highways

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 initially raised a number of queries and requests regarding the site access and the need to provide for off-site highway improvement associated with the junction between Ashlands Road and Leeds Road (new waiting restrictions) and a new pedestrian crossing over Leeds Road. Highways also pointed out a number of adoption deficiencies in the internal estate road design; however the internal layout is not a matter for consideration at this stage.

In terms of the access works the applicant has now provided a revised layout plan indicating a commitment to provide for the requested waiting restrictions and pedestrian crossing and the Highways Development Control Team have indicated that they are satisfied with these proposals. In relation to residents' concerns about the displacement of existing parking on Ashlands Road, due to the formation of the new site access and associated waiting restrictions, it is not considered reasonable or necessary in planning terms to require the applicant to compensate for this by providing parking for existing residents on-site.

Subject to further assessment and amendment to the internal estate road layout at the Reserved Matters stage, it is considered that the application is acceptable in terms of transportation and traffic issues and the safety of the proposed site access and therefore accords with Core Strategy Policies TR1 and TR2.

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 Granting Planning Permission:

The proposal represents a viable and deliverable development on an Allocated Employment Site which will allow a local veterinary surgery to expand their business and will also provide for much needed new residential accommodation within Ilkley. Therefore the development is considered to be acceptable, notwithstanding the conflict with saved Replacement Unitary Development Plan policy E1. The development scheme adequately mitigates both on and off-site flood risks in accordance with Core Strategy policy EN7.

The amenity, highways and environmental implications of the development have been carefully considered and, subject to an acceptable detailed development scheme being proposed at the Reserved Matters Stage and the planning conditions recommended below, it is considered that the development of a veterinary surgery and 14 houses on the site should not result in unacceptable environmental impacts or significant adversely affects for the occupants of adjoining land. The development accords with the relevant provisions of the National Planning Policy Framework and the Core Strategy.

Conditions of Approval:

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

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

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

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

- 3) Before any development is begun plans showing the development's:

Access,
appearance,
landscaping,
layout,
and scale

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

Reason: To accord with the requirements of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 4) Any application requesting approval of the reserved matters of layout, scale or appearance shall include details of existing and proposed ground levels and include drawings showing the following details:
- i) adequate scaled cross sections of the site,
 - ii) details of the existing and proposed ground levels,
 - iii) proposed finished floor levels of all buildings,
 - iv) levels of any drives, garages and parking areas,
 - v) height and appearance of all retaining walls or other retaining features.

and the development shall subsequently be carried out in accordance with the details so approved.

Reason: To ensure that works are carried out at suitable levels in relation to adjoining properties and highways and in the interests of visual amenity and to accord with Policies DS1, DS2, DS3, DS4 and DS5 of the Core Strategy Development Plan Document.

- 5) From the date of first occupation every property on the site with dedicated parking shall be provided with access to a fully operation EV charging point (on a dedicated circuit) which as a minimum shall be capable of providing an overnight 'trickle' charge to an electric vehicle. Every other property (with none dedicated parking) shall be provided with access to a communal EV charging point at a rate of 1 per 10 properties. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas and /or within garage parking spaces. 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 Council's Low Emission Strategy and the National Planning Policy Framework (NPPF) and Core Strategy Policy EN8.

- 6) Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction 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 assessment of dust from demolition and construction and include a site specific dust risk assessment. 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) and Core Strategy Policy EN8.

- 7) Either before any of the dwellings hereby approved are brought into occupation or in accordance with a Phasing Plan approved in writing by the Local Planning Authority, details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, shall be submitted to and approved in writing by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: In the interests of providing for the appropriate drainage of the site, in accordance with Core Strategy Policy EN7.

- 8) 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 interests of providing for the appropriate drainage of the site, in accordance with Core Strategy Policy EN7.

- 9) Either before any of the dwellings hereby approved are brought into occupation or in accordance with a Phasing Plan approved in writing by the Local Planning Authority, the new pedestrian crossing and improvements to the junction of Ashlands Road and Leeds Road, as shown indicatively on drawing 766 210 rev. AN, shall be fully implement in accordance with constriction details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety and providing for appropriate and sustainable access to the site, in accordance with Core Strategy Policy TR1 and paragraph 32 of the National Planning Policy Framework.

- 10) Either before any of the dwellings hereby approved are brought into occupation or in accordance with a Phasing Plan approved in writing by the Local Planning Authority, the flood mitigation works, as shown indicatively on drawing ref. 766 210 rev. AN, including ground level changes, minimum FFLs and the formation of a swale, shall be fully implemented in accordance with details which shall have first being submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating flood risks, in accordance with Core Strategy Policy EN7.

- 11) Either before any of the dwellings hereby approved are brought into occupation or in accordance with a Phasing Plan approved in writing by the Local Planning

Authority, the Public Open Space and associated pedestrian/ cycle link and low maintenance nature spaces, as shown indicatively on drawing 766 210 rev. AN, shall be fully implement in accordance with constriction details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the Public Open Space promised as part of the development is delivered and maintained for the benefit of proposed and existing residents, in accordance with Core Strategy Policies EN1, DS1, DS2, DS3 and DS5.

- 12) None of the residential dwellings hereby approved shall be brought into occupation until a scheme, demonstrating how the on-going maintenance of the Public Open Space and associated pedestrian/ cycle link and low maintenance nature spaces will be provided for, has been submitted to and approved in writing by the Local Planning Authority. The Public Open Space and associated pedestrian/ cycle link and low maintenance nature spaces shall therefore be maintained in strict accordance with the approved provisions.

Reason: To ensure that the Public Open Space promised as part of the development is delivered and maintained for the benefit of proposed and existing residents, in accordance with Core Strategy Policies EN1, DS1, DS2, DS3 and DS5.

- 13) None of the residential dwellings hereby approved shall be brought into occupation until the veterinary surgery hereby approved, as indicatively shown on drawing ref. 766 210 rev. AN, has been constructed and brought into use, unless an alternative phasing arrangement has been submitted to and approved in writing by the Local Planning Authority,

Reason: The residential development of the site is only considered to be acceptable if the employment development also takes place in accordance with saved RUDP policy E1 and policy EC4 of the Core Strategy.

- 14) The development shall not begin until tree protection fencing and other tree protection measures have been installed around trees to be retained on or adjoining the site These measures shall be in strict accordance with an Arboricultural Method Statement or Tree Protection Plan prepared in accordance with recommendations in BS5837:2012, details of which shall be submitted to and approved in writing by the Local Planning Authority before any demolition, site preparation or ground works are begun, and before any materials or machinery are brought on to the site.

The Local Planning Authority shall be informed when the tree protection fencing and other tree protection measures have been installed at the site and shall have given its written confirmation that the measures are acceptable before development proceeds.

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.

- 15) 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.



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 5 April 2018

AP

Subject:

This is an outline planning application relating to the provision of a school car park for Woodlands Primary School (proposal linked to an application within Kirklees MDC for re-development of former waste water treatment works following demolition of existing structures to provide employment uses classes B1(C), B2 and B8 on Land off Cliff Hollins Lane) on land south of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw. The application is in outline form with all matters reserved for consideration at a later stage.

Summary statement:

The proposal relates to the construction of a car park to serve the adjacent Woodlands CE Primary School. The proposal is seen as one of the mitigation measures associated with the redevelopment of the North Bierley Waste Water Treatment Works for employment purposes. A planning application for this development was recently considered by Kirklees District Council and the relevant committee resolved to be minded to grant that application (subject to referral to the Secretary of State).

The site is unallocated in the Replacement Unitary Development Plan but is located within the Green Belt. As such very special circumstances will need to be proven to overcome the policy guidance regarding Green Belt development. As stated above the car park is being provided as a mitigation measure for a separate application and will allow the teachers and parents to park off Mill Carr Hill Road to improve highway safety in terms of the increase in traffic that is likely to occur should the employment development proceed. The creation of the car park will result in increased pedestrian movements across Mill Carr Hill Road and to improve pedestrian safety a crossing is sought in the form of a raised plateau or zebra crossing and this will be secured through a Section 278 Agreement.

The application is recommended for approval subject to planning conditions.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is an outline planning application relating to the provision of a school car park for Woodlands Primary School (proposal linked to an application within Kirklees MDC for re-development of former waste water treatment works following demolition of existing structures to provide employment uses classes B1(C), B2 and B8 on Land off Cliff Hollins Lane) on land south of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw. The application is in outline form with all matters reserved for consideration at a later stage.

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 based on material planning considerations would 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 characteristics 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 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 may result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower as the proposal is to create a car park as an alternative to the on-street parking that currently takes place.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are to be provided within the development (planning condition).

8.4 COMMUNITY SAFETY IMPLICATIONS

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

8.5 HUMAN RIGHTS ACT

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

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal 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.

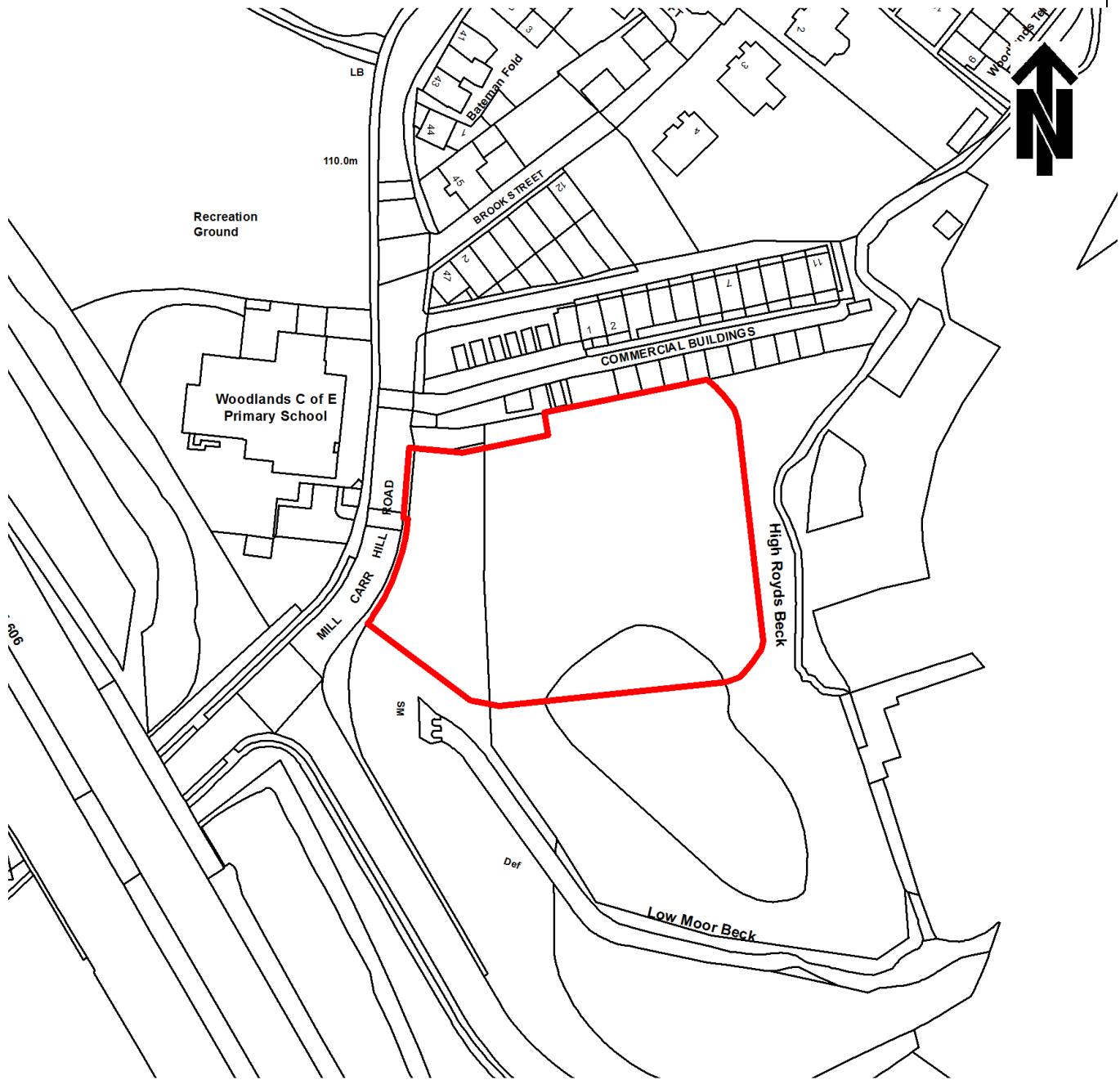
11. APPENDICES

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: 16/06146/MAO

16/06146/MAO



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Land South Of Woodlands CE Primary School
Mill Carr Hill Road
Oakenshaw Bradford

5th April 2018

Ward: Tong

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:

16/06146/MAO

Type of Application/Proposal and Address:

This is an outline planning application relating to the provision of a school car park for Woodlands Primary School (proposal linked to an application within Kirklees MDC for re-development of former waste water treatment works following demolition of existing structures to provide employment uses classes B1(C), B2 and B8 on Land off Cliff Hollins Lane) on land south of Woodlands CE Primary School, Mill Carr Hill Road, Oakenshaw. The application is in outline form with all matters reserved for consideration at a later stage.

Applicant:

Keyland Developments Ltd

Agent:

Marianne McCallum (Turley)

Site Description:

The site is located to the north east of the junction of Mill Carr Hill Road and Cliff Hollins Lane and currently comprises an open piece of land that is set at a lower level than the neighbouring land. To the north of the site is a row of terraced dwellings, to the west is a primary school, to the east is a copse of trees whilst to the south is open land. Vehicular access to the site is taken from Mill Carr Hill Lane on the western boundary.

Relevant Site History:

There is no relevant planning history on the site. However the application has been submitted in conjunction with an application within the Kirklees Council area under reference 2016/60/92298/E. This is an outline planning application for the re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) and is currently under consideration by Kirklees Council.

This application was considered by Kirklees Strategic Planning Committee on the 8th March 2018 where it was resolved to delegate to the Head of Strategic Investment to approve as detailed in the considered report and update list. It is understood that this application will now need to be referred by Kirklees MDC to the Secretary of State so that he can determine if he would wish to intervene in the decision making process (call-in process) given this is a major development in the designated green belt.

The decision made by Kirklees MDC included a requirement for a S106 agreement to ensure:

1. All off site associated highway works approved under s278 to be completed and made operational prior to any part of the commercial development on this application site being brought into use
2. A financial contribution of £71,370 (calculated damage costs) to be used towards air quality mitigation measures within the vicinity of the site in the absence of detailed low emission projects equating to the identified damage costs or above, being submitted at reserved matters stage, and,
3. £20,000 towards real time passenger information displays to two existing bus stops (reference nos. 14572 and 14567)

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers

In addition to the above to secure a Section 106 Obligation (Unilateral Undertaking) from the applicant to provide the proposed 36 space car park, submitted to Bradford Council for Woodlands C of E Primary School application reference no.16/06146/MAO subject to Bradford City Council approving the application”.

At the meeting of the Kirklees MDC Strategic Planning Committee on the 8th March 2018 it was further resolved that the application be approved subject to a Section 106 Legal Agreement to secure the following heads of terms:

1. All off site associated highway works approved under s278 to be completed and made operational prior to any part of the commercial development on this application site being brought into use
2. A financial contribution of £71,370 (calculated damage costs) to be used towards air quality mitigation measures within the vicinity of the site in the absence of detailed low emission projects equating to the identified damage costs or above, being submitted at reserved matters stage, and
3. £20,000 towards real time passenger information displays to two existing bus stops (reference nos. 14572 and 14567)

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 not allocated for a specific purpose within the RUDP but is located within the Green Belt. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

GB1 New Building in the Green Belt

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development

SC1 Overall Approach and Key Spatial Priorities

SC4 Hierarchy of Settlements

SC7 Green Belt

SC9 Making Great Places

TR1 Travel Reduction and Modal Shift

TR2 Parking Policy

TR3 Public Transport, Cycling and Walking

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

Parish Council:

Not applicable in this instance.

Publicity and Number of Representations:

The proposal has been advertised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 26th August 2016.

As a result of the publicity exercise 89 representations have been received objecting to the proposal.

