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City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Agenda for a meeting of the Regulatory and Appeals Committee to be held Remotely on Thursday, 25 June 2020 at 10.00 am

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Warburton Wainwright Amran Watson	Ali Brown	Reid

Alternates:

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Azam Godwin S Hussain Lal	Ellis Pollard	R Ahmed

Notes:

- Please note that, under the current circumstances only Members and Alternates on the Committee will receive paper copies of the agenda, however the agenda and reports can be viewed on the Councils agenda and minutes website five clear working days in advance of the meeting by clicking on the following link: R&A Agenda & Reports .

- There will be a legal briefing for Members of the Committee at 0915 (Members are advised to login remotely from 0900.

- **Please note that Item 8 onwards will not be considered before 1.00pm. There will also be a 30 minute adjournment for lunch.**

- **The meeting will be held remotely, Members, officers and interested parties in advance of the meeting will be sent via email, instructions and a link on how to join the meeting remotely. However any interested parties are strongly advised to submit their representations in writing, by the deadline set out below, in the first instance in case technical issues are encountered on the day of the meeting. If interested parties are unable to make representations remotely due to a technical issue, then the Committee will refer to their written representation.**

- A webcast of the meeting will be available to view live on the Council's website at https://bradford.public-i.tv/core/portal/home and later as a recording.

- Any **written** representations that interested parties may wish to make at the meeting itself in support of or objecting to an application or other business item should be made in writing to the governance officer by **midday on Tuesday 23 June 2020**. Please email your representations to the following officers: yusuf.patel@bradford.gov.uk ; tracey.sugden@bradfod.gov.uk ; fatima.butt@bradford.gov.uk

- Anyone wishing to **speak** to any of the applications at the meeting either as a Ward Councillor, applicant/agent or if you are in support or objecting to an application needs to email the above Governance Officers by **midday on Thursday 14 May 2020**. Please **provide a telephone contact number**, together with the application details and explaining who will be speaking. You will then be advised on how you can participate in the remote meeting. Please note that any representations will be allowed 5 minutes only and this will have to be shared if there are one or more speakers.

- Approximately 15 minutes before the start time of the meeting the Governance Officer will set up the electronic conference arrangements initially in private and bring into the conference facility the Members and officers so that any issues can be raised before the start of the meeting. The officers presenting the reports at the meeting and other interested parties will have been advised by the Governance Officer of their participation and will be brought into the electronic meeting at the appropriate time.

- Members should be on their own when attending remotely and ensure that any confidential papers are not visible via the technology used.

From:
Parveen Akhtar
City Solicitor
Agenda Contact: Yusuf Patel
Phone: 07970411923
E-Mail: yusuf.patel@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 18 May 2020 be signed as a correct record.

(Yusuf Patel – 01274 434579)

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.

(Yusuf Patel – 01274 434579)

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.

(Yusuf Patel – 01274 434579)

NOTE

Please note that items 6 & 7 will be considered from 10.00am onwards. Interested parties are advised to login to join the remote meeting for these items from 10.00am. When joining the meeting please mute your microphone and video until you are advised to speak by the Chair.

6. LAND WEST OF DERRY HILL MENSTON ILKLEY 1 - 28

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document "A"**) which sets out a full application for residential development of 47 homes, with access from Derry Hill.

Recommended –

That the application be approved subject to the completion of the Section 106 Agreement and conditions contained in Appendix 1 to Document "A".

(John Eyles - 01274 434380)

7. LAND AT MOOR LANE MENSTON ILKLEY WEST YORKSHIRE 29 - 52

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document "B"**) which sets out a full application for construction of 114 dwellings with new vehicular access from Moor Lane, public open space and associated infrastructure and engineering operations.

Recommended –

That the application be approved subject to the completion of the Section 106 Agreement and conditions contained in Appendix 1 to Document "B".

(John Eyles - 01274 434380)

NOTE

Please note that the following items will not be considered before 1.00pm. Interested parties are advised to login to join the remote meeting for these items at 1.00pm. When joining the meeting please mute your microphone and video until you are advised to speak by the Chair.

8. FORMER SITE OF STATION SAWMILL STATION ROAD DENHOLME BRADFORD WEST YORKSHIRE BD13 4BS 53 - 98

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document "C"**) which sets out a full application for the construction of 72 residential dwellings and associated site access at the former site of the Station Sawmill, Station Road, Denholme.

Recommended –

That the application be approved subject to the completion of the Section 106 Agreement and conditions contained in Appendix 1 to Document "C".

(John Eyles - 01274 434380)

9. STATION YARD STATION ROAD CULLINGWORTH BRADFORD WEST YORKSHIRE BD13 5HP 99 - 114

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document "D"**) which sets out a full application for the construction of a combine heat and power gas generator on land to the west of Turf Lane adjacent to HCF Poultry Ltd., Cullingworth. The application site is located in the Green Belt.

Recommended –

That the application be approved subject to the conditions contained in Appendix 1 to Document "D".

(Mark Hutchinson 01274 434605)

10. 4 MARGERISON CRESCENT ILKLEY WEST YORKSHIRE LS29 8QZ 115 - 126

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document "E"**) which sets out a householder planning application for the construction of single and two-storey extensions on the rear elevation of 4 Margerison Crescent Ilkley, plus a dormer window on the front elevation.

Recommended –

That the application be approved subject to the conditions contained in Appendix 1 to Document "E".

(John Eyles - 01274 434380)

11. LAND AT SPRING GARDENS LANE KEIGHLEY WEST YORKSHIRE 127 - 138

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document "F"**) which sets out a full planning application for the construction of one detached house with associated private driveway and alterations to the access at land at Spring Gardens Lane, Keighley.

Recommended –

That the application be refused for the reasons contained in Appendix 1 to Document "F".

(John Eyles - 01274 434380)

12. 144 POPLAR GROVE BRADFORD WEST YORKSHIRE BD7 4JT 139 - 148

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document "G"**) which sets out a full application for the demolition of the bungalow presently of site and its replacement with a two storey detached dwelling with off street parking to the front at 144 Poplar Grove, Bradford.

Recommended –

That the application be refused for the reasons contained in Appendix 1 to Document "G".

(Mohammed Yousuf - 01274 433950)

13. HOLMEWOOD SOCIAL CLUB BROADSTONE WAY BRADFORD WEST YORKSHIRE BD4 9DY 149 - 164

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document "H"**) which sets out a full application (19/05300/FUL) for the demolition of the Holmewood Social Club and construction of a single storey food convenience store and 3 retail units at Broadstone Way, Bradford, West Yorkshire, BD4 9DY.

Recommended –

That the application be approved subject to the conditions contained in Appendix 1 to Document "H".

(Mohammed Yousuf - 01274 433950)

14. KNOWLE FARM KNOWLE LANE WYKE BRADFORD WEST YORKSHIRE BD12 9BG 165 - 176

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document "I"**) which sets out a full planning application (20/00613/FUL) seeking planning permission to convert an existing retrospective building to stables at Knowle Farm, Knowle Lane, Wyke.

Recommended –

That the application be approved subject to the conditions contained in Appendix 1 to Document "I".

(Mohammed Yousuf - 01274 433950)

15. HOLME MILLS HOLME MILL LANE KEIGHLEY WEST YORKSHIRE BD22 6BN - APPEAL DECISION AND AWARD OF COSTS 177 - 206

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document "J"**) which sets out a appeal decision and award of costs in respect of Holme Mills, Holme Mill Lane, Keighley.

Recommended –

That the content of the report including the decisions made by the Secretary of State be noted.

(John Eyles - 01274 434380)

16. MISCELLANEOUS ITEMS 207 - 212

Members are asked to note the decisions made by the Secretary of State as set out in **Document "K"**.

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

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25th June 2020

A

Subject:
Full application for residential development of 47 homes, with access from Derry Hill.

Summary statement:
The application site was formerly allocated as part of a Phase 2 housing site in the RUDP.

In 2013 planning permission was granted for an application for 173 dwellings. This being on the larger site, between Moor Lane and Derry Hill. This current application includes the eastern part of the formerly allocated site. (Application 19/04546/MAF, also on the agenda, is for development on the adjacent site).

As the site is not allocated, the application is considered on its merits. As the site was formerly allocated for housing and there has been a previous planning approval for housing, in the circumstances, the principle of housing is accepted.

It is recommended that the Committee grant planning permission subject to the completion of a S106 agreement and conditions included in the report.

Julian Jackson
Assistant Director (Planning, Transportation & Highways)

Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Portfolio:
Change Programme, Housing, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

That the Committee be minded to grant planning permission subject to a S106 Agreement and with conditions as listed in this report and that the Assistant Director Planning Transportation & Highways be authorised to exercise delegated powers to issue the grant of permission on completion of the said S106 Agreement.

2. BACKGROUND

The application is reported to Committee, following 155 objections being received and two letters in support. Two Ward Councillors have objected, as well as the Parish Council.

The site has previously been the subject of planning permission for housing.

3. OTHER CONSIDERATIONS

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

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

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

7. OTHER IMPLICATIONS

7.1 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 section149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

The application site is located c.1 km from the rail station and 300m from the village centre, where there are various facilities available. It is not considered there are any adverse implications on sustainability.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with development. Consideration should also be given as to whether the location of the

proposed development is such that sustainable modes of travel would be best facilitated and future greenhouse gas emissions associated with the activities of building users minimised. Electric vehicle charging points would be provided to each house within the proposed development.

7.4 COMMUNITY SAFETY IMPLICATIONS

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, 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 Core Strategy Policy DS5.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

None

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

The Committee can approve the application as per the recommendation in Appendix 1, or refuse the application.

If the Committee decides that the application should be refused, the reason(s) for refusal would have to be given, based upon development plan policies or other material planning considerations.

10. RECOMMENDATION

This application is recommended for approval subject to completion of the Section 106 and conditions contained within the report.

11. APPENDICES

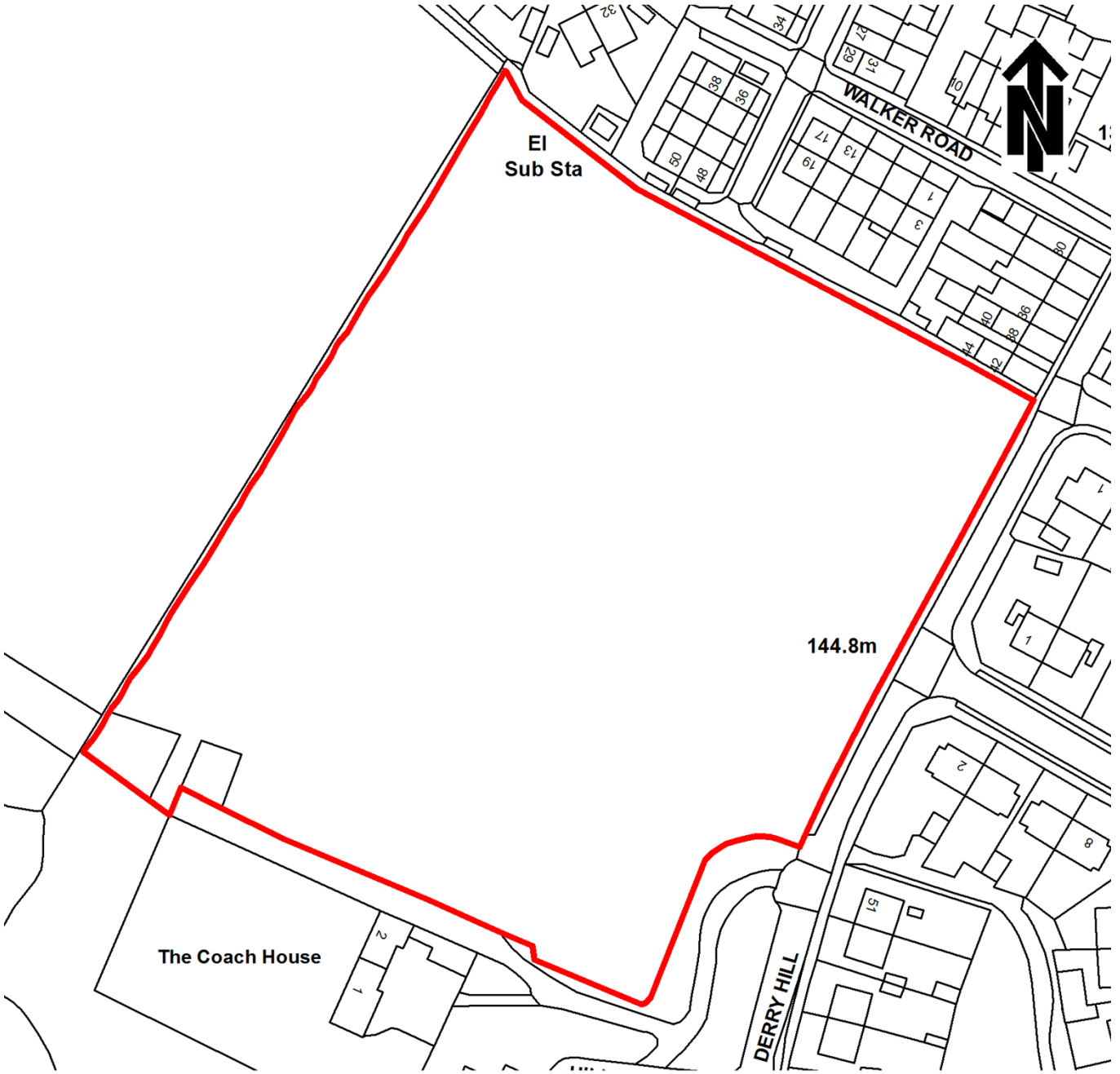
Appendix 1 Technical report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2019
Adopted Core Strategy 2017
Homes and Neighbourhoods SPD 2020
RUDP 2005
Menston Housing sites SPD 2007

19/02790/MAF

City of BRADFORD
METROPOLITAN DISTRICT COUNCIL



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Land West Of
Derry Hill
Menston
Ilkley

APPENDIX 1

Ward
Wharfedale

Recommendation
That the Committee be minded to grant planning permission subject to a S106 Agreement and with conditions as listed in this report and that the Assistant Director Planning Transportation & Highways be authorised to exercise delegated powers to issue the grant of permission on completion of the said S106 Agreement.

Application No.
19/02790/MAF

Type of application
A full application for 47 houses and access from Derry Hill, Menston

Applicant
Stonebridge Homes & Greenlight Developments

Agent
Johnson Mowat

Site Description
The application site is located on the western side of Derry Hill, to the south-western edge of Menston. The application site is approximately 300m from the village centre and 1.1 km from Menston train station. The site is 1.9 hectares in area and comprises a field last used for agriculture. There is an established hedgerow along the western boundary, with dry-stone walling to the eastern boundary, Derry Hill.

The application site slopes upwards from north to south. A public footpath runs along the northern boundary of the application site, connecting Derry Hill and Mount Pleasant.

A watercourse travels south-north on the western boundary and is part culverted.

Background
The application site was formerly allocated in the RUDP, as a Phase 2 housing site. A full application for housing was submitted in 2010 and approved in 2013. That planning permission expired in 2016.

Relevant Site History
10/04551/MAF A full application for 173 dwellings and public space at Derry Hill, Menston, was approved on 24th October 2013.

Core Strategy
There are a number of Core Strategy Policies to be considered in the determination of the application.

SC9 Making Great Places
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO1 Scale of Housing Required
HO5 Density of Housing Schemes
HO9 Housing Quality
HO11 Affordable Housing
DS1 Achieving Good Design
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Place

The National Planning Policy Framework (NPPF).
Local planning authorities are required to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development, where possible

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and
ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Planning policies and decisions should make more intensive use of existing land and buildings, especially where it would help to meet housing need.

Planning policies and decisions should ensure that developments: a) 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; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development

(including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Plans and decisions should apply a presumption in favour of sustainable development.
For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Promoting healthy and safe communities.
Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Promoting sustainable transport
In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d)

allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Achieving well-designed places
The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Planning policies and decisions should ensure that developments: a) 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; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users46; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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, taking into account any local design standards or style guides in plans or supplementary planning documents.

Homes and Neighbourhoods - A Guide to Designing in Bradford 2020 SPD
As a supplementary planning document, it supports the local plan policies and advances the Government’s agenda by putting high-quality design, healthy & happy communities, and inclusive design principles, at the forefront of market-appropriate and financially viable new housing in Bradford district.

The SPD outlines a number of principles when creating a neighbourhood:
Density and scale
Movement
Green streets
Safe and characterful streets
Open space
Water and drainage
Landscape
Biodiversity
Play

Housing mix
Topography and ground conditions
Roofs and building forms
Key buildings and corners
Parking
Waste
Making inclusive places

RUDP
The application site was allocated as part of a Phase 2 housing site, S/H2.18. However, following Counsels advice it was confirmed that with Policies H1 and H2 not being saved, the Council effectively had no allocated housing sites. At the Executive, 21st November 2011, it was reaffirmed that it was the Councils intention that the unimplemented housing sites should be protected to meet the Districts housing needs; noted the extensive and robust statutory process through which the sites allocated under policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented housing sites previously allocated under policies H1 and H2 should be accorded significant weight, when considering their use for residential development.

Menston Housing Sites Supplementary Planning Document 2007
The purpose of the SPD is to provide a planning framework that will sensitively control and plan for the land at the two sites. It also identified the wider impact new residential development will have on the local environment as well as how community and physical infrastructure may be managed and mitigated.

The objectives of the SPD include to –

- maintain a successful, stable and sustainable community;
- advise on the most appropriate form of development in terms of layout, access and integration with Menston;
- provide a design code, a set of principles specific to Menston;
- ensure that the cumulative impact of the developments is understood and mitigated;
- secure appropriate contributions from developers.

Publicity and Representations
The application was advertised through site notices and in the local press. There have been 2 letters of support and 163 objections to the application. Two Ward Councillors and the Parish Council have objected to the application.

Summary of Representations Received
There would be an adverse impact on neighbouring properties from flooding
The site cannot be adequately drained
The development would result in the loss of a greenfield site.
Overdevelopment of the site with too many houses.
Inadequate public transport, buses and trains already serving Menston
Increased traffic would result in highways congestion/safety issues
Impact of development would be detrimental to wildlife
Adverse Impact on residential amenity, loss of privacy/overshadowing

Development would harm the conservation area
Menston currently lacks school places/GP places, this would be exacerbated
Loss of trees would be detrimental to amenity of area

Consultations
Environment Agency
No objection to the proposal.

Parish Council
The Parish Council`s prime concern over the period of time these proposals have been on the table (over 10 years) has been on drainage provision and the effect the addition of new housing will have on the dated and inadequate foul and surface water infrastructure in the village. Adjacent properties to the proposed site in Dicks Garth Road and Moorfield Avenue have been subjected to serious flooding as has further downstream in the village centre. The Parish Council has, when considering the previous applications, sought to identify the risk of further flooding and to this end have engaged the services of several professional advisers including hydrologists, drainage consultants and legal teams. It is disappointing that it has taken up until now for the Leading Flood Authority (BMDC) to recognise that a problem exists and that it has promoted connections to the existing system and backed Developers proposals that fall short of providing an adequate solution. Notwithstanding, the Parish Council are grateful that the LLFA have now acknowledged that there is a problem. The Parish Council`s solicitors, Schofield Sweeney, have written to the LLFA recently and their comments on the drainage should be treated as comprising part of the Parish Council`s formal response. The Parish Council are prepared to continue to engage these professions until a solution is sought and the residents of Menston are suitably protected from flooding. The proposed development should therefore be refused for this reason alone.

This new application for Derry Hill relies on vehicular access and egress at one point. The Parish Council have previously highlighted that Derry Hill is a very difficult road to drive on because of its reduced width, parking on one side and entry to houses directly off the highway. It is dangerous at present but with the increased traffic from the proposed development this will be exacerbated. Consideration should be made to making it one way however that being the case increased traffic will be directed either along Derry Lane which is an estate road not capable of accepting more traffic or further up Derry Hill to the junction with Bingley Road that has woeful sight lines and can be considered as impossible to turn safely left. The development should be refused because inadequate highway provision is being proposed.

Trees team
The revised plan is acceptable on tree grounds. The AIA states monitoring arrangements will be put in place by the developer. This is acceptable.

West Yorkshire Combined Authority
The Access for All proposal for Menston Rail Station was announced as being successful in April 2019 by the DfT. The station will have accessibility improvements including lifts to platforms completed before the end of the funding period which ends 31 March 2024. The funding secured requires a local contribution of 150k. Given the

location of this development and its proximity to the Rail Station, we recommend that the developer contributes a part of the local contribution.

Environmental Health (Pollution)
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 at the rates set out in the LES planning guidance
- 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 low emission travel to 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 Assessment

The proposed development site has been screened for air quality exposure issues. It is concluded that any new residential occupants would not be at risk of exposure to pollutant concentrations in excess of the current health based national air quality objectives. We accept this conclusion and do not require any further exposure assessment work to be undertaken.

We have no objection to the site being used for residential development subject to the following emission mitigation being incorporated:

Mitigation requirements

EV charging provision

The application acknowledges the need to provide EV charging in line with the requirements of the Bradford LES and WYLES planning guidance.

Environmental Health (Contamination)

EH agrees with the recommendations presented in the Phase 1 Geo-Environmental Assessment by BWB Consulting and recommends that conditions are included

Public Rights of Way

Public Footpath No 69 (Ilkley) is adjacent to the northern boundary of the site. The proposals do not appear to adversely affect the public footpath. I welcome the provision of an area of public open space adjacent to the footpath and note there appears to be a link through the public open space to connect with the existing public footpath.

Conservation

Menston Conservation Area is located to the north of the site, focussing around the oldest core of the village along Main Street and extending as far south as Derry Hill. There are visual linkages between the site and conservation area and the adopted Conservation Area Appraisal identifies a key view, southwards along Derry Hill. The view and the visual linkages from within the conservation area are mostly limited to the streetscape along Derry Hill and the continuation of the stone boundary wall, which provides a strong delineation to the streetscape and then the more distant setting formed by the rising valley side to the south of the conservation area. The Conservation Area Assessment (2003) also describes the setting of the conservation area and identifies key views and features that are of importance. These principally relate to longer distance views from the top of Derry Hill looking across the valley and the rising land to the south of the conservation area and the contribution that the wooded hillside makes to the setting of the area. These identify that the wider setting to the south of the conservation area as making a positive contribution to its setting but does not specifically identify that the site itself making a notable contribution, being located on the more gently sloping land at the bottom of the hillside.

Having viewed the submitted information and with reference to the site layout, the proposal is considered to have a limited impact upon the setting of the conservation area. There would be some visual impacts from within the conservation area however, noted that the stone boundary walls are to be retained as part of the development and that a substantial area of landscaping and green space is to be located on the northern edge of the site, where is adjoins the densely developed residential areas around Walker Road and the Dicks Garth Road which form the 'buffer' between the conservation area and the site. The scale and massing of the proposed houses appears comparable to the built form to the east of the site however it is at a much lower density than the traditional stone-built housing located to the north of the site. With regard to the appearance of the proposed dwellings, the palette of materials, particularly in the northern part of the site, should make reference to the traditional materials used on the houses immediately adjacent to the site. Around Walker Road, the west side of Derry Hill and Dick's Garth Road, these are typified by the use of a palette of traditional materials – specifically local stone and natural slate. I would suggest that the development would sit more comfortably within the context of the existing built form if traditional materials were incorporated into the dwellings at the northern end of the site and indeed across the whole site as an entirety.

Overall, the proposal is considered likely to have a neutral impact on the setting of Menston Conservation Area and subject to careful control of details such as landscaping, boundary features, materials and design of the dwellings, it is considered to accord with the provisions of Policy EN3 of the Core Strategy.

LLFA

Foul water: The LLFA is satisfied that this report demonstrates that the proposed development would not materially affect the onset or frequency of flooding from the Yorkshire Water public sewer. (The developer is not obliged to remedy an existing flooding problem).

Surface Water: The LLFA is satisfied that the developer's surface water modelling makes adequate allowance for any ground water flows, which could potentially add to the overland surface water flows from the south of the site. The results demonstrate there the proposed development will not materially increase flood risk off-site.

The LLFA is satisfied that the surface water run-off from the proposed surface water drainage system has been allowed for within the model. The proposed rate of discharge (5L/s) is less than the equivalent greenfield run-off rate from the site and the flow is almost insignificant compared with the overland, surface water flows.

The LLFA does not have any objections to the proposed development, provided that flood risk and drainage conditions are included within any grant of planning permission.

Biodiversity
The site is in Zone B and C in relation Core Strategy policy SP8 policy (Impacts of development to European sites). The assessments for zone B are complete and accepted and there is adequate open space within the development, to the north and west of the housing to offset any additional recreation impacts on the protected sites, within 7km of the development.

Highways
The applicant has addressed the concerns raised previously related to the internal site layout, lack of a through route between the two development sites, and the need for traffic management measures on Main Street. Although concerns were raised related to Derry Hill north of the site being sub-standard in width and lacking passing places, it's considered that the traffic generated from this site would not have a significant impact on that section of Derry Hill as most of the traffic would turn right out of the site. More importantly the current nature of Derry Hill North acts as a traffic calming feature and any improvements to ease traffic flows could have an opposite effect by attracting more rat-running traffic.

A TRO would be provided on Derry Hill, across the site frontage to prevent parking within the visibility splays of the new site access. This would cause problems for some existing residents who wish to park on Derry Hill as they have no off-street parking facilities. The applicant is providing a number of parking spaces within the site, close to the site access, for use by visitors and residents to mitigate this problem.

A through route between the two development sites has been agreed and would be provided in the south west corner of this site. Although the through route is not ideal in highway terms, a more direct route to the north is not possible, due to flood risk issues.

The applicant would provide the following funding for the agreed highway measures -

1. TRO to prevent parking on Derry Hill (S106 - £7,500).
2. Reduction of speed limit to 20mph from a point to the west of the Moor Lane site access upto the existing 20mph zone on Main Street (S106 total estimated cost is

£6,000 to be shared between the two developers on a pro rata basis depending on the number of dwellings proposed...the contribution from this site amounts to £1,763 based on 47 dwellings).
3. Provision of zebra crossing facility and associated footway widening on Main Street close to St Peter's Way (S106 total estimated cost is £30,000 to be shared on pro rata basis between the two developers…contribution from this site amounts to £8,813based on 47 dwellings).

Policy
No comments received.

Summary of Main Issues
Principle of Development
Flood Risk and Surface Water Drainage Issues
Design & Layout
Residential Amenity
Impact on Heritage Assets
Highways Issues, including access to the adjacent site
Affordable Housing, and CIL and S106 Matters
Other Matters: Comments on Representations received

Appraisal
Principle of development
The application site was part of a formerly allocated Phase 2 housing site in the RUDP, S/H2.17. However, following Counsel's advice it was confirmed that as Policies H1 and H2 not being saved in 2008, the Council effectively had no allocated housing sites.
At the Executive, 21st November 2011, Executive reaffirmed that it was the Council's intention that the unimplemented former Phase 2 housing sites should be protected to meet the District's housing needs; noted the extensive and robust statutory process through which the sites allocated under Policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented housing sites previously allocated under Policies H1 and H2 should be accorded significant weight when considering their use for residential development.

In March 2019, the Council made a 5 Year Housing Land Statement. This Statement describes the position relating to the scale and nature of the supply of deliverable housing land within Bradford District and the detailed data and assumptions which underpin it. The Council confirmed that the 5 YHLS stood at 2.06 years, which is significantly below the Government stated required position. Therefore, to promote the delivery of new housing to meet the demands of a growing population within the District, sites such as this, which are not located on land designated as green belt and that have previously been determined as suitable for development can be critical.

It is noted within the Core Strategy, that the strategic delivery of housing is included in Sub Area Policy WD1, where 600 houses are identified at Menston. This development would contribute towards that policy target.

The Council is currently preparing the Allocations DPD, as part of the Local Plan adoption process, which involves allocating new housing sites. Until that time, the fact that the site was previously allocated as part of a housing site and in the absence of up to date development plan policies, the balance is tilted in favour of sustainable development and granting planning permission, except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise. The social benefit of providing 47 houses including 14 affordable houses, is considered to outweigh any harm and the no specific policies in the NPPF indicate otherwise. The principle of housing development at this site, is therefore believed to be acceptable.

Flood Risk and Drainage Issues

The issue of flooding and drainage concerns have been raised by the Parish Council and residents. The application site, along with other development sites in Menston have been, for over a decade, the subject of extensive scrutiny, including flooding and drainage issues.

A Flood Risk Assessment, along with a suite of supporting technical and non-technical submissions have been made in support of the application. There has been an ongoing dialogue between the LLFA and the applicant, to address issues around flooding and drainage as raised by the Parish Council and residents.

In terms of flooding, the Environment Agency was consulted on the application and has no objections to the proposal.

Following extensive discussions, the LLFA has concluded that - in regard of foul water, it is satisfied that the applicant has demonstrated that the proposed development would not materially affect the onset or frequency of flooding from the Yorkshire Water public sewer. (The developer is not obliged to remedy any existing flooding problem);

In regard of surface Water, the LLFA is satisfied that the developer has made adequate allowance for any ground water flows, which could potentially add to the overland surface water flows from the South of the site. It is demonstrated that the proposed development would not materially increase flood risk off-site. The proposed rate of discharge is less than the equivalent green-field run-off rate from the site and the flow is almost insignificant compared with the overland, surface water flows.

The LLFA does not have any objections to the proposed development, provided that flood risk and drainage conditions are included within any grant of planning permission. These are included in the section covering conditions.

Design & layout

The design has followed the general principles set out in the NPPF and Core Strategy.

More recently, the Council adopted the Homes & Neighbourhoods Supplementary Planning Document in February 2020. This sets out 8 priorities for homes and neighbourhoods, including choice, green streets & spaces, making the most of the topography and using resources efficiently.

Additionally, a number of principles are detailed in order to create a neighbourhood. In relation to this application these include density and scale; movement; green streets; safe streets; open space; landscape; biodiversity; topography; building forms; parking and; waste.

It has been established that the proposal would meet density policy requirements. Along with the scale of the proposed development, the development is believed to be appropriate to the context of the surrounding area.

In terms of movement, whilst relatively small-scale, the hierarchy of routes through the site is appropriate and with the introduction of a through-route between the application site and the adjoining site, it is believed that the site would be well-connected and integrate with the village.

The proposed scheme includes an area of public space, to the northern boundary, which connects with a public footpath. The public space would provide accessible play space for residents of the proposed housing development and is supported. This would be informal play space without play equipment.

As part of the proposed development, the existing dry stone walling and hedgerows at the application site would be incorporated within the scheme. This is seen as a positive element. The wall to Derry Hill and the hedgerow to the western boundary would be ‘broken through’ to enable access and the through-route.

Given the application slopes gently, the scheme has been designed to account for the topography and is considered to appropriately respond to the sloping nature of the site.

Parking provision would be safe, in terms of being overlooked by properties and functional, providing visitor parking. The TRO would limit parking along Derry Hill but additional parking for non-residents would be available within the application site.

Overall, it’s considered that the proposed development would provide a scheme of appropriate density & scale; suitable routes for pedestrians and vehicles; integrate existing landscape features and provide new greenspace and landscaping; create biodiversity opportunities; address the topography of the site; and integrate existing landscape features within the layout, with the design resulting in an appropriate building form, reflective of the context of Menston and the levels of parking are suitable for the size and type of development.

Additionally, the proposed development follows the principles in the Menston Housing Sites SPD, which were to provide -

simple, well-connected and legible movement;

incorporation of variety within the house mix;

integration of existing landscape features;

provision of public green space.

Following the submission of pre-application enquiries by developers, for this site and the adjoining site, the applicant was advised that there should be a collaborative approach to this development and the adjoining development. This to include, a through-route between the two application sites. This was considered to have the benefit of not only having two points of access/egress to serve the sites, improving accessibility, but also providing the opportunity for the two developments to be designed to relate to each other, rather than as two separate entities. (A previous planning permission was granted for housing on a single site comprising the site subject of this application and the adjoining site. This development was approved with a through-route between Moor Lane and Derry Hill).
The applicant has now agreed to the inclusion of a connecting road through the sites. This provides improved connectivity and the opportunity for the developments to better relate to each other.

The proposed development has been designed to respond to the local context, with a mix of house types reflecting those of the surrounding area. The scale and appearance of the development also reflecting that of the local area. The development would include an area of public space connecting with the public footpath along the northern boundary of the application site. It is concluded that the proposed development is acceptable in design terms, providing additional housing including affordable housing, to complement existing provision within Menston.

Residential Amenity
The distance between existing properties and the proposed housing is not considered to adversely impact on privacy or overshadowing. The proposed layout would provide an appropriate distance between existing and proposed properties, without adversely affecting the residential amenity of either existing or prospective residents. The existing housing at Derry Hill, east of the application site is separated from the proposed housing by the road internal road, and Walkers Road, north of the application site is separated from the proposed housing by the greenspace along the norther part of the application site.

In the event of construction work and associated activities, this could result in temporary disturbance to local residents. However, measures could be put in place to ensure that any impact on local residents was minimised. This could for example include control over hours of working and signage to control development traffic movements. Consequently, it is envisaged that the construction of the development would be controlled by condition.

Impact on Heritage Assets
In regard of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a general duty in respect of conservation areas for development to preserve or enhance the character or appearance of the conservation area.

The proposed development would be located outside of Menston Conservation Area. However, in regard of the concern raised, whilst there would be limited views from within the Conservation Area, looking south towards the application site, the development would be seen in the context of intervening residential properties, between the conservation area and the application site. A such, it is not considered any harm would occur.

Highways Issues, including access to the adjacent site
A Transport Assessment has been submitted and reviewed by Highways Development Control. Traffic generated by the proposed development has been assessed and it is not believed that there would be any adverse impact on the highway network as a result of increased traffic. It is considered that the additional traffic can be accommodated within the local network, without detriment to highway safety.

As it was evident that the adjoining land was also to be the subject of a planning application for housing, the applicants were asked to consider the provision of a through road, effectively providing a connection between Derry Hill and Moor Lane. This would enable residents to enter and leave the site on different routes in Menston. This has now been incorporated within the scheme and is welcomed.

Along with a number of mitigating measures to address off-site parking and pedestrian improvements within the village, the application is supported in highway terms.

Planning Obligations
The applicant has agreed to the policy compliant provision of 14 affordable houses on-site, in accordance with Core Strategy policy on affordable housing. These houses are identified on the layout plan.

West Yorkshire Combined Authority has requested a contribution to a scheme to improve access at Menston railway station. This would involve lifts to access both platforms. The applicant has agreed to make a contribution, which together with a contribution from the developer of the adjoining development would fund access improvements at the station.

In discussion with Highways the applicant has agreed to make contributions to provide –

- TRO to control parking on Derry Hill;
- extension of speed limit zone to 20mph from a point to the west of the Moor Lane site access up to the existing 20mph zone on Main Street;
- provision of zebra crossing facility and associated footway widening on Main Street.

Other Matters: Comments on Representations received
The development would result in the loss of a greenfield site.
The application site was formerly allocated for housing in the RUDP. Given that the application site was previously designated for housing, whilst the site is now unallocated, the development on a greenfield site has to be considered. The Council is not meeting its 5 year housing land supply and formerly allocated sites would make a significant contribution to improving housing supply, reducing pressure on non-allocated greenfield sites and the Green Belt. Therefore, the proposal would be positive in providing additional houses.

Overdevelopment of the site with too many houses.
Policy HO5 of the Core Strategy indicates a housing density of 30 dwellings per hectare being required. The application site measures 1.9 ha., which would calculate at 57 houses, the proposal is for 47 houses. Given the requirement for an attenuation tank in the site and the topography of the application site, the reduced density of 47 houses at the site is considered acceptable.

Impact of development would be detrimental to wildlife
An ecological assessment has been submitted and reviewed by the Councils Biodiversity Officer. The site is in Zone B and C of the Bradford SP8 policy (Impacts of development to European sites). The assessments for zone B are complete and it is accepted and there is adequate open space within the development, to the north and west of the housing to offset any additional recreation onto the European sites within 7KM of the development.

The proposed development is seen to account for biodiversity and it is not considered that there would be any adverse impact on biodiversity at the site.

Menston currently lacks school places/GP places, this would be exacerbated
As with any planning application for residential development, there would be pressures on local services and infrastructure. In the event that planning permission was granted, the development would be subject to the Community Infrastructure Levy, where monies could be provided to address the potential increased demand on school places. In terms of NHS services eg. GP', this is a matter for the NHS, not the Council and it would be for the NHS to plan for any increased demands on its services.

Bus services are limited and the trains operate over capacity
There are currently bus services, serving Menston, including routes to & from Bradford, Otley & Leeds.

As with many rail services operating, there are acknowledged issues around capacity. However, this is matter for the rail operators.

Whilst the public network is provided by and managed by private operators and the West Yorkshire Combined Authority, the Council is where possible able to seek public transport infrastructure enhancements and improvements. In this case, as part of the Access for All programme introduced by the Government, to address issues faced by disabled passengers, a pedestrian foot bridge would be provided at Menston train station. This would in part be funded through contributions from the applicant and the developer of the adjacent site. This is seen as a positive addition to the operation of the train station and is welcomed.

Loss of trees would be detrimental to amenity of area
The loss of trees would be limited to those within the hedgerow to the western boundary. The loss being as a result of the through road between the application site and adjacent development site. The loss of part of the hedgerow is accepted as a

consequence of the aim to connect the two sites. The remaining part of the hedgerow retained and be incorporated in to the development.

Options
The Committee can approve the application as recommended or refuse the application. If the application is refused, planning reasons for refusal would have to be provided.

Community Safety Implications
None

Human Rights Act
Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

Not for publication documents
None

Reason for Granting Planning Permission:
The development of formerly allocated housing land with residential development is considered appropriate giving the opportunity to provide sustainable development within Menston. The development would provide affordable housing and ensure that the character of the surrounding area is not adversely affected. The effect of the proposal on the heritage asset near the application site, the biodiversity of the site, the surrounding locality and the adjacent neighbouring residential properties has been assessed and is considered acceptable. As such, the proposal would meet policies SC9, TR1, TR2, TR3, HO1, HO3, HO5, HO9, HO11, DS1, DS2, DS3, DS4 and DS5.

Section 106 Heads of Terms
The applicant has agreed heads of terms and planning permission would be subject to Section 106 for the delivery of:

1. 30% affordable housing, 14 houses on-site;
2. A contribution of £43,500 towards access improvements at Menston station.
3. TRO to prevent parking on Derry Hill - £7,500.
4. Reduction of speed limit to 20mph from a point to the west of the Moor Lane site access up to the existing 20mph zone on Main Street, the contribution from this site amounts to £1,763.
5. Provision of zebra crossing facility and associated footway widening on Main Street close to St Peter's Way contribution from this site amounts to £8,813.

Community Infrastructure Levy
The CIL is calculated at c. £816,000.

Conditions of Approval:
1.The development hereby approved shall only be carried out in accordance with

the amended plans shall be carried out in accordance with the following plans PA-DH-02 REV Q 43885-001G 43885-013B 43885-050A R-2218-1E WEST/V3/PD-02 WES/V3/PD-02 TURN/V3/PD-02 STAN/V3/PD-02 SAN/V3/PD-02 OAKL/V3/PD-02 LYTH/V3/PD-02 BEL/V3/PD-02 AST/V3/PD-02 AFF3B/V3/PD-01 AFF2B/V3/PD-01 AFF1B/V3/PD-01
Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

2. The development shall not begin until basal heave/uplift calculations have been provided by a geotechnical specialist (Chartered Engineer or Geologist) and details of any mitigation measures to prevent basal heave/uplift have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.
Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

3. Finished floor levels and finished ground levels shall be constructed in accordance with the following drawings: Levels Principles Dwg. No. 43885/001/G, Sections through northern site boundary Dwg. No. 43885/012/A, External works Dwg No. 43885/009/A.
Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

4. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the Drainage Principles Dwg No. 43885/002/J, dated 30/10/19. The maximum surface water discharge rate, off-site, shall not exceed 5.0 litres per second. The scheme so approved shall thereafter be implemented in accordance with the approved details.
Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

5. Notwithstanding the drainage details contained in the supporting information, no groundworks to the development shall commence until a temporary drainage strategy for the construction phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.
Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

6. The development shall not begin until a Maintenance Plan for the surface water drainage scheme has been submitted to and approved in writing by the Lead Local Flood Authority. Once built, the drainage scheme shall be maintained thereafter, in accordance with the approved Plan.
Reason: In the interests of the amenity of future occupiers, pollution prevention and

the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

7. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.
Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

8. Before any development commences on site details of temporary warning and direction signing arrangements for the construction site entrance and contractor's means of access showing size, type, colour and location of such signs shall be submitted to and approved in writing by the Local Planning Authority. The approved signs shall be installed and maintained for the duration of works and on completion of the development the temporary signs shall be removed.
Reason: To ensure vehicles entering or leaving the site can do so safely, and that main road traffic and pedestrians are aware of such movements and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.

9. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan 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 DS4 and DS5 of the Local Plan for Bradford.

10. Before the development is brought into use, the associated off street car parking facility shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to accord with Policy TR2 of the Local Plan for Bradford.

11. The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

12. 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.

13. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

15. The approved and agreed tree protection measures shall remain in place, and shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection areas without the written consent of the Local Planning Authority.
Reason: To ensure that trees are adequately protected during development activity on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Core Strategy.

16. Prior to the removal of the protective fencing and other agreed tree protection measures, written verification/evidence that the developer has arranged for supervision and monitoring of those approved measures by a suitably qualified and pre-appointed tree specialist, at regular and frequent intervals throughout the duration of the construction period, shall be submitted to the Local Planning Authority.
Prior to the occupation of the development, or prior to the occupation such phases of the development as have been agreed in writing with the Local Planning Authority, the Local Planning Authority shall have first confirmed in writing its agreement to the verification/evidence.
Reason: To ensure that trees have been adequately protected by the developer during development activity and that harm to the trees has been effectively prevented or mitigated by the measures proposed in the planning application submission. To ensure that protection measures have prevented harm to trees and visual amenity, to accord with Policy EN5 of the Core Strategy.

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

The development shall not begin until the Local Planning Authority has inspected and
given its written approval confirming that the agreed tree protection measures are in place in accordance with the submitted details.
Reason: To ensure that trees are adequately protected prior to development activity beginning on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Core Strategy.