Due to delays involved from the date of the submission of the application to be in a position to be able to present it to the Regulatory and Appeals Committee a further publicity exercise was undertaken which involved sending out further letters to those

people who commented on the initial application. As a result of the additional publicity exercise a further 28 representations have been received including one from a local Ward Councillor and one from Woodlands CE Primary School.

Summary of Representations Received:

Principle:

- Do not want our green land turned in to a concrete car park
- The loss of Greenbelt from this total site which provides a buffer to urban sprawl.
- Design, appearance and layout is not in fitting with rural area appearance

Highway safety:

- The proposed roundabout and surrounding road simply cannot be large enough for the size of some of the HGVs who will be using it, so no doubt they will disregard the roundabout and drive straight over it or round the wrong side.
- The car park is opposite the school which also has its own safety issue. The roads both Mill Carr Hill and Cliffe Hollins Lane are already extremely busy roads and already take for more traffic than ever anticipated. The proposal will increase traffic two fold and children are expected to be able to safely cross the road without support of a zebra crossing, pelican crossing or 'lollipop' person.
- Most parents drop their children at school, then immediately travel onto their place of work. If they were parked in the car park, with only 1 entrance and exit, the "bottle-neck" situation would ensure they are late for work, which is why the majority of parents park roadside, to enable a quick exit.
- To prevent parking on the road double yellows will have to be put in place, again affecting the lives of the villagers.
- The dangers for children and their families crossing the road, especially as cars will continue to park roadside.
- The proposed car park is on the opposite side of the road to the school and not the safest option as if parents do not cross their children over the road then they will be crossing a busy road unsupervised which is dangerous. How many parents will use the car park; if they are on their way to work then they are hardly likely to use a car park with just one exit.
- The site for the proposed car park is on a bad bend where users would have to attempt to cross the road to get to school where traffic is notorious for using this road as a rat run to and from Bradford, and also contend with heavy goods vehicles which are also trying to attempt access to Bradford despite signage telling them it is unsuitable.
- A new roundabout being introduced at the junction of Mill Car Hill Road and Cliff Hollins Lane. This is far too close to the entrance of the primary school and the proposed school car park/drop off zone. The increase in traffic and footfall will endanger children's lives as well as exposing them to toxic fumes.
- The parking spaces outlined for Woodlands school will solve the issues at both drop off and pick up school times as there will still be the same number of cars, it will instead mean that parents and carers are parking on the opposite side of the road to the school
- The proposed car park is very near to the drop off point for the school and the increase in traffic, especially HGV's accessing the proposed development on the North Bierley Waste Water treatment site, will exacerbate pedestrian problems and in my view cause a safety risk for pedestrians.
- Has a traffic survey has been done on vehicles using Mill Carr Hill Road as a through road during peak hours

- The proposed erection of a car park to only accommodate 32 cars is ludicrous. Daily there are 50+ cars parked outside school on Cliff Hollins Lane and Mill Carr Hill. In my opinion the cars parked on these roads are a blessing, as they make drivers slow down!!
- Given that on an average day in excess of 50 vehicles are parked in the locality is the car park large enough?
- Can consideration be given by Bradford Council for Permit Parking on associated streets such as Commercial Buildings, Brook Street, Marquis Avenue and Chatts Wood Fold? Otherwise the householders will have to deal with parked cars?
- The pedestrian crossing to service this car park is sited on a dangerous bend with poor sight lines on approach
- Yellow lines etc - one can only presume that some form of traffic restraints will be put in place, but where will everyone park including householders? Does this mean there will be an overflow of traffic into our local streets?
- In icy/wet weather the turning to the slope down to the car park would be unsafe, again putting the safety of the children and their families at risk
- An in-depth Traffic impact survey should be carried out for the wider Bradford area which includes Mill Carr Hill, Cleckheaton Road as there are high numbers of pedestrians and road users traveling to Woodlands and the School that will be affected due to the Kirklees application and also for the survey to include Wyke Lane

Residential amenity:

- What effect will this have on the residents on Commercial Buildings?

Other issues:

- The proposed land for this car park is flood land and often does flood. If the development goes ahead and the car park floods drop off will become impossible as there will be no where to park up. The only solution to this is parking on Bradford Road and walking to school.
- The proposed roundabout directly outside school looks to encroach onto school land.
- Who is responsible for its maintenance and upkeep? And who is expected to police the car park to ensure it is not mis-used? The school certainly cannot fund this.
- Loss of animal habitat such as bats and newts.
- The school has not been consulted on this and staff state parents have said they would not use the proposed Car Park.
- How would you restrict parking for the schools use, there is a shortage of parking in the village hence some of the driving problems on Mill Carr Hill Road.
- This area is known for Traveller incursions and appropriate measures must be taken to mitigate for this otherwise the school will have to close as there will be no close place for children to be dropped off
- Will cause unwanted visitors to come into the car park which will then effect save guarding of pupils and the school in general
- The will be an increase in traffic congestion caused will affect both the safety of the nearby school users and also increase in air pollution for everyone in the village
- Whilst the council are only asking for comments on the proposed car park, you have a duty to consider the wider implications of this entire planning application, the council has to put the interests of its own residents first, by excluding the wider planning application from this process the residents position is prejudiced and we are not being given a fair opportunity to comment

- Would like a full explanation of why the council have restricted comments to the car park only
- Woodlands CE Primary School do not agree with the proposals for either development site and especially not the provision of a school car park
- Woodlands CE Primary School cannot afford the maintenance costs of the car park
- Who will provide public liability insurance for when the first accident happens?
- At what gradient will the entrance/exit be given the dip of the land at present?

Consultations:

Drainage – No objection

Environment Agency – No objection subject to the imposition of a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment

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

Yorkshire Water Land Use Planning – No objection subject to conditions

Highways – No objection to the principle of the development in that the provision of the car park is welcomed.

Environmental Health Land Contamination – No objection as there are no land quality issues

Health and Safety Executive - Does not advise, on safety grounds, against the granting of planning permission in this case

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Contaminated land
7. Other issues

Appraisal:

This is an outline application for the creation of a car park with all matters reserved for consideration at a later stage. Indicative details have been submitted in relation to the point of access to the proposed car park and the change in levels to increase the height of the land to be in line with the adjacent land.

1. Principle of development

The site is unallocated but is located within the Green Belt as defined within the Replacement Unitary Development Plan. Policy GB1 of the Plan is relevant and states that except in very special circumstances, planning permission will not be given within the Green Belt as defined on the proposals map for development for purposes other than, amongst other things, other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 confirms that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

It is important to stress that this application for the proposed car park is a separate application and will be considered as such. However, it needs to be pointed out that it does relate to a larger application that is located within the Kirklees District Council administrative area. That application, in outline form, proposes a mixture of employment uses and is considered to be a key strategic employment site for Kirklees that, due to its location, will provide employment benefits for both the Bradford and Kirklees areas. Subject to no intervention by the Secretary of state this application is likely to be granted consent by Kirklees MDC.

The car park has been included in the wider scheme as issues were raised during the public consultation exercise around road safety and the vulnerable nature of some road users in the area. The car park has been provided to serve the Woodlands C of E Primary School. The school currently has no car park for use by parents to drop off / pick up. The frontage of the school is protected by “keep clear” markings and single yellow lines which prohibit parking at school opening and closing times. As with most schools throughout the District parking around the school at both drop off and pick up times is an issue. Parent parking is undertaken on street along Mill Carr Hill Road and Cliff Hollins Lane. High levels of parking from the school gates, back past the M606 over bridge occur. Similarly, parking most of the way down Cliff Hollins Lane, almost to the proposed site access point of the proposed employment development has been observed. The distant parking from the school results in children having to walk along Mill Carr Hill Road and also crossing the road from Cliff Hollins Lane to Mill Carr Hill Road.

It is noted that the Headteacher of the Woodlands C of E Primary School has on behalf of the governors objected to this application based on traffic safety concerns and with concerns about the school’s ability to fund in the future maintenance of the new car park. Some of the traffic concerns raised relate to this proposal and some relate to the larger scheme considered by Kirklees MDC. The applicants have been aware of the School’s objection to this application and have stated that they will continue to work with the school on this matter. The applicants have responded that now that Kirklees Council have decided to grant the larger, separate nearby commercial development the school will see the advantages of the new school car park. Matters of how future funding is secured for maintenance of the school car park is not a matter for the planning application process to determine but is a matter for the School to discuss with the applicants under any arrangements to hand over the new facility (if consented by this application and delivered by the applicant. Ultimately if this application is approved it would be for the School to decide if it wished to take over the car park offered by the developer.

In devising the wider proposals the Applicant considered 2 options to try and overcome the parking problems. These options were to either provide a new car park or to extend

the existing parking restrictions and provide new crossing points. The option of increasing the level of parking controls was not considered appropriate for the following reasons:

- There is a lack of alternative suitable location for parent parking, should they be displaced from the current on street locations;
- Displacing parent parking could create unexpected issues elsewhere on the network;
- The nature of the vulnerable users is that they can be impulsive which increases the risk profile of retaining road crossings;
- The provision of a car park is safer.

Having established that the car park is the best solution to the current problems it does have to be justified due to its location within the Green Belt. The very special circumstances put forward to support the creation of the car park are that “the school car park, which is situated within Bradford District, is included in the application as it is intended to mitigate effects directly arising from the employment and housing development. Whilst this component of the scheme is in a different Local Authority area, and does not have a contiguous application boundary with the main area of the site, it is included as it is an inherent part of the scheme’s response to safety concerns around changes in traffic movements in the vicinity of the school”.

In terms of the impact of the proposal on the openness of the Green Belt its location in relation to the surrounding uses needs to be taken into account. It is located at the edge of the Green Belt which extends to the north, east and south. However, the site is located to the immediate south of a row of terraced dwellings and to the west by a primary school. The proposal will result in the hardsurfacing of the application site and the installation of some lighting which can be controlled through the imposition of appropriate conditions requiring them to be switched off at a reasonable hour.

Overall it is not considered that the proposal will have a significantly detrimental impact on the openness of the Green Belt and the very special circumstances put forward by the Applicant are considered acceptable. As such therefore the principle of the development is considered to be acceptable.

2. Visual impact

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

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

The application is in outline form with all matters reserved for consideration at a later stage. Indicative plans have been submitted which show that the land levels will be raised by approximately 5 metres to bring it into line with the adjacent land levels. Some additional planting around the hard-surfaced area has been shown to help screen the development. It is considered that the car park, through the inclusion of appropriate landscaping details, could be developed such that the visual impact on the streetscene and wider locality are minimised.

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.

There is a row of terraced properties located to the immediate north of the application site which directly overlook the site. The separation distance between the dwellings and the boundary to the application site is approximately 12 metres. The proposal will incorporate raising the level of the land but only in line with that of the adjacent land. Some lighting of the car park is proposed but an appropriate condition can be imposed on a permission in relation to the times the lighting can be on to minimise the potential impact on the residential amenities of the occupiers of the adjacent dwellings. To prevent unauthorised use outside the hours it will be used by the school a condition is proposed in relation to the installation of an appropriate gate/barrier across the entrance.

4. Highway safety

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

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

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

The application is in outline form with details of the proposed access arrangements reserved for consideration at a later stage. However, the indicative plan suggests that the access will be taken from Mill Carr Hill Road. The Applicant has also proposed off-site highway works to help alleviate traffic issues and these include a new mini-roundabout at the junction of Mill Carr Hill Road/Cliff Hollins Lane, the provision of a

right turning lane at the junction of Bradford Road/Mill Carr Hill Road, a raised plateau/zebra crossing in the vicinity of Woodlands C of E School on Mill Carr Hill Road, and, Traffic Regulation Orders on Mill Carr Hill Road and Cliff Hollins Lane.

The Highways Department have not objected to the proposal and have welcomed the creation of the car park. Currently teachers and parents park on-street and whilst it is not desirable it does result in not everyone having to cross Mill Car Hill Road. The creation of the car park will, however, result in a significant number of pedestrian movements across Mill Car Hill Road. To increase the safety of the pedestrians who will cross the road the Highways department are seeking the provision of a crossing in the form of a raised plateau/zebra crossing with the location to be agreed with the Council. This will be secured through a condition requiring the provision of a Section 278 Agreement relating to off-site highway works.

5. Drainage

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

In relation to the disposal of surface water from the development it is intended to use sustainable drainage system as well as connecting to existing watercourse. No objections have been raised to these proposals subject to the imposition of appropriate conditions.

Yorkshire Water has stated that there are 900mm and 600mm sewers that cross the site. As the proposal will involve the increasing of land levels over or in the vicinity of the site of the sewers and associated man-holes details of the protection measures of this infrastructure will need to be submitted for approval and installed in accordance with these details. An appropriate condition is recommended.

6. Land contamination

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.

There are no land contamination issues associated with the proposed development.

7. Other issues

A number of other issues have been raised during the publicity exercise that have not been considered in the above sections of this report. These are as follows:

Who is responsible for its maintenance and upkeep? And who is expected to police the car park to ensure it is not mis-used? The school certainly cannot fund this – *this is explained earlier in this report. The future maintenance and management of the car park will be the responsibility of the developer*

Loss of animal habitat such as bats and newts – *a Phase 1 Habitat Survey was carried out and submitted as part of the Environmental Statement. Whilst this looked mainly at the larger development site it did consider the site of the proposed car park and it concluded that the impact of the development on the local ecology/biodiversity would be minimal. As part of any landscaping scheme for the proposed car park native species could be planted to enhance the biodiversity value of the site and this would be fully considered at Reserved Matters stage when details of the landscaping will be submitted*

The school has not been consulted on this and staff state parents have said they would not use the proposed Car Park – *the school were consulted by the Council as part of the planning application and a detailed explanation of the implications for the school is set out earlier in this report*

How would you restrict parking for the schools use, there is a shortage of parking in the village hence some of the driving problems on Mill Carr Hill Road – *a gate/barrier is recommended to be installed across the access to prevent unauthorised use both during the day and when the school is closed and this is subject to a condition requiring the submission of details*

How would you restrict parking for the schools use, there is a shortage of parking in the village hence some of the driving problems on Mill Carr Hill Road – *the restriction of it's use would be down to the management of the car park by ensuring the gate/barrier across the entrance is closed when the school is not open*

This area is known for Traveller incursions and appropriate measures must be taken to mitigate for this otherwise the school will have to close as there will be no close place for children to be dropped off – *a gate/barrier is recommended to be installed across the access to prevent unauthorised use both during the day and when the school is closed and this is subject to a condition requiring the submission of details*

Will cause unwanted visitors to come into the car park which will then effect save guarding of pupils and the school in general – *a gate/barrier is recommended to be installed across the access to prevent unauthorised use both during the day and when the school is closed and this is subject to a condition requiring the submission of details*

Whilst the council are only asking for comments on the proposed car park, you have a duty to consider the wider implications of this entire planning application, the council has to put the interests of its own residents first, by excluding the wider planning application from this process the residents position is prejudiced and we are not being given a fair opportunity to comment – *the application submitted is for a car park and this is all that can be considered as part of the application. The other application referred to has been assessed by Kirklees Council and comments have been submitted in relation to that application. The impact of that proposal cannot be considered as part of this planning application. The highway works proposed as part of the larger planning application in Kirklees District are permitted development and therefore cannot be objected to as part of the planning application process*

Would like a full explanation of why the council have restricted comments to the car park only – *comments have been restricted to the car park only because that is what this planning application relates to. If objections were submitted to this Council in relation to the application being dealt with by Kirklees Council they could not be taken into account in the determination of this application*

Woodlands CE Primary School do not agree with the proposals for either development site and especially not the provision of a school car park – *individuals or organisations have a right to object to an application and if the school feel they do not want the car park this is a matter between them, the land owner and the developer. If planning permission is granted for the car park there is no requirement on the school that they have to accept it*

Woodlands CE Primary School cannot afford the maintenance costs of the car park – *this is a matter between the school, land owner and developer as to how the car park would be maintained in the future should it be granted planning permission. One option would be for the developer to donate the car park and then offer a commuted sum for its future maintenance for a set period of time. However this is not a material planning issue for consideration as part of this planning application*

Who will provide public liability insurance for when the first accident happens? – *this is a matter to be determined by the school, land owner and developer should planning permission be granted and the car park developed*

At what gradient will the entrance/exit be given the dip of the land at present? – *the application is in outline form only with all matters reserved for consideration at a later stage. Therefore it is not possible answer this point at this stage, it will only become evident when detailed plans are drawn up to be submitted with a Reserved Matters application*

Community Safety Implications:

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

Equality Act 2010, Section 149:

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

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

Reason for Granting Planning Permission:

The scheme provides a scheme within the Green Belt for which it is considered there are very special circumstances. The principle of the proposal is considered to be acceptable and presents no concerns with regard to visual or residential amenity and highway safety. The proposal is therefore considered acceptable and, with the attached conditions, satisfies the requirements of policy GB1 of the Replacement Unitary Development Plan and policies P1, SC1, SC4, SC7, SC9, TR1, TR2, TR3, EN2, EN3, EN5, EN7, EN8, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Time scale

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

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

2. Time scale

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

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

3. Reserved Matters

Before any development is begun plans showing the:

- i) access;
- ii) appearance;
- iii) landscaping;
- iv) layout;
- v) and scale

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

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

4. Protection of sewers

Development shall not commence until details of the means of protecting the 900mm and 600mm sewers that are laid within the site boundary have been submitted to and approved by the local planning authority. Works to alter ground levels over or in the

vicinity of the sewerage and associated man-holes until the approved protection measures have been implemented to the satisfaction of the Local Planning Authority. Furthermore, no building or other obstruction including trees and landscape features shall be located over or within 5 metres either side of the centre lines of the sewers i.e. protected strip widths of metres, that traverse the site. If the required stand –off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker

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

5. Surface water drainage

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than direct to the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority

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

6. FRA implementation

The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) for the re-development of the Bierley Wastewater Treatment Works, 12 May 2016, 60304-FRA-SB, Curtins, along with the following mitigation measures:

- No part of the development will be within the Flood Zone 3.