18. Before the first occupation of each house the development shall be provided with access to a purpose-built EV charging point at the rates set out in the Bradford and West Yorkshire Low Emission Planning Guidance. The charging points shall be provided in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-
o A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
o One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces
o Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational.
o Charging points installed shall be retained thereafter.
o Information about use and maintenance of charging points shall be provided in new home welcome packs
Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the
council's Low Emission Strategy, policy EN8 of the Core Strategy and National Planning Policy Framework (NPPF).

19. Prior to commencement of the development a site specific construction dust management plan shall be prepared for the purpose of minimising the emission of dust and other emissions to air during the site preparation and construction. The dust management plan shall be submitted to and approved in writing by the Local Planning Authority. The dust management plan must be prepared with due regard to the guidance set out in the IAQM / London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition and the recommendations of the dust risk assessment submitted with the application.
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).

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

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 EN8 of the Local Plan for Bradford.

22. Prior to construction of the development 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.

23. 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.

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 policy EN8 of the Local Plan for Bradford.

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.
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.

26. 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.

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City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25th June 2020

B

Subject:
Full application for construction of 114 dwellings with new vehicular access from Moor Lane, public open space and associated infrastructure and engineering operations.

Summary statement:
The application site is part of a formerly allocated housing site, in the RUDP. This application includes the western part of the formerly allocated site. The balance of the former allocation being the site of application 19/02790/MAF, also on the agenda.

As the site is not allocated, the application is considered on its merits. The site was formerly allocated for housing and there has been a previous planning approval for housing. In the circumstances, the principle of housing is accepted.

The application is recommended for approval subject to a Section 106 agreement to provide drainage works; improvements to Menston station; off-site highway improvements, a TRO and 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:
Change Programme, Housing, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

The application is reported to Committee, following 172 objections being received.
The site is unallocated, although previously part of an allocated housing site in the RUDP.
The application is recommended for approval subject to a Section 106 agreement, to provide off-site highway works; drainage improvements and public transport infrastructure enhancements.

2. BACKGROUND

A full planning application was approved for 173 houses in 2016. This permission was not implemented and has lapsed.

The current application site includes part of the previously approved site. The balance being the site of application 19/02790/MAF, also on the agenda.

3. OTHER CONSIDERATIONS

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

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

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

7. OTHER IMPLICATIONS

7.1 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 section149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

The application site is located c.1.2km from the rail station and 400m from the village centre, with various facilities within the village. It is not considered there are any adverse implications on sustainability.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

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

greenhouse gas emissions associated with the activities of building users minimised. Electric vehicle charging points would be provided to each house within the proposed development.

7.4 COMMUNITY SAFETY IMPLICATIONS

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, 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 Core Strategy Policy DS5.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

None

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

The Committee can approve the application, as per the recommendation, or refuse the application. If the application is refused, planning reasons for refusal would have to be given.

10. RECOMMENDATION

To approve the application subject to the completion of a S106 and conditions included within Appendix 1.

11. APPENDICES

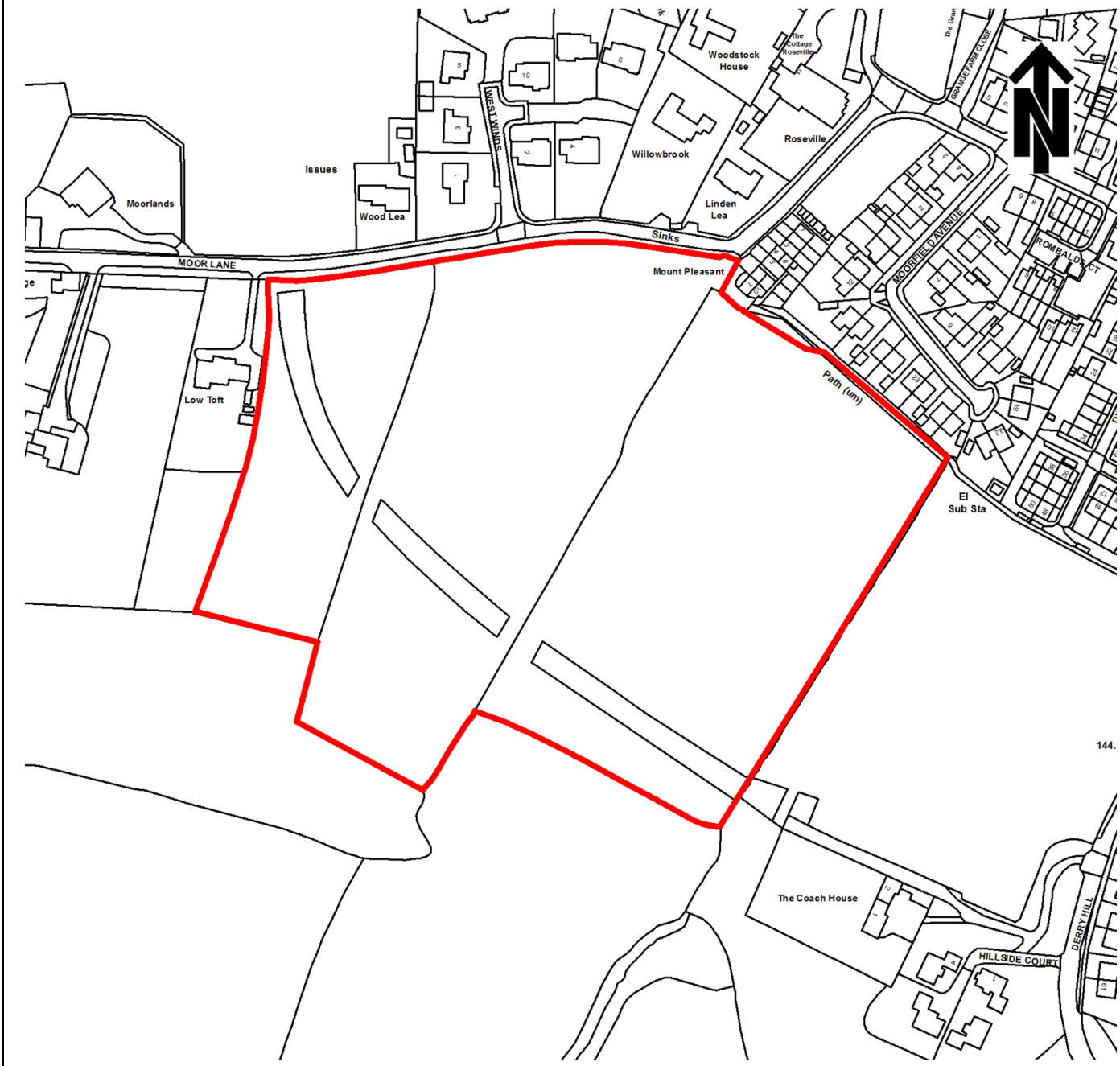
Appendix 1 Technical report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2019
Adopted Core Strategy 2017
Homes and Neighbourhoods SPD 2020
RUDP 2005
Menston Housing sites SPD 2007

19/04546/MAF

City of BRADFORD METROPOLITAN DISTRICT COUNCIL



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Land At Grid Ref 416478 443779
Moor Lane
Menston
Ilkley

APPENDIX 1

Ward
Wharfedale

Recommendation
That the Committee grant planning permission subject to a S106 Agreement and with conditions as listed in this report and that the Assistant Director Planning Transportation & Highways be authorised to exercise delegated powers to issue the grant of permission on completion of the said S106 Agreement.

Application No.
19/04546/MAF

Type of application
Full application for construction of 114 dwellings with new vehicular access from Moor Lane, public open space and associated infrastructure and engineering operations.

Applicant
Yorkshire Housing Limited

Agent
Turley

Site Description
The application site is located south of Moor Lane, to the west of the village. The application site is approximately 400m from the village centre and c.1.2 km from Menston train rail station. The site is 3.49 hectares in area and comprises three fields used as pasture.

There is a mature hedgerow to the eastern boundary, along with other hedgerows,aligned north-south in the site and dry-stone walling to the northern boundary. There is a tree belt to the southern boundary.

A watercourse travels south-north on the eastern boundary and is part-culverted.

The application site slopes gently upwards from north west to south east. A public footpath runs along the northern boundary of the application site, connecting Derry Hill and Mount Pleasant.

Background
The application site was part of a formerly allocated site in the RUDP, a Phase 2 housing site. A full application for 173 houses, including the application site was submitted in 2010 and approved in 2013. The planning permission expired in 2016 and was not implemented.

Relevant Site History
10/04551/MAF A full application for 173 dwellings and public space at Derry Hill, Menston, approved 24th October 2013.

RUDP
The application site was allocated as part of a Phase 2 housing site, S/H2.18. However, following Counsels advice it was confirmed that with Policies H1 and H2 not being saved, the Council effectively had no allocated housing sites. At the Executive, 21st November 2011, it was reaffirmed that it was the Councils intention that the unimplemented housing sites should be protected to meet the Districts housing needs; noted the extensive and robust statutory process through which the sites allocated under policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented housing sites previously allocated under policies H1 and H2 should be accorded significant weight, when considering their use for residential development.

Core Strategy
There are a number of Core Strategy Policies to be considered in the determination of the application.

SC9 Making Great Places
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO1 Scale of Housing Required
HO5 Density of Housing Schemes
HO9 Housing Quality
HO11 Affordable Housing
DS1 Achieving Good Design
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Place

The National Planning Policy Framework (NPPF).
Local planning authorities are required to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development, where possible

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.

Planning policies and decisions should make more intensive use of existing land and buildings, especially where it would help to meet housing need.

Planning policies and decisions should ensure that developments: a) 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; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and

visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Promoting healthy and safe communities.
Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Promoting sustainable transport
In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Achieving well-designed places
The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Planning policies and decisions should ensure that developments: a) 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; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users46; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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, taking into account any local design standards or style guides in plans or supplementary planning documents.

Menston Housing Sites Supplementary Planning Document 2007
The purpose of the SPD is to provide a planning framework that will sensitively control and plan for the land at the two sites. It also identifies the wider impact new residential development will have on the local environment as well as how community and physical infrastructure may be managed and mitigated.

The objectives of the SPD include to –

- maintain a successful, stable and sustainable community;
- advise on the most appropriate form of development in terms of layout, access and integration with Menston;
- provide a design code, a set of principles specific to Menston;
- ensure that the cumulative impact of the developments is understood and mitigated;
- secure appropriate contributions from developers.

Homes and Neighbourhoods - A Guide to Designing in Bradford 2020 SPD
As a supplementary planning document, it supports the local plan policies and advances the Government’s agenda by putting high-quality design, healthy & happy communities, and inclusive design principles, at the forefront of market-appropriate and financially viable new housing in Bradford district.

The SPD outlines a number of principles when creating a neighbourhood:
Density and scale
Movement
Green streets

Safe and characterful streets
Open space
Water and drainage
Landscape
Biodiversity
Play
Housing mix
Topography and ground conditions
Roofs and building forms
Key buildings and corners
Parking
Waste
Making inclusive places

Publicity and Representations
The application was advertised through site notices and in the local press. There have been 190 letters of objection to the application. Two Ward Councillors and the MP have objected to the application.

Summary of Representations Received
Impact on neighbouring properties from flooding
The site cannot be adequately drained
The development would result in the loss of a greenfield site.
Overdevelopment of the site with too many houses.
Inadequate public transport, buses and trains already serving Menston
Increased traffic would result in congestion/safety issues
Impact of development would be detrimental to wildlife
Adverse Impact on residential amenity, loss of privacy/overshadowing
Development would harm conservation area
Menston currently lacks school places/GP places, this would be exacerbated
Resultant loss of trees adversely affects amenity
Development would be inappropriate within Green Belt

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

The submitted Flood Risk Assessment prepared by Alan Wood & Partners, dated October 2019 requires amendments, but can be controlled via the recommended conditions. In summary, the report states that:
a) foul water will discharge to the 225 mm diameter public combined sewer located in Moor Lane at a maximum pumped rate of 5.3 (five point three) litres per second;
b) sub-soil conditions do not support the use of soakaways;
c) a watercourse connection is not feasible due to objections from the riparian owners of said watercourse; and
d) as a result of the above, a pumped surface water discharge is proposed to the highway gully within Moor Lane to the north of the site.

Due to the unknown route of the highway drains located in Moor Lane, the proposed surface water from the site may indirectly connect to the public combined sewer network which is not permitted.

We require a drainage survey to prove the location of the highway drainage outfall. If it is proved that the highway drain outfalls downstream of the above mentioned watercourse

and not the public sewer network, we will have no objection to the proposals. Once the survey has been undertaken, drawing MENS-AWP-ZZ-XX-DR-C-2303 revision P3 dated 16/10/19 should be amended accordingly, resubmitted to the LPA and YW re-consulted. We strongly recommend that the work is undertaken prior to determination of the application. Confirmation awaited from YW on survey.

Parish Council
The Parish Council has submitted detailed comments on the application and concludes that the only solution to reduce the level of flooding in the area to allow the new development to occur would be to adopt the procedure advocated in the YouTube video and reduce the amount of groundwater that can be stored in moors. For more than 100 years during the 20th Century when most development in Menston occurred there were two groundwater pumping stations, one above Moor Lane and the other close to High Royds, which extracted significant amounts of water on a daily basis. These were closed 15 years ago and the village has since suffered from significant flooding, on and from the Derry Hill sites in particular, as recorded during the 2008, 2012 and 2015 prolonged rainfall events.

West Yorkshire Combined Authority
The 'Access for All' proposal for Menston Rail Station was announced as being successful in April 2019 by the DfT. The station will have accessibility improvements including lifts to platforms completed before the end of the funding period which ends 31 March 2024. The funding secured requires a local contribution of £150k. Given the location of this development and its proximity to the Rail Station, recommend that the developer contributes a part of the local contribution.

Bus stop St Peters Way (19712) should be provided with a real time display.

Environmental Health (Pollution)
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 at the rates set out in the LES planning guidance
- 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 low emission travel plan to 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 Assessment

An air quality impact and exposure assessment has been submitted with the application. This concludes that new residents at the site are unlikely to be exposed to high levels of

air pollutants. The conclusions of this report are accepted in full. No further exposure work is needed.

We have no air quality objections to the site being used for residential development subject to the following emission mitigation being incorporated:

Mitigation requirements

EV charging provision

The air quality assessment and interim travel plan both state that it is the applicant's intention to provide EV charging on all 114 housing units in line with the Bradford and WYLES LES planning guidance.

The latest minimum recommended standard for EV charging provision in Bradford is that all homes should be provided with a standard purpose built electric vehicle charging point (of a minimum output of 16A/3.6kW) and capable of providing mode 3 charging.

All charging points must be within 3m of the dedicated parking space and clearly marked with their purpose. Information about the charging point should be included in the new home welcome pack.

It should be noted that the government is currently consulting on new national standards for EV charging points. The current proposed recommendation is that all new homes with dedicated parking spaces will be required to have a 7kW mode 3 charging point.

If the council is minded to approve this application the provision of EV charging on all new homes should be conditioned to meet the most appropriate standard at the time the application is determined. If the council is minded to approve the application, it is recommended that the conditions be applied.

Environmental Health (Contamination)

EH agrees with the recommendations presented in the Phase 1 Geo-Environmental Assessment by Lithos Consulting Ltd and recommends that conditions are included.

Highways

The applicant has addressed the concerns raised previously related to the internal site layout, lack of a through route between the two development sites; and off site highway measures including substandard pedestrian facilities around the bend on Moor Lane, and the need for traffic management measures along the Moor Lane/Main Street corridor.

The applicant will be providing funding for double yellow lines TRO around the bend on Moor Lane close to the site access. The displaced residents parking will be provided within the site. The carriageway around the bend will also be treated with a raised plateau and the footway across the frontage of the cottages will be widened and extended.

A through route between the two development sites will be provided in the south east corner of this site. Although the through link road is not situated in an ideal location in highway terms, assessments carried out show that a more direct and preferable route to the north is not possible due to drainage issues.

The following is a summary of the highway mitigation measures that the applicant will provide and the funding implications.

1. TRO to prevent parking at any time around the bend on Moor Lane close to the site access (S106 - £7,500).

2. A raised plateau around the bend on Moor Lane and associated widening and extension of existing footway across the frontage of the cottages (These works will be delivered through a S278 agreement).

4. Reduction of speed limit to 20mph from a point to the west of the site access upto the existing 20mph zone on Main Street (S106 total estimated cost is £6,000 to be shared between the two developers on a pro rata basis depending on the number of dwellings proposed...the contribution from this site amounts to £4,238 based on 113 dwellings).

5. Provision of zebra crossing facility and associated footway widening on Main Street close to St Peter's Way (S106 total estimated cost is £30,000 to be shared on pro rata basis between the two developers…contribution from this site amounts to £21,188 based on 113 dwellings).

Public Rights of Way

Public Footpath No. 69 (Ilkley) runs along the boundary of the site, approximate location shown on plan above and acknowledged on the submitted plans.

The footpath is to be retained with a proposed area of green space and a pumping station adjacent to it. It is proposed to provide a new link footpath across the open space linking the new estate road with the existing public footpath, and this is acknowledged to form a pedestrian route towards the nearest bus stop locations to the site. Active frontages are proposed to overlook the area of green space and the proposed link path, this is to be welcomed.

The new link path should be constructed to adoptable standards. The surface of Public Footpath No. 69 (Ilkley) should be upgraded by the developer to adoptable standards at least for the section between Derry Hill and the proposed link path.

A new pedestrian route is to be provided parallel to Moor Lane, between Moor Lane and the proposed parking area and the new estate road. This route should also be constructed to adoptable standards. This route also has active frontages facing it to ensure good natural surveillance.

LLFA

Bradford Lead Local Flood Authority (LLFA) comments in relation to:

- Technical Memorandum, Ref. 19122475.605.A3, dated 01 May 2020, by Golder, which can be viewed on Public Access.

The LLFA is satisfied that the TM adequately demonstrates that the proposed bund would not increase flood risk to adjacent land-owners.

The LLFA does not have any objections to the proposed development provided that the conditions and S.106 contributions, which are outlined in our previous consultation response, dated 16th March 2020, are applied to any grant of planning permission.

Biodiversity

We are happy that the submissions have included assessments of all potential impacts. The open space provided within the development would be adequate to offset the additional recreational impact of the 114 new dwellings.

The Ecological Management Plan which includes details on how to create and maintain wildlife features and habitats should be secured for the lifetime of the development by condition.

Policy
No comments received.

Summary of Main Issues
Principle of Development
Development within Green Belt
Flood Risk and Surface Water Drainage Issues
Design & Layout
Residential Amenity
Highways Issues, including access to the adjacent site
Affordable Housing, and CIL and S106 Matters
Other Matters: Comments on Representations received

Appraisal
Principle of development
The application site was part of a formerly allocated Phase 2 housing site in the RUDP, S/H2.17. However, following Counsel's advice it was confirmed that as Policies H1 and H2 not being saved in 2008, the Council effectively had no allocated housing sites. At the Executive, 21st November 2011, Executive reaffirmed that it was the Council's intention that the unimplemented former Phase 2 housing sites should be protected to meet the District's housing needs; noted the extensive and robust statutory process through which the sites allocated under Policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented housing sites previously allocated under Policies H1 and H2 should be accorded significant weight when considering their use for residential development.

In 2019, the Council made a 5 Year Housing Land Statement. This Statement described the position relating to the scale and nature of the supply of deliverable housing land within Bradford District and the data and assumptions which underpinned it. The Council confirmed that the 5 YHLS stood at 2.06 years, significantly below the Government stated required position. Therefore, to promote the delivery of new housing to meet the demands of a growing population within the District, sites such as this, which are not located on land designated as green belt and that have previously been determined as suitable for development would be important in increasing the housing supply.

It is also noted that within the Core Strategy, that the strategic delivery of housing is included in Sub Area Policy WD1, where 600 houses are identified at Menston. This development would contribute towards that policy target.

The Council is currently preparing the Allocations DPD, as part of the Local Plan adoption process, which involves allocating new housing sites.

Until that time, the fact that the site was previously allocated as part of a housing site and in the absence of up to date development plan policies, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise. The social benefit of providing 114 affordable houses is considered to outweigh any harm and the principle of development is believed to be acceptable.

Development Within Green Belt
As part of the assessment of flood risk associated with the proposed development, the applicant has considered all possible forms of flooding, including surface water run-off, from outside the development site. Consequently, as part of the drainage scheme, it is proposed to construct a bund to the south western part of the site and a swale that travels

the length of the southern boundary. Both these mitigation measures would be located beyond where housing would be constructed but in part of the application site. The swale would measure at its widest point c.3m across; the bund similarly c.3m across and 0.5 m high.

Whilst the housing within the application would be developed within the site formerly allocated for housing, the swale and bund would be outside of that former allocation and be within Green Belt as identified in the RUDP where Policy GB1. The swale and bund have therefore to be considered against Green Belt policy.

The relevant parts of the NPPF are –

Para.133 outlines that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence;
Para.134 Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
Para. 146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are: a) mineral extraction; b) engineering operations; c) local transport infrastructure which can demonstrate a requirement for a Green Belt location; d) the re-use of buildings provided that the buildings are of permanent and substantial construction; e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

As engineering operations, both the swale and bund would be assessed under para 146 b) of the NPPF. The swale would form a vegetated channel running south of the proposed housing development. It's relatively limited depth and width would not readily be seen from views to the application site, from the surrounding area. Similarly, the vegetated bund at 0.5 in height would have limited affect on the landscape. Both the swale and bund would be located between the housing site and existing trees located further south of the application site. As such, there presence would be barely noticeable. The property, Low Toft, located west of the bund, being one of the few properties that would see the swale and bund.

In terms of the openness of the Green Belt, there are existing tree belts, with mature trees, when viewing the site from the south. The trees effectively reduce the openness of the Green Belt at this location and in fact prevent views to the swale or bund, other than from Low Toft. The openness of the Green Belt would be preserved, by the nature of the landforms created and the fact that the Green Belt is not currently open at the location of the swale or bund. Additionally, the development would not conflict with any of the purposes of including land within it, para.134.

It is concluded that with both the proposed swale and bund located in the Green Belt, by reason of their appearance and location would preserve the openness of the Green Belt and are acceptable in being part of a scheme to ensure the delivery of the housing development, subject of the same planning application.

Flood Risk and Drainage Issues
It is acknowledged that flooding and drainage issues have been the subject of objections from the Parish Council and residents of Menston. The application site along with others in Menston have been subjected to detailed scrutiny over a number of years.

The Environment Agency has commented that from the Development Management Procedure Order and consultation checklist, the development does not meet any of the criteria for consultation with the Environment Agency. In these circumstances, it would not respond to a consultation request.

The LLFA is satisfied that the Flood Risk Assessment & Drainage Impact Assessment demonstrate that the proposed development would not increase flood risk elsewhere and should help to reduce flooding in the wider locality.

The application has been subject to a number of submissions and revisions and the LLFA has confirmed that there is no objection to the proposed development, subject to conditions. The requested conditions are set out at the end of this report.

Design & layout
The design analysis and approach has been based on the general tenets of the NPPF, National Design Guide and Core Strategy.

More recently, the Council adopted the Homes & Neighbourhoods Supplementary Planning Document in February 2020. This sets out 8 priorities for homes and neighbourhoods, including choice, green streets & spaces, making the most of the topography and using resources efficiently.

Additionally, a number of principles are detailed in order to create a neighbourhood.
In relation to this application these include density and scale; movement; green streets; safe streets; open space; landscape; biodiversity; topography; building forms; parking and; waste.

It has been established that the proposal would meet density policy requirements, being over 32 houses per hectare. Along with the scale of the proposed development, the development would be appropriate to the context of the area.

In terms of movement, there would be a hierarchy of routes and with the introduction of a route between the application site and the adjoin development site, it is believed that movement through the site would be suitable.

The proposed scheme includes an area of public space, to the northern boundary, which connects with the public footpath. The space would provide accessible play space for residents of the proposed housing development.

As part of the proposed development, the existing dry stone walling and hedgerows would be integrated within the scheme.

Given the application slopes gently, the layout has been designed to account for and topography and appropriately responds to the sloping nature of the site.

Parking provision would be safe, in terms of being overlooked by properties and functional, providing visitor parking but also additional parking for residents on Moor Lane, who do not currently have a formal parking area, with parking spaces.

Overall, this would provide a scheme of appropriate density & scale; a hierarchy of movement corridors; integrating existing landscape features and providing new greenspace and landscaping; creating biodiversity opportunities; addresses the topography of the site; and a scale that integrates existing landscape features within the layout and the design results in an acceptable building form, reflective of the context. In addition the levels of parking are suitable for the size and type of development.

Whilst the Menston Supplementary Planning Document dates from 2007, the broad principles covering:

- Layout and form;.
- Movement;.
- Scale and density;.
- Landscape;.

are addressed in the design approach taken by the applicant.

The design principles seek to create a layout that uses the topography of the site to produce a varied form of development.

In terms of movement, the application seeks to provide links through the site to connect the development with the adjacent site and surrounding area.

In view of the context within which the application site is located - Victorian terraced properties to the north, post-war housing to the east and farmsteads around Menston, the character is varied, without one particular characteristic defining Menston. As such, the design approach is considered appropriate.

Residential Amenity

The nearest housing to the application site is at Moor Lane and Moorfield Avenue, north of the application site. The end terrace properties on Moor Lane is oriented east-west, with the gable ends facing the application site. Between the properties at Moorfield Avenue and the application site, the public space is located, with no direct relationship between the existing and proposed houses.

The distance between existing properties and proposed properties is not considered to adversely impact on privacy or overshadowing. The proposed layout is considered to provide an appropriate distance between existing and proposed properties, without adversely affecting the residential amenity of either existing or prospective residents.

In the event of construction work and associated activities, this may result in a period of disturbance to local residents. However, measures can be put in place to ensure that any impact on local residents was minimised. This could for example include control over hours of working and signage to control development traffic movements. Consequently, it is envisaged that a construction management plan for the development would be controlled by condition.

Highways Issues, including access to the adjacent site

The application is accompanied by a Transport Assessment and Framework Travel Plan. Highway capacity analysis of local junctions has been undertaken taking into account traffic generated by committed developments. The results of the analysis indicate that all of the junctions analysed are predicted to operate with significant reserve capacity with the additional development traffic in peak hour periods. The development would not have a material impact upon the operation of nearby junctions or lead to an increase in congestion or delay on the surrounding highway network.

The application would provide a number of measures to address issues on Moor Lane/ Derry Hill; parking within & outside the application site and provides a through route between the application site and the adjoining application site. Together, it is considered that these measures would ensure that there would be no detrimental impact on the local highway network.

Affordable Housing, and CIL and S106 Matters

The applicant, Yorkshire Housing is one of the main registered providers in the region, delivering affordable housing schemes. The development would provide 100% affordable housing at the site. As such, the affordable housing requirement would be exceeded**.**

In regard of other obligations, the applicant has agreed to make contributions to drainage works including - £50k towards the connection of surface water drainage and long- term maintenance and management of the existing highway drain in Moor Lane; £10k towards off-site improvement works to the existing highway ditch along Moor Lane.

Further contributions would be made to meet obligations on public transport infrastructure. These being £10k towards the installation of a real time information display at bus stop on St Peters Way and £106,500 towards Access for All Improvement at Menston train Station, providing lifts to connect the platforms.

Additionally, the applicant would make contributions towards –

- signage for increasing the 20 mph zone. The estimated cost is £6,000 to be shared between the applicant and developer of the adjacent site, on a pro rata basis, the contribution from this site amounts to £4,238 based on 114 dwellings

- the provision of zebra crossing facility and associated footway widening on Main Street, estimated cost is £30,000 to be shared on pro rata basis between the applicant and developer of the adjacent site, the contribution from this site amounts to £21,188 based on 114 dwellings).

- A Traffic Regulation Order to control parking on Moor Lane.

Other Matters: Comments on Representations received

The development would result in the loss of a greenfield site.

The application site was formerly allocated for housing in the RUDP. Given that the application site was previously designated for housing, whilst the site is now unallocated, development on a greenfield site has been considered. The Council has not provided a 5 year housing land supply and it is acknowledged that formerly allocated sites would make a substantive contribution to increasing the housing land supply, reducing pressure on unallocated greenfield sites and the Green Belt. Therefore, the proposed loss of the greenfield site would be appropriate.

Overdevelopment of the site with too many houses.

Policy HO5 of the Core Strategy indicates a housing density of 30 dwellings per hectare being required. The application site measures 3.48 ha. The proposal is for 114 houses which calculates at 32 houses per acre, meeting the requirements of policy HO5.

Increased traffic would result in congestion/safety issues

A Transport Assessment has been submitted and considered by Highways Development Control. Traffic generated by the proposed development has been assessed and it is not believed that there would be any adverse impact on the highway network, as a result of increased traffic. It is considered that the additional traffic can be accommodated within the local network.

Impact of development would be detrimental to wildlife
An ecological assessment has been submitted and reviewed by the Councils Biodiversity Officer. The open space provided within the proposed development is adequate to offset the additional recreational impact on the protected habitat. In addition, the Ecological Management Plan includes details on how to create and maintain wildlife features and habitats relevant to the application site

The proposed development has accounted for biodiversity and it is not considered that there would be any adverse impact on biodiversity.

Menston currently lacks school places/GP places, this would be exacerbated
As with any planning application for residential development, there would be pressures on local services and infrastructure. In the event that planning permission was granted, the development would be subject to the Community Infrastructure Levy, where monies could be available to address the potential increased demand on school places.

In terms of NHS services eg. GP', this is a matter for the NHS, not the Council and it is for the NHS to plan for any increased demands on its services.

Inadequate public transport, buses and trains already serving Menston
Whilst the public network is provided by and managed by private operators and the West Yorkshire Combined Authority, the Council is where possible able to seek public transport infrastructure enhancements and improvements. In this case, as part of the Access for All programme introduced by the Government, to address issues faced by disabled passengers, a pedestrian foot bridge would be provided at Menston train station. This would in part be funded through contributions from the applicant and the developer of the adjacent site. This being delivered through a Section 106 agreement.

Resultant loss of trees adversely affects amenity
The hedgerows within the application site would be retained with the exception of part of the hedgerow to the eastern boundary, which would be removed to enable a link road between the application site and adjoining site. (The adjoining site being subject of an application for housing which is also on the agenda). There would be no other trees impacted on by the application. Indeed, the tree belt to the southern boundary outside of the application site, would be managed and supplementary trees planted, in association with the application. Consequently, it is not considered that there would be any adverse impact on trees.

Development would harm the conservation area
In terms of the requirements under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the application site is located some distance from Menston Conservation Area and there is intervening development of traditional and modern housing between the site and conservation area. Therefore, this is not considered any harm would occur and it is not a material consideration when dealing with this application.

Options
The Committee can approve the application as recommended or refuse the application. If the application is refused, reasons for refusal would have to be given.

Community Safety Implications
None

Human Rights Act
Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

Not for publication documents
None

Reason for Granting Planning Permission:
The development of formerly allocated housing land with housing is considered appropriate assisting in providing sustainable development within Menston. The proposed development would provide affordable housing; and ensure that the character of the surrounding area is not adversely affected. The effect of the proposal on the heritage asset near the application site, the biodiversity of the site, the surrounding locality and the adjacent neighbouring residential properties has been assessed and is considered acceptable. As such, the proposal would meet policies SC9, TR1, TR2, TR3, HO1, HO3, HO5, HO9, HO11, DS1, DS2, DS3, DS4 and DS5 of the Core Strategy.

Heads of Terms of Section 106 Agreement
- £50k towards the connection of surface water drainage and long- term maintenance and management of the existing highway drain in Moor Lane

- £10k towards off-site improvement works to the existing highway ditch along Moor Lane.

- £10k towards the installation of a real time information display at bus stop 19712 on St Peters Way;

-£106,500 towards Access for All Improvement at Menston train Station, providing lifts to connect the platforms.

- £4328 towards signage for increasing the 20 mph zone between the site and Main Street.

-£21,188 towards the provision of zebra crossing facility and associated footway widening on Main Street.,

-£7500 for a Traffic Regulation Order to control parking on Moor Lane.

Community Infrastructure Levy
As a wholly affordable housing development, this type of development is exempt from CIL.

Conditions of Approval:

1. The development hereby approved shall only be carried out in accordance with following plans P18:5194 Q P18:5194:05 P18:5194:10-35 inc. P18:5194:37-39 inc. 5865.02E 5865.03E 5865.04 E 5865.05E
Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

2. The development shall not begin until basal heave/uplift calculations have been provided by a geotechnical specialist (Chartered Engineer or Geologist) and details of any mitigation measures to prevent basal heave/uplift have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

3. Notwithstanding the drainage details contained in the supporting information, no groundworks to the development shall commence until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.
Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

4. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles outlined in the FLOOD RISK ASSESSMENT & DRAINAGE IMPACT ASSESSMENT, Doc Ref: CMH/SG/JKW/42553RPT001, dated 16/10/2019. The maximum surface water discharge rate, off-site, shall not exceed 4.5 litres per second. The scheme so approved shall thereafter be implemented in accordance with the approved details.
Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

5. Before any development commences on site details of temporary warning and direction signing arrangements for the construction site entrance and contractor's means of access showing size, type, colour and location of such signs shall be submitted to and approved in writing by the Local Planning Authority. The approved signs shall be installed and maintained for the duration of works and on completion of the development the temporary signs shall be removed.
Reason: To ensure vehicles entering or leaving the site can do so safely, and that main road traffic and pedestrians are aware of such movements and to accord with Policies DS4 and DS5 of the Local Plan for Bradford.

6. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan 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 DS4 and DS5 of the Local Plan for Bradford.

7. Before the development is brought into use, the associated off street car parking facility shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to accord with Policy TR2 of the Local Plan for Bradford.

8. 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.

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

9. 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.

10. 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 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.

11. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

12. The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details shown on the submitted Arboricultural Impact Assessment and associated drawings No ground works, development or demolition shall begin until the Local Planning Authority has inspected and given its written confirmation that the agreed tree protection measures have been installed in accordance with those details.

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

13. 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.
Reason: To protect the amenity of the occupants of nearby dwellings.

14. 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 the said zones 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.

15. Prior to the commencement of development, a detailed tree planting scheme for the site shall be submitted to, and approved in writing by the Local Planning Authority. This scheme shall include details of the location of new tree planting; the species of trees and stock sizes, as well as details for protection of the trees. All new trees must be to British Standard BS 3936 Nursery Stock, rootballed or containerised, and staked and tied in accordance with good arboricultural practice. In the first available planting season (1st December to 15th March) following the substantial completion of the development, the trees shall be planted in accordance with the approved tree planting scheme and the Local Planning Authority shall be notified in writing of the date of planting and have confirmed that the trees are planted in accordance with the approved details
If within a period of 5 years from the date of planting a new tree is removed, uprooted, is destroyed or dies, another tree of the same size and species shall be planted at the same place as soon as reasonably practicable or in accordance with any variation for which the Local Planning Authority gives its written approval.
Reason: To preserve and enhance the contribution of trees in the area by securing replacement planting in accordance with Policies SC9 and EN5 of the Core Strategy Development Plan Document.

16. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.
Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

17. Before the date of first occupation every household on the development shall be provided with access to a purpose built EV charging point. The charging points shall be provided in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) provided at every residential unit that has a dedicated parking space and/or garage. One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces (not including visitor spaces). Buildings and parking spaces that are to be provided with charging points shall

not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter. Information about the provision of the EV charging point and how to use it should be included in the new home welcome pack.
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, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

18. A site specific dust management plan (DMP) should be submitted prior to commencement of works which demonstrates how all the construction dust mitigation measures recommended in the air quality impact assessment (REC reference AQ107615R2) will be applied during site works. The DMP will be subject to approval by City of Bradford MDC and should be maintained on site for inspection throughout the duration of the project. All works on site shall be undertaken in accordance with the approved DMP.

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)

19. No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the infrastructure for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.
Reason: In the interest of public health and maintaining the public water supply.

20. 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.

21. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage network either directly or indirectly, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. Furthermore, no land drainage shall enter an existing or prospectively adoptable public sewer.
Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

22. A methodology for the quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils methodology shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. The approved methodology shall be complied with in the course of the development of the site.
A verification report prepared in accordance with the approved quality control methodology shall be submitted to, and approved in writing by the Local Planning Authority on completion of the development.
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.

23. No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the infrastructure for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. Reason: In the interest of public health and maintaining the public water supply

24. The approved development shall be carried out in accordance with the aims of the Biodiversity Management Plan dated 17.10.2029.
Reason: To create appropriate habitats in accordance with policy EN2.

Final version

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25th June 2020

C

Subject: Planning application reference 19/05214/MAF - A full planning application for the construction of 72 residential dwellings and associated site access at the former site of the Station Sawmill, Station Road, Denholme.

Summary statement:

This application seeks planning permission for the construction of 72 affordable dwellings and associated highway improvement works at the site of the former Station Sawmill, Station Road, Denholme.

The site is not allocated for any specific land-use purposes in the Replacement Unitary Development Plan. However, the application has been assessed against both local and national planning policies and is considered suitable being a previously development site.

There is a protected route across the site for the Great Northern Trail and this has been factored into the development. The proposed development includes off-site highways works to mitigate additional traffic using Station Road (as previously agreed with an earlier scheme).

The application has been assessed against all local and national planning policies and has been determined to meet relevant planning policy. The application is submitted by a "Registered Provider" on the basis of 100% affordable housing. As such, the development would be exempt from a CIL payment. Subject to conditions as set out in the Report the application is recommended for approval.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This application seeks planning permission for the construction of 72 affordable dwellings and associated highway improvement works at the site of the former Station Sawmill, Station Road, Denholme.

The site is not allocated for any specific land-use purposes in the Replacement Unitary Development Plan. However, the application has been assessed against both local and national planning policies and is considered suitable being a previously development site.

There is a protected route across the site for the Great Northern Trail and this has been factored into the development. The proposed development includes off-site highways works to mitigate additional traffic using Station Road (as previously agreed with an earlier scheme).

The application has been assessed against all local and national planning policies and has been determined to meet relevant planning policy. The application is submitted by a “Registered Provider” on the basis of 100% affordable housing. As such the development would be exempt from a CIL payment. Subject to conditions as set out in the Report the application is recommended for approval.

2. BACKGROUND

Attached at Appendix 1 is 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 as set out in Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

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

7. OTHER IMPLICATIONS

7.1 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 section149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

No significant issues raised. The site is located within a relatively sustainable location in that it is located within walking distance of facilities including a convenience store, recreation, employment and education.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

A condition is recommended requiring the inclusion of electric vehicle charging points, in accordance with the Council’s Low Emissions Strategy.

7.4 COMMUNITY SAFETY IMPLICATIONS

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. Conditions are recommended in relation to matters such as boundary treatment to further enhance the security of the site.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None.

7.7 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.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application.

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

10. RECOMMENDATIONS

The application is recommended for approval, subject to the conditions and a Section 106 legal agreement as set out in Appendix 1.

11. APPENDICES

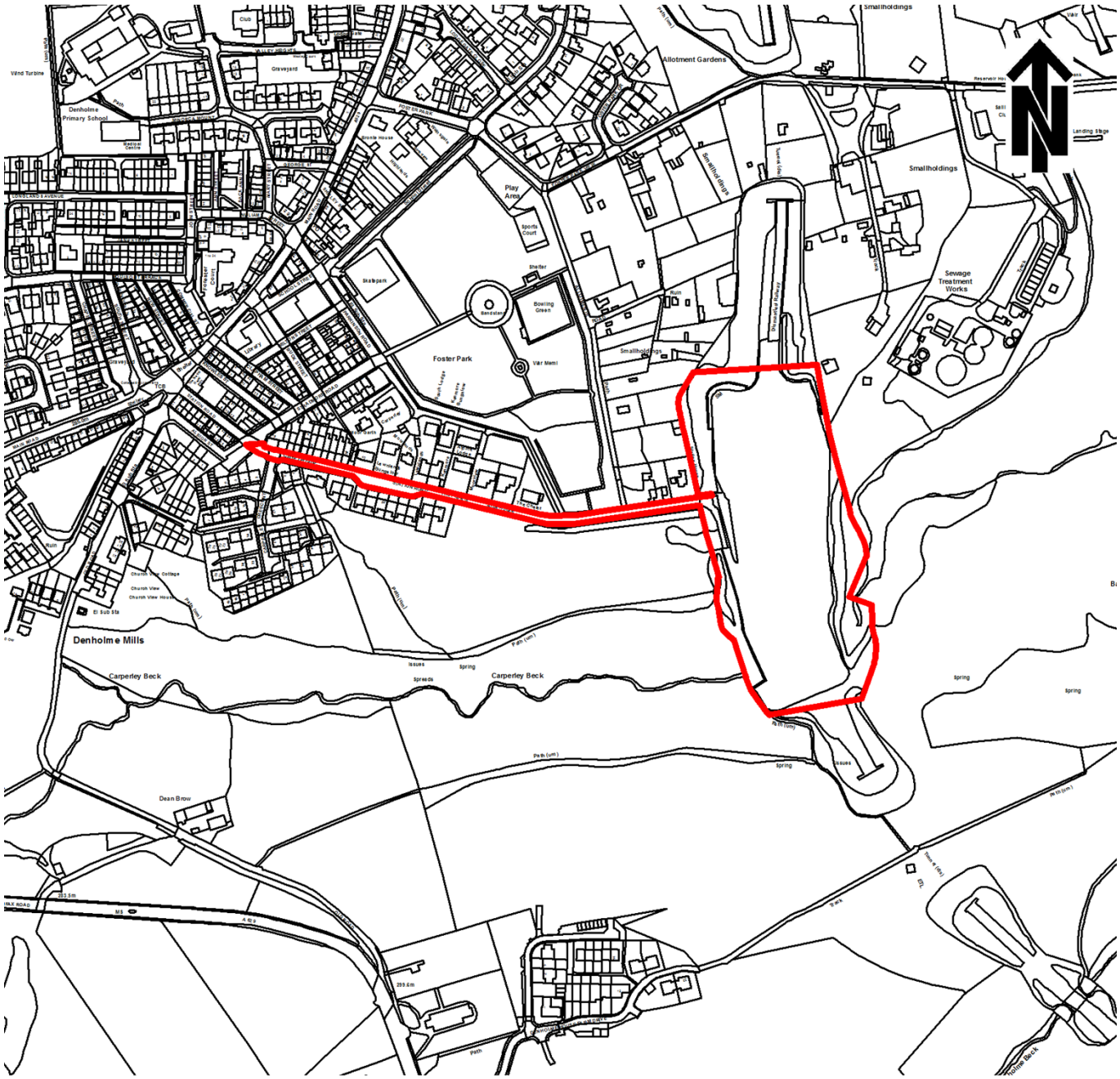
Appendix 1 Technical Report

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy Development Plan Document
Replacement Unitary Development Plan

19/05214/MAF

City of BRADFORD METROPOLITAN DISTRICT COUNCIL



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Former Site Of Station Sawmill
Station Road
Denholme
Bradford BD13 4BS

Appendix 1

25th June 2020

Ward: **Bingley Rural**

Recommendation:
That the Committee be minded to grant planning permission subject to a S106 Agreement and with conditions as listed in this report and that the Assistant Director Planning Transportation & Highways be authorised to exercise delegated powers to issue the grant of permission on completion of the said S106 Agreement.

Heads of Terms of the Legal Agreement:

1. Off-site highway improvement works on Station Road
2. GNRT cycle route provision
3. Affordable housing provision (applicant is a Registered Social Landlord proposing 100% Affordable Housing)

Application Number:
19/05214/MAF

Type of Application/Proposal and Address:
A full planning application for the construction of 72 residential dwellings and associated site access at the former site of the Station Sawmill, Station Road, Denholme.

Applicant:
Together Housing & GT Yorkshire

Agent:
AWSM Architects

Site Description:
The site comprises a level plateau of approximately 2.2 hectares, which has been cut into the rolling hillside with embankments leading steeply down towards Doe Park reservoir to the East and embankments steeply rising up along the north western boundary towards Denholme.

The site is currently vacant but until recently accommodated a series of buildings associated with its previous use as a timber sawmill and timber storage yard. Those buildings occupied approximately the northern third and southern third of the site, with timber storage racks occupying the central third of the site.

Prior to its use as a timber yard, the site was formerly the Denholme railway station, which extended to approximately 4.6 hectares, although the northern and southern extremes beyond the development plateau are narrow and flanked by steeply sloping embankments where the former railway line cutting leads to the former railway tunnels at either end of the site.

Doe Park reservoir to the east and Carperley Beck to the west/south of the site form part of the Bradford Wildlife Area. Land to the west – between Station Road and Carperley Beck – was previously identified as safeguarded land in the Unitary Development Plan and

remains a greenfield site.

Access to the site is via Station Road, which leads from Main Road, Denholme and also serves as access to other residential properties on Station Road, but is within the ownership of the applicants from its junction with Stradmore Road.

Relevant Site History:
11/01326/MAO – Outline planning application for the construction of up to 73 dwellings and 511 sqm of B1(b/c) employment floor space following demolition of the existing buildings at C R Taylor (Timber) Limited. Outline consent granted subject to a Section 106 agreement on 16th February 2012. Not implemented – lapsed.

15/00451/MAO – Outline planning application with all matters reserved except for partial means of access to, but not within, the site, for the construction of up to 80 dwellings. Outline consent granted subject to a Section 106 agreement on 28th April 2016. Not implemented – lapsed.

The National Planning Policy Framework (NPPF):
The National Planning Policy Framework is 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.

Planning (Listed Buildings and Conservation Areas) Act 1990
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 any concern related to this provision is addressed in section 8 of this report.

Local Plan for Bradford:
The Core Strategy Development Plan Document 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 any specific land-use purposes in the Replacement Unitary Development Plan, however, there is a protected route across the site for the Great Northern Trail, and land to the east, south, and south west of the site is defined as Green

Belt on the RUDP. Accordingly, the following Replacement Unitary Development Plan and adopted Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:
TM10 The National and Local Cycle Network
TM20 Cycleway Improvements

Core Strategy Policies
P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC9 Making Great Places
HO3 Distribution of Housing Development
HO5 Density of Housing Schemes
HO6 Maximising use of Previously Developed Land
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
EN2 Biodiversity and Geodiversity
EN3 Historic Environment
EN4 Landscape
EN5 Trees and Woodlands
EN7 Flood Risk
EN8 Environmental Protection
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
TR4 Transport and Tourism
TR5 improving Connectivity and Accessibility

Homes and Neighbourhoods - A Guide to Designing in Bradford 2020 SPD
As a supplementary planning document, it supports the local plan policies and advances the Government's agenda by putting high-quality design, healthy & happy communities, and inclusive design principles, at the forefront of market-appropriate and financially viable new housing in Bradford district.

The SPD outlines a number of principles when creating a neighbourhood:
Density and scale
Movement
Green streets
Safe and characterful streets
Open space
Water and drainage
Landscape
Biodiversity

Play
Housing mix
Topography and ground conditions
Roofs and building forms
Key buildings and corners
Parking
Waste
Making inclusive places

Parish Council:
Denholme Parish Town Council – There is currently a high volume of traffic leading onto Station Road from the A629 and the development will make a large impact on this. There is not enough infrastructure in the village currently for a development of this size, especially educational and medical facilities. The development will be 100% affordable rental housing and the Parish Town Council would like to ensure that there is letting criteria. The Parish Town Council would like these concerns taking into consideration.

Publicity and Number of Representations:
The application was publicised by press notice, site notice, and neighbour notification letters. The expiry date for the publicity exercise was 14th February 2020.

The local planning authority has received 42 representations, comprising 40 objections, including an objection from the local MP. These representations are summarised below.

Summary of Representations Received:

Principle of development
- Denholme cannot sustain a further 70+ homes
- The development proposes too many houses
- No consideration of cumulative effect of smaller housing developments
- The Core Strategy identifies that 350 new homes are required in Denholme but these should not be delivered all at the same time to enable local amenities and services to respond
- Is there a demand for this type of housing in isolated villages
- Proposal does not consider any of the aims of the Homes and Neighbourhoods design guide
- There are plenty more sites to build on that would have less local impact

Highways
- Traffic is already a problem in Denholme and along Station Road
- Station Road cannot sustain the predicted vehicle movements for the development
- Existing residents park along Station Road, reducing the useable width
- Residents will be reliant on cars
- Poor public transport provision in the area with an hourly, overcrowded bus service
- Site is not well-connected to the community, shops, or places of work
- Traffic calming measures are unclear other than the locations on Station Road
- Some traffic calming measures will block access for residents' parking along Station Road
- Traffic calming should extend to the top of Station Road to the junction with Main Road, as this is the most congested part and has a dangerous junction

- Near misses on Station Road near Main Road with children running across the road and people using the public house and takeaways
- Residents further down Station Road park their cars at the top of Station Road during snow and ice, which affects other residents' parking; new residents could do the same
- Should introduce permit parking along Station Road to stop indiscriminate parking and confrontation
- Development will increase risk of road traffic accidents
- Existing residents will suffer most if safety precautions are not taken now
- Stradmore Road and Parkinson Road will become shortcuts at peak times and to avoid traffic lights/one-way system
- Construction traffic will cause traffic and wagons will struggle to use the access without damaging residents' property
- Does the development need so many parking spaces
- Will the EV charging points be of any benefit to residents
- Public transport provision should be improved to allow more sustainable modes of transport
- The speed survey included within the transport assessment should be carried out over a longer period than 1 day
- There should be additional crossing points along the main road

Visual Impact
- Effect on landscape
- Design is not distinctive and lacks any creative or sustainable design
- Proposed buildings are poor and have unimaginative design
- The design is a missed opportunity
- Minimal landscaping

Residential Amenity
- Overlooking of neighbouring properties
- Loss of privacy
- Disturbance
- Noise disturbance from cars driving over the traffic calming measures

Drainage
- Site is at risk of flooding – southern section of the site would be at great risk of flooding from the beck
- The old railway station floods and land is boggy
- Potential water pollution

Trees
- Loss of mature trees including those identified as good condition
- Discrepancies and unclear which trees will be removed

Environment and Ecology
- Adverse effect on local wildlife and protected species
- There are bats, deer, birds, and otters on site, which needs further investigation
- Should preserve the natural landscape and local wildlife
- Effect on landscape
- Very little light pollution at present so there is a relatively dark sky – any proposed lighting should prevent overspill and consider the dark sky

- Poor air quality from existing traffic and congestion
- Development will increase noise and air pollution
- Will the EV charging points be of any benefit to residents
- Water pollution in the beck and reservoir caused by industrial leaks

Other
- Plan shows TV/internet box will be moved but does not identify where to
- Impact on utilities e.g. gas, water, electric, drainage
- The school is not big enough and is already oversubscribed – any additional children will need to travel out of Denholme for school, which is unrealistic
- GP services are already overstretched and difficulty getting appointments and there is no dentist
- Half of all crimes in the area occurred on Station Road; more dwellings, vehicles, and residents will result in higher crime statistics
- Anti-social behaviour
- Crime will rise as a result of the development
- Denholme does not have sufficient services and amenities to support further development
- Impact on local house prices
- Previous housing developments in Denholme have not increased school capacity, medical facilities, or other amenities.
- The only people to gain from this are the Council and housing developers
- The development will breach local residents' human rights
- The footpath to the local park, and the facilities within it, should be improved
- No consultation with local residents and no opportunity to comment on plans

Airedale NHS Trust
The Airedale NHS Trust seeks a contribution of £7,091.90, which will go towards the gap in funding created by each potential patient from this development in respect of acute and planned healthcare. The Trust's response provides a detailed explanation and calculation for this contribution request. Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

Philip Davies MP
- The access road is narrow and the development would cause a huge increase in the number of cars using the road
- Local infrastructure is not suitable to accommodate the additional residents e.g. the local school is oversubscribed and it is difficult to get a doctor's appointment
- The additional number of cars through Denholme village would increase congestion and there are safety concerns for pedestrians as this is an already busy road
- Loss of trees

Consultations:

Biodiversity – Support the application subject to a number of conditions. The surveys and reports accompanying the application suggest mitigation and enhancement measures that would represent a good outcome for biodiversity, with nearly 20% net gain achieved. The mitigation and enhancement measures should be secured by conditions: to provide a

Landscape and Ecological Management Plan (LEMP); to provide an Ecological Construction Environment Management Plan (CEMP); to provide a non-native invasive species management and control plan.

Coal Authority – The site is within the defined development high risk area, where Coal Authority records indicate the presence of a recorded mine entry (shaft) within 20m of the application site. Specifically, records confirm the mine entry is 5.1m to the east of the eastern boundary and is very unlikely to be within the planning boundary. Based on the submitted information and existing records, it would appear that the proposed development would not encroach into the zone of influence of the mine shaft. The Coal Authority has no objections to the planning application.

Conservation – The site is located southwest of Foster Park, which contains a Grade II listed War Memorial. Due to the distance, topography, and intervening built form, it is unlikely that the proposed development will impact on the setting of the heritage asset and therefore there are no objections on this basis.

Drainage – Further information required prior to determination: a report on the structural condition of the existing culverts through the site; annotations on plan indicating stand-off distances for culverts and sewers; no buildings or structures located within 5 metres of the centreline of the culvert(s); an assessment of the 1 in 1000 year and 1 in 100 year flood plus climate change allowance flows for the two culverts, together with hydraulic calculations which demonstrate that these can pass the design flows; details of arrangements to ensure culvert entrances do not become blocked and the FRA will need to consider what would happen if they did block; the FRA should state what the proposed ground floor and external ground levels will be and also provide a flood routing plan in response to the risk of flooding from surface water.

Drainage (update) – The FRA and DS are generally acceptable, however, there are a number of concerns raised. The internal photographs of Carperley Beck indicate that there are a number of large boulders situated along the invert of the culvert. The internal photographs of Carperley Beck (photos 25 and 26) appear to indicate that the brick culvert is damaged. Written confirmation is required that the Housing Association will accept maintenance responsibility for the two culverts, in particular Carperley Beck for the lifetime of the development. Pre-commencement conditions can deal with points 1 and 2 but maintenance should be agreed prior to determination.

Education – Based on January 2020 data, the development is unlikely to cause significant concerns on where children residing in the development might attend school. There are several primary and secondary schools within a reasonable distance of the development with capacity in every year group except year 7. Children should be able to access a school place within a reasonable distance.

Environment Agency – Object to the proposal for the following reasons.
The Flood Map for Planning shows the site lies predominantly within flood zone 1, however does contain Flood Zone 2 and 3, the medium and high probability zones, intersecting the site. The application is for a residential development, which is considered to be a ‘more vulnerable’ land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change.
It is therefore necessary for the application 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'.

An FRA by Adept, dated 10/12/2019, reference 08.18013-ACE-ZZ-ZZ-RP-C-001 has been submitted in support of the application. We have reviewed this FRA and do not consider that it complies with the Planning Practice Guidance. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused for the following reasons:

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:
- Provide an acceptable assessment of flood risk to the site and others (both pre and post development)
- Provide an assessment of climate change
- Consider how a range of flooding events (including extreme events) will affect people and property
- Demonstrate through an appropriate assessment that there is no increased risk to others as a result of the proposed development

Due to the above the application has failed to provide details of suitable mitigation measures. The FRA must demonstrate that development of the site does not increase the flood risk within the site, alter existing flow routes, transfer flood risk to others or be allowed to spill into nearby watercourses.

The design and access statement states the applicant proposes to raise the level of the development site by approx. 1m. The FRA has failed to provide sufficient detail with regards to any proposed ground raising for us to make comment on its suitability. We also note the site is at high, medium and low surface water risk.

The application fails to provide details of any proposed mitigation such as finished floor levels of the proposed dwellings in meters above Ordnance Datum (mAOD). Any mitigation should be suitable for the use of the development and mitigate for the climate change flood level for the Site. We expect finished floor levels for more vulnerable development to be above the 1% annual exceedance probability, or the 1 in 100 modelled flood level, plus a suitable allowance for climate change and a further 600mm freeboard in line with 2016 climate change allowances.

The development site has two culverts running beneath it. The applicant will need to ensure that the daily and future operations of the development do not compromise the structural stability of the culvert, or increase the risk of flooding. Furthermore, the proposed location of car parking and rear gardens of the proposed residential dwellings are directly over a culvert. Carperley Beck runs within the culvert located to the southern boundary of the development site. Carperley Beck is an Ordinary watercourse and therefore the Bradford Flood risk and Drainage team need to be satisfied that the structural integrity of the culvert will not be compromised by any proposed loading capacity threshold of the

development. In addition, as an ordinary watercourse any works under or over the culvert will require consent from Bradford Council. It should be noted that, in the event that the culvert does become blocked, depths on the site may increase.

It is our understanding that Yorkshire Water are the authority responsible for maintenance and inspection for Doe Park Reservoir. Yorkshire Water should be consulted with regards to any works in or near the reservoir embankments.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection.

Environment Agency (update) – Maintain a holding objection to the application as a number of previous concerns have not been addressed. The revised FRA refers to climate change but does not provide an actual assessment of pre and post development. The FRA also suggests that finished floor levels will be 10m above the soffit of the culvert 'mouth', which is inferred to mean the outlet. A further 600mm freeboard is suggested. The finished floor level should be provided in meters above ordnance datum and should provide a comparison of existing and proposed ground level in mAOD. Queries regarding the proposed land raising: does the 10m difference referred to in the FRA (culvert soffit vs ground level) include the proposed ground raising. Is any land raising proposed within the area of flood zone 3; there is potentially 9 proposed dwellings in this area. Is the land raising likely to affect flow routes? The LLFA need to be satisfied that any proposed loading capacity threshold of the development will not compromise the structural integrity of the culvert.

Environmental Health – Environmental Health agree with the recommendations presented in the Phase 2 site investigation report, which sets out an outline remediation strategy. Suggest a number of conditions to ensure appropriate land quality, including requiring the approval of a remediation strategy and remediation verification.

Great Northern Railway Trail Joint Committee – Plans are totally unacceptable. Previous applications included enough space for a 5m wide trail along the eastern edge of the site. Route built on boundary edge will have minimal effect on existing ecology; one fallen tree may need to be cut back and others trimmed but no effect on wildlife. Impact on trees only due to the cycleway proposed on the slope rather than the edge of the embankment. The land in question is already concreted right up to the embankment edge and would therefore cost the developer very little to upgrade to the required standard. Trail does not need to be built on the steep incline.

The group partnership with the Forest of Bradford and other wildlife groups has already enhanced the green credentials of opened sections of the route. The route is described as a greenway and should not be urbanised. 3 miles of trail is already open to the public, none of which goes through a built up area. Therefore, the cycle path needs to be 3m with a 1m verge each side.

The current proposals would put into conflict users of the route and up to 9 properties and their driveways in the northeast corner of the site. One of the main purposes of the trail extending to Denholme is to allow children to travel safely to Parkside school. The conflict between young children and the movement of reversing traffic on the estate would present

a real risk to their safety. The rest of the route is presently ‘traffic free’.

Experience shows that local residents want their garden paths to join onto the GNRT which is hugely popular and well used. Therefore, high bordered fencing is not appropriate for the trail.

This is a flagship project in the Bradford district and needs to be given more prominence. There has been no response to the GNRT’s attempts to contact the developer at pre-application stage, which is a pity as elsewhere on the route the trail has been a great help in selling homes to families who now use and greatly appreciate the trail.

Great Northern Railway Trail Development Group – The group is the promoter of the Great Northern Railway Trail to develop a cycling and walking greenway connecting Keighley with Bradford and Halifax. It seeks to use the former railway line as much as possible.

The Trail affects part of the site and needs to be included in the same way that it had been in previous permissions - 11/01326/MAO and 15/00451/MAO - in which Schedule 1 of the S106 Agreements stipulated the specification by which the Trail should be constructed by the applicant as part of the overall scheme. We are still satisfied that the Trail should follow the previous alignment to the east of the site.

The Section 106 agreement on 26 April 2016 stipulated that the Trail would be constructed through the total ownership of the site. However, the applicant has removed the top and bottom sections of this former railway land, as being of no interest to the housing scheme. It is our view that these sections cannot be ignored because they provide opportunities to future residents to use this space for recreational purposes and the Trail would provide suitable access for this to happen.

The Trail is significant in that it will form part of the National Cycle Network and contribute to the local economy by benefitting people cycling to work, or children and young people cycling or walking to school. It will also reduce levels of poor air quality by cutting back on carbon emissions.

By linking the Trail piece by piece, the overall vision will be achieved. Bradford Council is currently supporting the Keighley Partnership of five town and parish councils to complete the Trail between Keighley and Denholme. This should persuade the Council, as the Local Planning Authority, that much active work is currently being carried out to complete the Trail.

The applicant's Travel Plan supports opportunities for cycling and walking, yet their consultant appears ignorant of the key proposed feature that affects the site. School children of secondary school age have to travel to Cullingworth. Cycling is one sure way of encouraging sustainable travel. The consultant seems unaware of this situation. That causes us concerns about how much detailed knowledge is available to the applicant.

The applicant describes the Trail in the Site Layout plan as a 'Potential cycleway route'. It seems that the applicant wants to renege on this commitment and avoid constructing the Trail. If the applicant is serious about climate change, then it should be willing to engage with our group as a necessary action on their part. We made a phone call to the agent, but no effort was made to meet us. We would have welcomed a pre-application discussion

with the applicant to explain this important element of the scheme, but this did not happen.

Our group has regretted the loss of the former goods shed that was demolished about seven years ago to clear the site for new development. This was a loss to the local community of a significant piece of railway heritage. We simply ask that the Trail, as set out in previous Section 106 Agreements, is constructed as required as part of the overall housing scheme.

We are concerned that the Trail route seems to be isolated from the proposed housing. The type, positioning, and height of fencing is crucial to create the right level of safety and comfort for future users of the Trail. Close-boarded fencing displays a lack of foresight in integrating the Trail to the proposed housing scheme.
The proposed dwellings, close to the Trail, should front onto the Trail with 'permitted development rights' withdrawn for such, to maintain an open and attractive aspect. This measure will help ensure that there is good public surveillance along the route. We are aware of residents in the opened sections of the Trail providing gates directly onto the Trail because they want to use it.
The proposed Trail should avoid tight corners and exclude high fencing. Rather it should incorporate long distant unobstructed views of the tunnels at both ends as seen from within the site.
There should be direct access from the proposed houses onto the Trail as indicated in the site layout.

The proposed site layout should recognise the importance of providing a vehicular access road that follows the former tracked in as much as it is possible and railway heritage interpretation should be provided to inform local people.

Maintenance of the Trail would need to be undertaken by Bradford Council, and some financial provision should be made for this. Access arrangements need to be included in any S106 Agreement, along with arrangements for the free transfer/lease of land by the applicant to the Council.

Great Northern Railway Trail Development Group (update) – Further to the above comments, the GNRT development group offers the following comments.

At Plots 24-30, the cycle route shows a sharp right-angled bend onto the access road, with the potential for cars to be parked on the proposed cycle path. The sharp bend is unsatisfactory from a safety point of view and is not good standard practice. This should continue around the houses as was planned on the original layout. However, if that was not possible, then the affected width of this section of access road should be at footpath level to make it clear that this is a special pedestrian/cycle area. It would also enable cyclists to manoeuvre in a safer manner.

I am very concerned over the loss of the 1-metre verge along the rear of properties between plots 27-50. The previous Section 106 agreements have always set out a 3-metre wide hard-surfaced path with 1 metre soft verges on either side. These verges are needed to the safe enjoyment of the Trail; therefore, an overall five metre width is crucial to constructing the Trail to a consistent standard of specification.

Also, fencing along that side needs to be low in height (1 metre) and open in style so that

public surveillance is maintained at its highest level. When there is already a hard surface laid down at the eastern edge, it seems the trees are viewed as a reason by the developer to renege on previous agreements. A Section 106 Agreement should be similar to that linked to previous outline permissions.

Previous permissions required that the Trail be constructed to each tunnel entrance, based on the premise that the land was in a single ownership. It is unsatisfactory to leave the northern and southern ends of this site in limbo.

Highways – A Transport Assessment and Framework Travel Plan accompany the application. The proposed development is predicted to generate 12 vehicles arriving and 31 vehicles departing in the AM peak (43 two way trips) and 29 vehicles arriving and 17 vehicles departing in the PM peak (46 two way trips); and 384 trips over the day. The traffic generation assessment is acceptable and considered to be robust as it is based on privately owned housing whereas the proposed development is 100% affordable housing which generates lower levels of traffic.

Highway capacity analysis of local junctions has been undertaken which indicates that all of the junctions analysed are predicted to operate with significant reserve capacity with the additional development traffic in both the AM and PM peak hour periods for future year scenarios. The development traffic would not have a material impact upon the operation of nearby junctions or lead to an increase in congestion or delay on the surrounding highway network.

The internal layout is based on a traditional estate road design with a 5.5m carriageway and 2m footway to both sides and turning heads on both ends of the access road. The internal access road and turning facilities are adequate to cater for emergency and service vehicles. But the Design and Access Statement (D&AS) refers to the West Yorkshire Highway Design Guide which was superseded a number of years ago by the Manual for Streets and more locally by the Leeds Street Design Guide (LSDG) which is currently being used by Bradford Council whilst its own design guide is produced; the applicant may wish to review the proposed site layout in light of that document.

There are some concerns related to the alignment of the Great Northern Trail which is routed to the east side of the woodland area. This should be on the development side closer to the residential dwellings so it is overlooked, with these dwellings also having direct access to it. This is a flagship project in the Bradford district and needs to be given more prominence. Also this section of the route passing through the site will need to be constructed by the developer. In addition to this, there are some minor issues related to the southern turning head where one of the sides is wavy and this should be straightened; and the condition of the culverts passing through the site which needs assessing.

The design and access statement states that '190 in curtilage car parking spaces are provided in accordance with the West Yorkshire Highway Design Guide with 18 number of the two bedroom dwellings having one car parking space, the remainder having two spaces. All of the three bedroom dwellings have two car parking spaces.' This needs clarifying as in my estimation even 2 parking spaces for each proposed dwelling only amounts to 144 spaces.

Highways (update) – The highway works proposed on Station Road are acceptable. Positive that the GNRT route has been located alongside the development (eastern boundary) but it should accord with the Sustrans Design Manual as a route shared with equestrians. The overall width of the trail path should be 5m comprising 3m tarmac path with 1m wide verges to both sides except where it is bounded by private property boundary fences, as at plot 27 to 50, where 2m wide verge should be provided. The height of the boundary fences at 1.8m is also of concern as it would prevent surveillance of the path for public safety.

The section of the trail passing through the development is unsafe. There are sharp bends, residents will be reversing out of drives, there could be parking on the trail path and therefore it could be particularly unsafe for children wanting to cycle from Denholme to Cullingworth Parkside School. The cycleway should be provided off road and follow the land contours.

Highways (second update) – The site is a former rail station and rail line, and the line of the GNRT route passed through the centre of the site, which is protected by RUDP Policy TM5. An alternative route to the east was agreed [under the previous approval/S106 agreement] to facilitate the development with the proviso that the route would be designed to standards and delivered by the developer.

The layout has been designed without thought for the GNRT and its purpose and to provide it as required would make the proposal unviable. This is unacceptable and the GNRT route should be set out as required and the development designed around it.

Police advice regarding boundary treatments is noted but good surveillance of the GNRT route is important. The route should be designed to acceptable standards.

Landscape Design – The layout is a relatively standard cul-de-sac development that has very little relationship between the housing and its location. The development is inward looking with rear gardens facing out towards the surrounding environment and 1.8m high close-boarded timber fencing completing the sense of isolation. The public footpath to the west and the proposed cycle route to the east will pass alongside rear garden boundaries where they will feel secondary, enclosed, and poor in character. The previous proposals were better in terms of the sense of place and the relationship between the development and its surroundings. The applicant should refer to the Homes and Neighbourhoods design guide to help address site context, character, open space, landscaping, footpath/cycle route integration, views, and boundary treatments.

Landscape Design (update) – The retention of the existing woodland screen is critical to reducing the visual impact of the development and this should be augmented where possible. Some additional woodland planting would be appropriate in places to help integrate and soften the development.

The retention and enhancement of existing landscape features such as dry stone walls would help to strengthen the landscape character of the area and visually integrate the development into the wider landscape. This would include areas on the boundary of the main site and also on Station Road where parts of the adjacent drystone wall are either missing or damaged.

A well designed development that responds to the local vernacular could have a positive impact on the southern edge of Denholme. This would more appropriate where the site is more visible as it emerges from the cutting and at the site access. Treatment of the entrance area will be particularly important as this area is highly visible from Station Road and to the north. The large sycamore tree to be removed from the entrance area should be replaced with a suitable medium/ large tree in the same approximate area. Careful design and installation of drystone walls together with removal of palisade fencing has the potential to significantly enhance the entrance. Removal of the existing car park hardstanding and replacement with native woodland and/or heathland planting would be beneficial.

Opportunities should be sought for planting at the entrance particularly where a line of conifers have been removed. Careful planting of the steep bank to the rear of plots 4-9 will be particularly important as this will provide privacy for those properties and help soften the development. Whilst space for planting is likely to be limited within the site opportunities should be sought for specimen or street trees that will help to soften the development when viewed from the wider landscape (where visible).

The proposed cycle track and existing footpaths around the site boundary should link with the development to allow easy access for residents to these green links. Where possible the existing footpath (89) that passes to the west of the site should link into the development and to the proposed cycle track. This may be possible to the south of plot 60 should space allow.

The inclusion of the cycleway aligns with the SPD and would enhance recreational opportunities and link with the existing footpath network. However much of the route passes to the rear of properties. Whilst this is still of high value the cycle track would be better located within the development. Links to facilities such as local shops and Foster Park in Denholme should be maximised to encourage sustainable modes of transport.

Whilst the site is partially hidden in a railway cutting opportunities should be sought to more actively link with the wider landscape. Where screening is limited views of the wider landscape may be possible and this should be reflected in the orientation of buildings and windows. Where practicable views of the wider landscape should be maximised. As stated above the development should integrate with the existing and proposed PROWs with paths overlooked where possible.

There are no usable public open spaces provided within the site. Whilst the development is of a relatively small size it should include incidental areas of usable green space where people can stop and meet. This should be reinforced with a focus on multifunctional streets that accommodate pedestrians and cyclists.

Any potential boundaries would need to be dry stone walls to reflect the character of the local area and any potential tree planting/landscaping would need to comprise native species. Particular attention should be paid to the entrance leading from Station Road into the site. The materials and detailed of boundary treatments such as wall and fences together with associated planting would have a significant impact on the visual impact of any development.

A contextual analysis plan is required to show how the design would respond to the landscape setting. This should show how existing and proposed PROW would connect into and through the site and how residents would access facilities in Denholme. Details of how views into and out of the site should also be addressed. Much of this information could be included within a conceptual plan showing the site within its wider context.

A detailed planting plan should be provided to allow proposals to be fully assessed. Further information should be submitted regarding boundary details and landscaping proposals. This should include information on proposals for the wider site including repair of existing drystone walls and construction of new walls.

Parks and Greenspaces – The proposed development will have a moderate impact on the surrounding facilities and a financial contribution will be sought from the CIL funds to help mitigate these impacts. The developer should maintain any areas of open space and provide a full landscape management plan for approval. Otherwise, if the developer is looking to the Council to maintain any new public open space, the Council's prior agreement is required and a commuted sum will be required to maintain the areas for the next 25 years.

Rights of Way – Public footpaths Denholme 56, 89, and 92 abut the site. Should ensure that the new electricity substation will not obstruct the route of footpath 89 where the northern 40 metres of this path will be subsumed into the verge of the new estate road. Footpath 92 appears unaltered but any changes in this area should ensure that the footpath maintains an unobstructed link to Station Road. Boundary treatments adjacent to, and surfacing of, footpath 89, which runs alongside plots 59 to 66 and plot 72 should be submitted for approval to ensure a reduction in negative impact. Construction standards for the Great Northern Railway Trail should be agreed with the GNRT management group and Sustrans. Vehicle barriers will be needed at the junctions of the estate road to prevent them being used as parking areas. Informative suggested if approving to draw the applicant’s attention to rights of way requirements.

Rights of Way (update) – The northern 40 metres of footpath 89 is to be subsumed into the verge of the new estate road. A roadside pavement is detailed to the west of this path. Communication with the developer confirms that the substation will not obstruct the public right of way. Therefore, the layout at this end of the path appears acceptable.

The western boundary of plots 59 to 66 and plot 72 directly border the next section of path 89. The boundary is detailed as close-boarded timber fencing which is not recommended as, in conjunction with the protective fence line on the other side of the path, walkers will feel hemmed in. To reduce negative impact, I would request that improvements to the remaining surface of the footpath 89 should be carried out as part of the development for the benefit of residents and walkers. A crushed stone surface, levelled and compacted will suffice (MOT type 2 base, 40mm to dust). The path must not be enclosed in a corridor narrower than two metres. This could be included as a suitable condition should planning permission be granted.

Footpath 92 runs from Station Road, across the existing parking area, before heading across the grassed area of the Carperley valley. Any changes in this area should ensure that the footpath maintains an unobstructed link to Station Road.

It is noted that a route is provided to the east of the housing for the Great Northern Railway Trail. Details of the construction standards of this path should be agreed with the Great Northern Railway Trail management group and Sustrans. However, it appears to be a poor design, not to the standard provided for the existing section of the trail. Like path 89, the trail directly abuts the high rear fences of the adjacent properties. There is no natural observation of the route. As the trail abuts the fence line, it will be susceptible to residents dumping garden waste. This will particularly be an issue initially as the trail will stand alone until adjacent sections are constructed. The trail should be constructed to the boundary of the applicant's ownership, not just within the redline area.

Sustrans – Support the comments made by the GNRT development group and the Council's Rights of Way team. It has long been intended that this section form part of the GNRT between Keighley and Halifax and in doing so become part of the National Cycle Network. It is vital that new sections are developed consistently to further provide safe and attractive space that makes it easy for local residents and visitors to choose to walk and cycle. Sustrans provide detailed design guidance for traffic free routes and greenways.

Trees – The impact of tree removal along Station Road is not assessed and engineering details are vague. The road improvement plan will also result in the loss of a large Sycamore at the access point into the site; whilst this tree should be retained, its loss is likely to be required to allow development. The woodland surrounding the site is valuable for amenity and ecological services. This value will increase over time as the woodland matures and would provide excellent long-term amenity. A TPO will be made to protect the woodland belts around the site. The tree protection measures as proposed in the arboricultural method statement are undeliverable due to the proposed level changes, which are shown on site section across the northern part of the site; clarification of level changes across the whole site is required. The proposed cycleway will be undeliverable in practice due to the topography; clarification of full engineering details, long and cross sections, how it will be achieved, impact on trees, and revised tree protection measures and methodology. Cycleway would be better located at the top of the existing embankment (outside tree RPAs), this would also move gardens further from the woodland thereby reducing future negative impacts. The development lacks detail regarding tree replacement as mitigation and the site offers some opportunity for trees of scale (e.g. lime, hornbeam, etc.) to line the new estate road.

Trees (update) – The relocation of the cycleway to the top of the banking and separation of gardens from woodland is welcome. There is still a lack of information of the site levels and engineering proposed for the whole site and therefore questions over whether the proposed tree protection measures are deliverable in practice. There is no arboricultural impact assessment showing the direct and indirect impacts. The method statement relates to the previous layout and requires further clarifications. Tree protection is shown in areas where ground levels will change and the biodiversity management plan shows some mitigation of tree planting but is limited to a relatively small section. Some encroachment into RPAs/woodland and loss of trees is possibly acceptable subject to suitable landscape mitigation.

Trees (second update) – The additional details provided within the revised Arboricultural Impact Assessment and Arboricultural Method Statement are acceptable. Suggest conditions if approving.

West Yorkshire Archaeology Advisory Service – Based on West Yorkshire Historic Environment Record there are currently no known significant heritage issues associated with the proposed development.

West Yorkshire Combined Authority – Seek to encourage alternative modes of transport to the car and suggest that the developer funds a package of sustainable travel measures such as bus only Residential MetroCards at a cost of £36,828.00.

West Yorkshire Police Architectural Liaison – Suggested a series of security measures that could be implemented across the development to reduce the opportunity for crime and anti-social behaviour. Measures include window and door security, external lighting, gated access, boundary treatments, surveillance of garden and parking areas, and intruder alarms. Boundary treatments reduce natural surveillance of the proposed cycle route so plans should include 1500mm high close-boarded fencing with 300mm trellis above to allow better surveillance. Any links between the development and cycle route need adequate surveillance and vehicle access restrictions.

Yorkshire Water – Plans should indicate stand-off distances of 3m either side of the sewer that crosses the site and should not restrict access to manholes on the sewer. Proposal to alter/divert a public sewer will be subject to Y.W.s requirements and consent will be required for alterations, diversions, and adoption. Yorkshire Water raises no objections to the principle of the stand-off distances or method of surface water disposal. Suggested conditions if approving the development to ensure adequate drainage.

Summary of Main Issues:

1. Principle of development
2. Housing density
3. Housing mix
4. Design and landscape
5. Residential amenity
6. Highway and pedestrian safety
7. Great Northern Railway Trail and rights of way
8. Heritage implications
9. Drainage and flood risk
10. Biodiversity
11. Land quality
12. Planning obligations
13. Other planning matters
14. Community safety implications
15. Outstanding matters raised by representations

Appraisal:

1. Principle of development

The proposal seeks permission for the construction of 72 affordable dwellings on the site of the former Station Sawmill, Station Road, Denholme, together with associated highway improvement works along Station Road, which will consist of proposed traffic calming measures, resurfacing, and provision of kerbs and footways along both sides of Station

Road. A new multiuser path will be constructed along the length of the eastern boundary to facilitate continued development of the Great Northern Railway Trail between Bradford and Keighley.

The site previously benefitted from outline consent granted by applications 11/01326/MAO and 15/00451/MAO, which granted consent for up to 73 dwellings and 511sqm of B1(b/c) and up to 80 dwellings respectively. Both applications were subject to S106 agreements to secure the provision of upgrades to Station Road, financial contributions towards education provision and habitats mitigation, and works/land for the provision of the GNRT. These permissions have now expired and this current application therefore seeks full planning permission for the proposed residential development.

The site previously accommodated a series of buildings and storage areas associated with a timber yard and, prior to this, the site accommodated Denholme railway station. Following demolition of the remaining structures, the site is now a relatively level plateau with a large concrete hardstanding occupying the majority of the site.

Paragraph 59 of the revised NPPF continues to stress the need for Local Planning Authorities to boost significantly the supply of new housing. The Core Strategy reiterates this strong policy support for delivering new housing and emphasises that housing delivery is one of the key issues facing the district.

Paragraph 73 of the NPPF directs that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the identified housing requirement as set out in adopted strategic policies, or against the local housing need where strategic policies are more than five years old. Where there has been a record of persistent under delivery of housing the LPA should identify an additional 20%.

The Council's Five Year Housing Land Statement (2018-2023) indicates that there is a substantial shortfall in housing land relative to the aforementioned requirements with a current supply of 2.06 years. Under these circumstances paragraph 11 of the NPPF confirms that the relevant policies for the supply of housing should not be considered up-to-date.

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.

The construction of 72 dwellings comprising a mix of 1, 2, 3, and 4-bedroom semi-detached and terraced affordable dwellings would therefore make a valuable contribution towards meeting the district’s identified housing need and would make use of previously developed land. Taking into account the previous outline planning consents, the relatively sustainable location of the site, the absence of a five-year housing land supply, and the use of previously developed land, it is considered that the principle of residential development on this site is acceptable.

2. Housing density

The development site has an area of approximately 2.2 hectares and proposes the

construction of 72 dwellings, which achieves a density of approximately 33 dwellings per hectare, which is in excess of the minimum density promoted by Core Strategy HO5, which indicates that densities should normally achieve a minimum of 30 dwellings per hectare. Detailed density targets applying to specific sub-areas will be set out within the Allocations DPD, although at present 30dph is the target minimum density.

On this basis, the proposal is considered to present an acceptable housing density in accordance with the requirements set out within policy HO5 of the Core Strategy DPD.

3. Housing mix

Policy HO8 of the Core Strategy seeks to ensure that a mix and balance of housing is provided to meet the needs of the District's growing and diverse population. The policy identifies that there is a need for a variety of housing across the district in terms of the type, size, price, and tenure. Until the adoption of the Land Allocations DPD, there is no detailed guidance available on housing mix, although Policy HO8 promotes a particular emphasis on family housing.

The proposed development would provide a range of one, two, three, and four bedroomed houses, which would contribute towards meeting the objectives of providing a mix of house types, sizes, and creation of family homes, thereby meeting key requirements of policy HO8.

4. Design and landscape

The Core Strategy DPD and Revised NPPF require that development proposals make a positive contribution to achieving good design and high quality places. Core Strategy Policy SC9 directs that development proposals should take opportunities to improve areas, create a strong sense of place, and provide a well-connected network of attractive routes and spaces.

Policies DS1, DS2, and DS3 of the Core Strategy DPD set out a number of criteria against which the LPA will assess development proposals. The criteria include that, among others, proposals should create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details, materials, and landscaping.

The site lies within the Thornton and Queensbury Landscape Character Area and therefore Policy EN4 is relevant. This requires that development proposals should make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District.

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

The Council has recently adopted a design guide titled 'Homes and Neighbourhoods: A Guide to Designing in Bradford'. This SPD sets out the Council's priorities and detailed design guidance for residential developments. The SPD now carries weight when assessing planning applications for residential development. The SPD details the Council's expectations and helps to identify schemes that deviate significantly from

expected design standards and opportunities.

The recently published National Design Guide supports the NPPF's renewed focus on improving design and supplements design guidance contained within the Government's planning practice guidance.

The proposed development has undergone a number of revisions in response to concerns relating to design, trees, highways, and provision of the Great Northern Railway Trail (GNRT) route. The resulting scheme is arranged primarily around a central access road that runs north-south through the site and smaller roads – also acting as turning heads – arranged east-west across the northern and southern ends of the site. The revised layout allows for the GNRT along the length of the eastern boundary.

The site is somewhat unusual within the landscape as it sits on a former railway cutting on a level plateau created for the former Denholme railway station; this significantly reduces visibility into the site from the wider landscape. Some limited views of the site are possible from the A629 and hillsides around Doe Park reservoir, but the majority of the development will be hidden from view by the existing landform and tree planting. The Council's Landscape Architect considers that the visual impact of the development would not be unacceptable given the context and limited visibility.

The Landscape Architect further considers that although the development is unlikely to contribute significantly to improving views of Denholme from the south, it does present an opportunity to remediate a derelict site. As such from a landscape and visual perspective, the design and layout of the scheme should be optimised to ensure the development remediates the brownfield site and creates a positive change in the landscape.

Following revisions to the layout and design of the proposed dwellings, the scheme is considered acceptable. The proposed development will introduce a range of two-storey semi-detached and terraced dwellings, with a pair of quarterhouses proposed at the site entrance. The dwellings will feature artificial stone walls interspersed with white render, roofs will be grey tiles, fenestration and fascias in dark grey, and black rainwater goods. Approval of sample materials should be controlled by condition to ensure appropriate appearance.

The submitted plans initially included larger front gardens to allow for tandem parking spaces and soft landscaping to property frontages, thereby reducing the amount of hardsurfacing visible along the spine road. In order to accommodate the GNRT route along the eastern boundary, plots 27 to 50 have shifted west to provide the necessary 5-6m wide GNRT route; consequently, some of the parking spaces have been realigned and the amount of soft landscaping to frontages reduced. Nevertheless, there remains scope for inclusion of some soft landscaping to the front of most properties throughout the development, which will soften the visual expanse of hardsurfacing and parked cars.

The revised plans have moved the proposed cycle route from the top of the embankment and onto the level development plateau, which has moved the cycle route out of the main woodland belt and root protection areas of those trees. Whilst some trees will still be felled to accommodate the cycle route along the eastern boundary, this will be minimised and occur at the edge of the densest areas of woodland. The revised plans help to minimise tree loss and the layout allows for areas of soft landscaping which will generally improve

the appearance of this derelict, previously developed site. The additional information contained within the Arboricultural Impact Assessment and Arboricultural Method Statement have been confirmed as acceptable and alleviate previous concerns raised by the Council's Arboricultural Officer.

The latest plans have replaced the proposed 1.8m high close-boarded fence to the rear boundaries of plots 27 to 50 with a 1.5m high fence with 300mm open trellis. This will help prevent a deadening effect to the GNRT path and open up views of the path and wider environment, although it should be noted that the woodland along the eastern embankment adjacent to Doe Park reservoir restricts views into and out of the site somewhat.