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

7. Foul and surface water drainage

The development shall not commence until full details and calculations of the proposed means of disposal of foul and surface water drainage, based on the approved drainage strategy contained within the flood risk assessment document 60304-FRA-SB dated May 2016 and the supplementary Drainage Plan 60304-FRA-104 Rev A, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford..

8. Surface Water Drainage Maintenance and Management document

Prior to the commencement of the development hereby permitted, a Surface Water Drainage Maintenance and Management document shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage infrastructure serving the development shall be managed over the lifetime of the development in strict accordance with the terms and agreements set out in the approved Surface Water Drainage maintenance and Management Document.

Reason: To ensure that the submitted drainage proposals will function adequately to mitigate flood risks and to accord with policy EN7 of the Local Plan for Bradford.

9. Lighting details

Notwithstanding the details shown on plan, within 6 months of the development hereby permitted commencing on site, full details of the type and position of down-lighting units for the buildings and car parking areas, including measures for ensuring that light does not shine directly on the adjacent public highways or is visible to highway users, shall first have been submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be carried out and maintained thereafter whilst ever the use subsists.

Reason: No suitable details have been submitted, to avoid road users being dazzled or distracted in the interests of highway safety and to accord with the policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

10. Lighting times restriction

Unless otherwise agreed in writing by the Local Planning Authority the operation of the lighting serving the car park shall be restricted to the hours from 07:00 to 19:00 Mondays to Fridays.

Reason: In the interests of the amenities of neighbouring residents and to accord with policies SC9, DS1, DS2, DS3, DS4, and, DS5 of the Local Plan for Bradford.

11. Gate across access

Within 3 months of the development hereby permitted commencing on site, details of barriers/gates to be installed across the accesses/egresses to the car park to prevent unauthorised access outside operating hours shall be submitted to and agreed in writing by the Local Planning Authority. The barriers shall then be installed in accordance with the approved details prior to the car park first being brought into use.

Reason: In order to protect the site from unauthorised access and to provide a safe and secure environment outside operating hours and to accord with policies SC9 and DS5 of the Local Plan for Bradford.

12. Electric Vehicle Charging Points

Within 3 months of the development hereby permitted commencing on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority showing the provision a minimum of 3 parking bays at the site that shall be provided with direct access to electric vehicle charging points. These must be fully operational from the site first being brought into use. The Electric Vehicle charging points shall be clearly and permanently marked with their purpose and details of how to access them provided at point of use. The presence of the charging points shall be drawn to the attention of all eligible site users. Provision shall be made by the developer for the long term provision of a service and maintenance plan for the charging points and to ensure priority access is maintained at all times via effective on site parking management arrangements.

Reason: To facilitate the uptake of low emission vehicles by staff and visitors and to reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).

13. Wheel washing facilities

Before any development commences on site, full details of arrangements for wheel cleaning of construction vehicles and equipment, including the location of such a facility

in relation to the highway and arrangements for disposal of contaminated surface water shall be submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be installed, maintained in good operational condition and used for wheel cleaning whilst ever construction or delivery vehicles are leaving the site.

Reason: To prevent mud being taken on to the public highway in the interests of highway safety and to accord with policies DS4, and, DS5 of the Local Plan for Bradford.

14. Construction Plan

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

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

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

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

15. Section 278 Agreement

Notwithstanding the details submitted, within 3 months of the development hereby permitted commencing on site, the Applicant shall enter into an Agreement with the Local Planning Authority under Section 278 of the Highways Act to secure the off-site highway improvements in the form of either a raised plateau or zebra crossing on Mill Car Hill Road.

Reason: In the interests of highway safety and to accord with policies TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on Thursday 5 April 2018.

AQ

Subject:

Full planning application ref. 17/06814/MAF for a new caravan and cabin park on land between Silsden Beck and the River Aire, to the east of Keighley Road, Silsden.

Summary statement:

The Regulatory and Appeals Committee are asked to consider the recommendation for the determination of planning application ref. 17/06814/MAF for a new caravan and cabin park off Keighley Road, Silsden, made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

The site is within the Green Belt and is partly within Flood Zone 2 and partly within Flood Zone 3. The land on which the cabins, caravan plots and amenity block are proposed to be located is a historic landfill site which was formerly a sewerage works.

The development of a new caravan and cabin park is inappropriate development within the Green Belt. A site used for holiday or short-let caravans and camping is classed as 'more vulnerable' under national planning guidance and as such can only be considered acceptable in Flood Zone 2 if it can be demonstrated that there are no other reasonably available alternative sites at a lower risk of flooding (The Sequential Test) and that the development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall (The Exceptions Test).

The applicant has not provided sufficient evidence to demonstrate either that very special circumstances exist sufficient to override the policy of Green Belt development restraint or that the sequential and exceptions tests are passed. There are not considered to be any apparent material considerations which should override the relevant provisions of the development plan in respect of Green Belt and Floodplain development restraint and therefore it is recommended that the planning application is refused.

Julian Jackson
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Transportation & Highways)
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Portfolio:

**Regeneration, Planning and Transport
Overview & Scrutiny Area:**

Regeneration and Economy

1. SUMMARY

This report concerns a full planning application ref. 17/06814/MAF for a new caravan and cabin park on land between Silsden Beck and the River Aire, to the east of Keighley Road, Silsden.

The proposal is essentially for the development of a new holiday park comprising 10 small holiday cabins, two areas for the siting of a total of 17 touring caravans, an accompanying toilet and shower block and associated landscaping and drainage works. The cabins, caravan plots and amenity block would be incorporated within the grid pattern of immature willow trees which have recently been planted on the site.

The site is within the Green Belt and is mainly within Flood Zone 2, but with the initial stretch of the access road off Keighley Road in Flood Zone 3. The land on which the cabins, caravan plots and amenity block are proposed to be located is Flood Zone 2 because it effectively forms a small raised plateau within the floodplain due to its historic use as a sewerage works, which was subsequently landfilled and restored to grassland. The site has more recently been planted out with a grid of immature willow trees and a number of containers and buildings have been placed on the site without the benefit of planning permission.

The development of a new caravan and cabin park is inappropriate development within the Green Belt. The applicant has advanced certain factors in favour of the development, including the potential to provide for ecological enhancement as part of the development scheme (tree planting) and the benefits of the development to the local tourist industry (being well placed in terms of footpath connections and road and rail connections). However it is not considered that these factors are sufficient to outweigh the harm the development would cause to the Green Belt and therefore very special circumstances are not considered to exist which would justify an exception to the policy of development restraint within the Green Belt.

In terms of flood risk, the development of a holiday park is considered to be a more vulnerable use and is therefore not permitted within flood zone 2 or 3 unless both a sequential test and exceptions test are passed. For the sequential test to be passed an applicant must demonstrate that there are no other reasonably available alternative sites at a lower risk of flooding. For the exceptions test to be passed a developer must demonstrate that the development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

The applicant has provided a flood risk assessment which suggests that the sequential and exceptions tests are passed, as the layout has been arranged to ensure that the cabins and caravan siting areas are outside of flood zone 3. The Flood Risk Assessment also proposes to raise the shower and toilet block 600mm above the modeled flood level.

However both the Environment Agency and the Council's Drainage Unit have objected to the application on flood risk grounds, with the Drainage Unit advising that insufficient information has been provided to either conclude that the sequential or exceptions tests

are passed or that the development would have a safe means of access and egress during a flood event.

In addition to the green belt and flood risk objections to the development it is considered that proposal is unacceptable in highway and design terms. This is because the site access is not of an adequate standard in terms of visibility, geometry and width and the site layout and landscaping proposals showing poor regard for how the development relates to landscape features around it, comprising a rectangular grid of trees and cabins dropped onto an open field. It is therefore also considered that the application fails against the design and highways policies set out in the Core Strategy.

It is therefore recommended that planning permission is refused for the reasons set out in detail within the Technical 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 either inappropriate development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt, or for 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.

Although the development may not be considered to fall under the definition of 'Green Belt Development' it would certainly be defined as 'Flood Risk Area Development' under the Consultation Direction. Therefore, if the Committee propose to grant planning permission for the development, the required consultation with the Secretary of State must be undertaken before a Planning Decision is issued.

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 restored landfill site, which was historically used as a sewerage treatment works as a small holiday park comprising 10 cabins, 17 touring caravan pitches and an associated amenity block. It is acknowledged that the development of a new holiday park in this location is likely to be of some limited economic benefit in terms of the employment generated by the site and in terms of attracting additional tourists to the area. However the report at Appendix 1 explains why the proposal site is not the right place for this development in terms of green belt and flood risk issues. It is therefore not considered that the proposal represents Sustainable Development within the meaning of the NPPF.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future occupiers. In relation to new holiday parks such emissions can be exacerbated if parks are sited in locations which are inaccessible by means of transportation other than the private car. This is not the case for the proposal site, which enjoys reasonable rail bus and footpath connections and therefore there are no considered to be any objections to the development in terms of greenhouse gas emissions. However, if the application were to be approved, consideration should be given to whether a requirement for EV charging provision would be appropriate to further mitigate the potential adverse air quality impacts of the development.

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 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 Craven 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.

In response to this publicity 21 written representations have been received 6 of which object to the application and 15 of which support the application.

Silsden Town Council object to the planning 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 Craven Ward.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To refuse planning permission for the reasons set out at the end of the Technical Report at Appendix 1

11. APPENDICES

Appendix 1: Technical Report

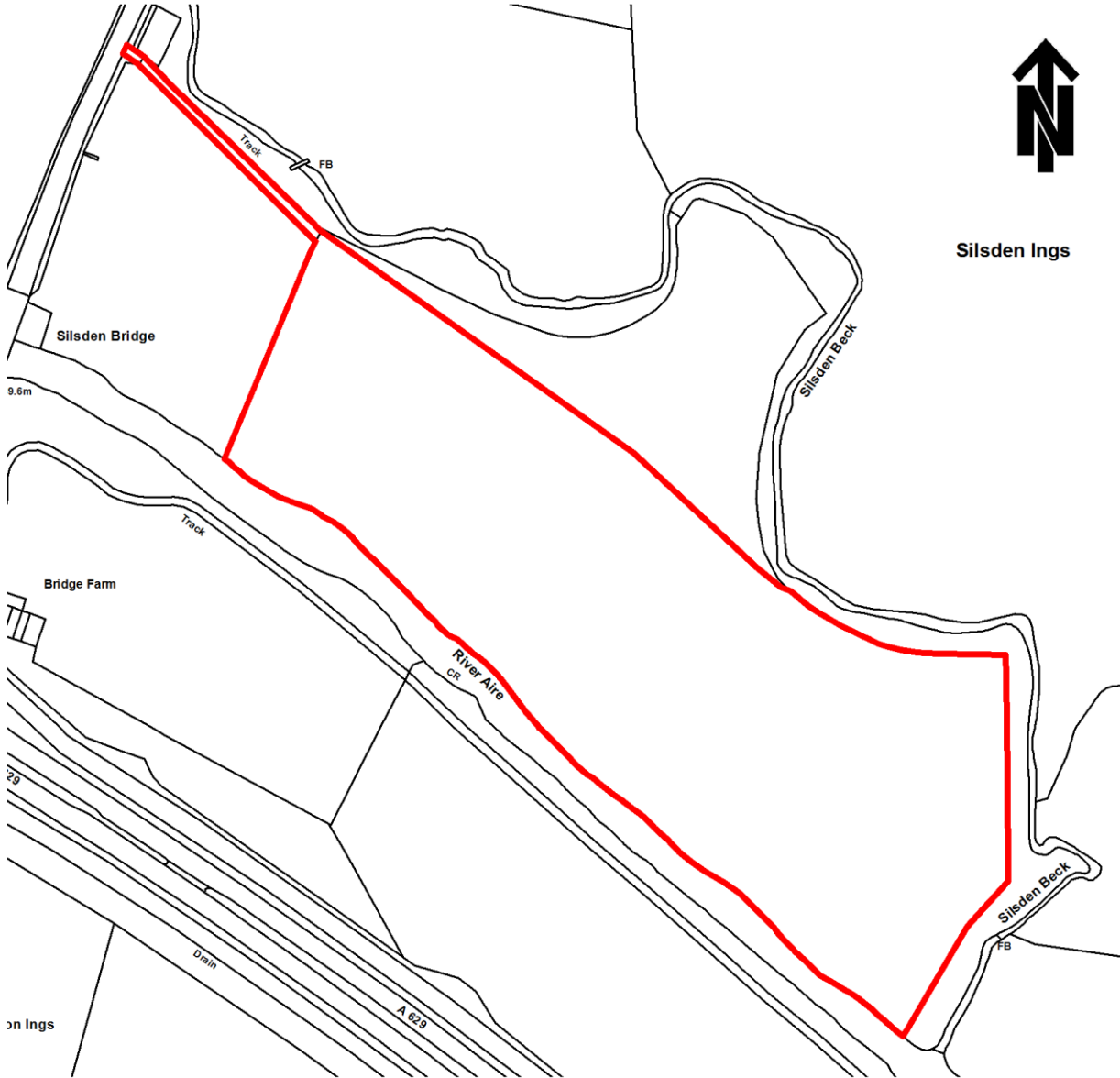
12. BACKGROUND DOCUMENTS

- Adopted Core Strategy
- National Planning Policy Framework
- Application file 17/06814/MAF

17/06814/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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**Land to the East of Keighley
Road,
Between Silsden Beck and
the River Aire,
Silsden**

Appendix 1

05 April 2018

Ward: Craven
Recommendation:
To Refuse Planning Permission

Application Number:
17/06814/MAF

Type of Application/Proposal and Address:

Full planning application for the development of a new caravan and cabin park on land between Silsden Beck and the River Aire, to the east of Keighley Road, Silsden.

Applicant:
Mr Jonathan Smith

Agent:
Mr Andrew Coates

Site Description:

The 4.3 hectare area of land to which this planning application relates includes an approximately 150 metres long access track off Keighley Road, Silsden and a slightly raised plateau set back from the road which has recently been planted with a grid of immature willow trees. The plateau is a restored landfill site which formerly comprised filter beds associated with a sewerage works which historically existed upon the site. The land is located between Silsden Beck and the River Aire.