The applicant requests that approval of a comprehensive scheme of landscaping be controlled by condition; given the layout and clear potential for a scheme of soft landscaping, this approach is considered appropriate. Tree planting should comprise native species and street trees should be chosen to soften the development when viewed from the wider landscape.

The layout of the development and design of the proposed dwellings are considered acceptable, subject to the imposition of appropriate conditions with particular reference to materials and landscaping. The development will not be visually detrimental to the character and appearance of either the local area or wider environment and the requirements of policies DS1, DS2, and DS3 of the Core Strategy are therefore satisfied.

5. Residential amenity

Policy DS5 of the Core Strategy DPD and the NPPF require that development proposals make a positive contribution to quality of life through high quality design and that developments should not harm the amenity of existing or prospective users and residents.

Policy HO9 of the Core Strategy identifies that a key objective for the District is to ensure that new housing creates popular neighbourhoods with high standards of quality and design. It is important that new housing is designed to create sustainable, high quality places where people aspire to live, and which supports strong communities and healthy lifestyles.

The proposed layout demonstrates a reasonable relationship between properties. Dwellings would maintain appropriate separation distances and would not adversely affect the amenity of residents. Some of the garden areas have been reduced to accommodate the GNRT route along the eastern boundary and plots with the smallest gardens have been swapped to 2-bed units instead of 4-bed units, but these gardens still provide an acceptable amount of outdoor amenity space. Private garden areas will be enclosed with suitable boundary treatments to ensure amenity space is private, secure, and useable for future residents.

The closest neighbouring residential property is Station House, at the end of Station Road adjacent to the site entrance. This is set above the development site and its position ensures the development will not have a significant adverse impact on amenity.

The proposed development will not create adverse living conditions and is acceptable in

terms of the impact on residential amenity, thereby compliant with policies DS5 and HO9 of the Core Strategy DPD and the NPPF.

6. Highway and pedestrian safety

Paragraph 108 of the NPPF requires that in assessing planning applications it should be ensured that:
a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
b) safe and suitable access to the site can be achieved for all users; and
c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraphs 108 and 110 of the NPPF confirm that development should be designed to minimise traffic and highway safety implications.

Core Strategy Policy TR1 requires that developments should 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. Policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, and meet the needs of disabled and other groups whilst improving quality of place. Appendix 4 provides indicative parking standards for new developments and Policy DS4 sets out design criteria for streets and car parking, indicating that developments should support the overall character of the place and take a design led approach to car parking.

There is no objection on highways grounds to the principle of this proposed development and it is noted that there are two previous planning approvals (2011 and 2015) which granted outline consent for a similar scale of development.

A Transport Assessment and Framework Travel Plan accompany the application. The assessment predicts that the development will generate 12 vehicles arriving and 31 vehicles departing in the morning peak (43 two-way trips) and 29 vehicles arriving and 17 vehicles departing in the evening peak (46 two-way trips) and 384 trips over a day. The traffic generation assessment is acceptable and robust, being based on privately owned housing whereas the proposed development is 100% affordable housing, which generally generates lower levels of traffic.

Highway capacity analysis of local junctions indicates that all of the junctions analysed are predicted to operate with significant reserve capacity with the additional development traffic in both the morning and evening peak hour periods for future years' scenarios. The development traffic would not have a material impact upon the operation of nearby junctions or lead to an increase in congestion or delay on the surrounding highway network.

The proposal includes highway improvement works to Station Road, which reflect those approved by the 2015 outline consent and contained within the S106 agreement signed as part of that approval. These consist of resurfacing works, provision of footpaths, traffic calming measures, street lighting, and re-profiling of the entrance area. The site plan illustrating the highway improvement works has received some relatively minor alterations in order to satisfy technical highway design matters such as the radius bend into the site and to move the position of some traffic calming measures to avoid conflict with existing residential properties.

The internal layout is based on a traditional estate road design, with a 5.5m carriageway and 2m footway to both sides, and turning heads on both ends of the access road. The internal access road and turning facilities are adequate to cater for emergency and service vehicles.

Revisions to the site layout have addressed the provision of the Great Northern Railway Trail, improved turning facilities, and altered off-street parking layouts. The revised layout accommodates a total of 117 off-street parking spaces, with 2-bed properties having one parking space and 3 & 4-bed properties having 2 parking spaces. The level of parking provision across the site is acceptable.

West Yorkshire Combined Authority have raised no objection to the principle of the development, but request that the developer funds a package of sustainable travel measures, such as a Residential MetroCard Scheme for residents of the development at a cost of £36,828.00 to encourage the use of more sustainable modes of transport than the private car.

Development proposals that have the potential to affect air quality are required to incorporate measures to mitigate or offset their emissions and impacts in accordance with Policy EN8 of the Core Strategy and the Low Emission Strategy for Bradford. As such, the Council seeks the provision of Electric Vehicle Charging Points within the curtilage of each dwelling with a dedicated off-street parking space and the normal method of securing these is through a condition attached to a planning permission.

The proposed site plan identifies one electric vehicle charging point for each dwelling across the development, which accords with the Council's targets for EV charging provision and encouraging the use of more sustainable modes of transport.

It is considered that the provision of electric vehicle charging points represents a betterment of the scheme as the charging points are permanent rather than, for example, the Residential MetroCard Scheme which is a 1-year scheme with no guarantee that residents will renew at the end of that period. As such, it is recommended that any approval include a condition requiring the installation of EV charging points for each property prior to first occupation in lieu of the contribution requested by West Yorkshire Combined Authority.

The proposed development is considered to present an acceptable solution to highway design, with significant improvements to the currently unadopted Station Road, an acceptable site layout and parking provision and, on balance, the GNRT provision is acceptable despite the fact that some small sections provide a substandard design, as the benefit of improvement works to Station Road and delivery of affordable housing, in this

case a 100% affordable housing scheme, outweighs these relatively minor concerns. Therefore, subject to the highways related conditions listed below and relevant legal agreement, the proposed development is not considered to have a severe impact on the highway network, and is therefore acceptable in terms of the impact on highway and pedestrian safety.

7. Great Northern Railway Trail and rights of way

Policies TR3 and DS4 of the Core strategy require that development proposals should take the opportunities to encourage people to walk, cycle and use public transport through, amongst other things, creating a network of routes which are well overlooked and convenient, connecting to existing street and path networks and integrating existing footpaths/cycle routes on the site into the development.

RUDP Policy TM20 safeguards land required for transport and highway improvement schemes as shown on the proposals map, and is saved until the adoption of the land allocations DPD.

The RUDP safeguards a route through the site for provision of a cycle route to connect the Great Northern Railway Trail. The two previous outline consents associated with this site both included an indicative route along the eastern boundary of the site, provision of which was secured via S106 agreement.

This application continues to provide the cycle route running north-south along the eastern boundary. A series of revised site layouts have resulted in a 3-metre wide surfaced path running through the site, which for the most part includes a 1-2m wide verge either side.

To the east of the route is an area of woodland and beyond that is Doe Park reservoir, and to the west side of the route will be the residential development. Boundary treatments abutting the route have been revised so that they include a 1.5m high close-boarded fence with a 300mm open trellis above. This will allow privacy and security for residents whilst allowing overlooking and surveillance of the route to aid security and reduce opportunities for crime and antisocial behaviour.

The GNRT Development Group refer to Sustrans guidance for designing multi-user paths and request a 3-metre wide surfaced path with a 1-metre wide grass verge to either side and a 2m wide verge adjacent to property boundaries. To provide a 5-metre or 6-metre wide corridor through the entirety of the site would have significant consequences for the site layout and would reduce the number of units possible on site. The applicant suggests that as the application is for a 100% affordable housing scheme, a reduction in units would adversely affect the development viability and put into jeopardy the delivery of the scheme.

It is noted that the GNRT route will enter the site in the north eastern corner where the route crosses the area of plots 24 to 29; the revised site plan proposes surfacing this area with a shared surface of block paving to provide a visual distinction between this area and its use as a shared cycle route as opposed to solely for vehicular access.

The provision of a 3-metre wide surfaced path with 1-2m verges through the majority of the site is considered a reasonable solution to provide the GNRT route whilst balancing the need for affordable housing. The scheme will deliver a valuable contribution towards

the Council's housing need and delivery of affordable housing, which outweighs the relatively minor elements of substandard design of the cycle route.

The applicant has confirmed that they will seek to progress a temporary footpath closure for footpath 89 during construction of the site entrance and substation and that this length of footpath will be surfaced with crushed stone as per the Rights of Way request. A condition to secure this should be appended to the decision notice.

West Yorkshire Police have requested the installation of vehicle access barriers where the GNRT abuts the residential access road(s) to prevent unauthorised access and/or parking on the GNRT path; these details can be secured by condition and detailed design included on a landscape plan, although it is noted that the site plan includes appropriate annotations to their locations.

Subject to the necessary conditions to secure the provision of appropriate footpaths and the GNRT route, the proposal is considered acceptable when balancing the provision of a 3-metre wide cycle route for the GNRT, which would be partially substandard only for short sections, and retention and improvement of public footpaths against the delivery of a housing development consisting entirely of much-needed affordable housing. On balance, the proposed footpath and GNRT design is acceptable.

8. Heritage implications

Core Strategy Policy EN3 relates to developments affecting the historic environment. This policy requires that developments, among other things, preserve, protect, and enhance the character, appearance, and historic value and significance of heritage assets; this would include the conservation area, listed building, and setting of nearby listed buildings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 193 of the National Planning Policy Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The application site is located southeast of Foster Park, which contains the Grade II listed War Memorial. Due to the distance, topography, and intervening built form between the application site and listed war memorial, the proposed development is not considered to cause harm to the setting of the heritage asset. The Council's Conservation Officer raises no objections to the proposed development and, as such, the proposal does not present any adverse heritage implications and is therefore acceptable when considered against the requirements of the abovementioned policies and legislation.

9. Drainage and flood risk

Paragraph 163 of the NPPF requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where

appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where it meets the five criteria set out within paragraph 163.

Paragraph 165 of the NPPF sets out the importance of the use of sustainable drainage systems for major developments and requires that the systems used should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

At the local level, the objectives of the NPPF are reflected in Policy EN7 of the Core Strategy, which states that the Council will manage flood risk pro-actively. In assessing development proposals this will require that all sources of flooding are addressed, that proposals will only be acceptable where they do not increase flood risk elsewhere, and that any need for improvements in drainage infrastructure is taken into account.

The site is located largely within flood zone 1, which is the lowest category of flood risk, however a small area of the site is located in flood zone 3; this is the area where Carperley Beck runs under the site through a culvert. The application is supported by a Flood Risk Assessment and Drainage Strategy, which have been updated and additional information and plans provided in response to comments and queries raised by the Council's Drainage Engineer (as Lead Local Flood Authority (LLFA)), Yorkshire Water, and the Environment Agency.

The LLFA and Yorkshire Water raise no objections to the proposed development subject to recommended conditions to secure appropriate details for means of foul and surface water drainage and future management of drainage measures. As requested by the LLFA, the agent has also confirmed that the housing association (the applicant) will be maintaining the culvert through the site (Carperley Beck).

A public sewer crosses through the site (through the mid-section of the site) and the site layout has, to a large degree, been influenced by the position of this sewer and the line of the culvert across the southern section of the site. A protected strip of land to provide the necessary stand-off distances between any development and the sewer/culvert has been accommodated within the site layout.

Additional plans and sections through the site indicate the position of the existing sewer (found following on-site excavations) and that this sits at relatively shallow level. Land raising is therefore proposed to accommodate changes to the gradient of the sewer to avoid the need for a pumping station and provide the necessary depth of ground between the development and sewer. Any landscaping measures will also need to avoid tree planting within these protected corridors; landscaping details will be required by condition appended to the decision notice. The land levels have been indicated on the revised plans and considered within the updated FRA and DS, and identify that the proposed development will not be affected by, nor significantly affect, flood risk or surface water flows through the site, particularly from Carperley Beck.

Subject to the requested conditions to secure drainage details, the proposed development is not considered to present any significant concerns for drainage or flood risk and is

therefore acceptable.

10. Biodiversity

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

Opportunities for specific habitat creation within development proposals will be sought, including provision for future management. Development that would cause serious fragmentation of habitats, wildlife corridors or have a significantly adverse impact on biodiversity networks or connectivity will be resisted. Paragraph 170 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.

A Preliminary Ecological Appraisal (PEA) accompanies the application, which has been developed through completion of a desk-based study, bat roost suitability assessment, and a Phase 1 Habitat Survey. The PEA finds that the existing site has very low ecological value and very limited opportunities to support habitats. The PEA recommends a series of features for inclusion in the development and identifies some of these opportunities on a sketch plan; the PEA recommends that a Biodiversity Management Plan could be secured via an appropriately worded condition to ensure the provision of suitable biodiversity enhancement features.

Notwithstanding this, a Biodiversity Management Plan and Construction Environment Management Plan have been submitted during the course of the application, which provide a series of recommendations for biodiversity mitigation and enhancement measures that could be provided before, during and after construction of the development. Suitably worded conditions should be appended to the decision requiring that the development be carried out in accordance with these details, together with the submission of an appropriate scheme of landscaping (as discussed above).

Subject to the submission of satisfactory details regarding a landscaping scheme, the proposed development will have a positive effect on biodiversity in the area and is therefore considered acceptable.

11. Land quality

Paragraph 178 of the Revised NPPF states that planning decisions should ensure that the site is suitable for its proposed use taking account of ground conditions, land stability, and contamination, including risks arising from natural hazards, former activities such as mining, or pollution from previous uses. The NPPF also advises that in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

Policy EN8 of the Core Strategy requires that where land may be contaminated or unstable appropriate investigation and remediation is undertaken in order that the development will not pose a risk to human health, public safety and the environment.

The site is located within a Coal Authority High Risk Area and as such, the Coal Authority has reviewed the proposed scheme. Coal Authority records indicate a mineshaft located 5.1m east of the site and even allowing for a departure distance of 5m it is unlikely to be within the site. Excavations along the eastern boundary of the site have found no evidence of a shaft or capping and natural ground being proven within this area of the site. Investigations for mining of Elland flags consisted of 4 boreholes which found no possible workings or voids in the area.

The Council's Environmental Health team have reviewed the submitted Phase 1 and 2 site investigations, which include an outline remediation strategy and confirm their agreement with the recommendations presented in the reports. Environmental Health suggest a number of conditions to control remediation of the site, particularly considering the sensitive end use for residential purposes.

Subject to the recommended conditions to secure appropriate remediation of the site, the proposed development will be acceptable in terms of land quality and would accord with the requirements of the aforementioned NPPF and Core Strategy policies.

12. Planning obligations

Policy HO11 of the Core Strategy DPD requires that developments provide a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate up to 20% in towns, suburbs and villages.

The application seeks permission for 72 dwellings, all of which will be affordable units. The development therefore exceeds the requirements set out in Policy HO11 but a Section 106 legal agreement should nevertheless include reference to the provision of affordable housing.

The site is also located within CIL residential zone 4, within which there is a nil charge for the provision of new residential floor space. Nevertheless, the application is submitted by a Registered Provider with the development consisting entirely of social housing, where such developments can claim relief from payment of CIL.

West Yorkshire Combined Authority has requested a contribution of £36,828.00 to provide a Residential MetroCard Scheme. It is proposed to provide electric vehicle charging points to all dwellings in lieu of a contribution towards a bus-only residential MetroCard scheme. It is considered that the provision of EV charging points represents a betterment of the scheme, as the charging points are permanent features rather than a temporary MetroCard scheme, which would generally cover a 1-year period, with no guarantee that residents would renew after that period.

The Airedale NHS Trust seeks a contribution of £7,091.90, which will go towards the gap in funding created by each potential patient from this development in respect of acute and planned healthcare. In considering this request, committee members are advised that the

determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The S106 contribution sought is not contemplated by current local plan policy. Members are further advised that legally, the development's potential impact on the provision of local A&E and planned care is a material consideration in the assessment of whether the proposal is acceptable in planning terms.

It is not entirely clear from the information submitted by the Trust what precisely the contribution is intended to fund:- reference was made to it being used directly to provide additional services to meet patient demand from the development and enabling the delivery of services in the provision of acute and planned healthcare; but no substantive details are provided as to how.

Members are advised that if the monies are to be used towards the provision, improvement, replacement, operation or maintenance of infrastructure then that can be funded by CIL since medical facilities are a type of infrastructure specifically identified by the Council for which CIL receipts may be allocated. However, in terms of it being paid as a S106 contribution, Members are advised that the planning application cannot be refused for want of that planning obligation unless it can be demonstrated that it is:

- 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.

According to the Trust, the sum is necessary to meet the short term budgetary gap for A&E and planned care from Parliament for the next 12 months and that needed to serve the wholly populated development. It is understood that the funding arrangement is based on population and paid in arrears annually, but the following year's contract does not pay the following year's deficit retrospectively.

Officers would question the efficacy of the payment when the houses are unlikely to be fully occupied within the next year. Realistically, the homes will not be built and occupied more than 12 months after the date of the decision.

Notwithstanding the above it is not considered that the shortfall in funding on its own is a persuasive reason that the payment is a "necessary" obstacle to the grant of planning permission. The Council is plainly not a party to the arrangements between the Trust and Parliament and any deficiency is a matter for those parties to negotiate. If Parliament has determined that the current allocation of funding is fair and appropriate to meet health needs, then it is not the place of the LPA to look beyond that and resolve any deficit for the Trust through S106. Certainly, there is no specific guidance from the Secretary of State, the NPPF or our current development plan that that should be so.

Therefore, Members are advised that without evidence of:

- the exact services and items the monies will be used towards;
- how this development *directly* generates the health demand for those services (and the nature of that demand) during the relevant 12 months of the grant of the permission beyond those already planned for by population growth; and
- why the Trust cannot currently meet such demand itself;

it is not considered possible to conclude that the contribution satisfies the requisite tests that the contribution is necessary, directly related to the development and reasonable in scale and kind.

Finally, Members are advised that even if that were not the case, the proposed obligation needs to be weighed up in the overall planning balance. This is a proposal for 100% affordable housing which will go some way in addressing need and the Council's shortfall in housing supply. The amount requested is significant and could have implications for the viability of the development and its ability to proceed. Officers consider that outweighs the need for the contribution based on the information submitted by the Trust.

13. Other planning matters

The proposal raises no other planning related matters that have not been addressed within the report or through appropriately worded conditions, as listed below.

14. Community safety implications

Whilst anti-social behaviour, crime, and vandalism are generally a matter for the Police, paragraph 91 of the NPPF states that decisions should promote a 'safe and accessible environment where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'.

West Yorkshire Police have advised regarding a number of measures to improve the general security of properties and to minimise opportunities for crime and antisocial behaviour. Revisions to the proposal include alterations to boundary treatments adjacent to the GNRT route to comprise a 1.5m high close-boarded fence with 300mm open trellis above. This will allow overlooking of the GNRT route from properties and thereby improve surveillance and reduce opportunities for antisocial behaviour. The site plan indicates the installation of barriers to prevent vehicular access onto the GNRT route from the development's access road, which will prevent unauthorised use by motor vehicles and reduce opportunities for antisocial behaviour.

Subject to the conditions listed below in relation to boundary treatments and landscaping, and other security measures to prevent unauthorised vehicular access onto the cycle route, the proposal does not pose any significant apparent community safety implications and accords with the requirements of Policy DS5 of the Core Strategy DPD and the NPPF.

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

15. Outstanding matters raised by representations

- Should introduce permit parking along Station Road
- Construction traffic will cause traffic and wagons will struggle to use the access without damaging residents' property
- Public transport provision should be improved to allow more sustainable modes of transport
The introduction of permit parking is not within the remit of the planning process. A

construction management plan will be required and secured by planning condition, detailed below. Public transport provision is a matter dealt with by the relevant transport body.

- Light pollution
The lighting scheme will be agreed with the highways department but the agent has confirmed that the lighting scheme will be designed to minimise light pollution.

- Impact on utilities e.g. gas, water, electric, tv/internet box
- Impact on local house prices
- The only people to gain from this are the Council and housing developers
These are not material planning considerations but relevant utilities providers will consider the relevant services. The application has been assessed on its planning merits against relevant planning policies and guidance.

- The development will breach local residents' human rights
The human rights of local residents and those of future residents have been considered in the assessment of the application.

- No consultation with local residents and no opportunity to comment on plans
The application has been advertised in accordance with the Council's adopted publicity code of practice and representations have been addressed in this report.

- Lack of school places
Children's Services has confirmed that the proposed development is unlikely to cause concerns regarding where children of families coming to reside in the development may attend school. Further, developments contribute towards education provision through the Community Infrastructure Levy.

- Impact on health facilities
In response to residents' comments regarding the lack of availability at local GP practices, the applicant has referred to local GP practices that are currently accepting new patients. In terms of any impact on the provision of health services, specifically GP practices, this is outside the control of the Council and any additional strain on those services would be for the relevant Clinical Care Commissioning Group to address.

- Has the Homes and Neighbourhoods design guide been considered by the developers
The application was submitted prior to the adoption of this SPD but the principles and guidance contained within the SPD has been taken into account when assessing the application.

Reason for Granting Planning Permission

The scheme proposes a residential development of affordable houses on an unallocated and previously developed site. The scale, form, layout, and design of the proposal are acceptable and raise no concerns in regard to the aforementioned considerations. The proposal is therefore considered acceptable and subject to the listed conditions and S106 legal agreement, satisfies the requirements of the above-listed policies of the Replacement Unitary Development Plan, Core Strategy Development Plan Document, and the National Planning Policy Framework.

Conditions of Approval:

1. Approved plans
The development hereby approved shall only be carried out in accordance with the following documents:

Location Plan - 2649.24.100 Revision A – dated 05/11/2019
Site Section - 2649.24.105A – dated 12/12/2019
Revised Site Layout - 2649.24.101L – Dated 26/05/2020
Topographical Survey - P19-00336-MET-EXT-XX-TOP-M2-G-001-1 – Dated 03/05/2019
Topographical Survey - P19-00336-MET-EXT-XX-TOP-M2-G-002-1 – Dated 03/05/2019
Topographical Survey - P19-00336-MET-EXT-XX-TOP-M2-G-003-1 – Dated 03/05/2019
Topographical Survey - P19-00336-MET-EXT-XX-TOP-M2-G-004-1 – Dated 03/05/2019
Topographical Survey - P19-00336-MET-EXT-XX-TOP-M2-G-005-1 – Dated 03/05/2019
Topographical Survey - P19-00336-MET-EXT-XX-TOP-M2-G-006-2 – Dated 06/11/2019
Topographical Survey - P19-00336-MET-EXT-XX-TOP-M2-G-007-1 – Dated 03/05/2019
Station Road Highway Improvement Plan - 19116/GA/01 REV A – Dated 16/04/2020
Revised Plots 1-4 & 67-70 Plans and Elevations - 2649.24. 110 B – Dated 07/05/2020
Revised Plots 10-11 Plans and Elevations - 2649.24. 114 B – Dated 07/05/2020
Revised Plots 5-6 & 46-47 Plans and Elevations - 2649.24. 115 C – Dated 07/05/2020
Revised Plots 29-31 Plans and Elevations - 2649.24. 116 C – Dated 07/05/2020
Revised Plots 60-62 Plans and Elevations - 2649.24. 117 A – Dated 07/05/2020
Revised Plots 16-21, 34-45, 53-54, 58-59, 63-66 Plans and Elevations - 2649.24. 120 B – Dated 07/05/2020
Revised Plots 7-9 & 55-57 Plans and Elevations - 2649.24. 121 C – Dated 07/05/2020
Revised Plots 22-23 & 32-33 Plans and Elevations - 2649.24. 125 C – Dated 07/05/2020
Revised Plots 12-15, 27-28, 51-52, 71-72 Plans and Elevations - 2649.24. 130 C – Dated 07/05/2020
Revised Plots 48-50 Plans and Elevations - 2649.24. 131 C – Dated 07/05/2020
Revised Plots 24-26 Plans and Elevations - 2649.24. 132 C – Dated 07/05/2020
Culvert Plan and Longsection - 08.18013-ACE-ZZ-XX-DR-C-0181 P2 – Dated 01/06/2020
Exceedance Flow Routing Culvert Plan - 08.108013-ACE-ZZ-XX-DR-C-200 P3 – Dated 01/05/2020

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

2. Three Year Time Limit
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).

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

accordance with the approved details.

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

4. Station Road improvement works
Before any works towards the construction of the development starts on site, full details and specifications of the works associated with Station Road as shown on the Station Road Improvement Plan reference 19116/GA/01 Revision A dated 16th April 2020 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then not be brought into use until these works have been completed on site in accordance with the approved details.

Reason: To ensure that the site is connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 108 of the National Planning Policy Framework.

5. Implement means of access
Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plans numbered 19116/GA/01 Revision A dated 16th April 2020 and 2649.24.101L dated 26th May 2020 and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety and to accord with Policy DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

6. Parking Provision
Prior to the first occupation of the residential units, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policies TR2 and EN7 of the Core Strategy Development Plan Document.

7. Electric vehicle charging points
Before the date of occupation, of each residential unit on site dedicated parking shall be provided with access to a fully operational 3-pin socket on a dedicated 16A circuit, capable of providing a 'trickle' charge to an electric vehicle. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas or within a dedicated garage space. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack/travel planning advice.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with Policy EN8

of the Core Strategy Development Plan Document, the West Yorkshire Low Emission Strategy, and the National Planning Policy Framework.

8. Remediation strategy
Prior to construction of the development, a detailed remediation strategy, which includes a ground gas risk assessment based on the completed ground gas monitoring results and 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 the execution of the remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Core Strategy Development Plan Document.

9. Remediation verification
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 Core Strategy Development Plan Document.

10. 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 Core Strategy Development Plan Document.

11. 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. The development shall be carried out in accordance with the approved methodology.

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 Development Plan Document.

12. Construction Plan
Notwithstanding the provisions 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 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 contractors means of access to the site including measures to deal with surface water drainage;
ii) Hours of delivery of materials;
iii) Location of site management offices and/or sales offices;
iv) Location of materials storage compounds, loading and unloading areas and areas for construction vehicles to turn within the site;
v) Car parking areas for construction workers, sales staff and customers;
vi) The extent of and surface treatment of any temporary road accesses leading to compound/storage areas and the construction depths of these accesses, the levels and gradients.
vii) Temporary warning and direction signing on the approaches to the site.

The construction plan details shall be approved before development is begun and shall be kept in place, operated and adhered to at all times until the development is completed.

Reason: To ensure the provision of proper site construction facilities in the interests of highway safety and the amenity of the surrounding environment and its occupants and to accord with policies TR1, TR3, EN8, DS4 and DS5 of the Core Strategy Development Plan Document.

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

Reason: In the interest of satisfactory and sustainable drainage and to accord with policy EN8 of the Core Strategy Development Plan Document.

14. 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 the existing 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 public sewer network and to accord with policy EN8 of the Core Strategy Development Plan Document.

15. Foul and Surface Water Infrastructure
The surface water drainage scheme shall be constructed in accordance with Flood Risk Assessment and Drainage Strategy by Adept Civil and Structural Consulting Engineers reference 09.18013-ACE-ZZ-XX-RP-C-001 Revision P3 dated 1st June 2020. The drainage scheme including the culverts under the site shall be maintained thereafter by an appointed Management Company for the lifetime of the development.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of

the Core Strategy Development Plan Document and the National Planning Policy Framework.

16. Flood risk mitigation measures
The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Adept Civil and Structural Consulting Engineers reference 09.18013-ACE-ZZ-XX-RP-C-001 Revision P3 dated 1st June 2020 and plan numbers 08.18013-ACE-ZZ-XX-DR-C-0181 Revision P2 dated 1st June 2020 and 08.108013-ACE-ZZ-XX-DR-C-200 Revision P3 dated 1st June 2020. The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework and Policy EN7 of the Core Strategy Development Plan Document.

17. Sewer stand-off distance
No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public sewer i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times for the drainage network and to accord with policies EN7 and EN8 of the Core Strategy Development Plan Document.

18. Biodiversity enhancements
The development shall be carried out in accordance with the biodiversity and landscape enhancement recommendations contained within the Ecological Construction Environment Management Plan (CEMP) reference ER-4500-05.1 dated 18th March 2020, the Biodiversity Management Plan (BMP) reference R-3727-06 dated 2nd April 2020, and the Invasive Species Management Plan reference R-EE-4555-01.1 dated 19th March 2020. A timetable for the implementation of the recommendations shall first be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences above damp proof course on site and thereafter complied with.

Reason: To enhance the biological value of the site and to accord with policy EN2 of the Core Strategy Development Plan Document.

19. Landscaping scheme
No development above damp proof course level shall be carried out on the hereby approved dwellings until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

i) Position of any trees to be felled, trees to be retained, proposed trees and defined limits of shrubs and grass areas.
ii) Numbers of trees and shrubs in each position with size of stock, species, and variety.
iii) Types and scale of enclosures (fences, railings, walls).
iv) Types of hard surfacing (pavings, tarmac, etc.).
v) Regraded contours and details of changes in levels, including any necessary retaining structures.
vi) Details of measures for management and maintenance of any communal landscaped areas not comprising part of the domestic curtilages

The landscaping scheme so approved shall be implemented in its entirety to the satisfaction of the Local Planning Authority during the first available planting season following the completion of the dwellings hereby approved.

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

Reason: In the interests of visual amenity and landscape character and to accord with policies DS1, DS2, DS3, and EN5 of the Core Strategy Development Plan Document.

20. Landscape maintenance
Prior to the occupation of any part of the development, a schedule of landscape maintenance for all amenity and recreation open space areas within the site and covering a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a plan to define all communal hard and soft landscaped areas to be maintained under the maintenance regime, an outline of maintenance works to be undertaken and the frequency of those works, together with details of responsibilities for implementing the maintenance regime by a Management Company or other agency. It shall provide email, postal address and telephone contact details of such a company or agency. Landscape maintenance of the identified areas shall subsequently be carried out in accordance with the approved schedule for the period agreed.

Reason: To ensure effective future maintenance of the landscaped areas in the interests of visual amenity and to accord with Policies DS2, DS3 and EN5 of the Core Strategy Development Plan Document.

21. Bat and bird box details
Prior to the occupation of the dwellings details of bat and bird nest boxes to be incorporated into the design of all units shall be submitted to and approved in writing by the local planning authority. The bat and bird nest boxes so approved shall then be provided in full prior to the first occupation of the development and shall thereafter be retained as long as the development is in use.

Reason: To ensure that the development contributes positively towards the overall enhancement of the District’s biodiversity resource and to accord with policy EN2 of the Core Strategy Development Plan Document.

22. Tree protection measures
The development shall not begin, nor shall there be any demolition, site preparation or groundworks, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained until the tree protection fencing and other tree protection measures are installed in strict accordance with the details and positions shown on the submitted arboricultural report and associated drawings Ref. 14944e/TT by JCA Ltd, dated 8/06/2020.

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

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

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

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

24. Verification of tree protection measures
Prior to the removal of the protective fencing and other agreed tree protection measures, written verification/evidence that the developer has arranged for supervision and monitoring of those approved measures by a suitably qualified and pre-appointed tree specialist, at regular and frequent intervals throughout the duration of the development, shall be submitted to the Local Planning Authority. Prior to the occupation of the development, or prior to the occupation of phases of the development as have been agreed in writing with the Local Planning Authority, the Local Planning Authority shall have first confirmed in writing its agreement to the verification/evidence.

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

25. Bin storage
Notwithstanding any details shown on the approved plans, full details of the proposed bin storage enclosures shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall then be provided in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained thereafter.

Reason: In the interest of visual amenity and highway safety and to comply with policies DS3 and DS5 of the Core Strategy Development Plan Document.

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

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

Informatives:

Works affecting Carperley Beck
The developer's attention is drawn to the need to gain consent for works affecting the watercourse (Carperley Beck) from the Lead Local Flood Authority, in this case Bradford Council. The developer must therefore apply to Bradford Council Land Drainage Department for consent to undertake works affecting the watercourse. For advice regarding works to the watercourse please contact Edward Norfolk on 01274 433905 or via e-mail at edward.norfolk@bradford.gov.uk

Breeding Birds
All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), including their nests (whilst in use or being built) as well as any eggs the nest may contain. Site clearance should not occur during the bird nesting season. This is weather dependant but generally extends from 1st March to 31st August (inclusive). If this is not possible and breeding birds are encountered, any such works undertaken within the bird nesting period (March to August inclusive) should be supervised by a suitably qualified ecologist and no site clearance should take place until after the fledglings have left the nest.

Public Rights of Way:
The affected public footpaths must not be obstructed by any plant, materials or equipment. Even the temporary storage of materials on the footpath is not permitted. Any obstruction of the route constitutes an offence under the Highways Act 1980 and will be pursued accordingly.

If works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. Please phone Andrew Dilley on 01274 432393 or email andrew.dilley@bradford.gov.uk for details.

Even if planning permission is granted, no new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. The requirements of the Equalities Act must also be considered.

If works alongside the public footpaths/bridleways present a danger to path users, the affected section should be fenced off with safety netting

The surface of the footpath should not be disturbed, however, if damage to the public footpaths caused by development works does occur, it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way, these must be approved, in advance by the Rights of Way Section.

If building works remove features that would enable users to find the footpath/bridleway, the line of the footpath must be clearly indicated by some other means, as this will help to minimise conflict and difficulties on site.

Yorkshire Water
The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

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City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25 June 2020

D

Subject:

This is a full planning application for the construction of a combine heat and power gas generator on land to the west of Turf Lane adjacent to HCF Poultry Ltd., Cullingworth. The application site is located in the Green Belt.

Summary statement:

The generator represents inappropriate development in the Green Belt as defined in the National Planning Policy Framework. The applicant posits the case that there are very special circumstances to approve the development. Following detailed consideration of the application it is concluded that the need for the development does represent very special circumstances and so can be considered acceptable in Green Belt terms.

The site is also within a designated landscape character area. The impact of the development on the landscape has been considered and found not to be detrimental.

The proximity of residential properties to the site and the potential impact on the living conditions and amenity by reason of noise and fumes has been considered and deemed to be acceptable.

The application is recommended for approval with conditions.

Julian Jackson
Assistant Director (Planning, Transportation & Highways)
Report Contact: Mark Hutchinson
Area Planning Manager
Phone: (01274) 434605
E-mail:mark.hutchinson@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a full planning application for the construction of a combined heat and power generator on land to the west of Turf Lane, Cullingworth to serve HCF Poultry Ltd.

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

None

4. OPTIONS

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application then reasons for refusal will need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from this application.

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

None

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 on the edge of the urban area of Cullingworth and occupies a site in the Green Belt. The development has the potential to impact sustainability by introducing inappropriate development into the Green Belt. However, this has to be balanced against the benefits of the scheme in terms of the business and employment and the alterations to the operation of the business. It is necessary to consider the economic, social and environmental impact of the development.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

8.4 COMMUNITY SAFETY IMPLICATIONS
The Community Safety Implications of the proposed development are considered in Appendix 1.

8.5 HUMAN RIGHTS ACT
Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

8.6 TRADE UNION
None

8.7 WARD IMPLICATIONS
There are no Ward implications posed by this development.

9. NOT FOR PUBLICATION DOCUMENTS
There are no 'not for publication' documents.

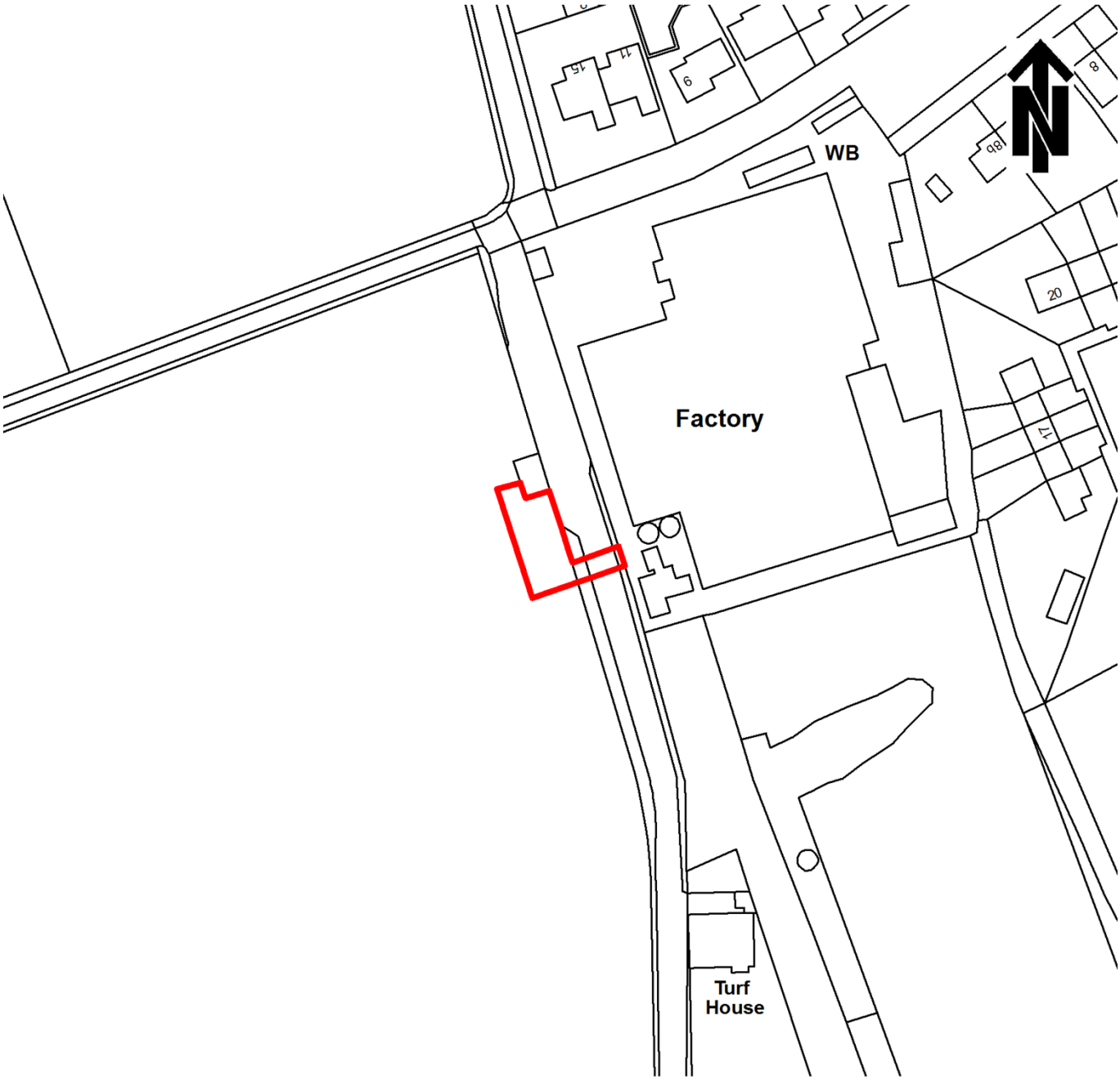
10. RECOMMENDATIONS
It is recommended that the Committee accept the recommendation of approval within the report attached as Appendix 1.

11. APPENDICES
Appendix 1: Report of the Strategic Director of Regeneration and Culture.

12. BACKGROUND DOCUMENTS
The Replacement Unitary Development Plan for Bradford District
National Planning Policy Framework
The Core Strategy Development Plan Document

19/04627/FUL

City of BRADFORD METROPOLITAN DISTRICT COUNCIL



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Station Yard Station Road Cullingworth BD13 5HP

Appendix 1

Ward: BINGLEY RURAL
Recommendation:
TO GRANT PERMISSION

Application Number:
19/04627/FUL

Type of Application/Proposal and Address:
Full planning application for the installation of a combined heat and power (CHP) gas generator at land to the west of Turf Lane to serve HCF Poultry Ltd., Station Yard, Station Road, Cullingworth

Applicant:
Mr Mariusz Tokarczyk - HCF Poultry Ltd

Agent:
Mr John Steel - J O Steel Consulting

Site Description:
The application relates to a meat processing factory (HCF Poultry Ltd) which is located at the corner of Station Road and Turf Lane in Cullingworth. Turf Lane is an unmade road that is heavily potholed. The application site is on the edge of the settlement on open agricultural land used primarily for the grazing of livestock. A carbon dioxide (CO2) storage tank and enclosure stands on a concrete base occupying around 38.25m²; the site comprises a rectangular shaped piece of land to the west of Turf Lane south of the tank. There are a number of public footpaths and bridleways that crisscross the landscape around the site and along Station Road and to the north following the old railway line.

Relevant Site History:
16/05102/FUL - To retain industrial tank on concrete base in fenced compound. Granted 24.10.2016
18/04699/CON - Consultation with the Environment Agency - application for an environmental permit. No objections 04.12.2018

The National Planning Policy Framework (NPPF):
The NPPF is now a material planning consideration on any development proposal. The NPPF 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 NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:
The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated or any specific land use but is within the designated Green Belt and the Wilsden Landscape Character Area. Accordingly, the following adopted Core Strategy policies and saved RUDP policies are applicable to this proposal.

Core Strategy Policies
Policy EN4: Landscape
Policy EN5: Trees and Woodland
Policy EN6: Energy
Policy EN8: Environmental Protection
Policy EC2: Supporting Business and Job Creation
Policy EC4: Sustainable Economic Growth
Policy DS1: Achieving Good Design
Policy DS2: Working with the Landscape
Policy DS4: Streets and Movement
Policy DS5: Safe and Inclusive Places

Saved RUDP Policies
Policy GB1 Green Belt
Policy GB2 Siting of New Building in the Green Belt

Other Relevant Legislation
Environmental Permitting (England and Wales) (Amendment) Regulations 2018
10 of Regulation (EC) 1069/2009

Parish Council:
Cullingworth Village Council: There is a general presumption against inappropriate development in Green Belt and proposals must not harm the countryside. Policies are set down to strictly control development. Planning permission will not be given except in very special circumstances and must be in unobtrusive position within the landscape if that were found to be the case. Previous CO2 equipment was placed with no planning permission and tree planting has been ineffective. It remains obtrusive and harms the visual amenity. This proposal will cause further harm to the Green Belt. This is purely a commercial decision, there are no proven special circumstances and in no way is it related to agriculture.

Publicity and Number of Representations:
Application was publicised by individual notification letters, site notice and press notice (Telegraph and Argus). The publicity period expired on 20th December 2019. To date a total of 29 letters of objection have been received including one from Philip Davies MP.