The site frontage onto Keighley Road comprises a low stone wall incorporating the site vehicular access with a bus stop, sewerage pumping station and stepped footpath access in close proximity. The site access is a dropped crossing access not a formal junction, with an agricultural type gate set back approximately 5.5 metres from the carriageway. The access track is roughly surfaced and single carriageway, with a width of approximately 4 metres. Surrounding land uses are all agricultural.

At the time of the site visit it was observed that the site was in active use with a number of containers and other structures sited on the land north of the intended caravan and cabin park area, landscaping type materials stored and a number of commercial vehicles coming and going. This current use of the site is described as an agricultural use in the planning application and a '20x5.4m existing building and 3 containers to house plant / machinery / materials to work on maintenance of surrounding agricultural land & site' are shown on the submitted site plan.

Relevant Site History:

- None relevant.

Development Plan Proposals Map Allocation:

- The proposal site is within the Green Belt as defined by the Proposals Map.
- The initial section of the access track to the proposal site is within Washlands as defined by the Proposals Map.

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:

Silsden Town Council – STC concur with all objections already proffered and also believe that there is a national initiative that will be planting trees along this section of the Aire valley and this hasn't been taken into account.

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 Keighley News. The date specified, by which representations should be submitted, was 01 February 2018. In response to this publicity 21 written representations have been received 6 of which object to the application and 15 of which support the application.

Summary of Representations Received:

Support

- The development will support local employment.
- The development will support the tourist industry in the District.
- The proposal site is an appropriate location for a cabin and caravan park, being well connected to existing routes, roads, station and attractions.
- The development will bring about significant ecological and landscape benefits particularly in terms of tree planting.

Objection

- The site is unsuitable as a cabin caravan park.
- The site is susceptible to flooding; development on floodplain is unacceptable.
- The development would harm the character of the landscape.
- The development would result in the loss of Green Belt.

Consultations:

Airedale Drainage Commissioners

The site sits immediately adjacent to the bank of the River Aire in the heart of the wash land of the Aire Valley. We understand that the level of the site is such that it does not flood but the area around it is liable for flooding at any time that the River Aire rises above its banks.

The application form indicates an intention to use an existing watercourse for the disposal of surface water.

The Board would prefer to see consideration being given to sustainable drainage arrangements (wherever possible) disposing of the surface water from the site via infiltration to the ground.

Should infiltration prove to be unsatisfactory for the development and the applicant is to use a discharge to a watercourse (directly or indirectly) as the method of water disposal, then in order to reduce the risk of flooding, the applicant would need to demonstrate that the site already drains to that facility.

The Board would remind the applicant that the consent of the Board (outside of the planning process) would also be needed for any direct or indirect connection and/or discharge or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse, in the Board's district.

Where discharge to a watercourse is to be used, the Board would seek that run-off from the site should be constrained and that the discharge from the development is attenuated to 70% of the pre-development rate (based on 140 l/s/ha for proven connected, impermeable areas and 1.4 l/s/ha for Greenfield areas). With storage calculations to accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm event. All calculations should include a 20% allowance for climate change.

The Board, in raising these criteria, is seeking that the Planning Authority and the applicant can confirm that a practical technical solution is available to deliver these requirements. In particular, that low flow discharges can be maintained and not prone to blockages.

The Board recommends that the Local Authority ask the applicant to provide a satisfactory drainage strategy and obtain any necessary consent before any approval is granted.

The Board has no objection to the principal of this development but recommends that any approval granted should include the following Conditions:

DRAINAGE WORKS TO BE AGREED

No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

REASON: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

EVIDENCE OF EXISTING SURFACE WATER DISCHARGE

The applicant shall provide evidence that surface water from the existing site currently discharges to the adjacent watercourse and shall provide details of those points of discharge

REASON: To prevent the increased risk of flooding.

SURFACE WATER TO ADJACENT WATERCOURSE

The Applicant states that surface water is to be discharged to an adjacent watercourse. The condition and ability of this watercourse to accept this flow should be determined by the Applicant prior to works commencing.

REASON: To ensure that the receiving watercourse is capable of accepting the increased discharge without detriment to other users. The Board would also wish to make the following comments which should be included as Informatives with any approval given:

CONSENT - GENERAL

Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.

CONSENT - OUTFALL

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

CONSENT - DISCHARGE

Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

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

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 and other relevant regulations with regards to flood risk from all sources. Further to this assessment the LLFA deem the submitted information relating to the management of flood risk UNACCEPTABLE for the following reasons;

Sequential and Exception Tests

The majority of the development site lies within flood zone 2. Within table 2 of the Technical Guidance to the National Planning Policy Framework a site used for holiday or short-let caravans and camping is classed as more vulnerable and as such the footnotes require the Sequential Test to be passed to show no other reasonable sites appropriate for the proposed development are available in areas with a lower probability of flooding. Further to this the Exception Test should also be passed.

Climate Change

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

30%-50% allowance for climate change attributed to peak river flows based on a more vulnerable development located within and adjacent to flood zone 3.

Safe Access and Egress

The submitted Flood Risk Assessment does not evaluate the access and egress arrangements for occupiers of the development during flood conditions. Guidance on flood access and egress from development is available within the DEFRA/EA Document Flood Risks to People Phase 2: FD2321/TR2 Guidance Document. Within this guidance it is required that flood hazard calculations are undertaken to assess the velocity and depth of flood waters to determine if a safe access can still be maintained during flood events.

Environment Agency 1st Response

We have reviewed the details submitted and we **object** to this application. Our detailed comments in regards to flood risk are as follows.

Flood Risk

Our Flood Map for Planning shows the site lies within Flood Zone 3b, functional flood plain. The application is for a new caravan and cabin park which is considered to be a 'highly vulnerable' (if permanent) or 'more vulnerable' (if temporary) land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change.

It is our understanding that the development proposed is permanent. As such 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, please note if the development is temporary this objection still applies. We recommend that the application should be refused planning permission on this basis. We have therefore not reviewed the FRA in detail.

Overcoming our objection

In order to overcome this objection either the location of the site must be in a zoning deemed suitable under the Planning Practice Guidance: Flood Risk and Coastal Change, with suitable mitigation, or the vulnerability be altered to be Water Compatible development, with suitable mitigation and use.

Please also note that if the above solutions are met it may then be necessary for the application to pass the Sequential and Exception Tests and to be supported by a site-specific flood risk assessment (FRA), which can 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'.

Environment Agency 2nd Response

We have reviewed the further information submitted and we maintain our **objection** to the proposal on flood risk grounds.

We note the applicant has provided information regarding flood risk stating the site is in flood zone 2. Although this is the case, on our indicative flood map, the site is also indicated to be allocated as flood zone 3b (functional flood plain).

As such the comments provided in our previous response dated 4 January 2018 remain valid and are included below for clarity.

Flood Risk

Our Flood Map for Planning shows the site lies within Flood Zone 3b, functional flood plain. The application is for a new caravan and cabin park which is considered to be a 'highly vulnerable' (if permanent) or 'more vulnerable' (if temporary) land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change.

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Environmental Health Land Contamination

The Met Phase 1 desk study confirms that a sewage treatment works was previously present on the site. The report recommends that a site investigation be undertaken, particularly to:

“target the area of the former sewage works. A general range of contaminants should be tested for including Heavy Metals, Poly-aromatic Hydrocarbons, Total Petroleum Hydrocarbons Asbestos and Land Gas. It is recommended that leachate analysis is carried on a number of soil samples from across the site. It may also be prudent to carry out surface water sampling upstream and downstream of Silsden Beck on the site to determine whether there are any risks from contaminated material on the site to the surface water course.”

Environmental Health concurs that proportionate site investigation will be required to investigate potential pollutant linkages to controlled waters and future site occupiers.

Therefore, should the Local Planning Authority be minded to approve the application, we would recommend the imposition of planning conditions for inclusion on the decision notice requiring site investigation, remediation and verification.

Heritage Conservation

The site to the east of Keighley Road and north of the River Aire is adjacent to the Grade II listed road bridge over the river. The site also includes a narrow 18th century stone footbridge where a public footpath leaves Keighley Road, heading across the site. This footbridge is Grade II listed. The footbridge was constructed to cross Silsden Beck, however the beck has been diverted in the past from its original route alongside the road.

The application does not make any reference to the heritage assets. The proposed development is concluded as not having a significant impact on the setting of Silsden Bridge. The footbridge is not shown on the submitted plans, but does not appear to be affected by the proposed site access. Confirmation that the footbridge will in no way be affected should be obtained to support the application. The proposed development is concluded as not adversely affecting the setting of the listed footbridge.

Highways Development Control 1st Response

Whilst I have no objections to the principle of the development the existing access is not considered to be suitable to serve the development. The following changes are therefore required:

- The width of the access should be around 6.5m wide with 6m radius kerbs and this should be hard surfaced (not gravel) for a distance of at least 25m from Keighley Road. Any gates to be installed should be located after this point.
- Visibility splays of 2.4m x 120m should also be provided at the site entrance and these dimensions demonstrated on plan. There should be no obstructions to visibility exceeding 900mm above the level of the adjacent footway within the splays so formed. If the visibility splays cross any third party land (except for the highway) then this should be included within the red line boundary for this application.
- If the above requirements cannot be met then highways would not be able to support this application.

Highways Development Control 2nd Response

- I cannot see anything new that addresses the highway issues I have raised.

Landscape Design 1st Response

This is an unusual site for a caravan and cabin park situated relatively close to such a busy dual carriageway. The presence of the road diminishes the sensitivity of the site since it suffers from near constant traffic noise and views of fast moving vehicles, things that are associated with negative impact on the landscape.

The site is located in the Airedale Landscape Character Area and Floodplain Pasture Landscape Character Type as described in the Local Development Framework for Bradford, Landscape Character Supplementary Planning Document, Volume 1: Airedale. The analysis of the landscape character area reveals that there is immediate pressure on the integrity of the landscape, and includes the statement that:

“It will be important to look at development opportunities that do not contribute to a continual urban sprawl joining up the whole valley. Visual impact and retention of trees are particularly important.”

Landscape strategy policy guidelines for the floodplain pasture in the valley between Keighley and Silsden are to conserve and restore, more specifically:

“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.”*

Policy guidelines relating to the potential for development in the floodplain pasture are as follows:

“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. It would be detrimental to the character of the landscape to allow Silsden to extend onto the floodplain pastures.”

It is appreciated that this particular site has not always been open and has in fact been manipulated by humans, built upon and tipped on to different degrees, over a very long period of time. Generally though, throughout the last couple of decades at least, it has been seen as part of the open pasture alongside the river and no different to the open pasture that covers the rest of the valley bottom. In that respect, change here will be quite evident, particularly if it introduces built forms. I note that on site at present there is change taking place, with a steel frame building under construction, a number of large steel containers lying about, and disturbance from vehicle movements very evident due to the wet conditions.

Although the proposed caravan and cabin park would not have the significance of landscape impact that, for example, a housing development might have in this location, it still must be considered a negative impact in that it would be contrary to the quoted policy guidelines of the Landscape Character Supplementary Planning Document.

The integration of the cabins and caravan placements within a rectangular grid of trees is particularly formal, and this clashes with the meandering route of Silsden Beck and the informal nature of the floodplain. The recently planted grid of trees based on ten metre

spacing may provide for easy mowing of the grass, but will not provide effective screening of the built forms because views are afforded straight down between the lines of trees.

Certainly the concept of siting cabins and caravans among trees is positive, but in this location an informal layout would have created a better relationship between existing and new landscape elements. Woodland groups of new tree planting could be used in a more naturalistic way to create a setting for informally placed cabins. Greater emphasis on tree planting could have a number of benefits, one of which would be to more fully screen the development. The presence of more substantial built forms to service the site really needs to be kept to a minimum as such structures could be regarded as being more detrimental to the landscape character of the floodplain pasture than the cabins. The multi-coloured steel containers on site at present are particularly eye-catching and unattractive, but very much on view while there are no leaves on the trees at this time of year.

There are long distance views to this site from a wide range of locations around the Silsden and Steeton area. Closer range views are particularly apparent from Keighley Road and from the Millennium Way public footpath which passes through land planted with the grid of trees just north of the proposed Phase 1 cabin and caravan park. Views from the path should not take in an array of steel containers which are completely alien in this context. With the proposal as it stands, there are views from this path straight down the rows of newly planted trees from many locations along the path.

If a Landscape Architect has not yet been appointed to the design team, then I would suggest that such an appointment would be of great benefit to the project at this early stage.

In conclusion, in my opinion, there are alternative layout options that could lessen the significant negative impact on landscape character that is evident in the current proposal. With careful design, utilising more tree planting in an informal but well considered way, it may be possible to fully mitigate the impact of cabins and caravans.

Landscape Design 2nd Response

- I note that more trees are to be planted for screening purposes and I see that there is reference to a drawing. However, I cannot find a planting layout among the application documents that shows how consideration has been given to laying out planting patterns in different field areas so they are not in alignment, or where small informal tree groups will be planted to act as screening, etc. In fact, the layout drawing supplied only shows the straight lines of willow planted within the proposed caravan area, some indicative lines of what I assume is hedging, but not the planting over the wider site.
- The planting of trees in straight rows on the floodplain in this location will be different to any sort of 'agricultural' use of the pasture that is more typically characteristic of the area. Tree planting can be positive for all the reasons noted in the application, but it is not the planting of the trees in itself that offers cause for criticism, it is the way it is being done.
- Clearly the tree planting is dual function. Not only is the willow planted for harvesting to use in the production of cricket bats, but also the trees provide the setting for the proposed caravan and cabin park. The application acknowledges that

harvesting is long term (it may be twenty years before any trees are sufficiently mature). Views right across the site from the surrounding area, and also views internally within the caravan park, would be improved by some variation in the straight line planting pattern. For example, the view from the footpath just east of the modern footbridge will look right down the lines of the trees such that cabins and caravans may be seen. Foreground trees in the same field as the observer will not offer screening at close range partly because of the fact that all lower branches are trimmed. Well placed native tree/hedge planting should supplement the screening. Screening applies both ways, users of the caravan site gaining privacy from carefully placed small glades of native species trees. There would be another benefit to the planting of a few small informal copses in that the site is open and also in an open valley setting which makes it susceptible to wind. Some of the newly planted willows have taken on a lean and it is clear which way the prevailing wind blows across the site. Enhancing the informal planting alongside the beck and the river could provide an effective wind break.

- The additional written information provided states that the unwanted containers have been removed from site. Having visited the site (18.02.18) I noticed a significant number of steel containers still on the site which appear most discordant and unattractive. I do not support the retention of any of these containers and would suggest that the 'agricultural building' that is nearing completion should have been designed to accommodate all necessary equipment to attend to the land without the need for additional storage. I have noted on site visits that goods related to the applicant's long standing business have been temporarily stored on site. These goods include large rolls of artificial grass, and other materials that relate to the business of sports pitch construction and maintenance.
- I assume that the storage of such goods on site is only a temporary measure, as I am sure that I do not need to point out that it would not be acceptable to build an industrial unit on this site. The building is actually marked as 'existing' on the layout plan, but it has been constructed without planning permission very recently and it is exceptionally substantial for an 'agricultural building', having a heavy steel frame.
- There is a tall welded mesh fence forming a compound around the agricultural building and some of the steel containers. This fence does not appear on the layout drawing and it is inappropriate in this setting. Such tall fencing would normally be associated with an urban industrial park or perhaps an all-weather sports pitch.
- At present and for at least two or three years and also during winter, the man-made structures across the site will be clearly seen from a number of locations. The untidy nature of the area around the agricultural building is particularly detractive in views from the public footpath.
- In general, I regard any tree planting as positive and I am in principle supportive of a dual purpose use of this site for both willow harvesting and as a caravan/cabin park. However, the open location and green belt status demand that this proposal be carried through in a sensitive way that respects landscape character. Unfortunately this has not been done and there is a lack of clarity and detail in the application. Some aspects of the work that have already been carried out on site are completely inappropriate. I would again suggest that a Landscape Architect is appointed to the design team. A comprehensive site layout and fuller planting plan showing all species, quantities, sizes and positions should be produced. The layout should better reflect the floodplain setting.

- For information, the 2002 Landscape Institute guidance on Landscape Character Assessment is now out of date and has been superseded by 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA3) published in April 2013. There are various guidance documents produced by organisations including the Forestry Commission and the Woodland Trust which are relevant to this project, and the principles of layout are discussed in the classic Forestry Commission booklet 'The Landscape of Forests and Woods' by Sylvia Crowe.

Rights of Way

Public Footpath No. 49 (Silsden) crosses the access track within the red outlined area, as shown on the plan above. The promoted route The Millennium Way follows this public footpath.

If there are any proposals to amend or improve the access track it must be ensured that this does not impede use of the public footpath. Clear waymarking will be required either side of the track to make the route of the path apparent so drivers accessing the site will be aware pedestrians may be crossing the track.

If planning permission is granted please ensure that the applicant is made aware of the need to adhere to the following standard requirements during the period of any works on site:

Yorkshire Water

Water Supply

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

Waste Water

It is noted that the agent/applicant have not included a copy of the non mains drainage form (FDA1) from the Environment Agency's website for a proposed private treatment facility. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.

If however, both the EA and your Environmental Health Section raise any concerns, the developer has the alternative option of a foul water only connection to the public sewer network located in Silsden Road. Please re-consult YW if foul drainage proposals changes to sewer network.

It is noted that surface water is proposed to be drained to existing watercourse. Please note further restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

They are also advised that YW has 2 x 305mm diameter syphon sewers and a YW maintained overflow sewer running across the access track from the adjacent sewage pumping station (SPS).

Access may be required at anytime on a 24/7 basis to this apparatus. If there are any changes in ground levels to the track that the apparatus runs through, the developer is advised to consult YW's Developer Services Team (0345 120 8482 / email: technical.sewerage@yorkshirewater.co.uk).

Summary of Main Issues:

- 1) Green Belt
- 2) Floodplain
- 3) Landscape
- 4) Access
- 5) Community Safety Implications
- 6) Equality Act 2010, Section 149

Appraisal:

1) Principle

The proposal site is within the Green Belt. 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.

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 and by reason of the harm to the openness of the Green Belt which would be caused by the development of 10 cabins, 17 caravan plots and the associated amenity block. 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 purpose of assisting in safeguarding the countryside from encroachment. It is considered that the proposed development represents urban encroachment into the countryside as the cabins, amenity block and associated infrastructure are essentially urban in character. This impact is exacerbated by the layout of the development in a grid pattern which is unsympathetic to the site's countryside environs.

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.

The considerations which are put forward in support of the application are the benefits of the development to the local tourism industry and local employment; the suitability of the site for a holiday park development in terms of its connections to footpath routes, the nearby main road and station and tourist attractions; and the landscape and ecological benefits which would be derived from the development particularly in terms of the proposed additional tree planting.

In relation to these factors it is acknowledged that the development would benefit the local tourist industry, would itself generate a limited amount of employment in terms of the development and running of the site and could be of some ecological benefit in terms of the potential for additional ecologically beneficial tree planting. However the magnitude of these benefits is questioned.

The site would only represent a relatively small caravan and cabin park in a location which is compromised by the proximity of the nearby main road and the visually deleterious and relatively intensively used 'agricultural' building, compound and containers located to the north of the site within the site boundary. Furthermore no detailed ecologically beneficial landscaping proposals have been submitted and the proposed site layout and the planting undertaken to-date is neither sympathetic to the character of the landscape nor bio-diverse.

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 and tourism 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 as a cabin and caravan park do not clearly outweigh the harm the development would

cause to the Green Belt. 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 objected to the proposal and confirmed that the proposal site is in part in Flood Zone 3 and part in Flood Zone 2. The Council's Drainage Unit confirm that insufficient evidence has been submitted to either come to the conclusion that the sequential test or exceptions test is passed or to be confident that a safe egress would be available during a flood event or that the development would be climate change resilient.

The application is considered to be contrary to the provisions of Section 10 of the NPPF and adopted Core Strategy Policy EN7 as insufficient information has been provided to be confident that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding or that the development will be safe for its lifetime taking account of the vulnerability of its users.

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 Floodplain Pasture Landscape Character Type.

Core Strategy (DS1 to DS5) indicate that development schemes should be informed by a good understanding of the site/area and its context, take a comprehensive approach to development, work with the landscape to reduce the environmental impact of development, create a strong sense of place and be appropriate to their context in terms

of layout, scale, density, details and materials and ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose.

The Council's Landscape Architect has advised that it is appreciated that this particular site has not always been open and has in fact been manipulated by humans, built upon and tipped on to different degrees, over a very long period of time. Generally though, throughout the last couple of decades at least, it has been seen as part of the open pasture alongside the river and no different to the open pasture that covers the rest of the valley bottom. In that respect, change here will be quite evident, particularly if it introduces built forms.

Although the proposed caravan and cabin park would not have the significance of landscape impact that, for example, a housing development might have in this location, it still must be considered a negative impact in that it would be contrary to the policy guidelines of the Landscape Character Supplementary Planning Document. The integration of the cabins and caravan placements within a rectangular grid of trees is particularly formal, and this clashes with the meandering route of Silsden Beck and the informal nature of the floodplain.

No planting layout is included in the planning submission that shows how consideration has been given to laying out planting patterns in different field areas so they are not in alignment, or where small informal tree groups will be planted to act as screening, etc. In fact, the layout drawing supplied only shows the straight lines of willow planted within the proposed caravan area, some indicative lines of hedging, but not the planting over the wider site. The planting of trees in straight rows on the floodplain in this location will be different to any sort of 'agricultural' use of the pasture that is more typically characteristic of the area.

The open location and green belt status of the site demand that this proposal be carried through in a sensitive way that respects landscape character. Unfortunately this has not been done and there is a lack of clarity and detail in the application. Consequently it is considered that the proposed development design is not informed by a good understanding of the site/ area and its context.

It is also considered that the proposed development design shows poor regard for how the development relates to landscape features around it. Furthermore the proposed new cabins, caravan plots and associated structures would be visually detractive in the layout proposed and the willow monoculture is not in keeping with local character. Consequential it is considered that the proposal is contrary to Core Strategy Policy DS1, particularly point B, and Policy DS2, specifically points A and D.

4) Access

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 confirmed that the current site access is not of a sufficient standard to safely serve the proposed cabin and caravan park development. In particular the following alterations would be required:

- The width of the access should be around 6.5m wide with 6m radius kerbs and this should be hard surfaced (not gravel) for a distance of at least 25m from Keighley Road. Any gates to be installed should be located after this point.
- Visibility splays of 2.4m x 120m should also be provided at the site entrance and these dimensions demonstrated on plan. There should be no obstructions to visibility exceeding 900mm above the level of the adjacent footway within the splays so formed. If the visibility splays cross any third party land (except for the highway) then this should be included within the red line boundary for this application.

This issue has been raised with the applicant; however no specific proposals to improve the site access and no access improvement plan has been submitted. Therefore, as it stands, it is considered that the proposal does not include a safe means of access to and from the site and is in this respect contrary to Core Strategy Policies TR1 and TR2 and paragraph 32 of the NPPF.

5) 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 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.

6) 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, tourist industry and ecological 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 flood zones 2 and 3 and neither the sequential test nor exceptions test are considered to have been passed. The proposal is contrary to Core Strategy policy EN7 and Section 10 of the National Planning Policy Framework.
- 3) The design and landscaping of the development is not sympathetic to the character of the landscape and the development would harm the visual quality of the locality contrary to Core Strategy Policies DS1 and DS2.
- 4) The application does not provide for a safe means of access and egress contrary to Core Strategy Policies TR1 and TR2 and paragraph 32 of the National Planning Policy Framework.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 5 April 2018

AR

Subject:

An application for outline planning permission for the demolition of existing buildings and the construction of up to 142 dwellings on Land at Former Riverside Works, Keighley Road, Silsden.

Summary statement:

The Regulatory and Appeals Committee previously resolved to grant outline planning permission for this development on 6th October 2016 subject to conditions and a Section 106 Legal Agreement .

The principle of development for this housing scheme remains the same as when previously considered by the Committee. Previously the Regulatory and Appeals Committee resolved to grant permission subject to infrastructure contributions and on-site affordable housing. However, an Affordable Housing Viability report has now been submitted which demonstrates that the development is not viable with the provision of on-site affordable housing together with the CIL payment applicable for this site.

An Independent Valuer has assessed the Affordable Housing Viability Report on behalf of the Council. Following the submission of additional information relating to abnormal development costs the Independent Valuer has concluded that the development cannot sustain an affordable housing contribution as previously agreed. However, if the site is to be developed for 100% market housing a developer contribution to local infrastructure not covered by CIL (including off-site affordable housing) to the value of £348,439 can reasonably be justified in viability terms.

The development is now CIL liable and would generate an anticipated payment of circa £300,000, with the final figure to be confirmed at the reserved matters application stage.

A full assessment of the application against all relevant planning policies and material planning considerations is included at Appendix 1. Through the attachment of the proposed conditions and a Section 106 Legal Agreement to secure a £348,439 affordable housing contribution; the entering into of a section 278 agreement; and the safeguarding of land adjacent to the proposed junction with Keighley Road the proposal is considered to be 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

The Regulatory and Appeals Committee is asked to consider the recommendations for the determination of planning application 16/03804/MAO as set out in the report of the Assistant Director (Planning, Transportation and Highways) - Technical 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 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

Members can decide to:

- Approve this application subject to conditions and a S106 legal agreement; or
- Approve the application with different conditions and or different heads of terms for the suggested legal agreement; or
- Refuse the application giving reasons as to why it is unacceptable; or
- Defer the application for further consideration

5. FINANCIAL & RESOURCE APPRAISAL

At the meeting of the Regulatory & Appeals Committee on 6th October 2016 it was resolved to grant Outline Planning Permission for the development of up to 142 houses on land at former Riverside Works, Keighley Road, Silsden. Access was included in the consideration of the application, with appearance, landscaping, layout and scale reserved for future consideration.

The resolution of the Committee was subject to the applicant entering into a Section 106 Agreement to deliver the following:

- Provision of 20% affordable housing (2 and 3 bedroom units) on the site
- Payment of education contribution of £265,299 towards primary facilities in Silsden
- Payment of a contribution of £141,132 towards recreation facilities in Silsden – to be used toward the following: 1st priority of the monies provide additional community facilities in Silsden to include bringing back into use the existing structures in the park and providing a new facility/flexible space for sports, meetings and new changing rooms for those playing sports in the park, and/or 2nd priority to retain the MUGA next to the youth centre in Elliott Street or towards general recreational facilities in Silsden park
- Payment of a contribution of £20,000 to mitigate impacts on sensitive habitats by bringing forward the improvements on nearby footpath routes
- Contribution of £100,000 toward a footbridge to cross the A629.
- A contribution amount of £20,000 for the provision of 2 x bus shelters (at bus stops 16917 and 16918).
- Safeguarding land shown hatched in red on plan SIL-BWB-00-01-DR-TR-101

Rev P1 adjacent to the proposed junction with Keighley Road to provide for any improvements to the junction which may be required in future to facilitate access beyond the current application site

- The entering into a S278 highway works agreement

The Section 106 Agreement was not completed and on 1st July 2017 the Council adopted the CIL Charging Scheme which is designed to incorporate certain infrastructure matters previously agreed.

On 7th August 2017 an Affordable Housing Viability Report was submitted to the Council by Lichfields Planning and Development Consultancy, on behalf of the applicant (Silvermantle). The report reviews the viability of the development and provides residual land valuations incorporating all build costs, abnormal costs, CIL, developer profit and end sales values to arrive at a land value. The report considers the viability of the development with an affordable housing provision of 20%, 10%, 5% and 0%. The report concludes that because of the abnormal costs associated with developing the site the development cannot sustain affordable housing provision as well as a CIL payment.

Cushman and Wakefield, acting on behalf of Bradford Council, have undertaken a review of the affordable housing viability report. The review analyses the methodology, assumptions and inputs of the affordable housing viability assessment to determine if the conclusions are reasonable. The review also includes a shadow appraisal of the development to determine its viability.

The Cushman & Wakefield review concludes that the development is not viable with the inclusion of affordable housing. However, the report advises that should the development be delivered with 100% market units a 'planning gain pot' of £405,439 could be justified.

Following the Cushman & Wakefield review, Lichfields raised concerns that the analysis undertaken overstated the viability of the development, primarily by understating the abnormal costs associated with the provision of a new substation, surface water attenuation measures and foundation details.

The abnormal costs relating to the new substation, surface water attenuation measures and foundation details have been considered further by Cushman and Wakefield. The review of this information concludes that the cost assumptions relating to the substation and foundations details are appropriate, but that an additional cost allowance should be made for the provision of surface water attenuation measures.

On this basis Cushman and Wakefield have updated their work and now recommend that the development is capable of providing a 'planning gain pot' of £348,439. The agent has confirmed that they wish to meet this planning obligation in full. The obligation is to be secured by a Section 106 Legal Agreement and it is recommended that it is prioritised for the provision of off-site affordable housing in Craven ward, or an adjacent ward.

In addition to the £348,439 affordable housing contribution the development would generate an anticipated CIL payment of circa £300,000 for the provision of off-site infrastructure. In this regard, of the matters listed within the original Section 106 agreement, education, recreation, habitat mitigation and the footbridge provision are all matters which are now covered by the CIL charge.

In conclusion, it is considered that having regard to scheme viability as set out in policy ID2 of the Core Strategy and paragraphs 178 and 181 of the NPPF, in this instance, the provision of a financial contribution of £348,439 for off-site affordable housing has been robustly justified and policy HO11 of the Core Strategy is satisfied.

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

No sustainability implications are foreseen beyond those addressed in the Technical Report at Appendix 1.

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 development 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 lower than would be the case for alternative, less sustainable locations. Mitigation measures are also to be incorporated within the development in the form of Electric

Vehicle Charging points to encourage the uptake of sustainable modes of travel. A Travel Plan document has been submitted which references the use and promotion of low emission vehicles at the site and a condition to monitor the travel plan elements is suggested to be attached. In conclusion, subject to the identified mitigation measures no adverse greenhouse gas emission implications are foreseen.

8.4 COMMUNITY SAFETY IMPLICATIONS

The proposal is an outline application and the detailed design of the development, incorporating secured by design principles will be considered as part of a future reserved matters application.

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

No implications

8.7 WARD IMPLICATIONS

The scheme provides housing development on highly visible Brownfield land within the urban area of Silsden.