Summary of Representations Received:
The application address is misleading; the site is in the Green Belt on the western side of Turf Lane in the field, not within Station Yard.
The development is inappropriate in the Green Belt.
The business generates a significant number of lorry movements through Cullingworth which is harmful to amenity because of noise, smells and impact on the highway network.
The site already produces unpleasant smells this would make that worse.
The business has outgrown the site and should relocate.

Consultations:
Environment Agency: No objections to this application. The operations of the facility will fall under the regulatory scope of the Environment Agency. It is therefore recommended that the applicant ensures the facility is constructed to comply with the requirements of the Medium Combustion Plant Directive (MCPD) and the Environmental Permitting (England and Wales) (Amendment) Regulations 2018. Under the terms of the MCPD it is likely that a permit variation will be required before the plant can operate.

Environmental Protection (Air Quality): Further to the provision of additional information by the applicant regarding expected emission rates from the proposed CHP plant it has been possible to complete a screening assessment in line with DEFRA guidance on review and assessment of air quality impacts of CHP plant. The screening indicates that the proposed plant is unlikely to exceed the annual average objective for NO2 at the nearest residential receptor point located approximately 60m away to the south of the proposed stack. Additionally, emissions from the plant will be subject to an environmental permit by the Environment Agency. On this basis there are no air quality objections to this proposal.

Environmental Protection (Nuisance): Due the relatively close proximity of some residential dwellings to the proposed plant there are some concerns regarding the potential for noise from the plant to cause disturbance to the occupiers of these dwellings.

Tree Section: If the application is acceptable, tree planting could be used as a means to overcome arboricultural concerns and current non-compliance with Policy EN5. However, it is noted that in connection with the previously attached tree planting condition relating to 16/05102/FUL there is no evidence that this was ever implemented or if it was the planting has failed. It would therefore be beneficial if the application were to propose mitigation tree planting that also included the requirements of the 16/05102/FUL application if this is possible in planning terms, and possibly any agreed planting to be complete before development starts.

Highways Engineer: No objections.

Summary of Main Issues:
1. Green Belt
2. Landscape Impact
3. Economic Development
4. Environmental Impacts
5. Residential Amenity
6. Trees

7. Highway Safety

Appraisal:
The proposal is to install a CHP plant on the plot identified to the west of Turf Lane. The plant comprises machinery located on a 15.5m x 5.2m concrete pad; the size of the proposed power plant is 2.8m wide, 12.2m long and with an overall height of 8.2m. Turf Lane forms the boundary of the Green Belt. The site is, therefore, within the Green Belt as defined in Policy GB1 of the RUDP.

1. Green Belt

The NPPF sets out that planning plays a key role in economic development. This is also reflected in the locally adopted policies of the Core Strategy. NPPF paragraph 8 states: 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.' These objectives are economic, social and environmental.

NPPF Paragraph 145 states: 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.' There are a series of exceptions to this which, for ease of reference, are set out below:-
a) buildings for agriculture and forestry;
b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
e) limited infilling in villages;
f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 146 of the NPPF continues:-
'Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:-
a) mineral extraction;
b) engineering operations;
c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.'

In light of the above it is agreed between the Council and applicant that the proposal represents inappropriate development in the Green Belt on the basis that it does not fall into any of the exceptions listed above.

It is therefore necessary to consider the following:-
NPPF Paragraph 143: 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances', and NPPF paragraph 144: '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 resulting from the proposal, is clearly outweighed by other considerations.'

It is, therefore, the contention of the applicant that there are very special circumstances that mean that the development should be permitted. It is necessary to consider this matter in detail.

The business, HCF Poultry Ltd., is based at Station Yard located on the edge of Cullingworth. The site comprises a number of large buildings and as the site has developed there is less available spaces to develop within the existing envelope of the site. This is demonstrated by the permission granted in 2016 (ref16/05102/FUL) which was to retain industrial tank on concrete base in fenced compound.

It is necessary to carefully consider the function of the proposed CHP gas generator. The current operation at Station Yard is operating at the near power capacity and there have been energy outages in the past. The proposal is, therefore, primarily intended to achieve a secure energy supply to the site. It is noted that there is an alternative to the CHP generator identified by the applicant, which is to increase the electrical power to the site from the national grid but this would require a long new cable run from a suitable substation and this would impact on the local road network whilst it was being installed.

The CHP generator is powered by gas, of which there is an adequate supply to the site. It is acknowledged that this is not a renewable energy source. However, the site is presently powered by a combination of electricity, gas and diesel. The proposed generator would remove the need for diesel and so improve the environmental credentials of the site.

Additional information has been submitted with the application relating to the business operation at the site. It is intending to invest in a new animal by-product waste processing plant within the Station Yard site. It is important to note that this element does not require planning permission and does not form part of the application, however, it is relevant as it is agreed that without the CHP generator supplying power the new processing plant cannot operate.

The animal by-product is 'Category 3 low risk' as set out in Article 10 of Regulation (EC) 1069/2009 but has to be processed at approved sites. At present, the animal by-product waste is taken off-site by lorry to an approved processing plant in Penrith, Cumbria. This means that at present 4 to 5 sheeted lorries leave the plant each day

removing offal and other chicken waste. From some of the correspondence received from Cullingworth residents it is the case that sometimes chicken waste has dropped on the roads. The proposed processing plant would means that all animal waste could be processed on site thus removing the requirement for lorries to come to and from the site to remove the waste as presently happens.

It is also that case the processing plant can be integrated into a full circular economy solution that can utilise the output oil to run a CHP plant to generate on-site electricity, hot water and steam thus enhancing site sustainability.

It does have to be stressed that the waste processing plant does not require planning permission and there is no way to condition or otherwise link its installation to the grant of planning permission for the CHP generator. However, it is reasonable to conclude that if permission is granted the waste processing unit is likely to be installed. It is also acknowledged, as has been mentioned above, that the site is already operating near to full capacity and so some form of additional power generation is necessary in order for the business to continue to operate at its present capacity. However, it is considered that given the energy use at the site a present, which is nearing full capacity. This means that the business is unable to progress. This being the case, it is considered that there are very special circumstances to grant permission, even if the animal by prduce processing unit is not installed.

One of the important considerations is whether the proposed CHP generator could be located within the Station Yard and thus prevent the need for it to be sited in the Green Belt. As has been mentioned previously the site is already relatively well-occupied by buildings and a certain amount of yard space is required to accommodate vehicles movements, including heavy goods vehicles (HGVs). A plan of Station Yard has been submitted that shows the CHP generator cannot be located within the site. This means that the site chosen is a reasonable alterative from a practical and operational assessment. It does of course mean that the development encroaches into the Green Belt.

This leads to the wider question of whether the business has ‘outgrown’ the Station Yard site, given that this would be the second piece of apparatus sited outside of the yard and in the Green Belt?

The site has operated as an abattoir/meat processing factory since before 1978 and the current business has operated since 2004. The operation at the site has grown since that time. From the information submitted by the applicant there were 91 employees in 2004 and there are now 160. There is, clearly, a finite amount of growth that can be accommodated at the site. Given that the application is to develop within the Green Belt it is reasonable to ask if the business is at maximum capacity and should therefore relocate to more suitable premises.

The Council cannot directly require a business to relocate. However, it can, through planning decision(s) have an impact on the economic development of this business. If this application were to be refused it is reasonable to consider what the impact would be on the business in terms of the future of the current employees and the long term future of the business.

It is stated in the submitted information that since 2010 the company have invested £6.25m and the proposed CHP generator has a capital cost of £400k. There is no

reason to question these figures and it is agreed that it demonstrates a commitment to the longevity of the economic use of the site.

The economic development of the proposal is considered later in this report, however the number of jobs at the site and provided by this proposed development is a material consideration in relation to the Green Belt. It is argued that the business cannot be maintained at the current level unless the CHP generator is installed. This is partly due to the requirements of the supply chain of which the business is a part. At present the meat process operated at the site is relatively power intensive. The proposed CHP has the dual effect of securing the power supply to the site, thus eliminating potential power outages, and also reduces the carbon footprint of the site since the processing unit means that no animal by-product needs to be removed from the site, thus eliminating the 4-5 lorry trips to Penrith per day. It is also possible to power the CHP generator from the oil/tallow, an animal by-product from the processing plant. However, the applicant has indicated that it is intended to sell the oil/tallow.

The reduction in the carbon footprint from the site weighs in favour of the development.

2. Landscape Impact

Green Belt land is not allocated primarily because of its landscape character, however in this case the site lies in the Wilsden Landscape Character Area identified as mixed upland pasture.

Core Strategy Policy DS2 relates to development within the landscape. It states: ‘Planning Decisions including Plans and development proposals should take advantage of existing features, integrate development into the wider landscape and create new quality spaces.’

Core Strategy Policy EN4 relates specifically to the designated landscape character area and sets out the approach to be taken in considering development within the designated landscape character areas.

The agricultural field adjacent to Turf Lane is used primarily for the grazing of livestock. Turf Lane acts as strong physical division between the urban edge of Cullingworth and the rural land around it. Paragraph 170 of the NPPF states that planning decision should ‘contribute to and enhance’ the natural environment by, amongst other things, ‘recognising the intrinsic character and beauty of the countryside’.

The proposed development is not characteristic of a rural area and does have an overtly industrial appearance. Turf Lane and the surrounding footpaths that pass by close to the site are well used by walkers and for recreational purposes. When viewed from the footpath that runs towards Manor Farm to the west, the CHP generator would be seen against the backdrop of Station Yard itself. Other views for the generator would be within the immediate context of Turf Lane.

It is considered that the proposed development could be accommodated within the landscape provided that a suitable landscaping scheme is implemented and maintained. This is because the harm to the landscape caused by the generator would be localised to the area immediately adjacent to Turf Lane. In the wider landscape the generator would not be prominent. This is due to the backdrop of the factory to the east

(and Cullingworth beyond) and the general topography of the landscape. The field is gently undulating and the application site is not elevated or especially prominent.

The benefits of the development have to be considered in respect of the potential detriment to the landscape.

3. Economic Development

Paragraph 8 of the NPPF, already noted above, sets out that planning plays a key role in economic, social and environmental development, which is also reflected in the locally adopted policies of the Core Strategy. The environmental impact of the development has been considered in the preceding sections of this report. It is also necessary to consider the economic impact of the development since each objective is interdependent.

The site is an important business that employs 160 people and has seen investment into the development of the site. Whilst the proposed development is not of a large scale it has the potential to have a significant impact on the sustainability of the business.

4. Environmental Impacts

Core Strategy Policy EN6 states: ‘Planning decisions…will maximise improvements to energy efficiency and support the development of renewable and low carbon sources of energy.’

The CHP generator and associated processing plant will greatly improve the energy efficiency of the site. This in turn reduces the carbon footprint of the site when taken in the round. The ability of the factory to process its own waste on site, rather than transporting it to Penrith, would have a significant impact on the efficiency of the process. It would reduce the number of vehicle trips to and from the site by HGVs. The CHP generator and the processing plant have the potential to be co-dependent, that is to say the waste produced by the processing plant can be power the CHP generator. The plans show that the CHP generator is to be powered by main gas. This means that the factory would not be operating at close to maximum power usage and therefore not run the risk of power outages and removes the need for diesel generators for power.

The result of this would be to reduce the carbon footprint of the business, primarily, through energy efficiencies and the reduction in vehicle trips. It also leaves the option to power the CHP generator from the processed animal waste oil in the future and thus becoming an enclosed system. Given the operating limitations at the site at present it is a reasonable expectation that the processing unit is something that would then be introduced.

5. Residential Amenity

The site is located on the edge of the settlement. There are residential properties to the east of the Station Yard site on Highfield Terrace around 100m from the proposed CHP generator. To the south on Turf Lane are residential properties, the nearest being Turf House around 110m away.

Policy DS5 of the Core Strategy states development should ‘not harm the amenity of existing or prospective users and residents.’ This is consistent with the NPPF paragraph 127 (f) which requires development to ensure development creates space ‘with a high standard of amenity for existing and future users’.

The generator has an exhaust flue at 8.2m high where gases are discharged. The generator has the potential to impact the amenity of nearby residents by reason of fumes and noise.

The emissions from the plant are assessed based on the information provided by a screening assessment in line with DEFRA guidance on review and assessment of air quality impacts of CHP plant. The screening indicates that the proposed plant is unlikely to give rise to exceedance of the annual average objective for NO2 at the nearest residential receptor point located to the south of the proposed stack. Additionally, emissions from the plant will be subject to environmental permitting by the Environment Agency.

The site currently operates its main chicken business and ancillary effluent treatment under Environment Agency Permit. It is understood that discussions are on-going between the Environment Agency and applicant to in relation to the CHP generator and for the animal by-product processing plant.

In respect of the potential noise, the generator is located a reasonable distance from nearby properties and the main body of the generator is enclosed, which will reduce noise breakout. Examples of other CHP generators operating within close proximity of residential properties have been supplied by the applicant. Whilst it is the case that each application has to be considered on its individual merits it is useful to note that other examples do exist.

Information provided by the manufacturers of the CHP generator has been submitted with the application. It is stated that noise emissions are limited. The operating specifications of an identical CHP generator have been provided and show that, for the specified unit, the noise generation is limited. In this case, it is considered that the amenity of the nearest residential properties is protected by reason of the limited noise generation from the CHP generator. The siting of the generator means that it is adjacent to the existing factory and as such any noise generated would not be likely to exceed that of the adjacent works.

Some of the objections received in relation to this application have referred to the operation of the site as a whole and that it produces unpleasant odours and disruption because of the HGV movements.

The proposed development, if approved, would, along with the introduction of the processing unit, reduce the number of HGV trips and that should, in itself, improve the experience of nearby residents and Cullingworth more generally.

The operation of the site as a meat processing plant is not for consideration as part of this application. The use has been operating at the site for some time and is operating lawfully from a planning point of view. It is not agreed that the business has outgrown the site. Each application has to be considered on its individual merits. There is clearly a finite degree of development that can be accommodated as part of the business operations. In this case, it has been demonstrated, and accepted by the Local Planning

Authority, that the CHP generator cannot be sited within Station Yard, and as such it is necessary for the applicant to identify an alternative site. The application is then considered and determined on its merits. The consequences for the business, if the application were to be refused, is a reasonable consideration in the context of the application given its importance to the local economy and the number of jobs at the factory.

Such considerations have to be balanced against the impact of the development on, amongst other things, the amenity of nearby residents. The number of objections received from residents and the comments of the Parish Council demonstrates that there is local opposition to the scheme and that is a material consideration in respect of the application and this has to be balanced against the material benefits of the proposal.

6. Trees

Core Strategy Policy EN5 seeks, in general terms, to ‘preserve and enhance the contribution that trees…make to the character of the District.’

In an edge-of-settlement location trees such as this can help with the transition from urban to rural setting.

There is an existing mature broad-leafed tree adjacent to the application plot. This tree does not benefit from any protection, such as a Tree Preservation Order. It is located in the verge of Turf Lane and is likely a self-seeded tree that has been left, relatively, unhindered. There are similar specimens along Turf Lane.

The proposed CHP generator is a large piece of apparatus that is required to sit on a concrete pad. These works would be within the root protection area of the established tree. Additional information has been submitted which show that the concrete pad would sit on piled raft base, meaning that the root of the existing tree would not be directly impacted, however, soil compaction and other detrimental changes may affect the longevity of the tree.

It is noted that at the time the CO2 gas tank was approved some tree planting was carried out around the perimeter of the compound. That planting has, on the whole, failed and as a result the gas tank remains relatively exposed.

Notwithstanding the existing tree and its retention a robust replanting scheme should be made a condition of an approval of planning permission should members be so minded. It is important that such a scheme is implemented and maintained so as to avoid the failure at the adjacent CO2 gas tank.

7. Highway Safety

The proposed installation of the CHP generator itself would have no impact on highway safety or of the users of the highway on the basis that it is sited within the field and, apart from its construction would not generate additional vehicular traffic.

As has been set out earlier in this report, the potential gain of this development is to reduce the frequency of lorry trips to and from the site. The animal waste, which cannot be currently processed at the plant, has to be transported to an approved processing

plant. This amounts to 4-5 lorry trips per day. Reducing this would be beneficial to the other users of the highway as well and the amenity of nearby residents since there would be a reduction of lorry movements and thus a reduction in noise and diesel fumes.

Community Safety Implications:
None

Equality Act 2010, Section 149:
In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:
The proposed development represents an inappropriate development in the Green Belt, as defined by paragraph 145 of the NPPF. However, the applicant has demonstrated that there are very special circumstances that justify the siting of the CHP gas generator in the Green Belt. It is agreed that the generator cannot be sited within Station Yard which then limits the potential locations for the generator.

The requirements for the CHP generator are a material consideration in terms of the operation of the existing business. Due to the present power requirements of the meat processing factory it is not possible for the business to expand. The proposed CHP generator is, therefore, required to ensure a consistent power supply for the factory. This means that the business would not be reliant on main electricity and back up support from diesel generators.

The other element to this application, in terms of the requirements of the generator, is to power a waste processing unit. The mains power supply to the site is not sufficient to power the waste processing unit. This is relevant since at present there is no way to process the animal by product created by the meat process at the site. This waste is Category 3 (low risk) animal by-product which means that it has to be processed at an approved site. The processing unit that the applicant advises would be introduced at the Station Yard site means that the animal by-product can be processed at the site removing the need for it to be transported to Penrith for processing; this removes the need for the number of HGV journeys to and from the site significantly. In turn this benefits the carbon footprint of the business as well as the amenity of nearby residents by reducing diesel fumes and disruption to traffic flow.

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

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

2. In the first planting season following the completion of the development, or as may otherwise be agreed in writing by the Local Planning Authority, the landscaping proposals and new tree planting shall be implemented at the site in accordance with details shown on the approved Landscape Proposals drawing reference 629 03

Revision E dated July 2019 and received by the Council on 25th March 2020. Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord policies EN5, DS1 and DS2 of the Core Strategy Development Plan Document.

3. In the event that the generator hereby permitted ceases to be operational for a continuous period exceeding six months, then the generator and all associated apparatus shall be permanently removed from the land and the site restored to its former condition within three months of the period of cessation.

Reason: In the interests of landscape character, visual amenity and to maintain the openness of the Green Belt, because the very special circumstances which justified its erection would no longer exist, and to accord with policies DS1, DS2, GB1, GB2, and EN4 of the Core Strategy Development Plan Document.

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25 June 2020.

E

Subject:

This is a householder planning application for the construction of single and two-storey extensions on the rear elevation of 4 Margerison Crescent Ilkley, plus a dormer window on the front elevation.

Summary statement:

The extensions are proposed to a mid C20th semi-detached house in a residential cul-de-sac in Ilkley. A number of objections have been received raising numerous issues, but the proposed rear extensions are judged to accord with the Council's adopted Householder SPD and present subservient and sympathetic additions to the property that will not harm the amenity of any neighbouring occupiers. The dormer is also within Householder SPD design guidelines. Indeed it has been further reduced in width in response to comments from objectors so it is better balanced with the proportions of the existing house.

Subject to the suggested conditions the application is recommended for approval.

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

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a householder planning application for the construction of extensions to the rear of the property, plus a front dormer window. The property is 4 Margersion Crescent, Ilkley, LS29 8QZ

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

N/A

4. OPTIONS

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application then reasons for refusal will need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from this application.

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

N/A

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 property is located in an established residential area in a sustainable location. The extensions and dormer would represent improvements to the accommodation it will offer to future occupiers and there are no sustainability implications for the Council.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There will be no significant greenhouse gas emissions impacts caused by the proposed development.

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no Community Safety Implications

8.5 HUMAN RIGHTS ACT
Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

8.6 TRADE UNION
None.

8.7 WARD IMPLICATIONS
There no Ward implications posed by this development.

9. NOT FOR PUBLICATION DOCUMENTS
There are no 'not for publication' documents.

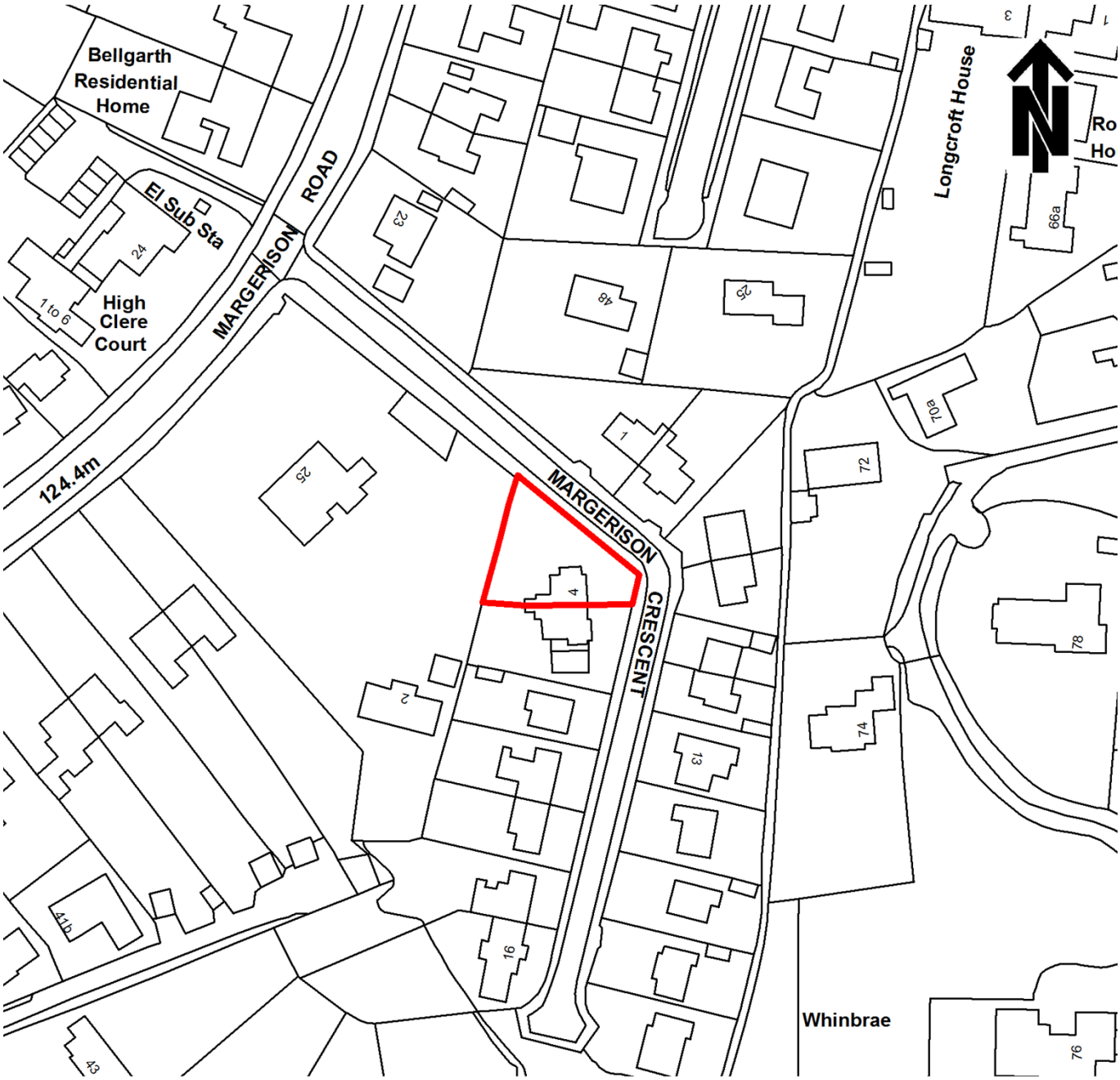
10. RECOMMENDATIONS
It is recommended that the Committee accept the recommendation of approval within the report attached as Appendix 1.

11. APPENDICES
Appendix 1: Report of the Strategic Director of Regeneration and Culture.

12. BACKGROUND DOCUMENTS
The Replacement Unitary Development Plan for Bradford District
National Planning Policy Framework
The Core Strategy Development Plan Document
Householder SPD

20/01167/HOU

City of BRADFORD METROPOLITAN DISTRICT COUNCIL



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4 Margerison Crescent
Ilkley LS29 8QZ

Appendix 1

Ward: **Ilkley (ward 14)**
Recommendation:
To grant planning permission subject to conditions

Application Number:
20/01167/HOU

Type of Application/Proposal and Address:
Householder planning application for construction of a single and two storey rear extension and a front dormer window at 4 Margerison Crescent, Ilkley, LS29 8QZ.

PROCEDURAL NOTE : The plans tabled for consideration indicate the proposed creation of 2 off-street parking spaces on the curtilage at the side of the dwelling house. Although they have attracted objections, these hard standings can be formed under permitted development rights conveyed by Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. As the parking spaces can be formed without needing planning permission from the Council they are not being considered as part of this planning application.

Applicant:
Mr Fred Rathmell

Agent:
Mr Mark Throp

Site Description:
The application property is a rendered, semi-detached dwelling under a tiled roof. It is located in a residential area in the Ben Rhydding suburb on the east side of Ilkley. The cul de sac slopes upwards and No 4 is close to a sharp bend in the road. The garden levels drop to the north of the application plot. The two semi-detached houses are not of similar design and the adjoining house has a large flat roofed extension at the side. The street is lined by a variety of dwelling types mostly built around the same time - in the mid C20th.

Relevant Site History:
No previous planning applications are recorded.

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

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

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

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

Replacement Unitary Development Plan (RUDP):
Allocation
The site is unallocated for any specific land-use in the Bradford RUDP.

Proposals and Policies
Core Strategy:
DS1 Achieving Good Design
DS3 Urban Character
DS5 Safe and Inclusive Places
DS4 Streets and Movement
TR2 Parking Policy

The adopted Householder Supplementary Planning Document is a material consideration.

Town Council:
Ilkley Town Council recommends refusal until all road safety issues are properly addressed. The proposed driveway entrance is on the bend of the road meaning that there will be little or no visibility from the proposed driveway entrance. It has reservations about how road safety will be managed during construction works and there is a need for a proper road safety plan during the construction works. The construction vehicles will need to turn in the road and the road at this point is narrow, with the turning point being tiny and on a bend on a hill. No reference is made to materials proposed to be used for the driveway. The Parish Plans Committee recommends use of permeable surfaces.

Publicity and Number of Representations:
The application was advertised by neighbour notification letters. This publicity period expired on 02 May 2020. Twelve representations of objection have been received.

Summary of Representations Received:
Highway safety problems will be caused:
Concerns raised with regard to the location of the new drive on the bend of Margerison Crescent due to poor visibility and the narrow nature of the road.

When the drive was removed from the plans, this led to objections that the site has no drive at all; and that off-street parking should be required for a larger 4-bed dwelling.

Concerns are also raised due to lack of construction plan and information as regards how delivery vehicles will manoeuvre in this narrow street. Photos have been provided of current parking issues in Margerison Crescent.

The dormer window is not appropriate:

The dormer proposed at the front would be out of character and will be overbearing and over-dominant. There is not enough head room to accommodate the dormer. The dormer should be to the rear roof slope. Overlooking from the window will occur.

Rear extension will cause overlooking
Concerns raised with regard to overlooking from the windows in the extension.

Other matters:
Over-development of the site.
No location for bins shown on plan.
Require clarity on height of hedge.
Internal works have already commenced.
Disturbance during construction.

Consultations:
None deemed necessary.

Summary of Main Issues:
1. Principle of the development
2. The drive/off-street parking
3. Impact on built environment (Design, Scale & Appearance)
4. Impact on neighbouring Occupants
5. Highway safety
6. Other Issues raised in representations

Appraisal:

1. Principle of the Development:
The site is unallocated for any specific land-use in the Bradford RUDP. The site is not in a conservation area or affected by other restrictive designations and so there are no objections in principle to extensions to this dwelling house. However, the extensions need to meet other planning considerations and the objectives of the NPPF and the Core Strategy.

2. The proposed drive/off street parking:
The existing house does not have any off-street parking facilities or a garage. The application plans proposed to create a new drive to the front of the dwelling. As noted above, this raised a number of objections from local residents that, being close to a bend, car drivers using the car spaces created would have restricted visibility and so they would cause highway safety problems.

The applicants took these comments on board and offered to remove the drive from the application proposals. However, this then resulted in objections that the property has no off-street parking at all and that off-street parking should be provided for the 4-bedroom dwelling being created.

Consequently, a further amended plan was submitted to indicate the provision of two off-street parking spaces on the garden at the side of the dwelling, set as far away from the bend in the road as is possible. These alternative spaces have continued to attract objections.

Although the objections are noted, the provision within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house would be permitted development by virtue of Part 1 Class F to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order, 2015.

As the spaces are now being proposed to the side of house and not on land between a wall forming the principal elevation of the dwelling house and the highway, there is no requirement that such spaces be constructed of porous materials, or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.

This element of the scheme does not, in itself, require approval from the Local Planning Authority and so a determination of this by the Committee is not required for the proposed parking spaces.

3. Impact on Built Environment (Design, Scale & Appearance):

Rear extensions:
To the rear, a single storey rear extension is proposed projecting out by 3 metres alongside the boundary with the adjacent semi at 6, Margerison Crescent. Away from the boundary, the extension would be two-storeys in height and this part would extend out to a depth of 4.5metres.

Due to the land levels, the two storey extension will be visible from public vantage points north of the site. However, the extension will be of an appropriate, subservient scale with a lower ridge line than the ridge of the existing house. The extension will be constructed in materials to match the application dwelling.

The development will be located within substantial grounds and a large garden area will remain for future occupiers. The development would not result in over-development of the site as the rear extensions will sit comfortably on the plot. They are unobtrusive and proportionate additions that fully accord with design guidance in the adopted Householder SPD and comply with design policies DS1 and DS3 of the Core Strategy DPD. The extensions will not have a negative impact on the character of the area.

Front dormer:
Margerison Crescent is lined by a variety of house designs and this particular pair of semis is not symmetrical.

The Householder SPD also provides guidance for dormer windows. This property is not in a conservation area and the Householder SPD would ordinarily allow the use of a flat roof dormer window on the front roof slope - with a width of up to 3 metres.

Representations have criticised the addition of a dormer to the front of this house suggesting that there are no other dormer windows at third floor level on the street. However, there are certainly other dormers visible elsewhere on Margersion Crescent as the street includes several dormer bungalows. The Householder SPD does not prevent the addition of dormer windows just because an existing roof or street does not presently have them. The addition of this appropriately designed dormer window on the front roof slope will not have a detrimental impact on the character of the existing house and such a feature is not out of keeping with the character of the street.

In response to the representations and officer suggestions, the applicant has, however, accepted that a 3-metre wide dormer could appear a little imbalanced in relation to other features of the house. The applicants have therefore proposed that the width of the dormer window be reduced to a width of 2.5 metres. The dormer window would now be well balanced with the existing features of the house - it would be set below the ridge, with a gap to the sides of approx. 2.4 metres and 1.6 metres which is well in excess of the SPD guidance recommendations. The sides of the dormer window are to be clad to match the existing roof materials and no cladding is proposed to the front of the dormer window.

The dormer window addition as amended is an attractive feature that will not dominate the roof and which fully accords with SPD Design Guidance. There is no justification, either, for insisting that the dormer window is placed on the roof at the rear. The front dormer window is an appropriate addition that accords fully with the guidance in the Householder SPD and complies with policies DS1 and DS3 of the Core Strategy DPD.

4. Impact on Neighbouring Occupants:
The adjoining dwelling, 6 Margerison Crescent, has a single storey extension at the rear. The proposed single-storey extension to the rear of No 4 would project along the common boundary to a similar depth. The two storey element of the rear extension would be set away from the common boundary and its position is such that it will not result in any significant loss of outlook or cause significant overshadowing to any neighbours. No windows would face from the extensions towards No 6 and therefore there are no concerns regarding loss of privacy or overlooking of that adjoining house.

There is a distance of approximately 7 metres to the rear boundary. There is currently dense vegetation along the boundary which screens the land beyond – which is the only drive to 2 Margerison Crescent. There is no foreseen impact on the occupants of the properties behind No 4 Margersison Crescent due to the separation distances.

There is a distance of approximately 13 metres from the side wall of the extension to the side boundary of the site. Beyond this and separated by the road is 1 Margerison Crescent but there would be no direct window-to-window overlooking and ample distances are maintained to the garden area of neighbouring properties in that direction.

Concerns have been raised about the front dormer window causing dominance and overlooking of homes across the street. However, the dormer window would be a small addition that would not impact on the sense of space between buildings. It would be set approximately 10.7metres from the front boundary of the plot, and with a distance of approximately 25 metres between the new dormer window and the front wall of the properties opposite. This is well in excess of the recommended separation distances. The degree of overlooking from the dormer would be no greater than currently occurs from the existing upper floor windows of the application house.

The extensions and dormer are compliant with policy DS5 of the Core Strategy and will not result in significant harm to the amenity of any occupants of neighbouring properties.

5. Impact on Highway Safety:
Margerison Crescent is an adopted cul de sac with footways either side. The application house currently has no off-street parking and the applicants now wish to

provide 2 off-street parking spaces. Two spaces would meet the maximum parking standards expected by the Council and would clearly represent an improvement to the current situation.

However, objectors oppose the formation of car spaces at the front of the house because they are close to the bend in the crescent. Objectors have also criticised the proposals for not providing any new spaces for what would become a larger house.

The most up-to date plan now shows the proposed provision of a hard standing for two off-street parking spaces served via an opening in the side garden wall. These hard surfaces to the side can be constructed under normal Part 1 Class F GPDO permitted development rights. They are not therefore for consideration by the Committee.

Objectors have also referred to the highway implications of an increase in the size of the dwelling to a 4-bedroom property. However, this would not result in a material intensification of use and would not cause significant effects on the existing transport network. There is no substantive evidence that the cumulative impacts of the development would be severe and, in terms of highway safety, the proposed extensions and dormer raise no serious road safety concerns and would satisfy the relevant objectives in the NPPF and policies TR2 and DS4 of the Core Strategy Development Plan.

6. Other Issues Raised in Representations:
As noted above, numerous objections have been raised against the proposals but many are not relevant to the planning process.

Objectors and Town Council call for the submission and agreement of a construction plan, especially to control parking by contractors and deliveries whilst the extensions are being built.

However, whilst it is appreciated that the narrow width and lack of full turning head in Margerison Crescent will make deliveries and parking by contractors complicated, similar disruption would be caused by general modernisation works and alterations to the interior of the house which are outside the scope of the planning system. Furthermore, the Local Planning Authority has no role to play in the management of the construction project, and would not ordinarily set such a requirement for a home improvement project of such a modest scale. Other similar planning approvals for house extensions on Margerison Crescent have not required a construction plan to be submitted.

The scale and nature of the proposal would suggest that it would be unreasonable to require a construction management plan to be submitted as part of the approval and such a condition would be very difficult to enforce.

Unauthorised parking by contractors and delivery vehicles on the pavements (illustrated in several photographs forwarded to the Council) is a matter for enforcement by the Highway Authority under separate powers.

Objectors say the internal head heights of the attic space are not sufficient to allow for a dormer window but this is a matter for Building Control, not Planning.

Objectors have also complained that some works have commenced already. However, the applicant is perfectly entitled (as is any Householder) to undertake internal works that do not require planning permission or small alterations and extensions that would be permitted development.

Objectors also complain about disturbance during construction. It is inevitable that there will likely be a degree of disturbance but this is only a small scale development proposal and the effects will be temporary. There is national guidance set out by Environmental Health on working hours to help reduce disturbance during construction. Refusing an application on grounds of disturbance during construction would be unreasonable.

The location of the bins is not indicated on the site plan but it is clear that there is ample space on this generous plot to accommodate all necessary waste and recycling bins.

Objectors complain that the intended height of the hedge along the boundary is not indicated. However, the height to which this unprotected garden hedge will be trimmed is a private law matter and is not a matter which could be lawfully controlled under planning powers.

Community Safety Implications:
The proposal does not present any community safety implications.

Equality Act 2010, Section 149:
In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:
The front dormer window and rear extensions are appropriate and sympathetic additions to 4 Margerison Crescent that will relate satisfactorily to the existing dwelling without being detrimental to the amenity of neighbouring occupants. The issues relating the initial location of the drive have been fully considered and the new off-street parking area is relocated to an appropriate location and will be created under permitted development rights. There are no highway safety concerns. On this basis, there is compliance with policies DS1, DS3, DS4, TR2 and DS5 of the Core Strategy, the NPPF and the guidance set out in the Council's adopted Householder SPD.

Conditions of Approval:

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

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

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

Plan Type	Plan Reference	Version	Date Received
Location Plan			24.03.2020
Location Plan			24.03.2020
Site Plan	02		24.03.2020
Existing plans and Elevations	01		24.03.2020
Proposed Site Plan	05	C	03.06.2020
Proposed Plans and Elevations	03	B	03.06.2020
Sections	04	B	03.06.2020

3. The rear extensions hereby permitted shall be constructed using external facing and roofing materials to match the existing building as is specified in the submitted application.

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

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25 June 2020

F

Subject:
This is a full planning application for the construction of one detached house with associated private driveway and alterations to the access at land at Spring Gardens Lane, Keighley.

Summary statement:
The application site is a steeply sloping field with a number of mature trees which are protected by Tree Preservation Order (TPO), to the boundaries of the site, including the boundary with Spring Gardens Lane. This land abuts the Devonshire Park Conservation Area, which extends beyond the eastern and southern boundaries. The land itself is allocated as Urban Greenspace. The surrounding area is a low density residential suburb.

The proposed development is not considered appropriate due to the impact on the existing trees on and close to the boundary of the site which are protected by Tree Preservation Order and collectively form a significant and prominent feature of the area. The proposed development will lead to harm to the trees and prejudice their retention. The development would also cause harm to the setting of the Devonshire Park and Cliffe Castle Conservation Area. The built nature of the development will significantly reduce the open and green character of the area which is defined as Urban Greenspace. This proposal would introduce a very bulky, large-scale dwelling of an unsympathetic design that would be out of keeping with its surroundings.

The application is recommended for refusal.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a full planning application for the construction of one detached house with associated private driveway and alterations to the access at land at Spring Gardens Lane, Keighley.

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

N/A

4. OPTIONS

This Committee has the authority to approve or refuse this development. If Members are minded to approve this application then reasons for approval will need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from this application.

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

N/A

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 in a suburban setting that is well served by public transport and local amenities. The size and design of the proposed dwelling mean that it is unsustainable since it would introduce poor design into the street scene and Conservation Area, destroy urban greenspace and would have a demonstrably negative impact on the protected trees on the site.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

8.4 COMMUNITY SAFETY IMPLICATIONS

The Community Safety Implications of the proposed development are considered in Appendix 1.

8.5 HUMAN RIGHTS ACT

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

There are no Ward implications posed by this development.

9. NOT FOR PUBLICATION DOCUMENTS

There are no 'not for publication' documents.

10. RECOMMENDATIONS

It is recommended that the Committee accept the recommendation of refusal within the report attached as Appendix 1.

11. APPENDICES

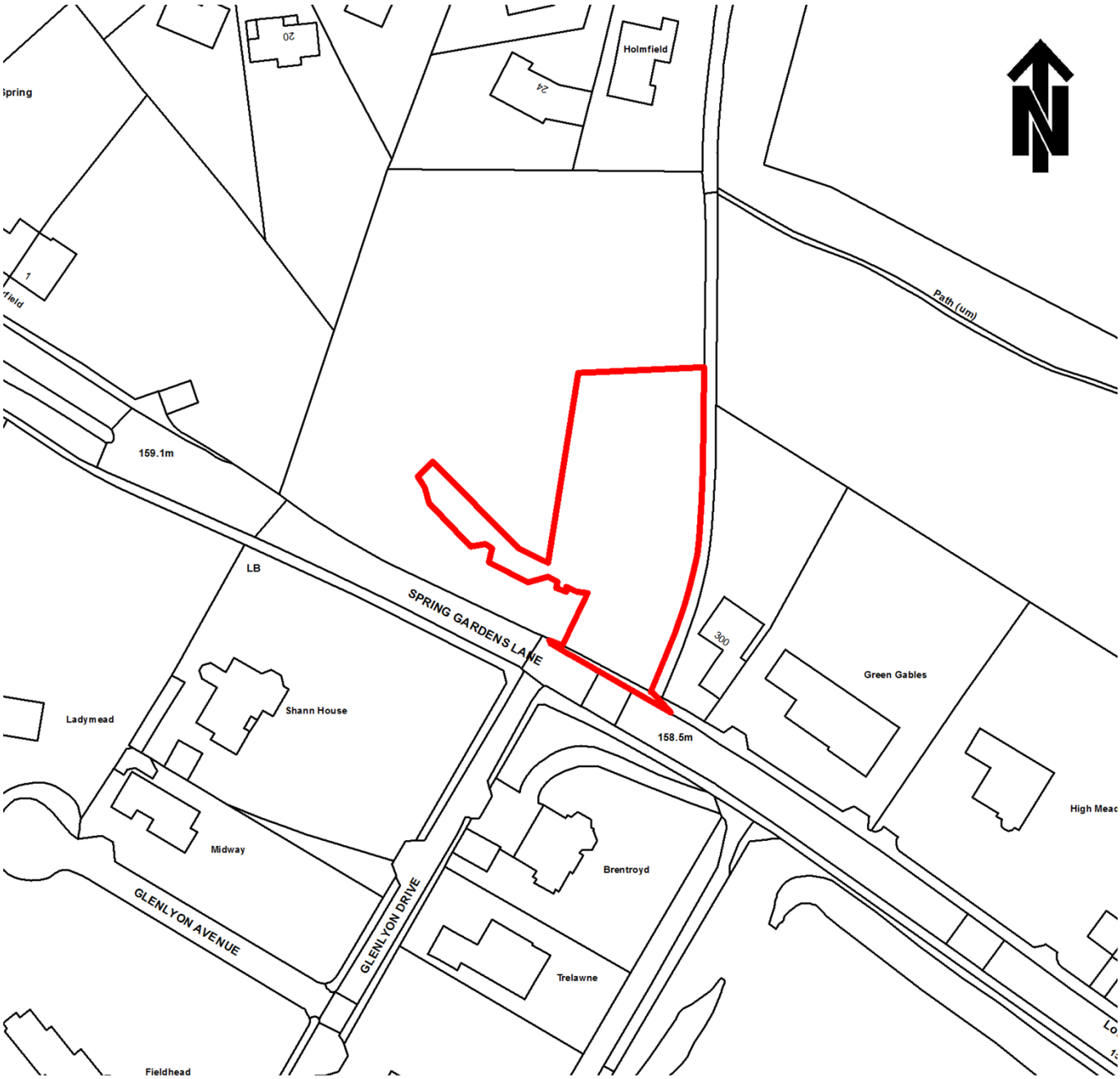
Appendix 1: Report of the Strategic Director of Regeneration and Culture.