9. NOT FOR PUBLICATION DOCUMENTS

Affordable Housing Viability Report (Lichfields)

Affordable Housing Viability Report Review (Cushman & Wakefield)

10. RECOMMENDATIONS

That planning permission is granted subject to the conditions attached at appendix 1 and subject to a Section 106 Legal Agreement to deliver the following

- Payment of a contribution of £348,493 for the provision of off-site affordable housing in Craven or an adjacent ward.
- Safeguarding land shown hatched in red on plan SIL-BWB-00-01-DR-TR-101 Rev P1 adjacent to the proposed junction with Keighley Road to provide for any improvements to the junction which may be required in future to facilitate access beyond the current application site
- The entering into a S278 highway works agreement

11. APPENDICES

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

12. BACKGROUND DOCUMENTS

National Planning Policy Framework

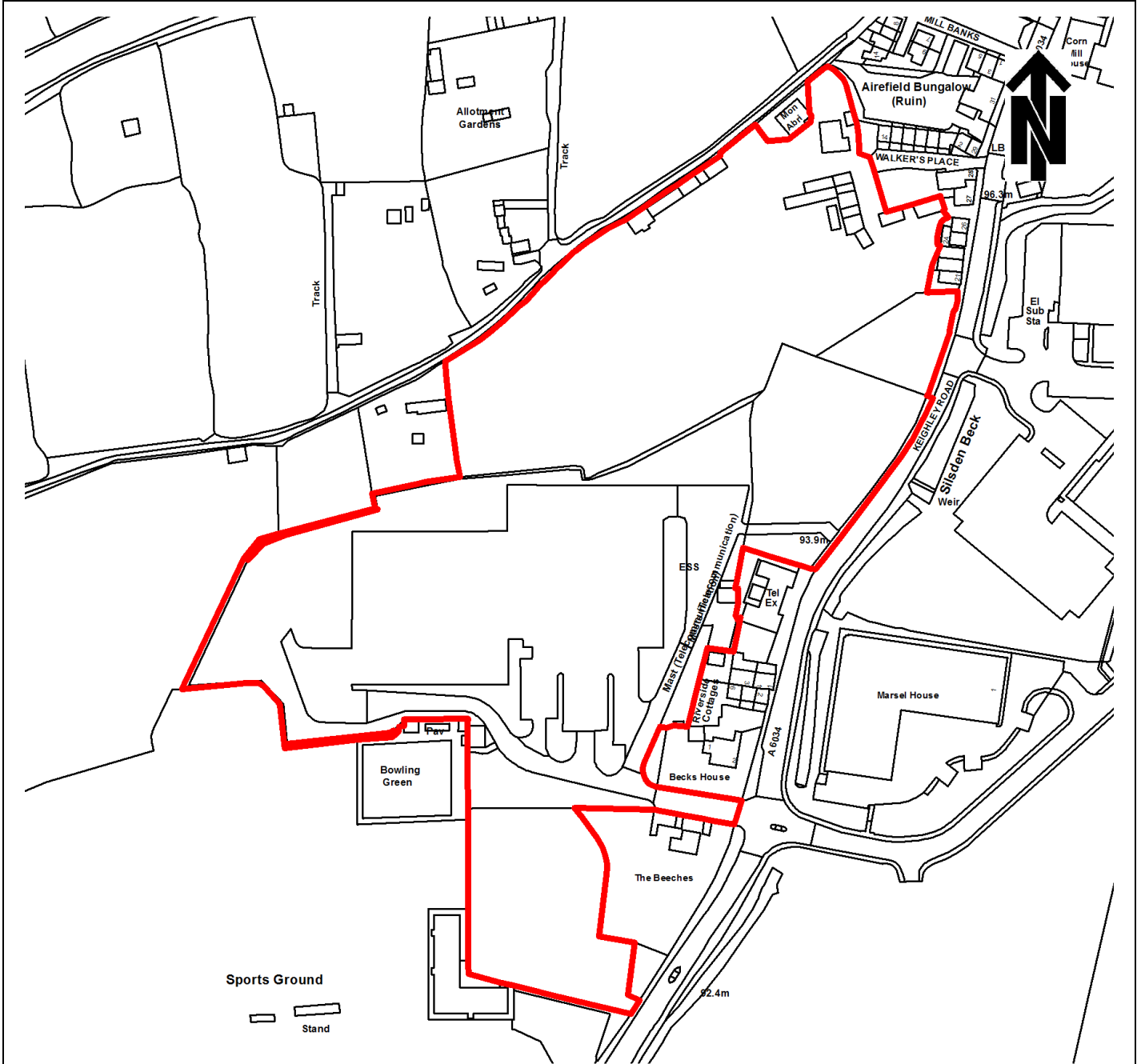
The Replacement Unitary Development Plan

Local Plan for Bradford

16/03804/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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Former Riverside Works
Keighley Road
Silsden BD20 0EH

5th April 2018

Ward: Craven Ward

Recommendation:

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

Application Number:

16/03804/MAO

Type of Application/Proposal and Address:

Demolition of existing buildings and outline planning permission for residential development (use Class C3) on Land at Former Riverside Works, Keighley Road, Silsden-planning application 16/03804/MAO.

Applicant:

Heather T Jackson And Silvermantle Ltd

Agent:

Lichfields

Site Description:

This is an unusual shaped application site which extends to approximately 5.1hectares and is located with 2 frontages to Keighley Road, one with a main frontage of approximately 65m and a smaller existing one opposite Belton Road where it meets Keighley Road. The site is in the main vacant at present and forms unattractive scrubland as the former warehouse unit and some of the various former buildings on the site have been demolished. The site abuts the Silsden Conservation Area on its northern edge to Walker Place and the Leeds-Liverpool canal on its north western edge at Sykes Lane.

The site is relatively flat and part of its south eastern boundary abuts houses which lie in close proximity to Keighley Road. To the north of the existing houses but within the eastern apex of the site lies a long frontage boundary to Keighley Road and part of this land was formally allocated as a phase 1 house site (K/H1.40). To the south lies the green belt and the football and cricket sports pitches with their associated clubhouse, to the west of the site lies a parcel of safeguarded land (RUDP reference K/UR5.37) whilst to the north lies a parcel of employment land (RUDP reference K/E1.9) which is also within the employment zone. Sykes Lane forms part of the north western boundary of the site. Existing access to the site is via Keighley Road.

Relevant Site History:

13/00990/PN – Prior approval granted for demolition of single storey warehouse building.

14/01059/MAF - A full application for the (i) demolition of buildings and construction of a food store and petrol filling station with associated car parking, servicing, highway works including formation of vehicular access and cycle/foot way, and hard

and soft landscaping and; (ii) formation of all-weather sports pitches and associated car parking.

The application was refused permission for the following reason:

As a result of the total retail floor space proposed for both convenience and comparison goods, the development is likely to have a significant, cumulative, adverse impact on the vitality and continued viability of the Silsden Local Centre and would therefore be contrary to Paragraphs 26 and 27 of the National Planning Policy Framework

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.

A large part of the site is unallocated but lies within a designated employment zone (K/E6.1) within the Replacement Unitary Development Plan. A small part of the site forms part of a much larger parcel of employment land (K/E.19). A small area of land in the south apex of the site lies within the greenbelt. The remainder of the application site is allocated as a former housing site (K/H1.40).

Accordingly, the following adopted Core Strategy and saved RUDP policies are applicable to this proposal.

Replacement Unitary Development Plan saved policies:

E1-Protecting Allocated Employment Sites
E6-Employment Zones
GB1-New Building in the Green Belt

Core Strategy policies:

P1-Presumption in Favour of Sustainable Development
SC1- Overall Approach and Key Spatial Priorities
SC3-Working together to Make Great Places
SC4- Hierarchy of Settlements
SC5- Location of Development
SC7-Green Belt
SC8- Protecting the South Pennine Moors and their Zone of Influence
SC9- Making Great Places
AD1- Airedale
TR1-Travel Reduction and Modal Shift
TR2- Parking Policy
TR3- Public Transport, Cycling and Walking
HO1- Scale of Housing Required
HO3- Distribution of Housing Requirement
HO5- Density of Housing Schemes
HO6- Maximising Use of Previously Developed Land
HO8- Housing Mix
HO9- Housing Quality
HO11- Affordable Housing
EN1- Open Space, Sports and Recreation
EN2- Biodiversity and Geodiversity
EN3-Historic Environment
EN4-Landscape
EN5-Trees and Woodlands
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
ID2-Viability
ID3-Developer Contributions

Town Council: Objections on the following grounds-

- This land is designated employment land not residential land,
- The entry and exit impacts on an already dangerous road, highlighted by the developers own objections to an application on the other side of the road, there is absolutely no indication of what type of junction e.g. signal, priority etc. therefore little to comment on, same with the fact that this application has come to consultation with no comments available from Bradford highways
- Silsden Town Council request they be granted to right to comment again once these are available to the public, the applicant states that amenities are within reasonable walking distance, this does not included the new school site which is

outside that boundary.

- Concerns over the width of the internal road at 6.75m this is not suffice to deal with 'link to future development' bearing in mind the main road which already struggles is 8.29m wide.
- This area is prone to flooding and it is believed the land is contaminated.

Comments on revised application details: Objections on the following grounds –

- The land is protected employment land not housing land,
- This application should be considered and implemented if passed at the house building stage otherwise it will cause duplication of road closures and inconvenience.
- This appears to be a 'safeguarding exercise' for land for future development beyond the current application.
- BMDC refused traffic lights when an application for a supermarket was submitted at the site, and it would seem to highlight a conflict of interest and be disingenuous if passed now when BMDC have a financial gain to be had from the development of this land and beyond as this would include the council having a third of the increase an value of any land and subsequent housing being paid to them.
- The layout will have an adverse effect on the existing bus routes and there is no consideration given for cyclists even though this is said to be encouraged on the application for housing.
- The number of exits and entries already existing on this road already causes problems and is a safety issue this would just exacerbate the unacceptable situation

Publicity and Number of Representations:

Site notices were displayed at the site, advertisements were placed in the local paper and individual neighbourhood notifications were also carried out with the statutory period of expiry date for comments on the amended scheme details being 29th August 2016. 4 letters of representation have been made objecting to the scheme along with a petition (of 7 signatures) objecting.

All comments summarised below are written in no particular order of importance. Any additional representations which may be received after the publication of this report will be reported orally at the committee.

Summary of Representations Received:

- Object to houses on the old riverside Works due to the severe flooding in the area over winter
- Concerned about the size of the bridge but was assured that it could cope with twice the amount of water that could ever pass through Silsden beck. However, it was never able to cope with the volume of water, especially during heavy rain.
- The bridge has since been demolished after collapsing into the back during the flooding of winter 2015.
- A new bridge under Belton road was built roughly 20 years ago, this too cannot cope with the capacity of the beck. The walls on top of the bridge have since been reduced in height to allow the back water to flow over onto Belton road preventing Marsel House industrial unit from flooding.

- Concerned about the volume of traffic increasingly dangerous to pull out of back yards
- Already congested on the roads due to the Aldi store
- Potential loss of parking outside the house
- Cannot find reference to the existence or the safe removal of the bank of Japanese knotweed which runs alongside the pavement and occupies the areas which will be proved entrance to the development. This should be controlled and eliminated for the site before any work is started on the site.
- Affect the outlook at the back of existing houses
- The Aldi supermarket car park which was flooded after merely 8 months of opening.
- Not only are the becks unable to cope with the volume of water, have seen the tow-path on the canal under six inches of water in previous years. Although pleased to hear that the beck wall that has collapsed is to be re-instated am worried that the problem of sewage coming up through my downstairs toilet will be worsened by this

Consultations:

Highways Development Control Section – Original comments:

Access to the site is to be taken from Keighley Road at the eastern site boundary via a new priority junction. The Transport Assessment (TA) states that the junction has been designed and positioned to provide access and egress to the site as well as future potential development to the east and north of the proposed site. However in a further statement it identifies further development sites to the north and 'west'. The applicant should amend one of these comments to be consistent.

The Transport Assessment has assessed traffic impacts arising from development not just within the application site but also from further development on the SHLAA site (site ref. SI/013). The current scheme aims to deliver a point of access (via the internal spine road connecting to Keighley Road) to land to the north and west of the application site (connecting to Keighley Road) to land to the north and west of the application site (SHLAA site).

The applicant has undertaken an initial analysis of the potential development density for SHLAA site and considers it could accommodate around 170 units. In accordance with current design guidelines a combined development of 320 dwellings would require at least two points of access from the highway network. For the purposes of the sensitivity test it has been assumed within the TA that only 50% of the traffic generated by development on the SHLAA site would use the Keighley Road access.

Given the location of the SHLAA site, if this statement is to be accepted by Highways then the applicant should provide some evidence as to where the second access could potentially be provided / accommodated. Otherwise it should be assumed that 100% of the SHLAA traffic would also use the same access as their application site and the TA should be amended to reflect this.

The development site lies within walking distance of Steeton & Silsden station however the pedestrian crossing facilities across the A629 are extremely poor. The

Council has a wish to provide a new footbridge across this road and therefore a contribution will be sought from the developer towards the provision of this. Planning application 15/05875/MAO (for 190 dwellings at land south of Belton Road) is to provide a £100,000 contribution for the crossing and the Council should seek to secure a similar amount as part of this application. The applicant should confirm their willingness to provide this. Furthermore improvement to bus stop facilities in the form of bus shelters, real time bus information and raised bus kerb edges will be required at bus stops 45016917 and 45016918 located on Keighley Road. The details submitted do not indicate that this is to be offered.

Revised highway comments: Additional information in the form of a TA Addendum document and revised access arrangement plans have been submitted to address the highway concerns raised in the initial consultation response.

1) TA addendum and access arrangements:

The proposed development is to be served via a ghost island priority controlled 'T' junction and there would be sufficient capacity with this type of arrangement to accommodate the proposed development of up to 150 dwellings. Therefore there is no further objections to raise regarding the traffic impact assessments for this scale of development.

The proposed access arrangements shown on plan "Proposed Access Junction and Internal Link Road" (Ref: SIL-BWB-00-02-DR-TR-100 / S2 / Rev P2) would be acceptable to serve the proposed development of up to 150 dwellings but would not be able to accommodate future development of the SHLAA site Ref. SI/013. In order to overcome this, the applicant is proposing to safeguard additional land around the proposed site entrance so that this can be reconstructed in the future to provide a signalised junction (Plan Ref: SIL-BWB-00-01-DR-TR-101 / S2 / Rev P1). This signalised junction would then be able to accommodate traffic from both the current application site as well as the SHLAA site. The additional land take required for the future signalised junction should be secured by way of a Section 106 Agreement.

NB: The signalised junction would be delivered by the developer of the remaining SHLAA site when or if this comes forward.

2) Pedestrian Link Improvements

The site lies within walking distance of Steeton & Silsden station however the pedestrian crossing facilities across the A629 are extremely poor. The Council has a wish to provide a new footbridge across this road and therefore a contribution from the developer towards the provision of this should be secured as part of a Section 106 Agreement. Planning application 15/05875/MAO (for 190 dwellings at land south of Belton Road) is to provide a £100,000 contribution for the crossing and the Council should seek a similar amount as part of this application.

3) Works within the highway

Provision of the site access will require extensive works to be carried out on Keighley Road. Therefore in order to carry out these works the developer will be required to enter into a Section 278 Agreement (Highways Act 1980) with the Council. This is likely to include additional works not currently shown on the site access arrangement plan such as possible new Traffic Regulation Orders etc.

4) Public transport improvements

Previous highway advice has suggested that improvement to bus stop 45016917 and 45016918 located on Keighley Road are required in the form of bus shelters, real time bus information and raised bus kerb edges however the details submitted to date do not indicate that this is to be offered.

Overall there are no objections in principle subject to conditions and a S106 legal agreement.

West Yorkshire Combined Authority – It is considered that the site is accessible. There are 4 identified bus stops on the Keighley Road and it is expected that this is improved to provide shelter upgrades to 2 of these stops, one in each direction – at a cost of £10,000 per shelter. It is the view of WYCA that the site is not poorly served by public transport.

To ensure that sustainable transport can be a realistic alternative to the car the development needs to fund a package of sustainable travel measures. Recommend contributions to metro cards, personalised travel planning, car club use, cycle purchase schemes, and other infrastructure enhancements. The contribution appropriate for this development would be £90,750 which equates to 150 bus and rails zone Metro cards.

Lead Local Flood Authority – have 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 submitted details are implemented and secured by way of a planning conditions on any planning permission the Lead Local Flood Authority have no objection to the proposed development. Note: these suggested planning conditions have been attached to the rear of this agenda and relate to each of the proposed uses at the site.

Drainage Section – The Lead Local Flood Authority is a statutory consultee on matters relating to surface water management on all major developments. The Drainage Department will therefore cease from providing comments on the surface water drainage proposals on major planning applications. Insofar if the following details are implemented and secured by way of a planning condition on any planning permission the Drainage Department have no objection to the proposed development.

Yorkshire Water – No objections subject to conditions being attached to any permission granted.

Airedale Drainage Commissioners – the site is in an area where drainage problems could exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

The Board notes that this application is for the development of a substantial area of

land for residential use. The Board also notes that the land is currently a mixed site with both Greenfield and Brownfield elements. Depending on the final site layout and the extent of the impermeable areas created, the development could result in significant increase the run-off rate from the site if uncontrolled.

Given the size of the development and the sensitivity of the flooding issue the Board is concerned about this application in its current form. If the Ipa is minded to give approval the Board would suggest a suitable condition to ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

Canal and Riverside Trust – No comments.

Conservation Section – Original Comments

A heritage statement should be provided to consider the impact of the development on the heritage assets, and will also be required to accompany any subsequent application for reserved matters. The application is for access only with all other matters reserved. This must call into question the significance which can be attached to the layout plans referred to in the design and access statement.

The planning authority in respect of any buildings or land in a conservation area, has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72, Listed Buildings and Conservation Areas Act 1990).

It is imperative that development here enhances the setting of the Silsden conservation area, and reinforces the character of the town by restoring the southern gateway to the town. It will be imperative for buildings adjacent to Keighley Road to directly address the road and both by their physical presence, relationship with the road and architectural design, restore the local distinctiveness of this approach to the town.

Elsewhere in the development the layout, built form and sense of place of the development should read as a seamless continuation of the character of Silsden, that is an irregular and intimate layout with clusters of buildings of random and varied size, shape and form reflecting piecemeal organic development. The submitted statements suggest an appreciation of the need for exceptional quality of development here, but unfortunately the layout and building design fails to make this a reality. The layout remains that of a suburban estate with open, sweeping approach into the development, flanked by standard house types. It is considered unlikely that the broad application of standard house types will achieve a successful integration of the development into the local context. This layout, spacing and architecture appears to have limited recognition of the local context or character. The relationship of buildings to the roads and orientation of built form conflicts with local character in the conservation area.

It is questioned whether consideration of access in isolation is adequate to enable proper consideration of the impacts in respect of Section 12 of the NPPF, the relevant heritage and design policies, and in respect of the duty under Section 72 of the Listed Buildings and Conservation Areas Act 1990.

In order to secure a layout and design which will enhance the heritage assets, a formal design review of the existing would likely prove beneficial. At present, the intended development is concluded to fail to respond to its context and to accord with policies UDP3, D1 and BH7 of the RUDP, and would cause significant harm to the setting of the conservation areas.

Revised heritage comments

No heritage consultation comments received on the submitted heritage assessment which argues that the site is not in the conservation area and is in outline form at this particular time.

Police Architectural Liaison Officer – As this is only an outline application (access only) WY police would have no objection in being able to support the application as the illustrative layout provides a good level of natural surveillance and defensible spaces. If the application is granted approval then all other matters i.e. boundary/plot treatments, access control to the rear of properties and other measures can be dealt with by way of reserved matters.

Landscaping - To the south, the site is within the “Floodplain Pasture” of Airedale Landscape Character Area as described in the Local Development Framework for Bradford. The Landscape Character Supplementary Planning Document (SPD) supplements policies NE3 and NE3A of the Replacement Unitary Development Plan.

The SPD states that the floodplain pasture is “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.*

The policy guidelines for this area is to conserve and restore; and it states 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 it’s open, undeveloped character is breached, this distinctive landscape will be lost forever.*

The SPD also states that views along the floodplain pastures around Silsden, are Key Views and Vistas of the landscape character of the area; and it is important to preserve them.

With prominent and open landscape any development within this character area should contribute to conserving and restoring the landscape characteristics and qualities of the area. The urban characteristics of the proposed development together with the intensified use of the site and the additional vehicular traffic are likely to contribute to the deterioration of the current rural environmental characteristics of the area and they are also likely to alter the current views.

The submitted Landscape and Visual Appraisal (LVA) reveals that the existing built form and natural features including the existing vegetation limits part of the views in close proximity of the site and it filters elevated views into the site.

Agree with the proposed Mitigation Measures and Recommendations. The proposals should aim at providing a good landscape framework for the site with a strong landscape content and contribute positively to the character and identity of the area. Additional tree planting and landscaping to further reduce the impact of the development should also be considered in the form of avenues of trees for the public footpaths and the access roads within the site.

Trees Section – The applicants have now argued that whilst they appreciate the need for full assessment of the impact of development upon trees, they question whether it is necessary or beneficial to the determination of this application to provide a detailed arboricultural impact assessment and tree protection plan at this stage given that it is an outline application, the layout of the development is not established at this stage and therefore, the actual impact upon individual trees is yet to be determined.

Trees consider this a reasonable approach as within the application only one tree is to be removed for the outline access to be provided

Biodiversity/Countryside – It is noted that a small bat roost has been found in Building 2 Detached Garage (Preliminary Ecological Appraisal). An EPS Mitigation Licence will be required before the building can be legally demolished. I recommend a Condition under Reserved Matters for a Biodiversity Enhancement and Management Plan (BEMP) is imposed, as well as a Construction and Environment Management Plan (CEMP) as suggested. The CEMP should include the requirement to attain the EPS Mitigation Licence prior to demolition, provision for removing invasive species, further surveys and assessments for other protected species as detailed in the above PEA, and the BEMP other biodiversity protection and biodiversity enhancement/naturalised landscaping details including long term management. It is expected that a scheme of this magnitude should incorporate significant and appropriate green infrastructure throughout the site. In addition, features relating to sustainable drainage which also benefit biodiversity, such as rainwater harvesting, green roofs/wall, bio swales/detention ponds and rain gardens etc. should be incorporated into the design proposals .

Environmental Health (Air Quality) – Have reviewed the content of this application and concluded that it constitutes a medium application for the purpose of Appendix 2 (Land use planning and road transport emission guidance) of the Bradford Low Emission Strategy (LES)(adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013).

Under the provisions of the Bradford LES planning guidance all medium developments are required to provide Type 1 and 2 emission mitigation as follows:

- Provision of electric vehicles charging facilities (at a rate of 1 charging point per house with dedicated parking and 1 point per every 10 houses with undedicated parking).
- Adhere to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition
- Provide a travel plan (which includes measures to discourage the use of high emission vehicles and encourage the use of low emission vehicles)

Exposure assessment: - Although not required under the provisions of the Bradford LES, the applicant has submitted a comprehensive air quality impact assessment that considers changes in exposure to air pollutants for existing and new residents as a result of the proposed development. This indicates that current and future air quality in the area is expected to remain within national air quality objectives and will not result in a need for further AQMA declarations. The results and conclusions of the exposure assessment are accepted and the area is considered suitable for residential development.

Suggested conditions are recommended to be attached to any permission granted: electrical vehicle charging points, submission of a construction environmental management plan and a low emission travel plan.

Environmental Health (Contamination) – The submitted report identifies that the site and surrounding area have been historically developed with a number of potentially contaminative land uses including but not limited to textile mills, dye works and residential dwellings. Historical site investigations have been undertaken by Encia and Eastwood and Partners, in the northern end of the site, which identified localised elevated heavy metals and PAH within the made ground.

On the basis of the site history we 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 including a gas assessment will be required before the development commences.

Environmental Health, therefore, recommends the following conditions on any permission granted – site investigation scheme and implementation, remediation strategy and verification, unexpected contamination and materials importation.

Housing and Enabling (affordable housing section) – The affordable housing requirement is up to 20% of the number of units on the site.

Education/Children's service – Have assessed the situation in this area and can advise that we would need to request a contribution towards primary educational provision as all schools serving this area are now full. The calculation for 142 houses is as follows:

Primary

Houses: 0.02 (yield per year group) \times 7 (year groups) \times 142 (number of dwellings) \times $\pounds 13345$ (cost per place) = $\pounds 265,299$

This is based on all dwellings having between 2 and 4 bedrooms, for larger homes the calculation would increase.

There is sufficient capacity therefore no request for section 106 funding to expand secondary educational provision.

Total section 106 request for education purposes: $\pounds 265,299$

Recreation/leisure services - Parks and Green Spaces Service require a recreation contribution of £161,132 for 142 houses/units associated with the attached planning application for the provision or enhancement of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development. This is in compliance with policy OS5 of the RUDP. The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing in Silsden. However, we do feel that a co-ordinated approach to provision of a new public open space for Silsden should all the proposed developments in the area proceed.

If the developer is looking to the Council to maintain any areas of public open space on the development a commuted sum will be required to maintain the areas for the next 25 years. If the developer is looking to maintain the areas themselves a full landscape management plan will need to be produced and agreed as part of the planning process.

Summary of Main Issues:

Principle of development

Sustainability

Design and Landscaping

Heritage Implications

Highway Safety

Flooding/drainage matters

Impacts on the amenities of the nearby properties

Other impacts: - biodiversity/South Pennine Moors SPA, contamination, air quality

Further Issues Raised by Representations

Developer Contributions: CIL/Planning Obligations/Section 106 Heads of Terms

Community Safety

Appraisal:

Outline planning permission is sought for the construction of up to 142 houses by introducing a development of mix of housing types onto this site. Illustrative plans should show how the provision of housing can be accommodated throughout the development but it should be noted that this layout is just illustrative and is put forward to inform that there could be the potential to put up to 142 houses on the site (of varying styles, sizes and density areas etc.) Only matters of access to the site are to be considered at this outline stage with the appearance, landscaping, layout (including highway layout within the site) and scale of the proposals reserved for any future application(s) which may be made.

Highway details of the application include:-

- Access to the site is located off Keighley Road the (A6034).
- The provision of a spine road through the site to Sykes Lane.
- A new ghost island junction with protection of the land requirement for if a signals junction is required to facilitate future development of land beyond the application site boundaries (and in different ownerships)
- A proposed central refuge to protect right turning vehicles

Whilst the appearance, layout (including internal highway access), landscaping and scale of the proposed development is not for consideration within this application, an illustrative master plan has been submitted to show how the quantum of development of the site could be accommodated (subject to all required flood mitigation measures) in any future reserved matters applications. A small parking area is also indicatively shown within the residential layout to facilitate better access to the existing bowling provision. No built development is shown on the small parcel of land which is allocated as green belt.

Principle

This is a well located brownfield site, a large part of which is unallocated but lies within a designated employment zone (K/E6.1) within the Replacement Unitary Development Plan. A small area of land in the south apex of the site lies within the greenbelt. The remainder of the site was formerly allocated as a housing site (K/H1.40) within the Replacement Unitary Development Plan (RUDP). The proposed use of the site for residential development is considered to be acceptable in principle. The justification for this statement is outlined below.

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 Silsden as a Local Growth Centre where there is a need to provide 1,200 new homes 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 and accordingly the principle of residential development is considered to be acceptable.

Policy GB1 of the Replacement Unitary Development Plan states that except in very special circumstances planning permission will not be granted in the Green Belt for development other than for uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it. Paragraph 90 of the NPPF sets out similar provisions. A small parcel of land is shown within the application site but is allocated as green belt. This parcel of land is shown on the illustrative plan as being open and as such would have no additional or material impact on openness or conflict with the purposes of including land within it. As such, this part of the application would not comprise inappropriate development in the Green Belt.

Sustainability

The National Planning Policy Framework advises that the purpose of the planning system is to contribute to sustainable development. For the planning system delivering sustainable development means:

- 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;
- 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;
- 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.

The key principles of the NPPF are that are that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. Accessibility should be a key consideration in all development decisions. Most developments that are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the overall aim is to protect the countryside for the sake of its character and the diversity of its landscapes.

It is considered that the proposed development meets the sustainability criteria set out in both national and local planning policy. Indeed, it is considered that the site is very well located in relation to the built-up area, including easy access to Silsden Local Centre facilities and the supermarket on the adjacent side of Keighley Road. There is also a reasonable level of accessibility by non-car modes of transport (especially as this site is at the southern edge of Silsden) and as such one of the closest development sites in the Town to the nearby Steeton Railway Station.

The site is located in relatively close proximity to major distributor roads within the District (running between Skipton and Keighley and to Bradford/Bingley). Keighley

Road itself is a major distributor road to the A65 which runs between Skipton and Ilkley. There are also existing bus routes which run along Keighley Road.

Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. The layout provided is indicative at this stage but informs that an appropriate design, with different residential areas can be achieved for the site. The Local Planning Authority considers that future applications would be able to provide a well-designed scheme which respects the location of this site as a highly visible gateway into Silsden and is well-connected into the surrounding community. Any proposed houses can be designed in distinct character areas across the site in order to propose an appropriate design response to the highly visible location. In addition, the establishment of a landscaping management strategy can mitigate the impact of the development and provide increased biodiversity over time.

The proposal is considered to represent a sustainable form of development which would comply with policies P1, SC5 and SC9 of the Core Strategy.

Density

Policy HO5 of the Core Strategy advises that densities should usually achieve a minimum of 30 dwellings per hectare. This will mean delivering the most houses possible while taking account of the need to arrive at a well-designed layout which reflects the nature of the site, its surroundings and given the type and size of housing needed in the area.

The total site area for residential development is just over 5 hectares. The provision of up to 142 dwellings on the site would give a density of approximately 28 dwellings per hectare. Whilst the density is marginally below the policy H05 target of 30 dwellings per hectare it is considered that given the constraints of the site the density is sufficient to ensure the efficient re-use of this predominantly brownfield site.

Design and Landscaping

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. Policy DS5 requires that development proposals are designed to ensure a safe and secure environment and reduce opportunities for crime.

The design approach (as set out in the Design & Access Statement), is based on a number of positive aspects. In any reserved matters application an appropriate design of the layout and street scene and its impact on the open landscape at this location can be provided in order to ensure that any proposal complies with policies DS1, DS3 and DS5 of the Core Strategy and the National Planning Policy Framework and Guidance.

Heritage Implications

The site is located outside, but adjacent to the boundary of, Silsden Conservation Area and the Leeds-Liverpool Canal Conservation Area. There are no heritage assets within the site boundary. The provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply where a proposal would affect a listed building or its setting and where a building or land is located within a conservation area.

The NPPF sets out national planning policy requirements in relation to heritage assets. Paragraph 128 requires applicants to describe the significance of any heritage assets affected by proposals for development (including the contribution made by their setting) with a level of detail proportionate to the importance of the asset. In accordance with Paragraph 128 of the NPPF, an overview of the significance of the heritage assets which could be affected by the proposed development of the application site for residential uses has been undertaken by the applicants.

The assessment considers that given that the application site is currently a vacant area of land, there will inevitably be a change to the character and appearance of the site. However, contemporary development is not in itself harmful to the historic environment and rather it reflects the changes which occur in towns and cities over time. The negative contribution made by the Keighley Road approach to the conservation area is recognised in the Council's character appraisal. In this context, introducing new uses to this vacant site will provide an opportunity to provide an appropriate form of street frontage to Keighley Road and create a new high-quality

southern gateway to the Town.

The application has been submitted in outline (with all matters reserved except for access) and therefore details of the design and internal layout of the proposals will be agreed at reserved matters stage. Sykes Lane will be retained as part of any development proposals and will continue to provide a link to the Town Centre. As such, it is agreed that a suitable layout can be achieved through detailed design at reserved matters stage. In particular, it will be possible to deliver appropriate spacing between properties, an architectural style which references the character and appearance of the historic core of Silsden, preserves the character and appearance of the conservation areas and responds appropriately to Sykes Lane, in accordance with the requirements of policy EN3 of the Core Strategy and the NPPF.

Highway Safety

The consultation comments from the highways section have been enclosed earlier within the consultation section of this report. A Transport Assessment and Travel Plan have been submitted as part of the suite of supporting documents to the application. There is no highway objection in principle to this proposed development as the highway issues which were originally identified have now been resolved by the provision of a proposed ghost island junction with the land requirements for a signal junction safeguarded.

Highway engineers consider that the proposed residential development can be satisfactorily accommodated on the surrounding highway network without raising any undue highway safety concerns. It is also considered that sufficient car parking provision can be made within the site (as part of any reserved matters submission) for the proposed houses. Certain highway restrictions are also required to be carried out prior to any development being carried out on the site to ensure that the development is satisfactory. These the attachment of conditions to any permission granted for the provision of accesses, control of lighting, control of construction management during the construction phases and the funding of a Traffic Regulation order (if needed).

Overall, it is considered that the provision of highway access in the manner proposed is satisfactory and will not comprise highway safety but will accord with established highway standards and policies TR1 and TR2 of the Core Strategy.

The Travel Plan promotes the integration of travel modes to improve the accessibility of the site by means other than the single person occupied car, to ensure that the travel plan framework meets the needs of the residents and employees, to make people aware of the benefits to be derived from the travel plan, to minimise the level of vehicular traffic generated by the development and to enable the development to protect and enhance the environment as far as practically possible. It is considered that the provision of this travel plan will ensure that the development of this site in the manner proposed encourages, as far as practically possible, sustainable practices in this location in accordance with policy TR1 and TR3 of the Core Strategy and the National Planning Policy Framework. A condition regarding the implementation of a travel plan for this development which incorporates matters raised by the Councils Air Quality section is suggested on any permission granted.