12. BACKGROUND DOCUMENTS

The Replacement Unitary Development Plan for Bradford District
National Planning Policy Framework
The Core Strategy Development Plan Document

19/04190/FUL

City of BRADFORD
METROPOLITAN DISTRICT COUNCIL



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Land At Spring Gardens Lane
Keighley

Ward: **Keighley Central (Ward 15)**
Recommendation:
To refuse planning permission

Application Number:
19/04190/FUL

Type of Application/Proposal and Address:
Full planning application for the construction of one detached house with associated private driveway and alterations to the access on land at Spring Gardens Lane, Keighley.

Applicant:
Mrs Bailey

Agent:
Michael Ainsworth Design Partnership

Site Description:
The application site is on the north-west side of Keighley and is the top part of a steeply sloping field behind a stone wall and line of protected (TPO) trees adjoining Spring Gardens Lane. The surrounding area is a low density residential suburb including a number of schools. Cliffe Castle park is nearby. The land abuts the boundary of the Devonshire Park and Cliffe Castle Conservation Area, which extends beyond the eastern and southern boundaries. The land falls away steeply towards the north. It is allocated as Urban Greenspace on the RUDP Proposals Map - adopted in 2005. This designation reflected its visual contribution as a green break in the built up area. The lower slopes of the same field have recently been developed with 4 detached dwellings which take access via a private drive from the end of the cul de sac called Manor Road. The protected mature trees run along the boundary with Spring Gardens Lane and also down the two side boundaries. The eastern boundary adjoins a public footpath (Keighley Public Footpath 16).

Relevant Site History:
13/04890/FUL **:** Construction of 4 four bed detached dwellings with integral garages, gardens and demolition of existing garages to form new private driveway access. Granted 24.07.2014

16/00448/FUL Construction of 5 detached houses. Granted subject to conditions and a section 106 agreement – permission dated 15.05.2017

The National Planning Policy Framework (NPPF):
The NPPF is a material planning consideration on any development proposal. The NPPF 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 NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

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 allocated as Urban Greenspace in the RUDP. Accordingly, the above adopted Core Strategy and saved RUDP policies are applicable to this proposal.

Core Strategy Policies
SC1 - Overall Approach and Key Spatial Priorities
SC9 - Making Great Places
DS1 - Achieving Good Design
DS2 - Working with the Landscape
DS3 - Urban character
DS4 - Streets and Movement
DS5 - Safe and Inclusive Places
EN1 – Open Space, Sports and Recreational
EN3 - Historic Environment
EN5 – Trees and woodlands
EN7 – Flood Risk
EN8 – Environmental Protection Policy

Parish Council:
Keighley Town Council has requested that the application is determined by the Area Planning Panel. The comments suggest it opposes the development.

The Town Council's concerns are;

a. Scale and height of the development including when/if the further 3 houses will be built.
b. The height of the development, there will be a significant loss of light to the houses below – in particular to the new builds at the bottom of the field
c. Poor design – large floor to ceiling windows – lack of privacy to the lower houses, 1 car parking space adjacent to the footpath – no easement
d. Potential loss of trees along the southern boundary (Spring Gardens Lane) and potential subsidence of the road
e. Possibility of a gas pipeline going through the site
f. Drainage issues

Publicity and Number of Representations:
Publicised by neighbour notification letters and site notice.
One objection and twelve support comments have been received, including one from a Keighley Central Ward Councillor.

The Ward Councillor has referred the application to Area Planning Panel for determination in the event of an officer recommendation to refuse.

Summary of Representations Received:
Objections
Impact on footpath adjoining site. Rebuilding of footpath wall is necessary
Overshadowing
Raising of ground levels will cause disruption
Gas main is on the site
Adverse effect on trees

Supporters
Enhancement to the area from development
Good design
Plenty of parking is available
Good use of land
Trees unaffected
One house on a plot previously for two is beneficial
Proposal is in keeping with area

Consultations:
Trees Team – Objects. The application is contrary EN4, EN5 and has a lack of information/evidence regarding protection of the trees on the site during development.

Rights of Way Officer – Records indicate that Keighley Public Footpath 16 abuts the site. This route is also shown on the Councils Rights of Way Improvement Plan (ROWIP).

Concerns have been raised previously regarding the current condition of the public footpath and the boundary wall running alongside the eastern boundary of the site. Previous approval for x5 dwellings on this site has included a condition relating to the reconstruction of this wall and this condition should be repeated in any approval of this scheme. Any additional site fencing should remain on the development side of the wall similar to the existing fencing on site.

Conservation Team – Objects. Development as proposed would cause further harm to the setting of the conservation area, compounding the effect of the development already approved. The existing openness is a positive characteristic which affords beneficial views. The positive contribution the site makes in its present form would not be outweighed by any public benefits of development. The harm would be contrary to Para.196 of the NPPF and would not be in accordance with policies EN3, DS3 and SC1 of the RUDP.

Environmental Health – Based on the past history of the site the probability of contamination being present sufficient to affect future site users is considered to be a low risk. However, with any site, the possibility of unidentified contamination being present cannot be entirely excluded therefore Environmental Health recommends that conditions are included on the decision notice if approval is granted.

Summary of Main Issues:
Background
Impact on the Urban Greenspace
Design/Impact on Built Environment
Heritage Implications
Impact on Trees
Impact on Neighbouring Occupants
Impact on Highway Safety

Appraisal:
Background/Circumstances
This steeply sloping field is designated as part of an Urban Greenspace by the Bradford RUDP. Urban Greenspaces are valuable breaks within the fabric of the built up area valued for their contribution, as open land, to the character of the urban areas of the District. However, planning permission 13/04890/FUL was granted for development of 4 houses on the lower part of the same Urban Greenspace field by Area Planning Panel in 2014, and these houses are now built.

A second application 16/00448/FUL followed. This proposed 5 detached houses on the more prominent upper slopes of the same field – the development adjoining Spring Gardens Lane and taking access via a short length of private drive leading off that road.

This application was recommended for refusal by Officers on grounds of being contrary to the Urban Greenspace policy, adverse effects on trees, and harm to the setting of the adjoining conservation area. However, after consideration and a site visit the Council's Area Planning Panel decided to grant planning permission - subject to the imposition of a number of planning conditions and a S.106 agreement to secure delivery of necessary alterations to Spring Gardens Lane as identified by the Highway Officer.

Although there is evidence that some site preparation work has been carried out on the land, (shutter fencing is in place, some hardcore has been deposited and some excavation was undertaken, including around the protected trees) there is no evidence that this constitutes a lawful commencement of the approved development. Significantly, at the time of writing this report, none of the conditions precedent have been discharged.

The previous planning permission 16/00448/FUL for construction of five detached houses granted by Area Planning Panel and issued on 15 May 2017 is certainly a material consideration, but it is now regarded to have lapsed.

The latest application is a full application for the construction of one detached house with an associated driveway. The proposal follows the layout approved by the previous planning application but would replace two of the conventional detached houses previously approved with one large dwelling.

Impact on the Urban Greenspace
As mentioned, the site is allocated as part of an area of Urban Greenspace by the RUDP and needs to be assessed against saved policy EN1 which seeks to safeguard such tracts of open land which form important visual breaks in the fabric of the built-up area so as to maintain the contribution made by those as a green backdrop to the urban areas.

Planning permission was granted for four dwellings on the lower part of the field under reference 13/04890/FUL. The reason given for that permission was that the development would be restricted to only the less prominent portion of the Urban Greenspace - which was the bottom of the steeply sloping field and which was not particularly prominent. The rest of the field sloping up to Spring Gardens Lane would remain undeveloped, and the section of field to be developed was related to the existing housing on Manor Road.

The upper part of the field that comprises the application site is more prominent to views

from points to the north and therefore the impact of new development on the open character of the area would be much more noticeable than the development on the lower slope. Although mindful of the permissions granted by Area Planning Panel, officers consider that the Urban Greenspace should be upheld by resisting development of the upper slopes.

Design/Scale - Impact on Built Environment
The new proposal is to place a single large dwelling on the plots of two of the 5 detached dwellings shown on the layout approved under 16/00448/FUL.

This house would have a substantially larger mass than the two detached houses. It would appear as a 2-3 storey house from Spring Gardens Lane, but the north elevation facing across the valley involves 4 storeys of accommodation and extends to a height of 13.7 metres to ridge, 10.35 metres to eaves. It would stand in an elevated position with the north elevation being prominent and also visible from the adjoining footpath.

The land was designated as Urban Greenspace because of its character and prominence and if development was permitted, it is important that any buildings are subservient to the landscape and carefully integrated with the slope.

These proposals would present a large, bulky building on the slope and would have a much more damaging effect on the character of the area than the previously approved proposals.

The design submissions list an assortment of proposed materials, including large amounts of glass and balconies to the north side, with stone, render and grey UPVC dormer cladding as the main facing materials. The split level design, with large expanses of glazing results in an appearance neither respectful nor relevant to the prevailing quality of more traditional design in the locality, nor appealing as contemporary design. It is unclear from the elevations as to where stone and render are to be applied. As well as being a very dominant house, its design lacks attention to ensure that its style and materials will allow it to sit comfortably within its context.

The height and mass of the dwelling is out of scale with surrounding properties and the house would dominate the site and appear very intrusive in these surroundings. The proposal will create a dwelling that will form an unduly dominant building that will detract from the character and appearance of the area and the visual amenity of the street scene and does not comply with Core Strategy Policies DS1 and DS3.

Heritage Implications
The site is bordered by the Devonshire Park and Cliffe Castle conservation area. It is steeply sloping with a mature belt of trees adjacent to Spring Gardens Lane. The Council's Design and Conservation Team considers that the development site makes a positive contribution to the setting of the conservation area by virtue of its openness and presence of the mature trees. Mature trees are identified as one of the key characteristics of the conservation area, with tree lined roads. The site is also identified as providing key open views from the conservation area, north towards the Aire valley.

The proposed dwelling would result in further loss of open views, resulting in a screen of built form comprising 4 closely set detached properties of some stature. The latest intended dwelling would effectively block views from the corner of the site.

The development as proposed would cause further harm to the setting of the conservation area, compounding the effect of the development previously approved.

The existing openness is a positive characteristic which affords beneficial views. The positive contribution the site makes in its present form would not be outweighed by any public benefits of development.

The Conservation Officer also notes that an incongruous timber fence erected along the public footpath already displays a lack of regard to local character and this fence now forms an unsightly edge to the conservation area.

Due to its bulk and intrusive appearance the proposal is not consistent with the Council's duty under S.72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The development would cause harm to the character and appearance of the conservation area which would be contrary to Para.196 of the NPPF and would not be in accordance with policies EN3, DS3 and SC1 of the RUDP.

Impact on Neighbouring Occupants
There will be a significant distance between the north elevation of the proposed dwelling and existing approved houses at the bottom of the hill. The distance from the proposed dwellings to the rear gardens of those approved at the bottom of the field will be approximately 30 metres. The proposed dwelling has been positioned so it would not have an adverse impact on either existing residents or future residents by reason of overbearing impact or overshadowing. Equally the habitable room windows will not cause overlooking of private garden areas or habitable room windows for existing or future residents. The proposal will accord with Core Strategy Policy DS5 in terms of its impact on residential amenity.

Impact on the protected trees
In respect of the previous application, the Council's Tree Officer expressed the view that development on such a sloping site is incompatible with retention of the mature protected trees which are a vital feature of the area and contribute to the setting of the adjoining conservation area. Those fears are repeated in respect of this new proposal.

The applicant has submitted an Arboricultural Impact Assessment which identifies a number of potential conflicts and emphasises that this will need to be developed into an Arboricultural Method Statement to coincide with the main contractor's Construction Method Statement (CMS) before any works start on site. For example, the applicant's consultant identifies how a detailed section showing the build-up of level footprint on which the proposed dwellings will be sited and construction details showing relative levels (existing and proposed) and proposed edge restraints along the tree-side edge of the proposed hard surfacing will be essential prerequisites for the completion of the final version of the method statement.

However, the Council's Tree Officer points out that the submitted Arboricultural Impact Assessment is dated 2015 – now almost 5 years old and it is out of date. Various problems with this report were highlighted previously and the concerns remain unresolved. Nor have the proposals for tree protection been developed since the previous application.

The Council's Tree Officer therefore advises, once again, that the proposed application provides no specific evidence that the protected trees can be protected in accordance with BS 5837 and the depicted RPAs are incorrect and out of date. There is significant lack of detail on levels, the future location of drainage and details of some services which could impact on trees. Whilst tree protection measures look possible on paper

this remains completely aspirational. The previous advice from trees team was that suitable tree protection measures could not be undertaken on this site for practical reasons due to site restrictions and the steep slope. The lack of appropriate tree protection could also potentially create a public hazard. One tree has already collapsed onto the road after plant access was taken close to the tree.

The Council's Tree Officer advises that the proposed development will lead to the loss of significant trees on site that make a positive and important contribution to public amenity – this would further adversely impact on the green nature of the urban green space and the setting of the conservation area. It is therefore considered that the proposal will not accord with Core Strategy Policies EN4 and EN5 and there is a lack of information/evidence to justify the claims of the applicant that these important protected trees can be retained.

Impact on Highway safety
The proposed access to the highway would remain via the short drive as approved under application 16/00448/FUL. The Council's Highways Officer was satisfied that the site layout and supporting highway information would make the scheme acceptable in terms of parking and highway safety subject to compliance with previous conditions and the previous S.106 agreement.

Reasons for Refusal:

1. The existing trees on and close to the boundary of the site are protected by Tree Preservation Order and collectively form a significant and prominent feature of the area. The supporting information submitted with regard to trees and the impact of the development on them is inadequate. The proposed development is unacceptable as it will actually lead to harm to the trees and prejudice their retention contrary to Core Strategy Policies EN4 and EN5. As such the development fails to form sustainable development compatible with the National Planning Policy Framework.

2. The development is unacceptable as it would cause harm to the setting of the Devonshire Park and Cliffe Castle Conservation Area and the positive contribution the site makes in its present form would not be outweighed by any public benefits of proposed development. The harm would be contrary to Para.196 of the National Planning Policy Framework and would not be in accordance with Core Strategy Policies EN3, DS3 and SC1.

3. The proposal is unacceptable in principle the development will take place on a steeply sloping undeveloped field that is prominent to views from public land and across the Airedale Valley. The built nature of the development will significantly reduce the open and green character of the area which is defined as Urban Greenspace on the Replacement Urban Development Plan and is therefore contrary to policy EN1 of the Core Strategy. Further the adverse impact on the green nature of the Urban Greenspace will be exacerbated by the loss of mature protected trees on site that make a positive impact on the green nature of the Urban Greenspace contrary to Core Strategy Policy EN1. The development will thus fail to form sustainable development compatible with the National Planning Policy Framework.

4. The proposal would introduce a bulky, large-scale dwelling of an unsympathetic design that would be out of keeping with its surroundings. The proposal would form an unduly dominant and incongruous addition to the site that will detract from the character and appearance of the area and the visual amenity of the

street scene contrary to policies DS1 and DS3 of the Core Strategy Development Plan Document.

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25 June 2020

G

Subject:

This is a full application for the demolition of the bungalow presently of site and its replacement with a two storey detached dwelling with off street parking to the front at 144 Poplar Grove, Bradford.

Summary statement:

The site is in a suburban location where dwellings of different design and character are common. The dwelling proposed here is large in size and is of a design that is not considered to be appropriate in this location. Its siting and size means that it would have a significantly negative impact on the living conditions of the neighbours to either side due to its size and massing.

The application site is in a 'development high risk area' due to coal deposits near the surface. In February the Bradford Panel resolved to defer determination of the application to allow the applicant to undertake the necessary land stability survey work required by the Coal Authority. This work has been undertaken and the Coal Authority have no objection to the proposed scheme. This does not overcome the two other reasons for refusal which remain in place.

The application is recommended for refusal.

Julian Jackson
Assistant Director (Planning, Transportation & Highways)
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Area Planning Manager
Phone: (01274) 433950
E-mail:
mohammed.yousuf@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a full application for the demolition of a bungalow and erection of a replacement two storey dwelling at 144 Poplar Grove, Bradford.

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

N/A

4. OPTIONS

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application then reasons for refusal will need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from this application.

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

N/A

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 in a suburban setting that is well served by public transport and local amenities. The size and design of the proposed dwelling mean that it is unsustainable since it would introduce poor design into the street scene and would have a demonstrably negative impact on the amenity and living conditions of the residents to either side of the site on Poplar Grove.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

8.4 COMMUNITY SAFETY IMPLICATIONS
The Community Safety Implications of the proposed development are considered in Appendix 1.

8.5 HUMAN RIGHTS ACT
Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

8.6 TRADE UNION
None.

8.7 WARD IMPLICATIONS
There are no Ward implications posed by this development.

9. NOT FOR PUBLICATION DOCUMENTS
There are no ‘not for publication’ documents.

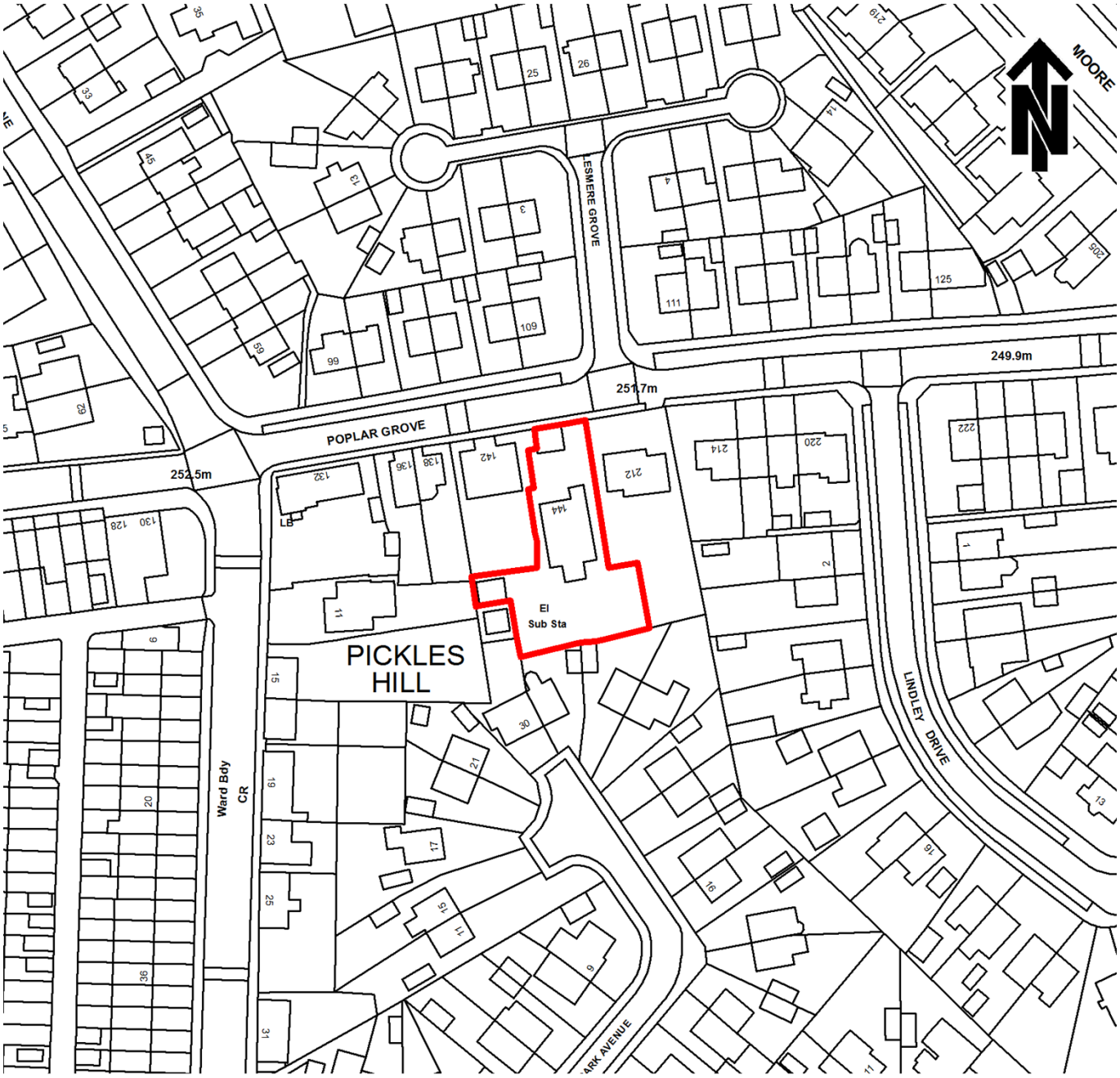
10. RECOMMENDATIONS
It is recommended that the Committee accept the recommendation of refusal within the report attached as Appendix 1.

11. APPENDICES
Appendix 1: Report of the Strategic Director of Regeneration and Culture.

12. BACKGROUND DOCUMENTS
The Replacement Unitary Development Plan for Bradford District
National Planning Policy Framework
The Core Strategy Development Plan Document

19/04251/FUL

City of BRADFORD METROPOLITAN DISTRICT COUNCIL



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144 Poplar Grove
Bradford BD7 4JT

Appendix 1

Ward: Great Horton
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
19/04251/FUL

Type of Application/Proposal and Address:
This is a full planning application for the demolition of the existing single storey dwelling and the construction of a two storey detached dwelling in its place at 144 Poplar Grove, Bradford.

Applicant:
Mrs Rebecca Greenwood

Agent:
Mr Eatzaz Hassan - Faum Architecture

Site Description:
The application plot comprises a bungalow set in a large sized plot on the south side of Poplar Grove. The site is surrounded by residential dwellings of varying sizes and architectural designs. To the front of the site is a detached garage which has its back facing onto the highway. The bungalow is set back from the road further than the dwellings to either side.

The rear boundary backs onto the properties on Beldon Park Avenue. The side and rear boundaries are relatively well established with tree planting of various species and sizes.

Relevant Site History:
None.

The National Planning Policy Framework (NPPF):
The National Planning Policy Framework is 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.

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

Core Strategy Policies
Policy DS1: Achieving Good Design
Policy DS3: Urban Character
Policy DS4: Streets and Movement
Policy DS5: Safe and Inclusive Places
Policy EN8: Environmental Protection

Parish Council:
n/a

Publicity and Number of Representations:
Site notices posted on Poplar Grove and Beldon Park Avenue on 26th November 2019 with an expiry date of the 17th December 2019.

Summary of Representations Received:
Two letters received supporting of the application:

- The development would improve the appearance of the site.
- The development would not affect the neighbour at 142 Poplar Grove.

One letter received objecting to the application:

- The dwelling would overlook the neighbours to the rear.

Consultations:
Drainage: No objection subject to a condition relating to the drainage of the site.

Environmental Protection (Land Contamination): Records indicate that a historic landfill site, Land at Moore Avenue (BMDC Landfill Site Reference: 13sw22) is situated approximately 194 Metre(s) from the site. No objection subject to conditions related to unexpected contamination.

Coal Authority: The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Updated comments received on the 3rd April 2020, raises no objections subject to conditions.

Summary of Main Issues:
1. Principle of Development
2. Design
3. Residential amenity
4. Highway safety
5. Coal/unstable land

Appraisal:
The Panel that convened on the 18th February 2020 resolved:
"That consideration of the application be deferred for a period of two months.

"Reason: to allow the applicant to submit an updated Coal Mining Risk Assessment Report to the local planning authority."

An updated Coal Mining Risk Assessment Report completed by ARP Geotechnical Ltd dated 19th March 2020 was forwarded to the Coal Authority and a response received on the 3rd April 2020. The Coal Authority have withdrawn their objection to the proposal on the basis of the updated Coal Mining Risk
Assessment Report and this is considered further in the relevant part of the report.

1. Principle of Development
The application seeks permission to demolish the existing bungalow and erect a two storey dwelling within the site.

As the proposal is for residential development it is necessary to consider paragraph 11 of the NPPF which states that there is a presumption in favour of sustainable development. The existing bungalow is not of a high architectural value and does not make a high contribution to the visual amenity of the locality.

Poplar Grove comprises a mixture of house types, the dwelling to the west is a two storey detached dwelling, to the east is a detached bungalow. To the front of the site is a detached stone built garage. The plot is of a good size measuring roughly 44m deep and around 13.5m wide increasing to 27m wide. The proposed would fill the width of the site with a gap of 1.2m to the western boundary and 1.4m to the eastern boundary.

The proposal is for a replacement dwelling and as such there is no net increase in residential dwellings and as such no wider benefit would accrue from development, such as an increase in the housing land supply of the District. The principle of the development is however considered to be acceptable subject to its local impact.

2. Design
Core Strategy policy DS1 states the planning "decisions should contribute to achieving good design and high quality places." This is consistent with the NPPF paragraph 124 "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

The proposal is for a large dwelling that would nearly fill the width of the plot when viewed from Poplar Grove. The dwelling is designed in a way which does not reflect the

vernacular of the area but has a distinct character. However, when viewed from Poplar Grove the proposed dwelling would appear as an incongruous addition in the street scene. The large amount of glazing and the projecting first floor bay is a detrimental design feature since it dominates the principle elevation of the dwelling in a location where such design features are not present. Similarly, the double height bay window to the right of the front elevation is a nondescript element that does not make a strong contribution to the appearance of the dwelling.

The depth of the house results in a dwelling of substantial size. This means that it would be significantly larger than the surrounding houses. The plans show the depth of the house as 19m. This means that it fills a large proportion of the plot and this means that the two side walls that run along a large proportion of the boundary with the gardens to either side. The house is positioned back from the road's edge and the front elevation aligns with the rear wall of 142 Poplar Grove. It is acknowledged that Poplar Grove is made up of a number of different building designs and styles. However, what is proposed here, in terms of its size, position and design is unacceptable in design terms since it dominates the site and is not reflective of good design.

3. Residential Amenity
Criterion F of Core Strategy policy DS5 states that development should "not harm the amenity of existing or prospective users and residents."

The size of the proposed dwelling and its position within the site means that both side walls of the dwelling run along the boundary of the dwellings to either side. The front elevation of the proposed house is set in line with the rear elevation of number 142 Poplar Grove, which is the dwelling to the west of the site. This means that a 19m long side wall at a height of 6m to the eaves at 1.2m from the side of number 142 would occupy the entirety of the side boundary of the rear garden. Moreover, this elevation has windows that would face directly into the rear garden of the adjacent property.

Similarly, the relationship with number 212 Polar Grove means that the side wall of the proposed dwelling would be set 1.4m from the boundary and would see a large flank wall facing towards the rear garden area of the dwelling.

At present the bungalow on the site is set back in the site and the two side walls run along the boundary with the houses to either side. However, as a bungalow its impact is greatly reduced since the side windows are at ground floor level and face towards the boundary treatment which screens the bungalow from views into the garden area of the dwellings to either side. The size and position of the boundary vegetation means that some removal of the trees is unavoidable. Moreover, the first floor windows of the proposed dwelling are above the height of any of the existing boundary vegetation.

The dwelling proposed would result in a significant reduction in the amenity for the residents to either side of the development plot. The introduction of first floor windows at less than 1.5m from the boundary of the site means that overlooking both perceived and experienced would be unacceptably detrimental to the amenity of the residents to either side on Poplar Grove.

4. Highway Safety
The development provides off street parking to the front for four cars (two x tandem

parking spaces). This is adequate for the scale and size of the development. It is noted that there is no space to manoeuvre within the site and this will mean that cars have to either reverse into or out of the site, but this is a relatively common situation along Poplar Grove. It is noted that traffic does not travel and excessive speeds along the highway due to the traffic calming speed bumps that occupy the length of Poplar Grove. The parking arrangements are, therefore, considered to be acceptable.

5. Coal/Unstable Land
Policy EN8(B) states:
"Proposals for development of land which may be contaminated or unstable must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination or instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment. Investigation of land quality must be carried out in accordance with the principles of best practice."

The Coal Authority has identified that the application site lies in a High Risk Area where there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The site is specifically in an area of thick coal outcrops and probable unrecorded coal mining at shallow depth.

The Coal Authority previously commented on this planning application with a holding objection. The applicant has now submitted an Intrusive Coal Mining Investigation Report (ARP, 19 March 2020) to accompany this planning application.

This report presents the findings of intrusive site investigations undertaken to determine the exact situation in respect of shallow coal. A Coal Authority permit was correctly obtained by the applicant for the three boreholes sunk within the application site.

These boreholes encountered a shallow underlying coal seam, and evidence of coal mine workings were encountered. The report author has interpreted the findings of investigations and concludes insufficient rock cover is present. Accordingly, the report author recommends that a scheme of treatment of workings (i.e. drilling and grouting) should be undertaken.

The exact form and extent of remedial and treatment works need to be agreed with the Permitting Section of the Coal Authority as part of the applicant's permit application.

Officers are satisfied that with appropriate conditions, the site could be safely developed. The previously suggested reason for refusal has, therefore, been addressed.

This does not overcome the other two reasons for refusal which remain unaltered by the additional information received.

Community Safety Implications:
None.

Equality Act 2010, Section 149:
In writing this report due regard has been taken of the need to eliminate unlawful

discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reasons for Refusal:
1. The proposed dwelling would, by reason of its size, massing, design and appearance have an unacceptably detrimental impact on the visual amenity and street scene of Poplar Grove and, therefore, fails to comply with Core Strategy policies DS1 and DS3.

2. The proposed dwelling would, by reason of its size, massing and siting would have an unacceptably negative impact on the amenity and living conditions of the residents at 212 and 142 Poplar Grove due to overlooking, overshadowing and overbearing of the private amenity space viz the rear gardens of either dwelling. The proposal therefore fails to comply with Core Strategy policies DS1, DS3 and DS5.

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25 June 2020

H

Subject:

A full application (19/05300/FUL) for the demolition of the Holmewood Social Club and construction of a single storey food convenience store and 3 retail units at Broadstone Way, Bradford, West Yorkshire, BD4 9DY

Summary statement:

The proposal relates to the redevelopment of the Holmewood Social Club and curtilage. The existing property will be demolished and replaced with a convenience food store and 3 additional retail units. The scheme includes provision of car parking and servicing area.

The application has generated a significant amount of public representation with the majority objecting to the loss of the social club citing its value to the community. Whilst this is acknowledged, the social club is not a registered community asset and is as such not subject to any special protection. The application has been fully assessed against all relevant local and national planning policies and all public representations and consultation responses have been fully taken into consideration. The proposal will represent a visual improvement for the area and will enhance the vitality and viability of the Holmewood Local Centre. The development also represents a sustainable form of development and will bring employment opportunities.

Subject to the imposition of the recommended conditions it is considered that the proposal is acceptable.

Julian Jackson
Assistant Director (Planning, Transportation & Highways)

Report Contact: Mohammed Yousuf
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E-mail: mohammed.yousuf@bradford.gov.uk

Portfolio:

Change Programme, Housing, Planning and Transport

Overview & Scrutiny Area:

Regeneration and Economy

1. SUMMARY

A full application for the demolition of the Holmewood Social Club at Broadstone Way, Bradford, West Yorkshire, BD4 9DY and the redevelopment of the site with a single storey food convenience store, and 3 small retail units.

2. BACKGROUND

Attached at Appendix 1 is 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 as set out in Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

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

7. OTHER IMPLICATIONS

7.1 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 section149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

No significant issues raised. The site is located within a very sustainable location in a defined retail centre, close to residential properties and the site is well placed in close proximity to public transport routes.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development is in a sustainable location close to residential properties and well served by public transport. Provision is made within the development for a cycle parking facility. It is not therefore envisaged to result in significant increase in greenhouse gas emissions.

7.4 COMMUNITY SAFETY IMPLICATIONS
Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The units will incorporate their own security measures and a condition is included in respect of external lighting of the site.

7.5 HUMAN RIGHTS ACT
Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION
None.

7.7 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.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)
None

7.9 IMPLICATIONS FOR CORPORATE PARENTING
None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT
None

8. NOT FOR PUBLICATION DOCUMENTS
None

9. OPTIONS
The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application.

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

10. RECOMMENDATIONS
The application is recommended for approval, subject to the conditions included within Appendix 1.

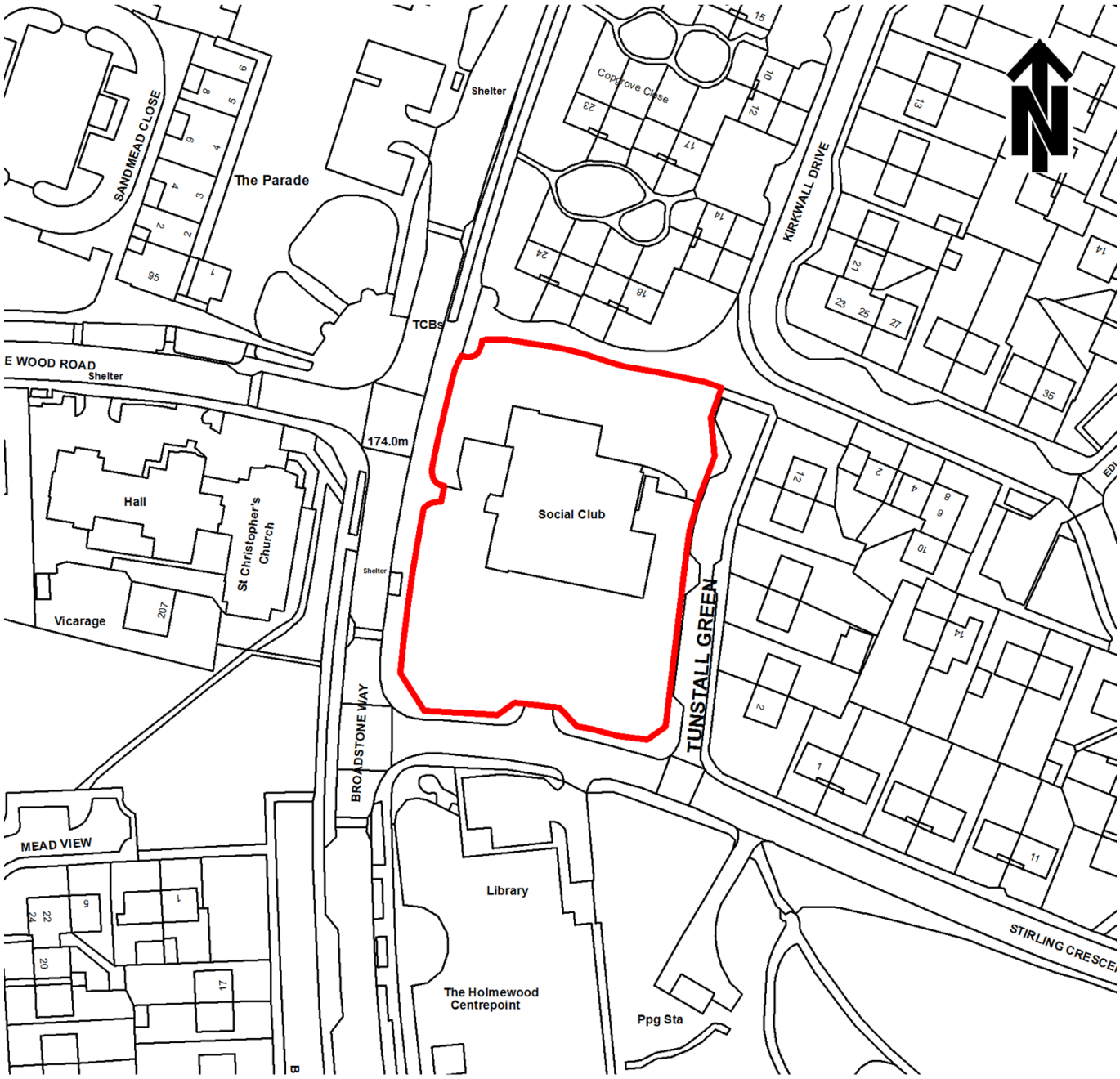
11. APPENDICES
Appendix 1 Technical Report.

12. BACKGROUND DOCUMENTS
National Planning Policy Framework

Core Strategy
Replacement Unitary Development Plan

19/05300/FUL

City of BRADFORD METROPOLITAN DISTRICT COUNCIL



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Holmewood Social Club
Broadstone Way
Bradford, BD4 9DY

Appendix 1

Ward: Tong (ward 25)
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
19/05300/FUL

Type of Application/Proposal and Address:
A full planning application for the demolition of Holmewood social club and the redevelopment of the site with a single storey convenience food store and 3 ancillary retail units.

Applicant:
Mr J Cordingley

Agent:
Mr Donald MacRae

Site Description:
Holmewood Social Club is set in a large rectangular curtilage to the East of Broadstone Way in the Holmewood Estate. To the North and East of the site there are residential properties, to the South Holmewood Connect (community hub), and on the opposite side of Broadstone Way, west of the site, sits St Christopher's Church. The majority of the large curtilage is to the south of the building and forms a large car park accessed off Stirling Crescent which runs between the social club and Holmewood Connect. The upper section of the site is grassed over, but does not appear to be used.

The building itself has an ad hoc appearance consisting of two pitched roof sections adjoined and extended by various sections of flat roofed building. The resulting building has a sizeable footprint, but is uninspiring in appearance. The buildings main entrance faces Broadstone Way and there is a pedestrian access through the parameter fencing which extends the entire boundary.

Relevant Site History:
76/01493/FUL - Extension To Club Room Etc – Granted

78/08278/COU - Change of Use Part of Club to Betting Shop – Granted

78/08747/ADV - Non-Illuminated Fascia Sign – Granted

78/08748/FUL - Toilet Accommodation to Betting Off – Granted

93/00535/FUL - Installation of entrance portico and new doorway ramp also landscaping phase 2 – Granted

93/01939/REG - Removal of remaining boundary stone walls and closing of vehicular entrance – Granted

96/01741/FUL - Construction of vestibule to existing entrance- Granted

The National Planning Policy Framework (NPPF):
The National Planning Policy Framework is 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.

Local Plan for Bradford:
The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), are saved for the purposes of formulating the Local Plan for Bradford and remain applicable until adoption of the Allocations development plan document. The site is partially within a local centre. Accordingly, the following adopted Core Strategy and RUDP policies are applicable to this proposal.

Core Strategy Policies:
SC4 Hierarchy of Settlements
SC9 Making Great Places
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
EN7 Flood Risk
EN8 Environmental Protection Policy
DS1 Achieving Good Design
DS3 Urban character
DS5 Safe and Inclusive Places
EC2 Supporting Business and Job Creation
EC5 City, Town, District and Local Centres

Replacement Unitary Development Plan (RUDP) Policies:
CR1A Retail Development Within Centres

Parish Council:
Not in a Parish

Publicity and Number of Representations:
The application has been publicised via a site notice and individual neighbour notification letters. The publicity period expired on14th February 2020. The application has generated 9 individual representations in support and 82 Individual representations and a 466 signature petition objecting to the proposal.

Summary of Representations Received:
The representations in support cite the following reasons:
- Convenient location reduce need to travel and helpful to the less mobile members of the community
- Employment
- Site is currently an eyesore

The representations objecting to the development raise the following concerns:
- Loss of valuable community asset
- Impact on existing shops and vacant units
- Retail not required
- Noise and disturbance from loading and unloading
- Loss of housing
- Encourages car journeys

Consultations:
Highways DC – The highways officer is satisfied with the proposed scheme subject to minor revisions; detailing position of cycle parking and size of the disabled bays. It is also noted that the scheme exceeds the parking requirement.

Drainage – Conditions are suggested and the presence of a public sewer within the site is identified.

Environmental Protection Land Contamination – Conditions required based on the findings of the initial site investigations

Summary of Main Issues:
1. Proposal
2. Principle
3. Residential Amenity
4. Visual Amenity
5. Highway Safety
6. Other Issues

Appraisal:

1. Proposal
It is proposed to demolish the Holmewood Social club and redevelop the site with a single storey convenience food store and 3 ancillary retail units. The convenience store will have a retail floor space of approximately 420sqm the three retail units have a floor space of approximately 90sqm each. This gives a total retails space of approximately 690sqm for the development.

The convenience store is situated in roughly the same position as the existing Social Club building. The three retail units sit perpendicular to the convenience store in a stepped row. The development incorporates parking and servicing area within what was the curtilage of the social club.

2. Principle

The site is currently occupied by Holmewood Social Club and is located between Broadstone Way, Stirling Crescent and Tunstall Green in the Holme Wood area of Bradford. The building itself is within the Broadstone Way Local Centre as defined by the Proposals Map of the Replacement Unitary Development Plan (RUDP), the remainder of the curtilage is outside and is unallocated, but is clearly intrinsically linked. Policy CR1A of the RUDP is therefore applicable and is saved until the adoption of the forthcoming Allocations development plan document. This policy seeks to concentrate development proposals for retail and convenience goods in the district and local centres, providing that the proposals do not have an adverse effect on the vitality and viability of the centres higher in the hierarchy.

The recently adopted Core Strategy Development Plan Document also seeks to sustain and enhance the vitality and viability of the network and hierarchy of centres, Core Strategy Policies SC4, EC2 and EC5 are applicable. The proposed introduction of a modestly sized food retail unit and three smaller retail units would accord with the general requirements of the aforementioned policies and would support the function of the local centre and improve its vitality and viability.

As part of the site falls outside the Local Centre supporting information has been submitted to satisfy the requirements of policy EC5, and it is apparent that Holmewood does not contain a convenience store, and whilst there are vacant retail units within the local centre, the long term vacancy of these indicates there maybe a variety of factors, including their form and size, impacting bringing these into use. The development has the potential to act as a stimulus in this regard encouraging further investment in the local centre.

Whilst the document was never formally adopted, and can as such be given little weight, The Holmewood & Tong Neighbourhood Development Plan identified the social club as a key development opportunity within this area and also proposed that public services should be concentrated at the Broadstone Local Centre and should be promoted as the location for a small convenience supermarket. This approach also accords with policy EC5 of the Core Strategy DPD which seeks to focus appropriately sized local supermarkets and a variety of small shops of a local nature to meet people’s day to day needs in local centres thus minimising their need to travel.

It is noted that the application has generated a significant level of public representation primarily in objection to the proposal due to the loss of a community facility. Whilst this view is acknowledged, the Social Club is not registered as an asset of community value, and whilst it may fulfil a role in this regard, it is not subject to any protection in planning terms. The building could be demolished under a prior notification procedure where only the method of demolition and any proposed restoration of the site would be considered. It is also worthy of note that there are other community facilities within the immediate vicinity and slightly further afield. The proposed development will also enhance the retail

provision available to local residents.

The proposed development will offer additional benefits in terms of job provision as the equivalent of 9 full time positions are expected to be created by the development, plus the opportunities created by the actual redevelopment work.

The proposed development is therefore considered to be acceptable in principle.

3. Residential Amenity
In terms of residential amenity this development will not have significant adverse implications. The proposed buildings are a sufficient distance away from neighbouring properties and an appropriate scale to prevent any harm from the massing of the buildings. The nature of the use is likely to also be an improvement in terms of noise and disturbance from the existing use. The hours of operation alone (8am to 8pm being proposed) indicate a more favourable relationship. This can be conditioned as part of any planning approval. Whilst there is a reasonable spacing distance to properties beyond the servicing area, it may also be appropriate to condition the time that deliveries can occur to prevent any adverse impact from delivery vehicles which could give rise to noise and disturbance with delivery vehicles often having reversing alarms. The applicant has indicated willingness to the imposition of conditions in respect of both the hours of operation and time of deliveries. Subject to these conditions the proposal is found to satisfy the requirements of policy DS5 of the Core Strategy DPD.

4. Visual Amenity
The existing club house does not have a positive impact on the local environment. The building is of no particular merit ad-hoc in its design consisting of large expanses of flat roof intersected by more imposing dual pitched roof sections. The curtilage is largely given over to parking which results in a large expanse of unbroken tarmac. The areas of grass are predominantly maintained, but the site still has a somewhat unkempt appearance in places.

The proposed development can only be seen as a positive in this respect. The convenience store has a modest appearance in the main with a shallow pitched roof largely hidden behind parapet walling, but any large expanses of stone work are broken up by some measured detailing. The front and most visible elevation has a more notable appearance predominantly glazed with proportionate space for signage and a canopy above giving a clean and modern look. The three retail units take their lead from this design all being flat roofed with glazing to the front. These units are stepped in height responding to the gradient within the site, but this also serves to add visual interest to the design and shows an appreciation of the setting.

There remains a large are of car parking associated with the development, but this is now broken up by the new layout and the use of walkways of different materials and areas of landscaping. The landscaping is also proposed for the site boundaries where it will play a role in softening certain aspects of the development, most notably the side elevation of the convenience store. The landscaping scheme will also play an important role in screening the servicing area and preventing the need for overly imposing boundary treatments.

The proposal offers the opportunity for a notable regeneration of this site and the

development responds well to its setting. The proposal as such is seen as having a positive impact on the amenity of the area satisfying the requirements of policies SC9, DS1 and DS3 of the Core Strategy DPD.

5. Highway Safety
The parking and servicing arrangements are acceptable. The development provides sufficient parking for the 4 retail units including disable parking bays and cycle parking facilities. A separate service area with staff parking has also been provided which includes a delivery vehicle turning area. Vehicle tracking drawings have been provided in support. The proposal thereby satisfies the requirements of policy TR2 of the Core Strategy DPD.

It is also worthy of note that given the position of the development within the Holmewood local centre the requirements of policy TR1 are satisfied as the development can reduce the need for residents to travel and the use of sustainable travel modes can be maximised in this location given its proximity to residential properties and public transport links.

Community Safety Implications:
The proposal would not be considered to represent a threat to community safety.

Equality Act 2010, Section 149:
In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:
The proposed development is considered to represent a suitable use for the site at an appropriate scale. The development will also result in visual benefits for the locality whilst preserving the amenity of local residents. The existing building whilst clearly of value to the local community it is not a protected community asset. There are other buildings within the locality that continue to serve the community. The proposed development will also provide new services to the local community. The proposed development is as such found to satisfy the provisions of the National Planning Policy Framework, Policy CR1A of the Replacement Unitary Development Plan and policies SC9, DS1, DS3, DS5, CT5, TR1, TR2, EN7 and EN8 of the Core Strategy Development Plan Document.

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

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

2. The development hereby approved shall only be carried out in accordance with the drawing numbers listed below:

Location Plan 01 received 23.12.2019

Site Plan 07G received 05.06.2020
Elevations 08A received 23.12.2019

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

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

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

4. Prior to construction of the development the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme contained within the supplied Preliminary Appraisal Report, by Sirius Geotechnical Ltd. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason for pre-commencement condition: It is necessary to secure appropriate remediation prior to construction to satisfy the requirements of the National Planning Policy Framework and policy EN8 of the Core Strategy Development Plan.

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.

5. Prior to construction of the development, 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.

Reason for pre-commencement condition: It is necessary to secure appropriate remediation prior to construction to satisfy the requirements of the National Planning Policy Framework and policy EN8 of the Core Strategy Development Plan.

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.

6. 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

7. 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.

8. Prior to the first use of the hereby approved development, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

i) Position of any trees to be felled, trees to be retained, proposed trees and defined limits of shrubs and grass areas.
ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
iii) Types and scale of enclosures (fences, railings, walls).
iv) Types of hard surfacing (pavings, tarmac, etc).
v) Regraded contours and details of changes in levels.

Reason: In the interests of visual and residential amenity and to accord with Policies DS1, DS2 and DS3 of the Core Strategy Development Plan Document.

9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policies DS1, DS2 and DS3 of the Core Strategy Development Plan Document

10. Before the development is brought into use, details of the position and luminance of all external lighting to the building and car park areas shall be submitted to, and approved in writing by the Council. Thereafter, the external lighting shall be installed and maintained solely in accordance with the approved scheme.

Reason: To safeguard the amenity of occupiers of adjacent properties and highway safety in accordance with Policies DS5 and EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

11. Before the commencement of any drainage works details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works shall have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be

investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The details and scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Core Strategy Development Plan Document.

12. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced with a porous material, marked out into bays and drained within the curtilage of the site in accordance with the approved site plan and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

13. Before any part of the development is brought into use, the servicing area shall be laid out, hard surfaced, and drained within the site, in accordance with details shown on the approved site plan and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

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

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

15. The use of the premises shall be restricted to the hours from 08:00 to 20:00 Mondays to Saturdays and from 09:00 to 17:00 on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy DS5 of the Core Strategy Development Plan Document.

16. Deliveries to and from the development hereby permitted shall be restricted to the hours from 07:00 to 21:00 Mondays to Saturdays and from 09:00 to 17:00 on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy DS5 of the Core Strategy Development Plan Document.

17. 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.

Informatives

Informative: Records suggest that various watercourses and sewers exist in the curtilage of the approved development. The line of the watercourses is assumed only. Consequently, before development commences the developer is advised to fully investigate the ground in the vicinity of the proposed development to determine the extent and position of any sewers, culverts, land drains or watercourses which may be affected by the proposal. Proposals for dealing with any existing sewers, watercourses, culverts or land drains affected by the development should be agreed with the Council's Drainage Officer or Yorkshire Water as appropriate.

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City of BRADFORD
METROPOLITAN DISTRICT COUNCIL

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25 June 2020

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Subject:
This is full planning application (20/00613/FUL) seeking planning permission to convert an existing retrospective building to stables at Knowle Farm, Knowle Lane, Wyke.

Summary statement:
The scheme is considered to be appropriate development in Green Belt and would preserve the openness of the Green Belt and would not have a detrimental impact the character and form of the open countryside landscape area. The scheme is also considered not to have significant adverse effect upon residential amenity and highway safety. The application is recommended for approval subject to conditions.

Julian Jackson
Assistant Director (Planning, Transportation & Highways)
Report Contact: Mohammed Yousuf
Area Planning Manager
Phone: (01274) 433950
E-mail:
mohammed.yousuf@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is full planning application (20/00613/FUL) seeking planning permission to convert an existing retrospective building to stables at Knowle Farm, Knowle Lane, Wyke.

2. BACKGROUND

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

3. OTHER CONSIDERATIONS

N/A

4. OPTIONS

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application then reasons for refusal will need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial or resource implications for the Council in regards to this application.

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

N/A

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 on the edge of the urban area of Bradford and forms part of an allocated housing site. It is therefore considered to be in a sustainable location and as such there are no implications for the Council.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

8.4 COMMUNITY SAFETY IMPLICATIONS
The Community Safety Implications of the proposed development are considered in Appendix 1.

8.5 HUMAN RIGHTS ACT
Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

8.6 TRADE UNION
None.

8.7 WARD IMPLICATIONS
There are no Ward implications posed by this development.

9. NOT FOR PUBLICATION DOCUMENTS
There are no 'not for publication' documents.

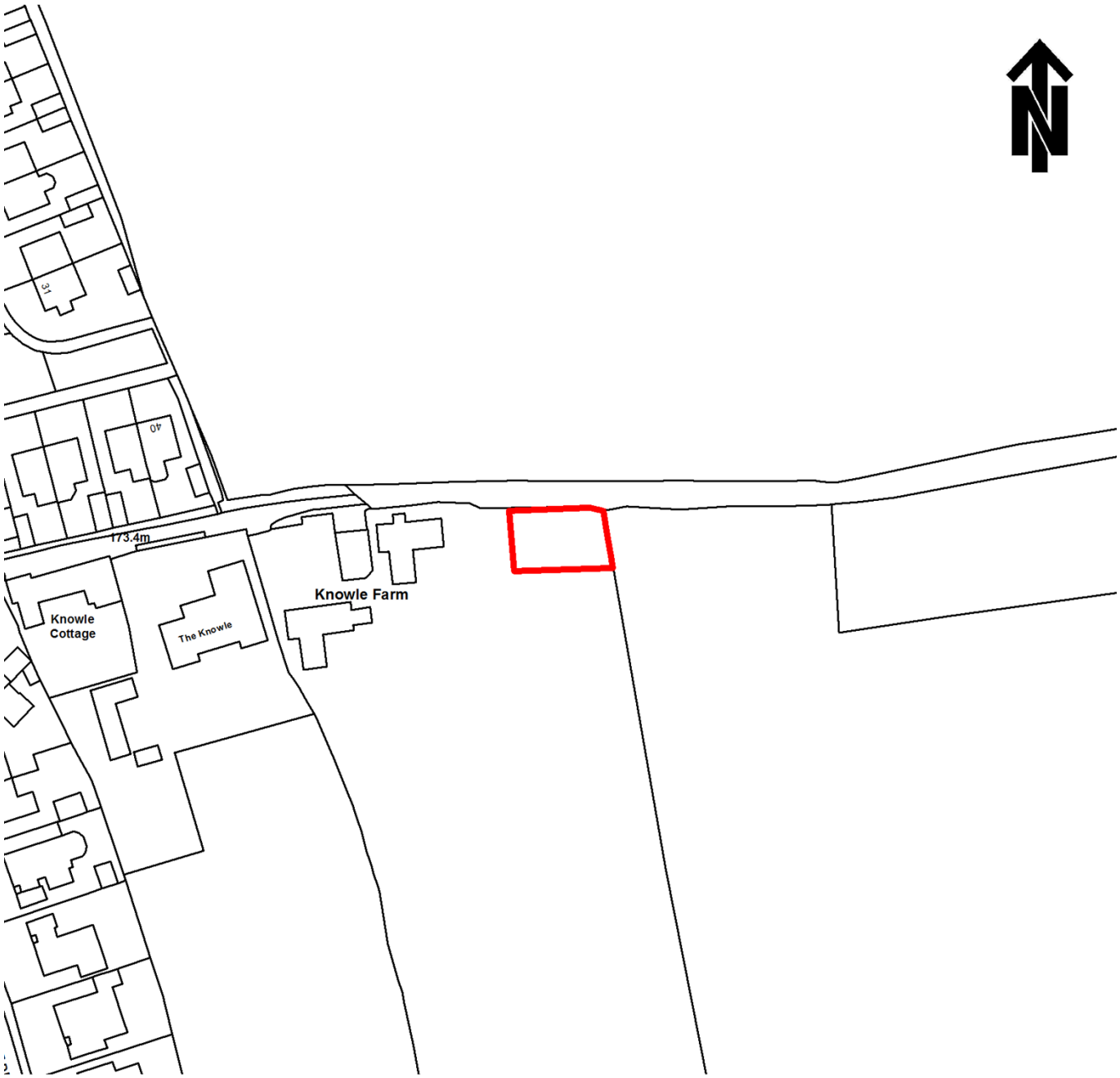
10. RECOMMENDATIONS
It is recommended that the Committee accept the recommendation of approval within the report attached as Appendix 1.

11. APPENDICES
Appendix 1: Report of the Strategic Director of Regeneration and Culture.

12. BACKGROUND DOCUMENTS
The Replacement Unitary Development Plan for Bradford District
National Planning Policy Framework
The Core Strategy Development Plan Document

20/00613/FUL

City of BRADFORD METROPOLITAN DISTRICT COUNCIL



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Knowle Farm
Knowle Lane
Wyke BD12 9BG

Appendix 1

Ward: Thornton and Allerton (ward 23)
Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:
20/00613/FUL

Type of Application/Proposal and Address:
This is full planning application seeking planning permission to convert an existing retrospective building to stables at Knowle Farm, Knowle Lane, Wyke.

Applicant:
Mrs Julie Deacon

Agent:
Chris Eyres, Chris Eyres Designs

Site Description:
This is part of a large area of open land immediately to the east of Knowle Farm which is the final property on Knowle Lane before the road turns into an unmade track over which most vehicles cannot pass. Knowle Lane up to this point is a single track road with a poor surface and no turning or passing spaces. The land to the west is made up of residential properties of varying designs and sizes and the land to the east of Knowle Farm is open Green Belt. Within the site is an outbuilding in its north-eastern corner which was the subject of the previously refused application and the building now proposed to be modified to form stables. There is also a gravelled turning area to serve the proposed stable block.

Relevant Site History:
74/01772/OUT- Proposal: One House Knowle Lane Wyke Bradford- Status: Refused - Date Issued: 02.10.1974 .

78/05919/OUT- Proposal: Residential Development Knowle Lane / Whitehall Road Wyke Bradford- Status: Refused - Date Issued: 15.11.1978

17/01461/HOU - Alterations to roofline, extension and new dormer windows - Knowle Farm Cottage Knowle Lane Wyke Bradford - Granted - 11.05.2017

18/01919/HOU- Proposal: Installation of metal sliding entrance gate for vehicles- Status: Withdrawn - Date Issued: 03.07.2018

19/00465/HOU- Proposal: Proposed metal sliding entrance gate for vehicles- Status: Withdrawn - Date Issued: 09.05.2019

19/02599/FUL – Refused - Retrospective change of use of land to residential garden that incorporates a gravel drive and turning area and for a retrospective outbuilding to be used for domestic purposes in association with the dwelling house of Knowle Farm Knowle Lane Wyke Bradford – Refused 15.08.2019 subsequent appeal dismissed (Ref: APP/W4705/W/19/3236923)

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.

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

Core Strategy Policies:
SC7 Green Belt
TR2 Parking Policy
DS1 Achieving Good Design
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places

Replacement Unitary Development Plan (RUDP) Policies:
Policy GB1 - New Buildings in the Green Belt
Policy GB2 - Siting of New Buildings in the Green Built

Parish Council:
The site is not in a Parish.

Publicity and Number of Representations:
The application was advertised with a site notice, press advertisement and neighbour notification letters. This publicity period expired on 21 May 2020. Two representations have been received from two Ward Councillors who both ask for the application to be referred to the planning panel if officers are minded to grant permission.

Summary of Representations Received:
1. Paragraph 146 e) of the National Planning Policy Framework (NPPF) allows for material changes in the use of land (such as changes of use for outdoor sport or recreation, The scheme is considered to significantly increase the residential garden to Knowle Farm that would allow for determent to the openness of the Green Belt by way of sprawl, erosion and increase of domestic paraphernalia and urban features in an undisturbed agricultural open countryside location. The application would not to preserve the openness of the Green Belt.
2. Inappropriate development within the Green Belt. Nothing has been provided within the application to enable the Local authority to establish that very special circumstances exist in support of the proposal.
3. The building was due enforcement action for removal.
4. Should stabling be required it should be from a clear site not an adaptation of a building built without planning permission.

Response to objections are discussed in the officer report below

Consultations:
None

Summary of Main Issues:
1. Background
2. Principle of Development Within the Green Belt
3. Harm to the Purposes of Including Land Within the Green Belt
4. Impact on the Green Belt and Character and form of the Area
5. Amenities of Occupiers of Adjacent Land
6. Highway Safety
7. Other Issues Raised in Representations

Appraisal:

1. Background
The application form states that the proposal is for proposed stables involving minor alterations to an existing shed. The red application site shows that the proposal involves the existing building, gravel turning area, existing access and a small piece of land to the south of the land existing building.

There was a recent application that used the same application site as the current one. The previous application was for the retrospective change of use of land to residential garden that incorporates a gravel drive and turning area and for a retrospective outbuilding to be used for domestic purposes in association with the dwelling house of Knowle Farm, Knowle Lane, Wyke, Bradford that was refused on 15.08.2019 under reference number 19/02599/FUL for the following reasons:

1. Paragraph 146 e) of the NPPF allows for material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). The retrospective change of use of land to residential garden that incorporates a gravel drive and turning area does not fall under the category of changes of use for outdoor sport or recreation, or for cemeteries and burial grounds. The scheme is considered to significantly increase in the residential garden to Knowle Farm that would allow for a detrimental

harmful the sprawl, erosion and increase of domestic paraphernalia and urban features in particular the gravel drive and turning area to an undisturbed agricultural open countryside location. The scheme is considered not to preserve the openness of the Green Belt. The proposal is therefore considered to be inappropriate development within the Green Belt. Nothing has been provided within the application to enable the Local authority to establish that very special circumstances exist in support of the proposal. It is therefore not considered that a case for very special circumstances exists in this instance. It is considered that the proposed development would by means of inappropriateness result in harm to the Green Belt and therefore fails to accord with paragraphs 143 and 146 e) the NPPF and Policies SC7, DS3 and DS4 of the Core Strategy.

2. Paragraph 145 of the NPPF outlines the exceptions for new buildings that are appropriate development in the Green Belt. The retention of the retrospective outbuilding to be used for domestic purposes in association with the dwelling house of Knowle Farm is currently located on agricultural land and the scheme does not fall under any of the exceptions listed for new buildings in the Green Belt within paragraph 145 of the NPPF. The proposal is therefore considered to be inappropriate development within the Green Belt. Nothing has been provided within the application to enable the Local authority to establish that very special circumstances exist in support of the proposal. It is therefore not considered that a case for very special circumstances exists in this instance. It is considered that the retrospective development would by means of inappropriateness result in harm to the Green Belt and therefore fails to accord with paragraphs 145 and 146 the NPPF and Policies SC7, DS3 and DS4 of the Core Strategy.

3. The retrospective outbuilding due to its size, scale, design, siting and materials used and the retrospective change of use of residential garden is considered to create urban sprawl and erosion to the open countryside, the increase of domestic paraphernalia and urban features to an undisturbed agricultural open countryside location. The retrospective scheme is considered to have a harmful detrimental impact on the character and form of the open countryside landscape area and therefore fails to accord with Policies DS3 and DS4 of the Core Strategy.

The application was then subsequently dismissed at appeal under reference number APP/W4705/W/19/3236923 where the inspectorate agreed with all the above reasons for refusal outlined by the Local Planning Authority. The current application proposes to convert the unauthorised building to form a stable block to be used ancillary to the residential occupation of Knowle Farm. It does not propose to retain the building as currently exists on site or change the use of the field to form an extension to the residential curtilage of the property.

2. Principle of development within the Green Belt
The application is located within the Green Belt as such, national guidance contained within the NPPF, Policy GB1 of the RUDP and Policy SC7 of the Core Strategy are relevant.

The decision making process when considering proposals for development in the Green Belt is in three stages, and is as follows: -
i) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.

ii) If the development is appropriate, the application should be determined on its own merits.
iii) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF states 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.

Paragraph 145 of the NPPF states that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This approach is also consistent with Policy GB1 of the RUDP.

The application form states that the proposal is for proposed stables involving minor alterations to an existing outbuilding. The red edged application site shows that the proposal involves the existing building, gravel turning area, existing access and a small piece of land to the south of the land existing building.

The scheme now proposes changing the retrospective buildings external appearance so that it can be converted into a stable block so the building no longer has a domestic appearance and no longer has an appearance that the residential curtilage / garden is to be extended given its intended rural open countryside use.

From the case officer site visit there are now horses grazing in the fields that are within the blue line ownership of the applicant. The agent has confirmed that the intended use is now for a stable block for the applicant and family members of the applicant. Due to the combination of the external alterations to the building, its intended use and siting of the building to the corner of the application site which is well screened by mature trees and hedge row the scheme is no longer considered to have detrimental impact on the openness of the Green Belt.

Given that existing use of the building is unauthorised and that use has been both previously refused and dismissed at appeal a condition noting that the proposed stables shall only be used in connection with and ancillary to the residential occupation of Knowle Farm is considered to be reasonable and necessary. This condition will also clarify that the application does not approve the formation of a separate independent unit or business.

The Ward Councillor raises objections that proposal is inappropriate development in the Green Belt. However, the proposed development is now considered to be appropriate development in the Green Belt as the building is to be used for outdoor sport and outdoor recreation and preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The scheme accords with paragraphs 145 and 146 the NPPF and Policies SC7, DS3 and DS4 of the Core Strategy.

3. Harm to the Purposes of Including Land within the Green Belt
Having had regard to each of the purposes of including land in the Green Belt it is considered that the proposals do not result in the sprawl of large built up areas due to the site being located in a countryside location. Furthermore, it is not considered that the proposals would result in neighbouring towns merging into one another, would not encroach into the countryside and the site is not derelict and would therefore not assist in urban regeneration. In addition, the proposals would preserve the setting and special character of historic towns hence there would be no conflict with the purposes of including land in the Green Belt in accordance with Policy GB4 of the RUDP, Policy SC7 of the Core Strategy and the NPPF in this respect.

4. Impact on the Green Belt and Character and form of the Area
In terms of the impact on the open character and visual amenity of the Green Belt, when looking at this issue it is worth considering what is meant by the term 'openness'. In this context openness is considered to be the absence of a built structure. Hence, any new built structure would have the potential to detract from openness. However, the degree to which the scheme would detract from openness depends not only on its size, scale and mass but also its relationship to existing built form.

The scheme now proposes changing the retrospective buildings external appearance (change the window and door to two stable door openings) so that it can be converted into a stable block so the building no longer has a domestic appearance and no longer has an appearance that the residential curtilage / garden is to be extended the given its intended rural open countryside use. Due to the combination of the external alternations to the building, its intended use and siting of the building to the corner of the application site which is well screened by mature trees and hedge row the scheme is no longer considered to have detrimental impact on the openness of the Green Belt.

The Ward Councillor raises objectors that the proposal will have detrimental impact on the openness on the Green Belt. However, having had regard to the above, the outbuilding due to its size, scale, design, siting and materials used is considered not to have a harmful detrimental impact on the openness and the character and form of the open countryside landscape area and therefore accords with Policies SC7, DS3 and DS4 of the Core Strategy and paragraph 143 the NPPF.

5. Amenities of Occupiers of Adjacent Land
The agent has confirmed that the intended use is now for a stable block for the applicant and family members of the applicant. Due to the combination of the orientation of the site, the size, scale and siting of the proposed scheme and distance away from the neighbouring properties, the proposal is considered not to cause any significant adverse effects on the amenities of occupiers of adjacent land. It is considered that the proposal would not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with Policy DS5 of the Core Strategy and the NPPF

6. Highway Safety
The scheme proposes no changes to the existing access, parking and access roads/ tracks within the application site. It is therefore considered that the scheme would be

acceptable in terms of highway safety and accords with policy TR2 of the RUDP and the NPPF.

7. Other Issues Raised in Representations
Most of the representations have been addressed in the preceding appraisal. The representations also make the following comments which need to be addressed:
- The building was due enforcement action for removal.
- Should stabling be required it should be from a clear site not an adaptation of a building built without planning permission.

The enforcement process is separate to the consideration of this planning application. The Council is required to consider all applications that are submitted for consideration and this can include modifications to unauthorised buildings. The key question here is whether a building of the type proposed and in the proposed use is acceptable. It is clear that stabling of horses is an appropriate use in Green Belt and the building is not considered to be of a scale or in a position which would be harmful to its openness.

Community Safety Implications:
The proposal does not present any community safety implications.

Equality Act 2010, Section 149:
In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:
It is recommended to grant planning permission as the scheme is considered to be appropriate development Green Belt. The scheme is considered to preserve the openness of the Green Belt and would not have a detrimental impact on the character and form of the open countryside landscape area. The scheme is also considered not to have significant adverse effect upon residential amenity and highway safety. The scheme accords with Policies GB1 and GB2 of the RUDP and policies SC7, DS1, DS3, DS4 and DS5 of the Core Strategy Development Plan Document.

Conditions of Approval/Reasons for Refusal:
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

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

2. The development hereby approved shall only be carried out in accordance with the drawing numbers listed below:

Location Plan 9035 02 received 17.02.2020
Proposed Plans 9035 07 received 17.02.2020
Existing Plans 9035 01 received 17.02.2020

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

2. The stables hereby permitted shall only be occupied or used in connection with and ancillary to the residential occupation of the existing premises known as Knowle Farm and shall at no time be severed and occupied as a separate independent unit or business.

Reason: To prevent the undesirable establishment of a separate independent unit and in the interests of amenity and highway safety and to accord with Policy GB1 of the Replacement Unitary Development Plan and policies DS1, DS3 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Informative
This permission does not relate to the expansion of the residential curtilage of Knowle Farm which would need to be the subject of a separate planning application. It should also be noted that any future change of use would likely require further consent from the Local Planning Authority (LPA). Please contact the LPA for further information.

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25th June 2020

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Subject:

To report to Committee the appeal decision and award of costs in favour of the appellant for planning application reference: 16/08422/MAO

Summary statement:

Application reference: 16/08422/MAO - Outline application for the construction of up to 102 dwellings, access roads and 90-bed nursing home with relocation of scout hut.

Site: Holme Mills Holme Mill Lane Keighley West Yorkshire BD22 6BN

Members are advised that an appeal against the refusal of planning permission for application reference 16/08422/MAO has been allowed (decision made by a Planning Inspector on behalf of the Secretary of State). Planning permission has therefore been granted. The Inspector has also made a partial award of costs against the Council in favour of the appellants. This report gives full detail of the outcome of the appeal process and the costs incurred to the Council.

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

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

Application reference: 16/08422/MAO - Outline application for the construction of up to 102 dwellings, access roads and 90-bed nursing home with relocation of scout hut.

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2. BACKGROUND

Planning application reference 16/08422/MAO was presented to the Regulatory and Appeals Committee on 14th May 2018 recommended by Officers for approval subject to conditions and a Section 106 Agreement (to secure £25,000 related to South Pennines Special Protection Area mitigation measures).

Members resolved to refuse planning permission for the following reasons:

1. *The proposed development would lead to the loss of a valuable asset for the local community with a potential impact on social cohesion, contrary to Paragraphs 92, 93 and 98 of the National Planning Policy Framework.*

2. *The proposed development does not offer any affordable housing provision in an area where there is significant need, contrary to Core Strategy Policy HO11.*

3. *The proposed points of access/egress, by reason of layout and proximity to each other, would have a severe impact on highway safety, contrary to Core Strategy Policy DS4.*

4. *The proposed development would have an adverse impact on a Bradford Wildlife Area, contrary to Replacement Unitary Development Plan (RUDP) Policy K/NE9.57 and Core Strategy Policy EN2.*

5. *The proposed development would lead to the loss of woodland/protected trees with no replacement planting or mitigation identified, contrary to Core Strategy Policy EN5.*

Following the refusal the applicants for the planning application made an appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. The appeal was considered by way of “written representations” Attached at Appendix 1 is the Inspectors decision notice which allows the appeal and grants planning permission subject to conditions with a S106 to cover the £25,000 related to South Pennines Special Protection Area mitigation measures. A separate decision was made (Appendix 2) which constitutes a partial award of costs against the Council under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).

The decision to award partial costs is based on the Council acting with unreasonable behaviour resulting in unnecessary or wasted expense for the applicants. Members are reminded that the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Specifically, members will see from the attached Inspectors Report that he highlighted that reasons 1, 2 and 3 constituted unreasonable behaviour by the Local Planning Authority.

Following the decision to award costs to the Appellants the Council has agreed a figure of £8,294.32p

3. OTHER CONSIDERATIONS

none

4. FINANCIAL & RESOURCE APPRAISAL

There is no specific budget allocated for appeal costs in the Council's budget allocation. The payment of costs awarded to appellants following an award of costs decision is made from Development Services (Planning Service) base budget. Staffing costs are also incurred in any appeal case with officer time in preparing statements. This is not covered in the planning application submission fee.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

none

6. LEGAL APPRAISAL

none

7. OTHER IMPLICATIONS

none

7.1 EQUALITY & DIVERSITY

No issues

7.2 SUSTAINABILITY IMPLICATIONS

None

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

The appeal decision includes a requirement (planning condition) for EV (Electric Vehicle) charging points for each new dwelling in accordance with Council policy and as requested by Officers as part of the appeal process.

7.4 COMMUNITY SAFETY IMPLICATIONS

None.

7.5 HUMAN RIGHTS ACT

The planning application and planning appeal were considered in the light of the full requirements of the Human Rights Act.

7.6 TRADE UNION

None.

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7.7 WARD IMPLICATIONS

None.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

n/a

10. RECOMMENDATIONS

Members are asked to note the content of this report including the decisions made by the Secretary of State.

11. APPENDICES

Appendix 1.: Decision of the Secretary of State dated 16th April 2020: Appeal Ref: APP/W4705/W/18/3217011
Land at Holme Mill Lane, Keighley, West Yorkshire BD22 6BL

Appendix 2: Decision of the Secretary of State dated 16th April 2020: Costs application in relation to Appeal Ref: APP/W4705/W/18/3217011
Land at Holme Mill Lane, Keighley, West Yorkshire BD22 6BL

12. BACKGROUND DOCUMENTS

1. Planning Application 16/08422/MAO: Outline application for the construction of up to 102 dwellings, access roads and 90-bed nursing home with relocation of scout hut. Land at Holme Mills Holme Mill Lane Keighley West Yorkshire BD22 6BN
2. Item 6 (Document “AU”) Officers Report to the Regulatory and Appeals Committee dated 14th May 2018
3. Minute 90 : LAND AT HOLME MILL LANE, KEIGHLEY – Approved Minutes of the Regulatory and Appeals Committee dated 14th May 2018

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The Planning Inspectorate

Appeal Decision

Site visit made on 27 November 2019

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2020

Appeal Ref: APP/W4705/W/18/3217011
Land at Holme Mill Lane, Keighley, West Yorkshire BD22 6BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Javi Khanijau of MSK Law against the decision of City of Bradford Metropolitan District Council.
- The application Ref 16/08422/MAO, dated 14 October 2016, was refused by notice dated 31 May 2018.
- The development proposed is the construction of up to 102 dwellings, access roads and 90-bed nursing home with relocation of scout hut.

Decision

1. The appeal is allowed and outline planning permission is granted for the construction of up to 102 dwellings, access roads and a 90-bed nursing home with the relocation of the scout hut on land at Holme Mill Lane, Keighley, West Yorkshire BD22 6BL in accordance with the terms of the application, Ref 16/08422/MAO, dated 14 October 2016, subject to the conditions set out in the schedule at the end of this decision and the S106 unilateral undertaking referred to below.

Application for costs

2. An application for costs was made by Coshore Holdings Ltd against the City of Bradford Metropolitan District Council, which is the subject of a separate Decision.

Procedural Matters

3. The planning application originally sought permission for the construction of up to 116 dwellings and a 150-bed care home, together with the relocation of the existing scout hut. However, this was amended during the application process to up to 102 dwellings and a 90-bed nursing home, with the relocation of the scout hut. The amended description is the scheme on which the Council made its decision and is used in the decision notice and the appeal form. Accordingly, I have determined the appeal on this basis.

4. The application was submitted in outline with matters relating to layout, appearance and landscaping reserved for subsequent approval. The scale of the proposed development and access are the only detailed matters fixed for determination as part of the appeal. I have dealt with the appeal on this basis. An indicative site layout plan was submitted with the appeal. I have taken this plan into account, in so far as it identifies the broad extent of development and open space proposed and the site for the relocation of the scout hut, to inform my assessment of the impacts of the proposal.

5. The appeal site lies approximately 4.2 kilometres (km) from the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC), where it has the potential to create adverse impacts on the SPA and SAC through increased recreational pressure. As required under the Conservation of Habitats and Species Regulations 2017 (the Regulations), the Council undertook an Appropriate Assessment (AA) of the implications of the proposed development for the conservation objectives of the SPA and SAC. However, the Council did not consult with Natural England (NE) on the AA for the application, but relied on NE's response to the Habitats Regulations Assessment (HRA) undertaken for the Bradford District Local Plan Core Strategy (2017). To ensure the Regulations have been complied with in assessing the proposal for the purposes of this appeal, I have sought the views of NE, as the appropriate nature conservation body, on the Council's AA for the proposed development and taken NE's response into account in this decision.

6. A unilateral undertaking under S106 of the Town and Country Planning Act 1990 was submitted by the appellant, comprising a planning obligation to secure a financial contribution of £25,000 as mitigation for recreational pressures on the SPA and SAC. It was executed as a deed and signed by the landowner, Coshore Holdings Ltd, and constitutes a material consideration, which I have taken into account in reaching my decision.

Development Plan

7. The relevant parts of the statutory development plan for this appeal are the Bradford District Local Plan Core Strategy (2017) (the CS) and the saved policies of the Bradford Replacement Unitary Development Plan (2005) (the RUDP). The eastern section of the appeal site on which the nursing home and scout hut are proposed is allocated for employment development, site K/E1.7, under saved Policy E1 of the RUDP. It is also identified on the Proposals Map as being within a Bradford Wildlife Area, known as the North Beck wildlife corridor, site K/NE9.57 in the RUDP, to which Policy EN2 of the CS is also relevant.

8. The western part of the appeal site was allocated as a Phase 2 housing site, K/H2.40, in the RUDP. Policy HO2 of the CS states that the dwelling targets for the district will be met through deliverable and developable sites allocated for residential development in the RUDP. However, Policies H1 and H2 of the RUDP, relating to Phase 1 and 2 housing sites, were not saved by the Secretary of State in 2008 or when the CS was adopted. Nevertheless, the Council has confirmed that unimplemented former Phase 2 housing sites should be protected to meet the district's housing needs.

9. The Council is preparing a Partial Review of the CS and an Allocations Development Plan Document (DPD). Preferred Options for the Partial Review were subject to consultation in summer 2019 and consultation on the Allocations DPD was due to start in early 2020. Both remain at an early stage and will be subject to examination and possible main modifications, with adoption scheduled in the Local Development Scheme (LDS) for the end of 2021. I have dealt with the appeal in the light of this adopted and emerging development plan context. I explain below the weight I have accorded to the relevant policies.

Main Issues

10. The Council is currently unable to demonstrate a 5 year supply of deliverable housing sites against the housing requirement in the adopted Bradford District Core Strategy (2017) (the CS)[1], as required by paragraph 73 of the National Planning Policy Framework (the Framework). In such circumstances, footnote 7 of the Framework establishes that the policies of the development plan which are most important for determining the application are out-of-date. As such paragraph 11d) of the Framework applies in this case.

11. In view of this, and having regard to the Council's reasons for refusal and the appellants grounds for appeal, together with representations from local residents and other interested parties and my own assessment on site, the main issues in this appeal are – whether or not the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, with particular regard to:

    - The effect of the proposed development on the character and appearance of the site and surrounding area, including the effect on the landscape of the North Beck valley and the potential loss of woodland and protected trees;
    - The effect of the proposed development on wildlife and ecology, including within the South Pennine Moors SPA and SAC and the Bradford Wildlife Area;
    - The effect of the proposed development on the setting of the Grade 2 listed Intake Farmhouse;
    - The effect of the proposal on local community assets;
    - The effect of the proposed development on the operation and safety of the highway network;
    - Whether the proposal is viably able to contribute to the need for affordable housing; and
    - The benefits which may arise from the proposed development, including its contribution to the shortfall in the housing land supply.

Reasons

Landscape, Character and Appearance

12. The appeal site is located on the edge of the built up area of Keighley and on the northern side of the North Beck valley. It wraps around two sides of the Holme Mill industrial estate, which lies to the north of the site within the valley adjacent to the North Beck. To the south and south-east of the site, at the top of the valley, is residential development either side of Holme Mill Lane and fronting Fell Lane, which forms part of the urban area of Keighley. To the west and north-west are fields forming part of the landscape of the North Beck valley. On the north side of the valley towards the crest of the slope is further housing marking the urban edge of Keighley.

[1] Table 5.1 of the City of Bradford Five Year Housing Land Statement for 2018-2023 (March 2019)

13. The site comprises two main parts - an open field to the west of Holme Mill Lane behind the houses fronting Fell Lane, and a woodland to the east of Holme Mill Lane. A narrow tongue of land containing a line of mature trees connects the field with Holme Mill Lane. Public footpath 73 runs along the northern boundary of the woodland leading down to the North Beck. To the south of the woodland, a third parcel of land comprising a scout hut and an area of amenity open space off Wingate Avenue/Way completes the site.

14. The North Beck valley to the west and north of the site forms part of the designated Worth and North Beck Valleys Landscape Character Area (LCA), which is defined in the City of Bradford Landscape Character Supplementary Planning Document (SPD). Policy EN4 of the CS expects development proposals to make a positive contribution towards the conservation, management and enhancement of this landscape, using the approach set out in the SPD. The appeal site lies outside of the LCA, but the western field is adjacent to its boundary. The introduction to the Landscape Character SPD expects that planning applications on sites near the boundary of a LCA should take into account the implications of the proposal on the adjacent character area.

15. The areas of the LCA adjoining the site are defined in the SPD as 'mixed upland pasture', comprising a dense patchwork of small fields, relatively simple in character and settled only on their edges. The western field is composed of a gently sloping plateau on its upper level to the rear of the properties on Fell Lane, and a section of steeper gradient as the land falls away into the North Beck valley. The character and appearance of this part of the appeal site reflects that of the 'mixed upland pasture' within the adjacent LCA and appears continuous with it.

16. Based on the indicative site layout, the appeal proposal would urbanise the western part of the appeal site and alter its character from open valley landscape to a suburban residential estate. On the upper plateau of the field the dwellings would extend the settlement edge further into the North Beck valley. But subject to suitable layout, appearance and landscaping, which could be controlled by condition at the reserved matters stage, housing on this part of the site could be accommodated without undue harm to the adjoining LCA, which is already characterised by settlement at its edges.

17. However, the proposed residential development would continue down the side of the North Beck valley, finishing just above the valley floor. This portion of the site is particularly visible from public footpath 18, where it crosses the North Beck valley to the north and west. Whilst Holme Mill industrial estate forms part of the context in these views, its buildings are partially screened by mature trees. But, due to the gradient of the lower section of the field, landscaping would do little to mitigate the urbanising effect of residential development on this more exposed part of the site at the density proposed, when viewed from the opposite side of the valley. As such, it would be unsympathetic to the mixed upland pasture of the adjacent LCA and thereby cause harm to the landscape character of the North Beck valley.

18. I recognise that the allocation of the whole of the western part of the appeal site for housing in the RUDP indicates an acceptance by the Council of residential development across the site. However, Policy DS2 expects development proposals to work with the landscape to reduce the environmental impact of development. The scale of residential development proposed on the lower section of the valley side would conflict with this policy objective.

19. The appeal proposals would result in the loss of a number of trees which are subject to a Tree Preservation Order (TPO), in order to create access to the site and accommodate the indicative layout. The main impact, at this outline stage, would be on the trees either side of Holme Mill Lane, which would need to be removed to form the three access points into the site. However, whilst there would be some loss of amenity as a result, the majority of the trees lining Holme Mill Lane would be retained and any effects would be on localised views. For protected trees within the site, the indicative layout suggests some would be lost, but most would be retained, including the veteran trees identified by the Council within groups G6, G7 and G8.

20. Furthermore, layout and landscaping are reserved matters. As such the removal of protected trees could be controlled through conditions and mitigated by replacement planting to be satisfied at the reserved matters stage. On this basis, the amenity value offered by the TPO would be substantially preserved. Accordingly, subject to appropriately worded conditions, the proposal would comply with criterion D of Policy EN5 of the CS in respect of protected trees.

21. The eastern part of the site contains an area of semi-natural broadleaf woodland. It is estimated that approximately 40% of this would be lost to make way for the proposed nursing home, scout hut and associated parking and circulation areas. This could in part be mitigated by the enhancement of tree cover within the retained area of woodland on this part of the site, but the appellant accepts that there would be a net tree loss[2].

22. In terms of its effect on the character of the area, the woodland contributes to the landscaped setting of this part of Keighley, particularly in views from the north side of the North Beck valley. The introduction of a multi storey nursing home building into this setting would affect those views. However, the building would be seen within the surrounding tree canopy, which would help to screen and soften its impact. It would also be read in the context of the adjacent industrial estate to the north-west, which provides a comparable urban form of large buildings within landscape. In addition, the site is allocated for employment development within the RUDP, which indicates an acceptance that further large buildings would be appropriate in this location. For these reasons, proposed development on the eastern part of the site would not cause undue harm to the character and appearance of the landscaped setting of Keighley.

23. Policy EN5 of the CS seeks to preserve and enhance the contribution that areas of woodland make to the character of the district. Although the proposed nursing home would result in a net loss of woodland contrary to criterion C of Policy EN5, it would still maintain the character and setting of the settlement at this point in conformity with criterion A1 of Policy EN5.

24. The proposal would also result in the loss of the area of amenity open space around the scout hut, which currently provides a visual break between areas of housing off Holme Mill Lane and Wingate Avenue/Way. However, the indicative layout suggests it would be possible to set dwellings back from the Holme Mill Lane frontage to retain some green space within the street scene. This is a matter which could be controlled by condition, with an appropriate layout agreed at the reserved matters stage, to respect the existing pattern of development and character of the area, in line with Policy DS3 of the CS.