Flooding/Drainage matters

The Environment Agency, the Lead Local Flood Authority, the Airedale Drainage Commissioners and Yorkshire Water have all made consultation comments on the application scheme. In a summation each of the above advise that planning permission can be granted for the scheme subject to conditions being attached to any permission granted. These conditions are set out at the end of this report.

Yorkshire Water acknowledges that the application is in outline form. As such, the layout plan submitted with the application is for illustrative purposes only. The final layout of dwellings, gardens, open spaces etc. will be fixed and approval sought for it at reserved matters stage. The only aspect of the proposal that is being “fixed” at this outline stage is the location and design of the access junction from Keighley Road and the alignment of the internal spine road through the development site. A small stretch of combined sewer is shown entering the application site towards the northern end of the Keighley Road frontage (further north than the point of access on the opposite side of the road that serves Aldi). It is possible that this stretch of sewer served the Becks Mill industrial buildings that previously occupied the northern part of the application site.

Residential Amenity

There are a number of residential properties abutting the site on Keighley Road and Walkers Place. However it is considered that the indicative layout adequately demonstrates that the quantum of development can be accommodated within the site without resulting in any adverse residential amenity implications for existing residents neighbouring the site, or on the future occupants of the proposed dwellings. The proposal is therefore considered to accord with policy DS5 of the Core Strategy which requires that development does not harm the amenity of existing or prospective users and residents.

Other Impacts - Biodiversity

In relation to Policy SC8 of the Core Strategy this site is within Zone B, which extends up to 2.5 Km from the boundary with the SPA/SAC (Special Protection Area/Special Area of Conservation). The policy, adopted in July 2017, states:

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

HRA (Habitat Regulations Assessment) information eliminates the issue regarding loss of functionally linked supporting habitat, as no SPA birds are likely to use this Brownfield site. However, there is still likely to be an in-combination effect from all the housing allocations in Airedale and Wharfedale of increased recreational pressure leading to erosion, trampling, disturbance to nesting birds through dog walking and other informal recreational activities. However Habitat Mitigation is identified on the Council’s CIL Regulation 123 list and therefore the development would make the necessary mitigation contribution via the CIL charge for the entire

development, which is anticipated to be £302,121. The proposal is therefore considered to accord with policy SC8 of the Core Strategy.

Other Impacts - Contamination Issues

Sufficient information has been submitted within the application to identify and quantify contamination on the site and proposals to remove unacceptable risk from the site. As such, conditions regarding remediation strategy and verification, unexpected contamination and materials importation need to be attached to any permission granted. Subject to the aforementioned conditions the proposal is considered to accord with policy EN8 of the Core Strategy.

Further Issues Raised by Representations

There is opposition to this development from both the Town Council and nearby residents in the local community. Several representations comment that they don't necessarily object to the principle of development just the details with regard to highway and flooding matters. The issues raised in the letters of representations have in the main been covered within the relevant sections of the above report .e.g. highway safety details and the capacity of the road network and flooding within Silsden. The Town Council does object to the loss of land within the employment zone for residential use, but due to the lack of a 5 year housing supply it can be argued that the sustainable benefits of providing both market and affordable housing substantial weight in the planning balance must be given to the acute need for housing in the district and to the persistent and chronic failure of the Local Planning Authority to deliver a 5 year housing land supply.

Developer Contributions

Policy ID3 of the Core Strategy states that development proposals will be expected to contribute towards the cost of providing infrastructure and of meeting social and environmental requirements, where directly related to the proposed development, and fairly and reasonably related in scale and kind to the development.

Through planning application discussions the Council will negotiate the contribution to be secured through a planning obligation. The nature and scale of the contribution sought will be determined having regard to the:

1. Scale and form of development;
2. Capacity of existing infrastructure provision; and
3. Potential impact of the development upon the surrounding area and facilities.
4. Opportunity to support the public sectors equality duty
5. Economic Viability

The appropriate range and level of contributions will be assessed in a comprehensive manner, taking into account the above criteria, strategic infrastructure requirements and, where appropriate, the use of standard charges and formula. Where development has a significant impact on the Strategic Road Network developer contributions will be sought through Section 278 agreements. Where a Community Infrastructure Levy is in place, contributions will be made in line with the adopted CIL charging schedule.

Community Infrastructure Levy (CIL)

The site is located within CIL 'Residential Zone 3' where there is a charging rate of £20 per sq. m of the gross internal residential floor area created. Whilst the exact floor area of the development will be calculated at reserved matters stage it is anticipated that the development will result in a CIL payment of approximately £302,121. The CIL contribution will be apportioned to the infrastructure requirements set out in the Councils Regulation 123 List or on anything else that is concerned with addressing the demands that the development places on the area. For clarification the Regulation 123 List includes improvements to strategic pedestrian and cycle routes (footbridge), education, recreation and habitat mitigation measures.

Planning Obligations

Policy HO11 of the Core Strategy sets out the Council's affordable housing requirements and states that subject to viability, the Council will negotiate for up to 20% provision in towns, suburbs and villages. The proposed development is therefore subject to an affordable housing requirement of up to 20%.

However, the affordable housing requirement is subject to viability considerations and in line with policy ID2 of the Core Strategy an Affordable Housing Viability Report has been submitted for consideration. The viability report makes clear that the development is unviable with the provision of any affordable housing, primarily because of abnormal costs associated with developing the site.

In line with the approach set out in policy ID2 (6.15) an assessment of the Affordable Housing Viability Report by an independent valuer (Cushman & Wakefield) has been undertaken on behalf of the Council.

Following the submission of further details relating to the abnormal costs associated with developing the site the independent valuer has concluded that the development cannot sustain an affordable housing contribution. However, if the site is to be developed for 100% market housing a planning obligation of £348,439 can reasonably be justified.

The developer has agreed to enter into a Section 106 agreement to fulfil this obligation and it is recommended that the £348,439 is used for the provision of off-site affordable housing in Craven ward, or an adjacent ward.

Therefore, having regard to scheme viability as set out in policy ID2 of the Core Strategy and paragraphs 178 and 181 of the NPPF it is considered that in this instance the provision of a financial contribution of £348,439 for off-site affordable housing has been robustly justified and policy HO11 of the Core Strategy is therefore satisfied.

Section 106 Heads of Terms

- Payment of a contribution of £348,439 for the provision of off-site affordable housing in Craven ward, or an adjacent ward.

- Safeguarding land shown hatched in red on plan SIL-BWB-00-01-DR-TR-101 Rev P1 adjacent to the proposed junction with Keighley Road to provide for any improvements to the junction which may be required in future to facilitate access beyond the current application site.
- The entering into a S278 highway works agreement

Community Safety Implications:

As the scheme is in outline only, it is considered that issues of detail with regard to (i) defensible space and the clear definition, differentiation and robust separation of public, private and semi-private space including appropriate boundary fences and (ii) lighting of the development can be satisfactorily resolved when the reserved matters application(s) is/are submitted. The proposal is therefore not considered to conflict with policy DS5 of the Core Strategy.

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 characteristics 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

In granting permission for this development the Council has taken into account all material planning considerations including those arising from the comments of statutory and other consultees, public representations about the application and planning policy contained within the National Planning Policy Framework and the Local Plan for Bradford.

The Council considers that the following matters justify the grant of planning permission:

The redevelopment of this prominent Brownfield gateway site with a residential scheme in the manner proposed is considered acceptable in principle. It is a proposal that gives the opportunity to provide a suitable pattern of development of the site within Silsden, an identified local growth area within the Core Strategy.

It is considered that the development, although only at the outline stage, can at the detailed application stage respect and maintain the qualities and the character of the surrounding area. The effect of the proposal on the biodiversity of the site itself, the nearby moorland habitats, the surrounding locality and the nearby neighbouring residential properties/sports facilities has been assessed and are considered acceptable. The provision of vehicular access to Keighley Road in the manner and locations proposed is now appropriate. As such the proposals will not compromise highway and pedestrian safety and will sustainably link the development into the existing community.

It is considered that the provision of a residential scheme together with the proposed vehicular and pedestrian accesses takes into account the constraints of the site and builds upon the opportunities of the site. As such, it is considered development in the manner proposed is in conformity with the core principles of the National Planning Policy Framework, policies P1, SC1, SC3, SC4, SC5, SC7, SC8, SC9, AD1, TR1, TR2, TR3, HO1, HO3, HO5, HO6, HO8, HO9, HO11, EN1, EN2, EN3, EN4, EN5, EN7, EN8, DS1, DS2, DS3, DS4, DS5, ID2 and ID3 of the Core Strategy and saved policies E1, E6 and GB1 of the Replacement Unitary Development Plan.

Conditions of Approval:

1. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

2. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

3. Access (other than at the Keighley Road junction and the provision of an internal link road as shown on drawing SIL-BWB-00-02-DR-TR-100 rev P2), appearance, landscaping, layout, and scale comprise the reserved matters. Details of the access (other than as described above) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To accord with the requirements of the Town and Country Planning (General Development Procedure) Order 2015.

4. The development hereby permitted shall be carried out in accordance with the approved flood risk assessment (FRA) Weetwood: "Land West of Keighley Road, Silsden, FRA Addendum ref.3025/FRA Addendum v 1.0, dated 18 th July 2016. On submission of each relevant reserved matters application subsequent to the grant of outline planning permission, details shall be provided to demonstrate that the proposed finished floor levels of buildings shall:

- a) be set no lower than 300 mm above adjacent ground levels;
- b) be set no lower than 300 mm above the 1:100 year plus 50% climate change flood level, taking consideration of overland flows emanating from Silsden Beck.

The above details shall be submitted to and approved in writing by the local planning authority. The mitigation measures shall be fully implemented in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the local planning authority and maintained for the life time of the development.

Reason: To reduce flooding to the proposed development and future occupants and increasing flood risk elsewhere to accord with policies DS5 and EN7 of the Core Strategy.

5. All applications for the approval of details of the (a) layout and (b) scale of any housing on this site shall be submitted to and approved in writing by the Local Planning Authority. Each layout and scale submission shall include an assessment of the pre- and post-development fluvial flows across the site in a 1 in 100 annual probability event from Silsden Beck including a 30% allowance for climate change, to assess the impact of the development on flood risk to third party land.

Reason: To reduce flooding to the proposed development and future occupants and increasing flood risk elsewhere to accord with policies DS5 and EN7 of the Core Strategy.

6. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles, have been submitted to and approved by the local planning authority. Consideration should be given to discharge surface water to soak away, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be agreed with the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development and future occupants and to comply with the requirements of the National Planning Policy Framework, and policy EN7 of the Core Strategy

7. 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 Local Planning Authority for approval.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development and future occupants and to comply with the requirements of the National Planning Policy Framework, and policy EN7 of the Core Strategy.

8. Before any development begins full details shall be submitted to and approved in writing by the Local Planning Authority for all of the following to demonstrate that the level of flood risk is appropriate for development proposed, and that the development will be safe for its lifetime with no increase in flood risk to surrounding area:

- I. details of flood prevention/mitigation measures that will be put in place to ensure that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk to the surrounding area
- II. details of the measures taken to ensure the development can be safely accessed during its lifetime taking into account the presence of flood risk.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development and future occupants and to comply with the requirements of the National Planning Policy Framework, and policies EN7 and DS5 of the Core Strategy.

9. Before any dwelling house on any individual phase of development is first occupied all flood prevention/mitigation measures approved in accordance with condition 9 set out in this approval shall be fully implemented in strict accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development and future occupants and to comply with the requirements of the National Planning Policy Framework, and policy EN7 of the Core Strategy.

10. No development shall take place 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.

Reason: To ensure that foul water drainage is deal with appropriately and to accord with policy EN7 of the Core Strategy.

11. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water has been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewerage system which will prevent overloading. In accordance with policy EN7 of the Core Strategy,

12. Prior to the commencement of development a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the phasing plan as approved unless otherwise agreed in writing by the Local Planning Authority or required by other conditions of this permission. For the purposes of this permission all references to a "phase" shall be interpreted as being a reference to a phase as defined on the phasing plan approved pursuant to this condition.

Reason: To ensure the satisfactory delivery of all elements of the proposed

development.

13. Every property built on the site with a dedicated parking space shall be provided with an outdoor, weatherproof electric vehicle charging point readily accessible from the dedicated parking space. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack / travel planning advice.

Reason: To facilitate the uptake of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with policy EN8 of the Core Strategy and the National Planning Policy Framework (Paragraph 35).

14. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent legislation, the development of any phase shall not be begun until a Construction Environmental Management Plan specifying arrangements for the environmental management of the construction site for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following details:

- i) contractor's means of access to the site including measures to deal with surface water drainage;
- ii) location of site management offices and/or sales office;
- iii) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- iv) car parking areas for construction workers, sales staff and customers;
- v) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vii) temporary warning and direction signing on the approaches to the site
- ix) site working hours
- x) the advisory routing of construction vehicles over 7.5 tonnes

The Construction Environmental Management Plan details for each phase as approved shall be implemented before the development of that phase is begun and shall be kept in place, operated and adhered to at all times until the development of that phase is completed unless otherwise agreed in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition.

Reason: To protect amenity and health of surrounding residents in line with the council's Low Emission Strategy and the National Planning Policy Framework and to ensure the provision of proper site construction facilities in the interests of highway safety and amenity of the surrounding environment and its occupants and to accord

with Policies DS5 and EN8 of the Core Strategy.

15. The development shall not be occupied prior to implementation of those parts of the approved Travel Plan (ref: BWB Travel Plan; LDT2128, dated 19 April 2016) that are capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified therein as only being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the development is occupied.

Reason: To encourage alternative modes of sustainable transport and build upon existing modes of transport to provide a sustainable development in accordance with paragraphs 17, 29, 32 and 36 of the National Planning Policy Framework and policy TR1 and SC9 of the Core Strategy.

16. Before the first dwelling is occupied the proposed means of vehicular and pedestrian access hereby approved (as shown on drawing SIL- BWB-00-02-DR-TR-100 rev. P2) shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered and completed to a constructional specification approved in writing by the Local Planning Authority.

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

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

Reason: To prevent mud being taken onto the public highway in the interests of highway safety and to accord with policies DS4, and, DS5 of the Local Plan for Bradford.

18. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and premises and to accord with Policy DS5 of the Core Strategy.

19. As part of an reserved matters application for the site, a Biodiversity Enhancement and Management Plan (BEMP) which shall include biodiversity enhancement/naturalised landscaping details for the site along with long term management of the green spaces shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any unit. The management

plan/maintenance agreement shall be carried out as approved.

Reason: To ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site and to ensure the site is developed in accordance with the principles of the National Planning Policy Framework and policies EN2 and SC6 of the Core Strategy and to ensure proper management and maintenance of the landscaped communal areas in the interests of amenity in accordance with policy DS5 of the Core Strategy.

20. 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 off site receptors and to comply with policies DS5 and EN8 of the Core Strategy.

21. 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 and to comply with policy DS5 and EN8 of the Core Strategy.

22. 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 and to comply with policy DS5 and EN8 of the Core Strategy.

23. 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 and to comply with policies DS5 and EN8 of the Core Strategy.

24. 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 policies DS5 and EN8 of the Core Strategy

25. 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 and to comply with policy EN8 of the Core Strategy.

26. Any application for approval of reserved matters with respect to siting of buildings or access/vehicular servicing including revisions to these items shall include an accurate Arboricultural Implication Assessment which includes a Tree Survey and a Tree Protection Plan showing all existing trees on and adjacent to the site. This must be undertaken in accordance with the guidelines set down in BS 5837 (2005) Trees in Relation to Construction - Recommendations.

Reason: To ensure an accurate assessment of the impact of the development on the sustainability of the trees and in the interests of visual amenity to accord with policy EN5 of the Core Strategy.

27. Prior to commencement of each phase of development a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), in line with the recommendations of BS5837 (2015), for that phase, should be submitted to and approved in writing by the Local Planning Authority. No operations shall commence on site in connection with a particular phase of development (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until such time as the TPP and AMS for that phase has been formally agreed and any root protection scheme for that phase are in place.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with policy EN5 of the Core Strategy.