[2] Paragraph 1.17 of Ascerta response to the comments of the Tree Officer – October 2019

Ecology and Wildlife

25. An Ecological Appraisal was submitted with the appeal. It was based on surveys of habitats and protected species on the appeal site and adjacent land in the appellant's ownership. The eastern part of the site is designated as part of the Bradford Wildlife Area (BWA) due principally to the value of its broadleaf woodland as a UK priority habitat and its potential to provide foraging and nesting/roosting opportunities for birds and bats. However, the surveys revealed that the section of woodland proposed to be removed for the nursing home is of poor quality ecologically, with limited structural diversity, species poor, no features suitable for use by roosting bats, a sparse field layer and few features suitable for the less common, hole dwelling bird species. As such it is considered to be of low potential for roosting bats and nesting/breeding birds. I have seen no survey evidence from the Council to alter this conclusion.

26. The appeal site contains a range of other habitats, including improved grassland on the western field, areas of scattered scrub, hedgerows and tall ruderal and ephemeral vegetation, none of which contain species that would justify selection as a Local Wildlife Site. No protected species were recorded on the site, although it does provide some suitable habitat for badgers and hedgehogs, as well as bats and breeding/nesting birds, which the appraisal suggests could be enhanced through a habitat management plan (HMP) for the remaining woodland area, hedges, trees and off-site habitats. The North Beck also contains habitat for water voles, otter and crayfish, but the proposed development would not be close enough to the Beck to cause any harm to its habitats. The proposed limits of development would also avoid any adverse impact on the connectivity of the wildlife corridor along the North Beck.

27. Overall, therefore, notwithstanding the BWA designation for part of the appeal site, there is little evidence to demonstrate that the proposed development would have a significant adverse effect the site's ecological value nor cause harm to protected species. However, Policy EN2 of the CS expects that development should not result in an overall loss of habitat by either avoidance, mitigation or provision of compensatory habitats.

28. Given that the proposal would result in the loss of around 0.37 hectare of broadleaf woodland habitat, albeit of poor quality, the appellant proposes mitigation and compensation through a HMP with measures to enhance the ecological value and species diversity of the retained area of woodland on site, and the habitats on land within the appellant's ownership off-site on the north side of North Beck. A HMP would quantify the measures and provide an implementation and management timetable for them. It could be secured by condition, with the details subject to the Council's approval as part of the reserved matters. I consider this would ensure an appropriate means for the mitigation and compensation of any habitat loss.

29. The appeal site is also located approximately 4.2km from the South Pennine Moors SPA and SAC European Site. Policy SC8 of the CS identifies residential developments within 7km of the SPA/SAC boundaries has having the potential to create adverse impacts on the integrity of the SPA/SAC through increased recreational pressure. Policy EN2 of the CS states that any development likely to have a significant effect on a European Site will be subject to an assessment under the Habitats Regulations.

30. The Council undertook an Appropriate Assessment (AA) of the implications of the proposed development for the conservation objectives of the SPA/SAC. The South Pennine Moors are designated for protection and conservation as the largest area of unenclosed moorland in West Yorkshire. The qualifying features for the SAC are its representation of five Annex 1 habitat types, including dry and wet heaths, bogs, mires and woodlands, and for the SPA the range of breeding birds it supports, including Merlin and European golden plover.

31. The South Pennine Moors are accessible for walking. Given their distance from the appeal site, the scale of the development proposed and the relative lack of publicly accessible open space proposed on the appeal site itself, it is likely that future occupiers of the residential development would visit the moors for recreational purposes. Potential adverse impacts on the SPA/SAC would be increased disturbance to bird species, including ground nesting varieties, and the erosion of and/or damage to protected habitats from increased visitor and recreational activity by walkers and dogs.

32. Policy SC8 requires the potential for such adverse impacts to be effectively mitigated by the provision of alternative accessible natural green space or other measures to deflect pressure from the moorland habitats. The Council considers that the most effective way of mitigating the recreational impacts of the proposed development would be to improve local public rights of way (PRoW), so that residents can more easily access amenities closer to the site, deflecting pressure away from the SPA/SAC. The PRoW include Keighley footpaths 18, 73 and 268 across the North Beck Valley and footpath 22 towards Holme House Woods and Goose Eye. A sum of £25,000 is considered by the Council to be sufficient to re-surface these routes and improve stiles, gates and signage along their length.

33. The completed S106 unilateral undertaking submitted by the appellant includes a planning obligation to pay a financial contribution of £25,000 for this purpose prior to the commencement of the proposed development. Natural England has confirmed that it is satisfied the proposed mitigation is sufficient to reduce the impacts in order to maintain the integrity of the European site and its qualifying features. The trigger for the payment of the financial contribution would allow sufficient time for the Council to carry out the footpath improvements prior to the occupation of the proposed development. Accordingly, I am satisfied that the proposal would not result in a significant effect on the SPA and SAC.

34. On this basis, I conclude that, subject to the proposed mitigation measures, the effects of the proposed development on wildlife and ecology would be acceptable, including on habitats and protected species within the Bradford Wildlife Area and the South Pennine Moors SPA and SAC. As such it would comply with Policies SC8 and EN2 of the CS. The resulting absence of any significant harm to biodiversity or significant effects on the SPA and SAC would also comply with paragraph 175 of the Framework.

Setting of Listed Building

35. Intake Farmhouse is a grade 2 listed building, dating from the 17th century, located on the north side of the North Beck valley adjacent to Keighley footpath 18. It is positioned on the valley side, surrounded by open fields, with views from the front of the farmhouse across the valley to the south. The field on the western part of the appeal site forms part of the landscape in this view.

36. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that in exercising planning powers on behalf of the Secretary of State in this appeal, I must have special regard to the desirability of preserving a listed building or its setting. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced and confirms that its setting may contribute to the significance of a heritage asset.

37. The open valley landscape of the North Beck provides the setting in which Intake Farmhouse is experienced and contributes to its significance as a heritage asset, in terms of its historical role and aesthetic value. The proposed residential development on the western field would encroach into the valley landscape. It would be clearly visible from the public footpath adjacent to the farmhouse and cottage. As such it would diminish the undeveloped character and openness of the landscape in which the listed building is experienced, thereby harming the setting and significance of the heritage asset.

38. As the impact would be on the setting rather than the fabric of the listed building itself, the harm to its significance would be less than substantial. Paragraph 196 of the Framework requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. I consider this below as part of the overall planning balance.

Community Assets

39. In support of the first reason for refusal, the Council's appeal statement identifies three areas of land which are considered to be assets that benefit the local community and would be lost as a result of the development. These are the fields west of Holme Mill, the greenspace around the scout hut off Holme Mill Lane and the woodland on the eastern part of the site. In addition, significant concerns have been raised by local residents and the 1st Keighley Fell Lane Scout Group about the potential loss of the existing scout hut.

40. The appeal scheme proposes to replace the scout hut within the site. The indicative layout plan shows this would be in a position further to the north, adjacent to the proposed nursing home. Whilst the location may be a little further along Holme Mill Lane, it would still be convenient to surrounding residential areas and bus stops on Fell Lane. It would also offer comparable facilities, with car parking on site and green space. There is little evidence to support the view that the scout hut would be overlooked by the adjacent nursing home, based on the indicative layout and the illustrative floor plans in the Design and Access Statement. Nevertheless, this could be avoided by ensuring the satisfactory design and siting of both buildings at the reserved matters stage, which could be controlled by condition. The re-provision of the scout hut, and the retention of the existing facility until the new one were available, could also be made a condition of any planning permission to ensure the provision of the community facility is maintained.

41. With regard to the fields to the west of Holme Mill Lane and the woodland on the eastern part of the appeal site, both areas of land are in private ownership, with no evidence of public rights of way across them. Whilst the local community may have accessed them at the landowner's discretion, they are not designated as formal or informal public open space. Public footpaths 18 and 73 providing access to and across the North Beck would be unaffected. As such, there is little evidence before me to support the view that the proposed development would result in the loss of informal recreational facilities on these two parts of the site.

42. I acknowledge that the development of housing on the upper level of the western field would affect views of the North Beck valley enjoyed by occupiers of dwellings on Fell Lane. However, these are private views, which the planning system does not exist to protect. I have dealt with the effect of the proposal on public views of the landscape within the North Beck valley above.

43. The Tinker recreational area lies beyond the northern boundary of the appeal site. Although not a recognised community facility within the development plan, from the evidence supplied it appears to be well used by local residents, with access across private land from public footpath 18. However, the proposed development would stop short of the Tinker and not affect public access to it. Rather the financial contribution proposed in the S106 undertaking would upgrade footpath 18 and the surrounding footpaths, enhancing access to the Tinker and to the North Beck corridor.

44. Accordingly, I find that the proposed development would not cause any material harm to or loss of local community assets. It would replace the scout hut and green space within the development, upgrade public access to the Tinker and North Beck corridor and enhance the retained woodland. As such it would conform with Policy SC6 of the CS which supports a network of green infrastructure, including the river corridors. It would also accord with paragraphs 92 and 98 of the Framework in avoiding the loss of valued community facilities and protecting and enhancing public rights of way.

Highway Safety

45. Details of the means of access to the site are for determination as part of this appeal. The third reason for refusal maintains that the proposed points of access/egress, by reason of their layout and proximity, would have a severe impact on highway safety. However, the plans and Transport Assessment submitted by the appellant show that adequate visibility can be achieved for the proposed accesses on either side of Holme Mill Lane for the speed of traffic using the road, based on the guidance in Manual for Streets 2 (2010). Although the resulting junctions would be less than 60m apart, this is the standard for main road junctions and Holme Mill Lane is not a main road. The consultation response from the highway authority confirms that the proposed access arrangements are acceptable. I find no basis to disagree.

46. The proposed development would result in an increase in traffic. I note the concerns expressed by local residents about the existing levels of traffic on Holme Mill Lane and Fell Lane. However, given the modest number of additional trips forecast to be generated by the proposed development, its impact on the operation of the road network would not be severe.

47. New and improved footways are proposed on either side of Holme Mill Lane, from the junctions with Durrance Street and Wingate Avenue/Way to the site entrances and to the access to footpath 73. This would ensure safe passage for pedestrians to the scout hut, residential development and nursing home and to the walking route across the North Beck.

48. The site is within acceptable walking distance of local shops, services and community facilities, including the nearest primary school. There are also regular bus services to and from the centre of Keighley operating from bus stops on Fell Lane. As such, the accessibility of the site by sustainable modes of travel should reduce the need for future occupiers and users of the development to travel by car in accordance with Policies TR1 and DS4 of the CS.

49. Paragraph 109 of the Framework states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. There is no substantive evidence for me to reach such a conclusion. Rather, on the basis of the evidence submitted and my own assessment on site, I conclude that the proposed development would be acceptable in terms of its impacts on highway safety and the operation of the road network.

Affordable Housing

50. Policy HO11 of the CS seeks up to 15% of dwellings as affordable housing in Keighley on sites of 15 units or more, subject to viability. The appeal proposal does not include any provision for affordable housing. This is justified by a Financial Viability Assessment (FVA)[3] submitted by the appellant, which demonstrates the proposed development could not viably support any affordable housing. The FVA has been subject to an independent review on behalf of the Council[4]. The review confirms that the methodology and assumptions used in the FVA are reasonable. It concludes that the provision of affordable housing would render the proposed development unviable.

51. Criterion E of Policy HO11 allows that where an applicant can provide robust, up to date and verifiable evidence to support the view that a site would be unviable if affordable housing targets are required, then the exact amount of affordable housing will be determined by economic viability. The evidence submitted demonstrates that no amount of affordable housing would be viable.

52. Therefore, in the absence of any alternative financial viability evidence, I conclude that the appeal scheme would not be viably able to support any affordable housing. Accordingly, although there remains a need for affordable housing in Keighley, the proposal would comply with Policy HO11 of the CS.

Benefits

53. The appeal proposal would deliver up to 102 market dwellings. The latest housing land statement[5] confirms the current supply of deliverable housing sites in Bradford district amounts to only 2.06 years, with a shortfall of 10,604 dwellings against the 5 year housing land requirement in the adopted CS. I note that the emerging Partial Review of the CS proposes a lower housing requirement of 1,700 dwellings per annum (dpa), using the standard methodology, compared to the current figure of 2,476dpa. However, the Partial Review is at an early stage and remains subject to further consultation, examination and possible main modifications, with adoption not scheduled until the end of 2021. Housing sites are to be identified in an Allocations DPD being prepared alongside the Partial Review, but likewise that is at an early stage. Paragraph 48 of the Framework establishes that weight may be given to policies in emerging plans according to the stage of preparation. Given the early stage the Partial Review is at, it can be afforded little weight in determining the district's housing requirement for the purposes of this appeal.

54. Therefore, based on the current 5 year housing land supply assessment, Bradford district has a substantial shortfall in its housing land supply. Although the appeal proposal would not offer any affordable housing, given the scale of

[3] Financial Viability Assessment for Holme Mill Lane, undertaken by Jackson Webb, dates 22 September 2017
[4] Review of FVA of proposed development at Holme Mill Lane, by Cushman Wakefield, 29 January 2018
[5] City of Bradford MDC Five Year Housing Land Statement April 2018 to March 2023, dated 1 March 2019

the shortfall in the overall housing land supply, the provision of up to 102 dwellings on the appeal site would be a valuable social benefit in helping to meet the need for market housing in Keighley. It would make a useful and timely contribution to reducing the shortfall in the district and would support the Government's objective of significantly boosting the supply of homes set out in paragraph 59 of the Framework.

55. The proposal would also deliver a 90-bed nursing home, providing specialist accommodation for older people. The CS identifies the provision of a range of appropriate housing for Bradford's older population as a major strategic challenge[6]. Policy HO8 places a particular emphasis on the need for specialist accommodation for older people in suitable locations. The appeal site is an accessible location and therefore suitable for this form of accommodation. As such, the proposed nursing home would make an appropriate contribution to meeting that need, providing a important social benefit to the district.

56. The nursing home would also generate employment opportunities, estimated to be 20 full-time and 10 part-time jobs, which would provide an economic benefit to Keighley. Although they have not been quantified, it is reasonable to assume that further economic benefits would also be derived from the construction phase of the development, in terms of jobs and local sourcing, and, once the development is occupied, from additional spending in local shops and services by future residents of the proposed housing.

Other Matters

57. Policy ID3 of the CS expects development proposals to contribute towards the costs of providing infrastructure and meeting social and environmental requirements. The proposal would provide a new scout hut, contribute £25,000 towards the improvement of public rights of way to mitigate recreational disturbance in the South Pennine Moors SPA/SAC, provide public open space on site and upgrade the footways on Holme Mill Lane.

58. Beyond that, the Council's officer report refers to requests for financial contributions of £111,963 towards school places and £142,344 for the provision or enhancement of recreational open space and playing fields off-site. Policy ID3 states that the nature and scale of contribution will be determined having regard to the capacity of existing infrastructure, the potential impact of the development on surrounding facilities and economic viability. Representations from local residents express concerns about the potential impact of additional housing on school places and healthcare services. However, there is no evidence before me from infrastructure or service providers to substantiate this or to quantify the capacity of existing infrastructure. The FVA also demonstrates that there is no scope for the proposed development to viably support further S106 contributions beyond that required for mitigating recreational disturbance. On this basis I am satisfied that the proposal would contribute towards the cost of local infrastructure as far as it is viably able to. As such it would comply with Policy ID3 of the CS. The proposed financial contribution would also meet the tests for planning obligations set out in paragraph 56 of the Framework.

59. The proposed development would change the outlook for occupiers of neighbouring properties, including those on Wingate Avenue/Way, Thorncliffe Road and Fell Lane. However, the indicative layout plan shows that dwellings

[6] Paragraph 5.3.115 of the Bradford Core Strategy (2017)

on the appeal site could be positioned and orientated with adequate separation distances to ensure no unacceptable loss of privacy, daylight or sunlight and that the resulting outlook would not be overbearing. As layout and dwelling design are reserved matters, the effect on the living conditions of the neighbouring residents could be controlled by the Council at that stage.

60. A number of concerns have also been raised about the impact of the increase in traffic on air quality. However, the accessibility of the site to local services by more sustainable modes of travel would help to reduce the need for car journeys. In addition, the provision of electric vehicle charging points for each proposed dwelling, as recommended in the Council's officer report, would support the transition to electric vehicles locally and help to reduce pollution from road transport emissions in line with Policy SC2 of the CS. This could be secured by condition.

61. The Flood Risk Assessment submitted with the appeal confirms that the site falls outside of Flood Zones 2 and 3 and therefore in an area with the lowest risk of flooding. Subject to an appropriate drainage system to attenuate surface water run-off, which could be secured by condition, the proposal would not increase the risk of flooding elsewhere. Accordingly, it would satisfy the expectations of paragraphs 158-163 of the Framework in respect of flood risk.

Planning Balance

62. As explained in paragraph 10 above, because the Council cannot currently demonstrate a 5 year supply of deliverable housing sites, the presumption in favour of sustainable development paragraph 11(d) of the Framework applies in this case. This means granting permission for the proposal unless:

    i. the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or

    ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

63. Policies in the Framework which protect habitats sites, such as SPAs and SACs, and designated heritage assets, such as listed buildings, are included in paragraph 11(d)(i)[7]. With regard to the South Pennine Moors SPA and SAC, I have concluded that the footpath improvement measures secured by the obligations in the S106 unilateral undertaking would be sufficient to mitigate the adverse impacts of the increased recreational pressures arising from the proposed residential development on the SPA and SAC, such that there would be no significant effects.

64. With regard to the Grade 2 listed Intake Farmhouse, I have concluded that the harm to the significance of the heritage asset would be less than substantial. In such circumstances, paragraph 196 of the Framework requires that the harm should be weighed against the public benefits of the proposal. Although the harm would be less than substantial and to the setting of the listed building, given the statutory duty to preserve a listed building or its setting, I must give considerable weight to that harm.

[7] By virtue of footnote 6 to the NPPF

65. The public benefits of the proposal include the provision of up to 102 dwellings and a 90-bed nursing home. Given the size of the shortfall in the housing land supply in the district and the length of time before further allocations are likely to come forward under the Partial Review to address that shortfall, the provision of over 100 additional housing units carries significant weight as a social benefit in addressing the local need for housing in Keighley over the next 5 years. In circumstances where the need for specialist accommodation for older people is a major strategic challenge for Bradford, the provision of a 90-bed nursing home is a social benefit which should also be accorded significant weight. In addition, the jobs and investment the development would contribute to the local economy attract at least moderate weight as public benefits.

66. The combination of the public benefits that the appeal proposal would bring are sufficient to outweigh the harm the setting of the listed building. As such the policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the proposed development under paragraph 11(d)(i) of the Framework.

67. Therefore, I turn to the so called 'tilted balance' in paragraph 11(d)(ii) of the Framework. With regard to adverse impacts, in addition to the harm to the setting of the Intake Farmhouse, the proposed residential development on the lower section of the field to the west of Holme Mill Lane would cause harm to the landscape character of the North Beck valley. However, given that public views of this part of the site would be largely limited to PRoW within the valley, that development would not encroach into the adjoining Landscape Character Area and that it would be seen in the context of other urban development to the east and south, the visual and landscape harm would be moderate rather than significant, carrying moderate weight in the 'tilted balance'. Although there would be a net loss of woodland on the eastern part of the site, due to the relatively poor quality of the area of woodland to be removed and the potential to partially mitigate this through enhancing tree cover in the retained woodland, the resulting harm to the woodland overall would be limited. As such this carries only a small amount of weight against the proposal.

68. I have concluded that the effects on ecology and wildlife would be acceptable, subject to the proposed mitigation provided by a HMP and S106 contributions. The scout hut would be relocated within the site and there would be no material harm to the recreational and ecological value of the Tinker and North Beck river corridor as community assets. Impacts on highway safety and flood risk would also be mitigated through off-site highway improvements and a surface water drainage system. There would be no material harm to the living conditions of neighbouring occupiers and the proposal would comply with the CS in respect of its impact on local infrastructure. Consequently, given the absence of harm through appropriate mitigation, these factors carry neutral weight in the planning balance.

69. On balance, therefore, in light of the significant weight attached to the social benefits of the scheme, I conclude that the totality of the adverse environmental impacts would not significantly and demonstrably outweigh that of the social and economic benefits of the proposed development, when assessed against the policies of the Framework taken as a whole. Accordingly, under both limbs of paragraph 11(d) of the Framework, the appeal proposal benefits from a presumption in favour of sustainable development.

70. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst under paragraph 11(d) of the Framework the most important policies for determining this appeal are deemed to be out of date, they still carry weight in assessing whether the proposal accords with the development plan.

71. The eastern part of the site is allocated for employment development in the RUDP. Although the allocation of the western part of the site for housing no longer forms part of the development plan, it remains part of the housing land supply which the Council relies on to meet the district's housing needs. I have found that the proposal accords with Policies SC2, SC6, SC8, TR1, HO11, EN2, EN5 (A) and (D), DS3, DS4 and ID3 of the CS in respect of its effects on trees and woodland, urban character, ecology and habitats, green infrastructure, transport and highways, affordable housing, infrastructure and climate change.

72. To the extent that there would be a conflict with the development plan through development within part of the BWA, the loss of habitat would be mitigated and compensated for. Although there remains conflict with Policy DS2 in respect of the effect on landscape character, the harm would be moderate; and whilst the net loss of woodland would not accord with criterion C of Policy EN5, the harm would be limited. On this basis, I conclude that the proposal accords with development plan when considered as a whole.

73. In representations it has been asserted that in the light of the emerging Partial Review of the CS and the potential for a lower housing requirement, granting permission for this proposal would be premature. However, paragraphs 49 and 50 of the Framework state that refusal of planning permission on grounds of prematurity will seldom be justified where a plan has yet to be submitted for examination. The limited circumstances where prematurity may justify refusal are where both the emerging plan is at an advanced stage and the proposal is so substantial, or its cumulative effect so significant, that to grant permission would undermine the plan-making process. Neither of these circumstances apply in this case.

Conditions and S106 obligation

74. The Council submitted a set of planning conditions as part of its appeal statement, which the appellant confirmed are acceptable. An additional condition to ensure the provision of the new scout hut was also suggested by the appellant. I have considered which conditions are required having regard to the tests contained in the Framework and the Planning Practice Guidance. I have revised some of the wording in the interests of clarity and enforceability.

75. Conditions specifying the details of the reserved matters to be submitted for approval are necessary to ensure control over the impact of the development on the character and appearance of the surrounding area in terms of its appearance, landscaping and layout. It is also necessary to set time limits for the submission of the reserved matters and for implementation of the permission in accordance with the requirements of the Act.

76. I have included a condition for the approval of samples of external materials to ensure the appearance of the new buildings is sympathetic to local character. Conditions requiring tree protection measures, specifying the details of the landscaping scheme to be submitted with the reserved matters, and the future

arrangements for landscape maintenance within amenity and recreation areas on the site are all necessary to ensure the development respects the landscape character of the surrounding area and maintains a high standard of visual amenity.

77. In order to ensure there is no loss of community facilities and secure the provision of appropriate replacement and new facilities on site, I have included conditions specifying the retention of the existing scout hut until the replacement is available and to control the details of the design and layout of the new scout hut and the proposed public open space. I have also specified the provision and implementation of a Habitat Management Plan, which is necessary to ensure the enhancement of biodiversity and habitats in line with the CS and the Framework.

78. I have included conditions to ensure the access and off site highway works are completed in accordance with the approved details in the interests of highway safety. A condition requiring electric vehicle charging points is necessary to support the reduction in pollution from road transport emissions in accordance with the development plan. A construction method statement including wheel cleaning of construction vehicles is necessary and reasonable to safeguard the amenities of the occupiers of surrounding properties and ensure highway safety.

79. A condition controlling the quality of material brought onto the site for filling, levels and landscaping is necessary and reasonable to avoid contamination. Likewise a set of conditions to require the remediation of any on site contamination is necessary to avoid contamination of neighbouring land, future users, controlled waters and ecology. A series of drainage conditions are necessary to manage surface water, avoid flood risk elsewhere and ensure sustainable drainage systems are used.

80. Finally a condition is necessary to avoid buildings or landscaping from obstructing water mains running through the site.

81. The permission is also subject to the completed S106 undertaking, dated 22 November 2018, to secure a financial contribution of £25,000 for improvements to local PRoW to mitigate the recreational impacts of the proposed development. This accords with the requirements of the development plan and thereby is necessary to make the development acceptable in planning terms. It is also directly related to the development and fairly and reasonably related in scale and kind to it. Accordingly, the deed meets the tests set out in paragraph 56 of the Framework and in regulation 122 of the CIL Regulations 2010 (as amended).

Conclusion

82. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be allowed and outline planning permission granted, subject to the conditions specified in the attached schedule and the S106 unilateral undertaking, dated 22 November 2018.

M Hayden

INSPECTOR

Schedule of Conditions

1) Details of the appearance, landscaping and layout (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters within the application site boundary, as shown on plan ref. 16-1723-01 Rev V, shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) Any application requesting approval of the reserved matters of layout 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; and
   v). height and appearance of all retaining walls or other retaining features.

   The development shall be carried out in only accordance with the approved details.

5) The details required to be submitted as part of the reserved matters in compliance with condition 1) shall include:

   i) The proposed layout of buildings, car parking and servicing arrangements, including the replacement scout hut;

   ii) The proposed elevations and internal floor layouts of buildings, including the replacement scout hut;

   iii)The layout, landscaping and play equipment proposed for the public open space as shown on indicative layout plan numbered 16-1723-01 Rev Q.

   The development shall be carried out only in accordance with the approved details.

6) The existing scout hut shall remain in place until the replacement shown on the indicative layout plan has been constructed and is made available for use. The replacement scout hut shall be made available for use before the nursing home becomes operational.

7) 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.

8) No development shall take place until the site is investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Consideration should be given to discharge surface water to soakaway, 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 restricted to a rate agreed with the Lead Local Flood Authority.

9) The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in strict accordance with the approved temporary drainage strategy.

10) The drainage works shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its effect on the water environment, have been submitted to and approved by the local planning authority. The development shall be carried out only in strict accordance with the approved drainage details.

11) 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 and approved in writing by the Lead Local Flood Authority.

12) The development shall be drained using separate foul sewer and surface drainage systems.

13) Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved, including the visibility splays, shall be laid out, hard surfaced, sealed and drained within the site, in accordance with plans numbered 16-1723-01 Rev V and 1906-02 Rev A, and completed to a constructional specification approved in writing by the Local Planning Authority. There shall be no obstruction to visibility exceeding 900mm in height within the visibility splays so formed above the road level of the adjacent highway.

14) Before any works towards the development starts on site full details and specifications of the works associated with Holme Mill Lane for the provision of footways on both sides of this road leading up to and in between the proposed access locations, including street lighting, shall be submitted to and be approved in writing by the Local Highway Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority.

15) Prior to the occupation of development full details of a Traffic Regulation Order and any other associated Orders deemed necessary by the Local Highway Authority shall be submitted in writing and agreed by means of a Section 278 Agreement with the Local Highway Authority.

16) From the date of first occupation each property built on the site with dedicated parking shall be provided with access to a fully operational 3-pin socket on a dedicated circuit, capable of providing a 'trickle' charge to an electric vehicle (EV). Every other property (with non-dedicated parking) shall be provided with access to a communal EV charging point at a ratio of 1 per 10 properties. Charging points should be provided either within garage space or via outdoor, weatherproof sockets within easy access of the parking areas. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents and care home staff in their new home welcome pack/travel planning advice.

17) Prior to commencement of the development a Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation 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. It must include a site specific dust risk assessment and mitigation measures that are proportional to the level of identified risk, including full details of arrangements for wheel cleaning of construction vehicles and equipment. The approved CEMP shall be adhered to throughout the construction period.

18) Prior to development commencing a Phase 2 site investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The assessment shall be in accordance with a methodology which shall have been previously submitted and approved in writing by the Local Planning Authority. A written report of the assessment, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

19) 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.

20) 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.

21) 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.

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

23) The landscaping scheme to be submitted and approved as part of the reserved matters under condition 1) shall include the following details:
   i) Position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell, together with details of fencing and other measures for their protection;
   ii) Details of proposed new trees and details of new shrub and grass areas – including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety;
   iii) The extent, types and heights of the means of enclosure to all curtilages;
   iv) Details of types of hard surfaces within the development other than those within the domestic curtilages;
   v) Details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

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

24) The development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details to be submitted to and approved in writing by the Local Planning Authority. No ground works, development or demolition shall begin until the Local Planning Authority has inspected and given its written confirmation that the agreed tree protection measures have been installed in accordance with those details.

25) Prior to the occupation of any part of the development, a schedule of landscape maintenance for all amenity and recreation open space areas within the site and covering a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a plan to define all communal hard and soft landscaped areas to be maintained under the maintenance regime, an outline of maintenance works to be undertaken and the frequency of those works, together with details of responsibilities for implementing the maintenance regime by a Management Company or other agency. It shall provide email, postal address and telephone contact details of such a company or agency. Landscape maintenance of the identified areas shall subsequently be carried out in accordance with the approved schedule for the period agreed.

26) Prior to the commencement of development a Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority, specifying the areas of habitat to be replaced or enhanced and measures to be used for the protection of species, both on an off-site, within the land owned by the appellant, including the retained woodland, land within the North Beck riparian corridor and the habitats on the north side of the beck, in accordance with measures set out in the Ascerta Ecological Appraisal, dated June 2017.

The Plan shall include a timetable for the implementation and management and the Plan. The development shall be carried out and maintained thereafter in accordance with the Plan.

27) No building or other obstruction including landscape features shall be located over or within 6 metres either side of the centre line of the 12" water main i.e. a protected strip width of 12m that enters the site. No building or other obstruction including landscaping features shall be located over or within 5m either side of the centre line of the 300mm water main ie. a protected strip width of 10m that enters the site. No building or other obstruction including landscape features shall be located over or within 3m either side of the centre line of the 150mm water main ie. a protected strip of 6m that enters 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 LPA that the diversion or closure has been agreed with the relevant statutory undertaker.

The Planning Inspectorate

Costs Decision

Site visit made on 27 November 2019

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2020

Costs application in relation to Appeal Ref: APP/W4705/W/18/3217011
Land at Holme Mill Lane, Keighley, West Yorkshire BD22 6BL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Coshore Holdings Ltd for a full award of costs against the City of Bradford Metropolitan District Council.
- The appeal was against the refusal of planning permission for the construction of up to 102 dwellings, access roads and 90-bed nursing home with relocation of scout hut.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Claims can be procedural – relating to the process; or substantive – relating to the issues arising from the merits of the appeal.

3. In this case the application for an award of costs is a substantive claim. In summary, it has been made on the grounds that the Council's Appeals and Regulatory Committee refused planning permission against the recommendation of their officers, responding instead to objections from the local community, and failed to support the reasons for refusal with evidence.

4. The PPG advises that local planning authorities are at risk of an award of costs if they unreasonably refuse a planning application or unreasonably defend an appeal[1]. It goes on to give examples of where such actions could be deemed to be unreasonable, including failure to produce evidence to substantiate each reason for refusal on appeal, and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

5. Whilst the opinions of professional and technical experts should carry significant weight in the determination of planning applications and appeals, the decision maker must take into account all material considerations, weighing the arguments for and against a proposal. A planning committee is not obliged to follow the advice of its officers if there are material planning reasons for not doing so and it can substantiate those reasons with reference to evidence.

[1] PPG Reference ID: 16-049-20140306

6. Therefore, the fact that the Council's Regulatory and Appeals Committee reached a different decision to that recommended by their professional officers in this case, was not of itself unreasonable. From the minutes of the committee meeting it appears there were matters raised by local residents and a ward councillor about the potential impacts of the scheme, which the Committee considered outweighed the opinions in favour of the proposal. It agreed five reasons for refusal in support of its decision.

7. However, having done so, the PPG makes clear that it is incumbent on the local planning authority at appeal to produce evidence to substantiate each reason for refusal and not to rely on vague or generalised assertions about a proposal's impact which are not supported by objective analysis.

8. The Council's appeal statement responds to appellant's case in relation to each reason for refusal. The evidence and arguments given in defence of the fourth and fifth reasons for refusal, regarding adverse impacts on the Bradford Wildlife Area and the loss of woodland and protected trees draw on the expert evidence of the Council's Trees team. Whilst no alternative habitat surveys or assessments were provided in support of the alleged harm to trees and ecology, I am satisfied that the evidence to substantiate those two reasons was adequate, even if it was not sufficient to persuade me the development would result in significant harm to biodiversity or protected trees.

9. The first reason for refusal refers to the loss of a valuable community asset. The Council's statement contains a single paragraph to articulate this objection, but identifies three areas of open land that would be lost, which are currently enjoyed by the local community. Whilst the evidence is limited and in my decision on the appeal I conclude there would be no harm to local community assets, the Council's statement does adequately substantiate the amenity those areas currently provide, which would be affected by the development. The reason for refusal is misleading in alleging conflict with paragraphs 93 and 98 of the National Planning Policy Framework, which concern estate regeneration and protection of public rights of way, but this appears to be an error rather than unreasonable behaviour.

10. However, the Council has provided little or no evidence to substantiate the second and third reasons for refusal. With regard to lack of affordable housing being provided, the Council's statement simply reiterates the second reason for refusal that there remains a need for affordable housing in Keighley in explaining the conflict with Policy HO11. However, it neglects to acknowledge that the provision of affordable housing under Policy HO11 is subject to viability and fails to get to grips with the financial viability evidence, which has been independently verified by the Council, that the proposed development is unable to viably support affordable housing. No further viability evidence has been made available to substantiate this reason for refusal. It was therefore unreasonable for the Council to have continued to argue this ground at appeal unsupported by any objective analysis of this issue.

11. With regard to the third reason for refusal, whilst it alleges the layout and proximity of the access points to the site would have a severe impact on highway safety, the Council has provided no evidence to substantiate this. The clear advice of the highway authority to the Committee was that the access arrangements were acceptable. It was patently unreasonable for the Council to maintain this objection to the proposal at appeal, without any further evidence.

12. In conclusion, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated in relation to the second and third reasons for refusal. On this basis, a partial award of Costs is justified.

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the City of Bradford Metropolitan District Council shall pay to Coshore Holdings Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred by the appellant in appealing against the second and third reasons for refusal concerning affordable housing provision and highway safety; such costs to be assessed in the Senior Courts Costs Office if not agreed.

14. The applicant is now invited to submit to the City of Bradford Metropolitan District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

M Hayden

INSPECTOR

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DECISIONS MADE BY THE SECRETARY OF STATE K

Appeal Allowed

ITEM No.	WARD	LOCATION
1	Shipley (ward 22)	2 Midgeley Road Baildon BD17 7LR Rear dormer window (retrospective) - Case No: 19/02762/HOU Appeal Ref: 19/00138/APPHOU
2	Clayton And Fairweather Green (ward 08)	22 Broomfield Clayton Bradford BD14 6PJ Demolition of existing side extension, conservatory and double garage and construction of a detached dwelling - Case No: 19/04200/FUL Appeal Ref: 20/00013/APPFL2
3	Tong (ward 25)	403 Tong Street Bradford BD4 6LY Upgrade of existing 48 sheet advert to support digital poster - Case No: 19/03228/ADV Appeal Ref: 19/00140/APPAD2
4	Wibsey (ward 27)	58 Moore Avenue Bradford BD6 3HU Double storey side and rear extension, dormer windows to front and rear and porch to principal elevation (retrospective) - Case No: 19/03087/HOU Appeal Ref: 19/00131/APPHOU
5	Bowling And Barkerend (ward 05)	Advertising Right Adjacent To 773 To 775 Wakefield Road Bradford Upgrade of one 96 sheet advertisement hoarding to digital LED display - Case No: 19/03755/ADV Appeal Ref: 19/00154/APPAD1
6	Keighley West (ward 17)	Holme Mills Holme Mill Lane Keighley BD22 6BN Outline application for the construction of up to 102 dwellings, access roads and 90-bed nursing home with relocation of scout hut - Case No: 16/08422/MAO Appeal Ref: 18/00142/APPOU2

ITEM No.	WARD	LOCATION
7	Bolton And Undercliffe (ward 04)	The Peel Centre Canal Road Bradford BD1 4RB Installation of a digital advertising display - Case No: 19/05124/ADV Appeal Ref: 20/00023/APPAD1
8	Queensbury (ward 20)	West Yorkshire Co-Operative Society Limited High Street Queensbury Bradford BD13 2PD Replacement security shutters (Retrospective) - Case No: 19/03261/FUL Appeal Ref: 19/00152/APPFL2

Appeal Dismissed

ITEM No.	WARD	LOCATION
9	Craven (ward 09)	12 Telford Close Silsden BD20 0QF Outline application for residential development of detached dwelling requesting consideration of access and landscaping - Case No: 19/02677/OUT Appeal Ref: 19/00148/APPOU2
10	Bingley (ward 02)	18 Sleningford Rise Bingley BD16 2SQ Outline application for residential development for one 3-bedroom dwelling house requesting consideration of appearance, layout and scale - Case No: 19/03063/OUT Appeal Ref: 19/00132/APPOU2
11	Keighley Central (ward 15)	2 Rectory Row Keighley BD21 2LL Conversion of basement into one flat - Case No: 19/02901/FUL Appeal Ref: 19/00120/APPFL2
12	Royds (ward 21)	22 Reevy Avenue Bradford BD6 3EQ Decking and outbuilding to rear, fence to side. Dropped kerb to front (retrospective) - Case No: 19/04231/HOU Appeal Ref: 19/00149/APPHOU

ITEM No.	WARD	LOCATION
13	Royds (ward 21)	259 Cooper Lane Bradford BD6 3NT Single storey rear extension - Case No: 19/02830/HOU Appeal Ref: 19/00126/APPHOU
14	Wyke (ward 30)	32 Town Gate Wyke Bradford BD12 9NT Appeal against Enforcement Notice - Case No: 17/00480/ENFUNA Appeal Ref: 19/00122/APPENF
15	Wibsey (ward 27)	43 Hawes Road Bradford BD5 9AW Appeal against Enforcement Notice - Case No: 18/00325/ENFAPP Appeal Ref: 19/00048/APPENF
16	Wibsey (ward 27)	43 Hawes Road Bradford BD5 9AW Appeal against Enforcement Notice - Case No: 18/00325/ENFAPP Appeal Ref: 19/00049/APPENF
17	Wibsey (ward 27)	43 Hawes Road Bradford BD5 9AW Appeal against Enforcement Notice - Case No: 18/00325/ENFAPP Appeal Ref: 19/00136/APPENF
18	Wibsey (ward 27)	43 Hawes Road Bradford BD5 9AW Appeal against Enforcement Notice - Case No: 18/00325/ENFAPP Appeal Ref: 19/00137/APPENF
19	Keighley East (ward 16)	6 Carr Grove Riddlesden Keighley BD20 5HW Detached garage and decked area at the rear of the property (resubmission of retrospective app 18/03487/HOU) - Case No: 19/03088/HOU Appeal Ref: 19/00144/APPHOU

ITEM No.	WARD	LOCATION
20	Tong (ward 25)	Advertising Right 782 Gable Of Palace Social Club 2 Tong Street Bradford BD4 9LT Upgrade of existing 96 sheet advert to support digital poster - Case No: 19/03229/ADV Appeal Ref: 19/00141/APPAD2
21	Keighley East (ward 16)	Airedale Barn Bradford Road Sandbeds Keighley BD20 5NP Construction of three bed house utilising existing access and garage - Case No: 19/02954/FUL Appeal Ref: 19/00127/APPFL2
22	Wharfedale (ward 26)	Cricket Ground Menston Cricket Club 127 Bradford Road Menston Ilkley LS29 6DT 1 freestanding sign, 1 sign to east elevation and 5 signs to north elevation of the building (retrospective) - Case No: 19/04828/ADV Appeal Ref: 20/00022/APPAD1
23	Ilkley (ward 14)	Flat 1 2 Alexandra Crescent Ilkley LS29 9ER Retrospective application for refurbishing the roof dormers, removal of a small area of stone work, provide door set and external railings - Case No: 19/00574/FUL Appeal Ref: 19/00142/APPFL2
24	Worth Valley (ward 29)	Land North Of 14 Sykes Lane Oakworth Keighley Construction of single storey dwelling - Case No: 19/01768/FUL Appeal Ref: 19/00095/APPFL2
25	Worth Valley (ward 29)	Land North Of Cliffe Cottages Lees Lane Haworth Keighley BD22 8RA Outline application for residential development of land for three houses (site area 0.12 ha) requesting consideration of access, layout and scale - Case No: 19/02255/OUT Appeal Ref: 19/00112/APPOU2

ITEM No.	WARD	LOCATION
26	Tong (ward 25)	Quantas House Rooley Lane Bradford 1 x 48 sheet freestanding digital advertising display unit - Case No: 19/03510/ADV Appeal Ref: 19/00139/APPAD2

Appeals Upheld

There are no Appeal Upheld Decisions to report this month

Appeals Upheld (Enforcements Only)

There are no Appeal Upheld Decisions to report this month

Appeals Withdrawn

There are no Appeal Withdrawn Decisions to report this month

Appeal Allowed in Part/Part Dismissed

ITEM No.	WARD	LOCATION
27	Clayton And Fairweather Green (ward 08)	11 Rosetta Drive Bradford BD8 9SA Appeal against Enforcement Notice - Case No: 18/00411/ENFAPP Appeal Ref: 19/00117/APPENF
28	Keighley Central (ward 15)	14 Green Head Road Keighley BD20 6EA Increased roof height - Dismissed on appeal. Conversion of garage - Allowed on appeal. (Retrospective) - Case No: 19/04723/HOU Appeal Ref: 20/00020/APPHOU

ITEM No.	WARD	LOCATION
29	Wibsey (ward 27)	Carrwood House Carr Bottom Road Little Horton Bradford BD5 9AG Retrospective application to display banner type signs on building. Sign 7 - Allowed on appeal. Signs 1, 2, 3, 4, 5, 6, 8 and 9 - Dismissed on appeal - Case No: 19/02013/ADV Appeal Ref: 19/00110/APPAD2
30	Wyke (ward 30)	Land Rear Of 54 Whitehall Avenue Wyke Bradford BD12 8RS Change of use of land at rear of the property to a garden - Allowed on appeal. Installation of a single storey structure (retrospective) - Dismissed on appeal. - Case No: 18/05222/FUL Appeal Ref: 19/00114/APPFL2

Notice Upheld

There are no Notice Upheld to report this month